

Town of Andover Commission on Disability

Minutes of the September 28, 2022 Meeting

6:30 P.M. Virtual Meeting Broadcast on Andover TV

Members Present: Justin Coppola Sr., Jemma Lambert, Kathleen Dolan, Eileen Reilly, Stephen Surette

Also Present: Jeff Dougan, Mass Office on Disability (MOD), Ellen Townson, Conservation Commissioner, Christina Yen, Phillips Academy (PA) student/guest

Before the meeting started Eileen announced she finished the ADA two-day CAM training, found it interesting and thanked Jeff Dougan. Jeff talked about closed captioning and was happy to hear it was a success with Eileen.

Call To Order: Justin called the meeting to order at 6:37 P.M. and took roll call as follows:

Jemma, Y; Kathleen, Y; Eileen, Y.; Justin, Y. Stephen arrived after roll call.

Guest Speaker, Jeff Dougan, Mass Office on Disability (MOD), Assistant Director for Community Services

Justin introduced the guest speaker, Jeff Dougan, and guest Christina Yen, Phillips Academy (PA) student.

Justin recognized the 22 years working relationship with Jeff covering a host of issues including CAM training and other disability matters. Jeff thanked his staff and briefly noted re-organization of his office.

Jeff said he wanted to start with 4 key issues:

1. *What constitutes success for a Commission on Disability (COD)* -- Does the Town listen to their recommendations and do they act on them. He gave an example of an MBTA project needing an ADA fix, and the importance of building trust and awareness with both the town and community as an advisory board. You should make your presence known with liaisons and town government.
2. *Raising Awareness with town and residents* -- Justin noted that Andover Day was a recent event allowing ACOD exposure/awareness to hundreds of people. He also noted ACOD funding to the library for assistance to people with disabilities. Other ways, Jeff suggested to raise awareness are local cable and websites, and resident needs surveys mailed along with other town information. Jeff will share what other towns have done. Justin also mentioned ACOD brochures, newsletters, and info on the website.
3. *Sharing information on implicit bias* -- Jemma said the information on diversity, equity and inclusion fall under her department and there is information about this on the web site. Justin noted that DEI is active in town. Jeff then shared information about the October 18th ADA Audio Conference Webinar Series. Registration by the 17th. One of goals is to reach out to the DEI group.
4. *Roadmap availability for new commissions* -- Jeff presented information on MOD materials (see below) including a brochure of Services, MOD's Municipal ADA Improvement Grant Program, MOD Fact Sheets (outdoor dining and others), web-based meetings, and disability rights issues. An ITS61 contract on accessibility standards is also available. ITS61 can help government entities get expert assistance to ensure that information technology services do not discriminate against people with disabilities.

A web site study to update and identify barriers on the web is also available.

Jeff noted information on the MA Architectural Access Board with regulations and best practices for CODs. He highlighted State laws MGL Chapter 40 section 8J and section 22G along with sample goals and by-laws.

The Disability Rights Law in Mass is being updated, as are parking and placard changes, tax incentives as well as Independent Living Links which may provide opportunities to get young people involved.

Justin talked about the Master Plan, a long-range planning document which includes ADA issues and asked Jeff if he had further recommendations to include in this plan. Although MOD does not have this specific information, Jeff suggested a Self-Evaluation and ADA Transition Plan as a useful tool for updating the Master Plan. In answer to a question about town funding, Justin noted the town funds ADA improvements.

Justin noted a key project, Project Lifesaver which he described, and asked if there were other projects like this that ACOD should know about, and Jeff said he would look into it.

Ellen introduced herself and asked if they are updating disability laws and she noted the difficulties with various interpretations of regulations on disability rights and the need for clarification. Jeff suggested advocacy rights groups and talked about MOD's role with legislative matters and restrictions on their involvement.

Eileen asked about the difference between resident needs survey and self-evaluations. Jeff recommended CODs hire a consultant for the more complicated self-evaluations.

Ellen asked about requirements to ensure equal access to food programs for people with disabilities. She has not heard much about this issue at regional meetings. Specifically, if municipalities offer programs offering food are access issues in place -- such as access to both the location as well as accessibility within the buildings. There should be access to everything equally, offered within a program area. Church run offers are exempt from Title 1 and 2 requirement that towns and private businesses are subject to.

