

HOUSE No. 205

The Commonwealth of Massachusetts

PRESENTED BY:

Carol A. Doherty

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a livable home modification grant program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/17/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>2/22/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/22/2021</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>2/22/2021</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>2/22/2021</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>2/26/2021</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>2/26/2021</i>
<i>Norman J. Orrall</i>	<i>12th Bristol</i>	<i>2/26/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>3/17/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>3/31/2021</i>

HOUSE No. 205

By Ms Doherty of Taunton, a petition (accompanied by bill, House, No. 205) of Carol A. Doherty and others for legislation to authorize a livable home modification grant program. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act establishing a livable home modification grant program.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 23B of the General Laws is hereby amended by adding the
2 following 7 sections:-

3 Section 31. As used in section 31 to 37, inclusive, the following words shall have the
4 following meanings, unless the context clearly requires otherwise:-

5 “Accessibility features”, accessibility features that meet the specifications of an existing
6 standard including: (i) accessibility ramp to a zero-step entrance from a driveway or public
7 sidewalk; (ii) zero-step entrance; (iii) doors with at least 32 inches of clear width; (iv) hallways
8 and passages with at least 36 inches of clear width; (v) accessible light switches, electrical outlets
9 and environmental controls; (vi) accessible bathroom; (vii) accessible and useable kitchen
10 facilities; (viii) retrofitting of an existing unit to include permanently installed lifts or elevators;
11 (ix) purchase and permanent installation of a backup electric generator for life sustaining
12 electric-powered medical equipment for devices such as respirators, oxygen concentrators or

13 dialysis machines; and (x) installation of a permanent home monitoring system for residents with
14 Alzheimer’s disease and other forms of dementia.

15 “Commission”, the Massachusetts rehabilitation commission established pursuant to
16 section 74 of chapter 6.

17 “Disability”, a physical or mental impairment that substantially limits one or more major
18 life activities of an individual.

19 “Dwelling unit”, any house or building, or portion thereof, that is occupied, designed to
20 be occupied, or is rented, leased or hired out to be occupied, as a home or residence of 1 or more
21 persons.

22 “Eligible individual”, an individual who has a disability or the caregiver who owns or
23 rents the residency in which the individual who has a disability will reside.

24 “Existing standards”, adaptability features prescribed by the Massachusetts state building
25 code, the specifications of the American National Standards Institute, the Uniform Federal
26 Accessibility Standards pursuant to 24 CFR Part 40 or Fair Housing Accessibility Guidelines
27 pursuant to 24 CFR Part 100.

28 “Post-retrofit documentation”, evidence that the project has been completed including,
29 but not limited to: (i) before and after pictures of the area that is retrofitted; (ii) copies of
30 purchase contracts; (iii) invoices; (iv) cancelled checks; and (v) construction contracts.

31 “Sensory modification”, alarms, appliances and controls designed to assist sensory
32 disabled individuals that are installed as a permanent part of the structure to the dwelling unit;

33 provided, however that sensory modifications shall not include appliances or alarms that can be
34 removed and reinstalled in another dwelling unit.

35 Section 32. (a) Any eligible individual, who intends to retrofit or contract with an
36 individual or company to retrofit an existing dwelling unit; provided, that such retrofitting meets
37 the qualification criteria as established in section 33, and meets the eligibility requirements
38 established by guidelines developed by the department in consultation with the commission,
39 shall be eligible for a livable home modification grant equal to not more than 50 per cent of the
40 total amount spent; provided, that said livable home modification grant shall not exceed \$5,000.

41 (b) An eligible individual who has a disability, a caregiver or a guardian may apply for a
42 livable home modification pursuant to section 34.

43 Section 33. (a) To qualify for a livable home modification grant, the proposed
44 modification or retrofitting of an existing dwelling unit must include at least 1 accessibility
45 feature or sensory modification and meet the requirements of an existing standard.

46 (b) The eligible individual's income in the prior year shall not exceed 120 per cent of the
47 area median income, as determined by the United States Department of Housing and Urban
48 Development. The calculation of an eligible individual's income shall only include the earnings
49 of the individual with a disability and caregiver, if applicable; provided, that this calculation shall
50 not include household income.

51 (c) If the eligible individual who has a disability was not required to file a federal tax
52 return in the prior year, the resident shall be automatically eligible for a livable home
53 modification grant; provided, however, that the eligible individual does not qualify or is not
54 eligible for accessibility modifications funded through other local, state or federal programs.

55 Section 34. (a) Eligible individuals shall apply for a livable home modification grant by
56 making application to the department, which shall issue a certification for an approved
57 application to the individual who has a disability, caregiver or guardian.

58 (b) The department, in consultation with the commission, shall develop application
59 guidelines that include, but shall not be limited to: (i) assessment of the individual who has the
60 disability and the need for the livable home modifications; and (ii) proof of the eligible resident's
61 income and documentation of any disability related exemptions.

62 (c) All applications shall be submitted and received by the department prior to the
63 commencement of construction to modify or retrofit an existing residence to install accessibility
64 features or sensory modifications.

65 Section 35. (a) Livable home modification grants shall only be allowed for the retrofitting
66 or modification of a residential rental property, provided that the owner agrees to maintain the
67 accessibility features or sensory modifications for 10 years.

68 (b) Individuals and other entities shall not be eligible to receive a livable home
69 modification grant if they are:

70 (i) eligible for federal or state disabled access tax credits;

71 (ii) a limited liability company or foreign limited liability company, as defined by section
72 2 of chapter 156C;

73 (iii) an S Corporation established pursuant to Subchapter S of Chapter 1 of the Internal
74 Revenue Code, 26 USC §§ 1361 et seq.;

75 (iv) a cooperative housing corporation, as defined by section 4 of chapter 157B; or

76 (v) a corporation or foreign corporation, subject to chapter 156.

77 (c) Accessibility modifications that are eligible to be funded through local, state or
78 federal programs shall not be eligible for livable home modification grants.

79 (d) Livable home modification grants shall not be used for the purchase or construction of
80 residential rental property.

81 (e) The department shall not issue more than 1 livable home modification grant to an
82 eligible individual or in relation to the modification or retrofitting of a dwelling unit.

83 Section 36. Applicants shall submit post-retrofit documentation to the department
84 following the completion of the modification or retrofitting of the dwelling unit.

85 Section 37. The department shall, not later than August 31, submit an annual report to the
86 governor, speaker of the house, senate president, and chairs of the joint committee on ways and
87 means for preceding fiscal year. The annual report shall include, but shall not be limited to:

88 (i) number of grants issued to qualifying individuals;

89 (ii) number of applications that did not qualify;

90 (iii) total dollar amount of grants issued;

91 (iv) average dollar amount of the grants issued;

92 (v) number of retrofits by accessibility features; and

93 (vi) prognosis and estimated expenses for the individual if the retrofit had not been made,
94 including: (1) increased likelihood of falls and other related emergency room, hospital or
95 rehabilitation expenses; (2) loss of independence; and (3) move into a long-term care facility.

96 SECTION 2. The director of the department of housing and community development
97 shall promulgate regulations necessary to implement and administer this act.