Jeff will email a summary of today's questions, and Justin asked if he could provide links on forest trails.

Jemma thanked Jeff and Jeff said he is available if needed at future ACOD meetings.

Jeff left the meeting at 7:30 PM.

Liaison Report & Announcements: Jemma, Janet, Ellen, Gail.

Ellen met with Marisa Macdonald, Conservation Land Manager and reported that she is involved with ADA inclusion, and Justin and Steve agreed that she a good resource and is aware of ADA issues.

Minutes of July 27, 2022

It was moved by Stephen, seconded by Eileen, and voted 5-0 to approve the Minutes of July 27, 2022.

Jemma, Y; Kathleen, Y; Eileen, Y; Stephen, Y; Justin, Y

Old Business:

DPW & ADA Update -- Stephen reported ongoing paving of roads and sidewalks. Ellen asked if PA is required to be ADA compliant with respect to their sidewalks especially around the new sports center and Christina offered to look into this.

Old Town Hall parking lot -- Justin noted the project is moving along and a vendor has been chosen. Work is scheduled to start Oct. 1 and will continue over the next 15 months. Steve praised the good work and responsiveness of Art Martineau, Engineering Department. Eileen thanked Christina for stepping up and volunteering to help with the PA sidewalk question. Justin introduced

Christina, saying she was interested in ACOD and is a student at PA who previously worked on a project with him for Representative Tram Nguyen.

Accessible Andover on TV -- Kathleen gave an update and said this project will be longer than the one or two months anticipated. So far, one segment has been aired, discussing what our Commission does with Justin and Kathleen. Other segments recorded but not aired include one with Eileen and Rebecca Delrosso on assistive listening technology, one about the Masons' Hospital Equipment Loan Program, with Elliot Chikofsky and Justin, and Library Director Barbara McNamara and Kathleen talking about disability resources available at the library and items bought with ACOD funds for the library. Future topics include: caregiving with Justin and Ashley English, a transportation overview by Jane Burns from the Robb Center, and a segment on autism. Justin noted the reduction in staff as likely affecting frequency of programming.

Shawsheen River Master Plan for People with Disabilities -- Draft of the plan is completed. Justin talked about a recent trip to the Acton Arboretum with Eileen, Liam Flanagan, Elizabeth Maldari and others. Eileen noted some signage was compliant and other signs were not. She suggested the use of vertical upright signs to see the names of the plants.

ACOD Diversity, Equity, and Inclusion (DEI) -- The working group includes Jemma, Katherine, and Trish. Justin said that a field trip for this team is planned to the Human Library Presentation in Tewksbury in the Spring. An implicit bias section has been added to the website (acod.mhl.org). It has recommendations for books, audio books, websites, podcasts and other information.

Andover Day Debrief -- Kathleen said she thought Andover Day was great. ACOD Jar openers and newsletters were available, and she noted people were interested in ACOD and wanted to talk about their issues as well. Justin thanked everyone for their work and noted those involved with creating graphics for the brochures, including Katherine, Liam Flanagan, Ashley English and his son, Justin Jr. He said that the 2 posters displayed: The 10 things about ACOD and Disability Awareness are available for future events to raise awareness.

New Business

- **A.V.I.S.** -- Justin said he and Steve had a kickoff meeting with A.V.I.S. and looked at the Deer Jump site for accessibility issues, and next site visit will be the Goldsmith Reservation off Rte. 28 on S. Main Street. Marisa Macdonald and John Hess are discussing the common ADA signage template. Justin noted playgrounds and town-owned trails ought to follow the same Conservation Commission template developed by Marisa for ADA compliant signage as well.
- **Andover Master Plan** -- Justin said this is a long-term plan and takes place every 10 years. ADA pieces on both physical and nonphysical items need to be strengthened, member volunteers are needed for this and implicit bias recommendations. A survey on the Master Plan is on the website -- masterplan.andoverma.gov. Also, Lisa Schwarz from the Planning Department will be attending the October ACOD meeting.
- **Announcements:**

October 18th ADA Center [Disability and DEI \(Diversity, Equity, and Inclusion\) Panel Discussion](#) (Click to register)

October 26th ACOD Meeting (Virtual Link will be on the agenda notice)

October 27th MOD Summit Somerville and hybrid. [Click to register for the Summit](#)

November 2nd and 3rd last ADA Training (CAM) for the year presented by MOD, it will be virtual.

Kathleen announced a new program from the Friend of Memorial Hall Library Friends which is a web-based tribute forum called the Wall of Fame. The Friends' web-site honors those in the community who have with ties to the town and library and this months' honoree is Justin Coppola. She asked members to think about other potential nominees. Check out the library website, click on the Friends page and then Wall of Fame.

Ellen said Jeff's presentation made her realize how much ACOD has done.

Adjournment:

It was moved by Eileen seconded by Kathleen, and voted 5-0 to adjourn at 8:12 PM.

Roll Call: Stephen, Y; Jemma, Y; Kathleen, Y; Eileen, Y.; Justin, Y.

COD Roadmap Documents from the Mass Office on Disability (MOD):

Provided by:

Jeffrey L. Dougan
Assistant Director for Community Services
Massachusetts Office on Disability
One Ashburton Place, Room 1305
Boston, MA 02108
www.mass.gov/mod

Materials:

1. [MOD Brochure of Services](#) – From our [Publications Page](#)
 1. [Client Assistance Program \(CAP\) Brochure](#)
 2. [Community Services Brochure](#)
 3. [MOD's Training Webpage](#)

2. [MOD's Municipal ADA Improvement Grant Program](#) – Program brochure attached.

3. MOD Fact Sheets
 1. [Outdoor Dining/Seating Fact Sheet](#)
 2. [Parking Fact Sheet](#)
 3. [COVID-19 ADA Municipal Reminder Memo to ADA Coordinators and COD Chairs](#)

4. [Guidance – Accessibility for Virtual Training](#)

4. Some helpful updates to our Website:

1. [Best Practices for Holding Accessible Web-Based Meetings](#)
2. [Finding your Way Around Organizations that Serve the Disability Community](#)
3. [Disability Rights in Employment](#)
4. [Disability Rights in Housing](#)
5. [Elevator Outages in Housing](#)

5. Massachusetts Information and Technology – [Accessibility Webpage](#)

1. [Statewide IT Accessibility Services Contract \(ITS61\)](#) - It is my understanding that since this is available for State Agencies to use, this also filters down to the municipal level as well!
2. [Enterprise IT Accessibility Standards](#)
3. [Web Accessibility Standards](#)

6. [The Massachusetts Architectural Access Board](#)

1. This is the State Agency that promulgates and enforces the specialized state building code related to accessibility (521 CMR).

7. [Establish a Commission on Disability Webpage:](#)

1. The information provided on this webpage discusses the process for establishing a COD in a community and how and what COD's can do if the town enacts MGL Chapter 40 Section 22G.
2. Local Officials Guide – [Best Practice for Establishing a COD](#)
3. [Benefits of Establishing a COD](#)

8. [MGL Chapter 40 Section 8J](#)

1. This is the MGL that is adopted to formally establish a COD.

9. [MGL Chapter 40 Section 22G](#)

1. This allows an "8J" COD to collect the fines collected for people illegally parking in accessible ("HP") spaces.

10. [COD Description, Bylaws, and Goals](#) – From our [Publications Page](#)

11. Disability Rights Laws in Massachusetts Booklet - ATTACHED

1. This is a great resource to have on hand. It provides a lot of basic information pertaining to laws related to disability in MA.

NOTE: This document is in the process of being updated. There is one conflict in the booklet related to “Parking Meters” that is incorrect, which we discussed last night. The recent memo from MOD to municipal officials is attached that discusses MOD’s position.

12. [ADA Homepage](#)

1. This webpage is a landing page for all things related to ADA! Very handy to have bookmarked.

13. [ADA Title II Action Guide](#)

1. This is a great, but intense, discussion related to the ADA Title II 5 administrative requirements.

14. [ADA Checklist](#)

1. This is a very useful tool to use to see if an architectural element meets the requirements of the ADA Design Standards.

15. [DOJ's FAQ on Service Animals](#)

16. Tax Incentives for Small Businesses – ATTACHED

1. This incentive has some restrictions and only applies to for-profit businesses; but makes a great ice breaker if you are working with a local business to increase communication or architectural accessibility.

17. [Project Civic Access](#) (Found on [ADA.Gov](#)):

1. [ADA Enforcement by DOJ](#) - Covers all DOJ Settlement Agreements with Entities. This particular item is separate from the Project Civic Access Actions DOJ has taken.
2. [Country Wide Settlements](#) – Project Civic Access Specific
3. [MA Settlements](#) - Project Civic Access Specific

18. Disability Demographics:

1. [Disability Demographics](#) (based on ACS and 2010 Census, produced by MOD) – From our [Publications Page](#)
2. [Disability in New England](#) (based on model based definition of disability, produced by [New England ADA Center](#))

19. [Northeast Independent Living Program](#) (This ILC serves Andover) – ([All Independent Living Centers in Massachusetts](#))

20. Regulations:

1. Massachusetts Architectural Access Board
 1. [2006 Revision](#) – in force.
 2. [Previous Revisions](#)
2. Americans with Disabilities Act Architectural Design Standards
 1. [1991 version](#)
 2. [2010 version](#) – in force
3. [Public Rights of Way Accessibility Guidelines](#) – Not yet in effect, but

best practice to ensuring compliance with the ADA.

4. [Fair Housing Design Manual](#)
5. [US Forest Service Resources](#) – These resources discuss accessibility guidelines for outdoor areas. There is more than 1 standard and it depends on the type of outdoor area.

MASSACHUSETTS OFFICE ON DISABILITY



**DISABILITY RIGHTS
LAWS IN
MASSACHUSETTS**



CHARLES D. BAKER, GOVERNOR
KARYN E. POLITO, LIEUTENANT GOVERNOR MARY
MAHON MCCAULEY, EXECUTIVE DIRECTOR

1 ASHBURTON PLACE, ROOM 1305 BOSTON,
MASSACHUSETTS 02108
617 727-7440

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INTRODUCTION

The Massachusetts Office on Disability (MOD) was created in 1981 under Chapter 6, Section 185 of the Massachusetts General Laws. One of the goals of MOD is to increase awareness of the rights of persons with disabilities. It is our hope that this Disability Rights Laws booklet will be a helpful resource for people with disabilities as well as the larger community.

To achieve its goals, MOD focuses its activities in Four Areas of Focus:

Training – Advocacy – Monitoring - Resources

Training

Americans with Disabilities Act, ADA

ADA for Executive Agencies (Title I and II)

ADA for Municipalities (Title I and II)

ADA for Businesses (Title I and III)

ADA for Employment (Title I)

ADA for Customized Topics

Community Access Monitor, CAM

Personal Emergency Preparedness, ER

Commissions On Disability, COD's

COD Guidance and Coordination

Customized Trainings

Scaled to Fit Organizations and Special Events

Architectural Review/Site Visits

Advocacy

Client Services

Inform individuals how disability rights apply to their situation

Re-establish communication with third parties to remove barriers and restore services

Resolve disability-related discrimination and denial of service issues

Provide technical assistance to those seeking reasonable accommodation in housing, employment, government, and places of public accommodation

Client Assistance Program, CAP

Advocate on behalf of applicants to and clients of vocational rehabilitation (VR) agencies and independent living centers (IL)

Apprise stakeholders of VR and IL services as well as CAP's role relative to those programs

Community Services Program

Provide technical assistance on the applicability of architectural access codes

Monitoring

Reasonable Accommodations, RA

Offer technical assistance about obligations to provide reasonable accommodation (RA) for:

Housing Providers

Employers

State and Local Government
Places of Public Accommodation

Architectural Access Board, AAB
MOD Role as AAB Board Member
Technical Assistance on Compliance
Architectural Review/Site Visits

Government Compliance
ADA - Title I, II, & III
Section 504 of the Rehab Act
Mass. General Law Chp. 151b
Executive Orders 351, 352 & 526
FHA, Fair Housing

Resources

Community Calendar
Disability Community Events

MOD Social Media

Blog (mass.gov/mod) – Newsletter – Facebook – Twitter ([@Massdisability](https://twitter.com/Massdisability)) - YouTube

For further information about the Office on Disability, the details of the laws discussed in this pamphlet, or to obtain assistance in asserting your rights, visit the MOD web site at www.mass.gov/mod or call (617) 727-7440 or toll free at (800) 322-2020 (both V/TTY).

Disclaimer: *The materials contained in this pamphlet ARE NOT under a © copyright. The pamphlet may be quoted or photocopied without consent. However, attribution is requested. This book is not intended to be comprehensive. It offers only an overview of the most frequently referenced laws related to disability. Laws and regulations are changed frequently. The summaries in the pamphlet reflect the laws and regulations in effect on June 1, 2015. Please refer to the laws and regulations directly for the actual, current text.*

ABUSE, NEGLECT & TREATMENT CONDITIONS

Massachusetts Disabled Persons Protection Act

[M.G.L. c. 19c](#)

This statute protects adults with disabilities between the ages of 18 and 59, who are within the Commonwealth whether in state care or in a private setting and who suffer serious physical and/or emotional injury through the act and/or omission of their caregivers. Anyone suspecting abuse can contact the Disabled Persons Protection Commission (DPPC). "Mandated reporters" (physicians, dentists, nurses, teachers, day care workers, etc.) must report cases of suspected abuse. After the suspected abuse is reported, the DPPC investigates allegations of abuse by caretakers only. In some cases, those investigations are referred to an agency within the Executive Office of Health and Human Services for intervention and further investigation. After the investigation (which should be completed within 72 hours if the call is an emergency and 10 business days if it is not) protective services are delivered if appropriate.

Disabled Persons Protection Commission
300 Granite Street, Suite 404
Braintree, MA 02184
(617) 727-6465 or (888) 822-0350 TTY
Website: <http://www.mass.gov/dppc>

Mass. Mental Illness or Mental Retardation, Rights of Persons Receiving Treatment Act

[M.G.L. c. 123, §23](#)

Individuals receiving treatment for mental illness or mental retardation are entitled to certain rights and privileges, such as access to telephones, sending and receiving mail, receiving visitors, reasonable daily access to the outdoors and living in a humane psychological and physical environment.

[M.G.L. c. 123, §12](#)

Central to these rights is the limitation of the number of days people may be confined to a hospital without a court order.

Civil Rights of Institutionalized Persons Act

[42 U.S.C. §1997, et seq.](#)

The Civil Rights of Institutionalized Persons Act (CRIPA) authorizes the U.S. Attorney General to investigate conditions of confinement at state and local government institutions such as prisons, jails, pretrial detention centers, juvenile correctional facilities, publicly operated nursing homes, and institutions for people with psychiatric or developmental disabilities. Its purpose is to allow the Attorney General to uncover and correct widespread deficiencies that seriously jeopardize the health and safety of residents of institutions. The Attorney General may initiate civil law suits where there is reasonable cause to believe that conditions are "egregious or flagrant," that they are subjecting residents to "grievous harm," and that they are part of a "pattern or practice" of resistance to residents' full enjoyment of constitutional or Federal rights, including Title II of the ADA and section 504 of the Rehabilitation Act.

U.S. Department of Justice, Civil Rights Division
950 Pennsylvania Avenue, N.W., Room 5028
Special Litigation Section - PHB
Washington, D.C. 20530
(202) 514-6255 or (877) 218-5228 (Voice/TTY)
Website: <http://www.justice.gov/crt/about/spl/disability.php>

ARCHITECTURAL ACCESS

Massachusetts Architectural Access Board

[G.L. c. 22, §13A](#)

The Architectural Access Board (AAB) is a regulatory agency whose mandate is to develop and enforce regulations designed to make public buildings accessible to, functional for and safe for use by persons with disabilities. See [521 C.M.R.](#) In addition to writing regulations, the Board decides on variance requests, provides training on its regulations, issues advisory opinions and makes decisions on complaints. Local building inspectors are responsible for enforcing the regulations which are a specialized section of the Massachusetts Building Code. See [780 C.M.R.](#) The construction, reconstruction, remodeling, alteration, or change of use of a building or facility that is open to the public may trigger the authority of the AAB. New construction must fully comply.

Architectural Access Board
One Ashburton Place, Room 1310
Boston, MA 02108
(617) 727-0660
Website: <http://www.mass.gov/AAB>

Federal Architectural Barriers Act

[42 U.S.C. § 4151, et seq.](#)

The Architectural Barriers Act (ABA) requires that buildings and facilities that are designed, constructed or altered with federal funds, or leased by a federal agency, comply with federal standards for physical accessibility. 41 C.F.R. §101-19.6. ABA requirements are limited to architectural standards in new and altered buildings and in newly leased facilities.

The United States Access Board
1331 F Street, NW, Suite 1000
Washington, D.C. 20004-1111
(800) 872-2253 (Voice) / (800) 993-2822 (TTY)
Website: <http://www.access-board.gov>

Americans with Disabilities Act Accessibility Guidelines (ADAAG)

The United States Access Board created the ADAAG in 1991, under authority granted by the Americans with Disabilities Act. Enforced by the United States Department of Justice, the ADAAG establishes uniform federal building standards for new construction and renovations. Pursuant to Section 35.151(c) of the ADA, the 2010 ADA Standards became fully effective on March 15, 2012.

Both the 1991 ADAAG and 2010 ADA Standards are online at:
<http://www.access-board.gov/ada>

U.S. Department of Justice, Civil Rights Division
950 Pennsylvania Avenue, N.W., Room 5028
Special Litigation Section
Washington, D.C. 20530
(877) 218-5228 (Voice/TTY) or (202) 514-6255
Website: <http://www.justice.gov/crt>

AUTOMOBILES & TRANSPORTATION

Americans with Disabilities Act: Title IIB Transportation

[42 U.S.C. § 12141, et seq.](#)

Public Transportation services, such as buses, subways and rail transit systems, may not discriminate against people with disabilities in the ways they provide their services. New public transit buses and rail vehicles ordered after August 26, 1990 must be wheelchair accessible. Transit authorities that operate fixed route bus or rail systems must provide comparable para-transit or other special transportation services to individuals with disabilities who cannot use fixed route bus services, unless an undue burden would result. As of July 26, 1995, existing rail systems were required to have one accessible car per train. Key stations in rapid, light, and commuter rail systems and all existing Amtrak stations must be accessible. Private businesses that provide public transportation services have the same requirements as public transit agencies, except for automobiles. New over-the-road buses (Greyhound-type) must be accessible. Private businesses that provide transportation (such as hotels) must ensure disabled persons a level of service equivalent to that provided to the general public. Under Title III, the ADA also imposes restrictions on private transportation providers that offer their services to the public. The FTA and DOJ have a memorandum of understanding to streamline the enforcement process, please review it here: http://www.fta.dot.gov/civilrights/12875_3898.html

U.S. Department of Transportation
Federal Transit Administration
Kendall Square, 55 Broadway, Suite 920
Cambridge, MA 02142-1093
Phone: (617) 494-2055
Fax: (617) 494-2865
Website: http://www.fta.dot.gov/about_FTA.html

OR

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights Section - NYA
Washington, D.C. 20530
(800) 514-0301 (Voice) - (800) 514-0383 (TTY)
Website: http://www.ada.gov/contact_drs.htm

Federal Air Carrier Access Act

[49 U.S.C. § 41705](#)

Domestic air carriers may not refuse persons with disabilities transportation because of their disability. Air carriers may not: limit the number of persons with disabilities on a flight; require advance notice except for certain accommodations; require travel with an attendant except in limited circumstances; and charge for accommodations required by the law. In addition, air carriers must: provide boarding assistance and assistance within the cabin, and give priority to storage of wheelchairs. New aircraft over certain sizes must have movable armrests, accessible lavatories and space for storing wheelchairs (the larger the aircraft the more access is required). Air carriers must establish their own compliance procedure, including "complaints resolution officials."

Aviation Consumer Protection Division, OGC
U.S. Department of Transportation
1200 New Jersey Ave, S.E.
Washington D.C. 20590
(202) 366-2220 (Voice / TTY)
Website: <http://www.transportation.gov/airconsumer>

Massachusetts Automobile Excise Tax Exemption

[M.G.L. c. 60A, §I](#)

Exempts qualified disabled persons from excise tax requirements. The motor vehicle must be owned and registered by a person who has suffered loss or permanent loss of use of both legs or both arms or loss of vision of both eyes to a certain degree. The exemption applies to one motor vehicle per person, owned and registered for their personal, noncommercial use. Applications for exemptions are available from the local town assessor's office.

Massachusetts Automobile Sales Tax Exemption

[M.G.L. c. 64H, §6\(U\)](#)

This law exempts certain people with disabilities from the purchase and use tax of a motor vehicle. To qualify, a disabled person must be the original registered owner of the motor vehicle and have the loss of two or more limbs or permanent loss of use of at least 80% of two or more limbs. Parents and others, who transport similarly disabled children or adults, who have been found incompetent to legally enter into contracts, may also be entitled to this exemption. See [DOR Directive 03-11](#). The Department of Revenue has clarified that a wheelchair lift used to make a van accessible may also be exempt even if purchased separately from the vehicle. In cases where the lift is purchased after the van, a physician's prescription may be needed to document this exemption. See [DOR Directive 00-7](#).

Department of Revenue, Customer Service Bureau

P.O. Box 7010, Boston, MA 02204

617-887-MDOR (6367), Toll-free in Massachusetts 800-392-6089, 617-887-6140 (TTY)

Website: <http://www.mass.gov/dor>

OR

Mass. Registry of Motor Vehicles, Medical Affairs

P.O. Box 55889, Boston, MA 02205-5889

(617) 351-9222 (Voice); (877) 768-8833 (TTY)

Website: <http://www.mass.gov/rmv>

Massachusetts Gas Station Law

[G.L. c. 94, § 295CC](#)

Every gas station owner offering motor fuel for sale from both full-service and self-service pumps shall dispense fuel from the self-service pump for any owner-operator of a motor vehicle bearing handicapped person or disabled veteran number plates as described in section two of chapter ninety (see section on Massachusetts Handicapped Plate and Placard Law below for more information). The gas station must display signs in a prominent location stating its compliance with the provisions of this law. The Division of Standards shall develop standards for such signs including, but not limited to, size, text, legibility and location. Note: The Americans with Disabilities Act also directs gas stations assist people with disabilities. See <http://www.ada.gov/gasserve.htm>

Executive Office of Consumer Affairs

Division of Standards

One Ashburton Place, Room 1115

Boston, MA 02108

(617) 727-3480

Website: <http://www.mass.gov/standards>

HANDICAPPED PARKING LAWS

Massachusetts Chapter 40 governs a variety of activities by cities and towns, including parking. The primary sections that deal with accessible parking are:

Parking Lots

[M.G.L. c. 40 § 21, ¶ 23:](#)

All parking lots and garages open to the public must comply with the parking regulations of the Architectural Access Board ([521 C.M.R.](#)), which are similar to but significantly different from the specifications of this accessible parking law. The law requires public or private parking areas that are used by the public to reserve designated parking spaces for vehicles, which bear an HP plate, placard or a disabled veteran plate. Standards under the 1991 ADAAG and 2010 ADA Standards specify yet a third set of minimum number of spaces, and were revised effective March, 15, 2012. The minimum numbers for designated spaces are as follows:

Total Spaces	AAB	1991 ADAAG	2010 Standards
1-14	0	1	1
15-25	1	1	1
26-50	2	2	2
51-75	3	3	3
76-100	4	4	4
101-150	5	5	5
151-200	6	6	6
201-300	7	7	7
301-400	8	8	8
401-500	9	9	9
501-1,000	2% of total	2% of total	2% of total
1,001 and over	20, plus 1 for each 100 over 1000	20, plus 1 for each 100 over 1,000	20, plus 1 for each 100, or fraction thereof, over 1,000

For more information, please visit our website's publication page for our "Handicapped Parking Regulations in Massachusetts" or download the WORD DOC here: <http://www.mass.gov/anf/employment-equal-access-disability/oversight-agencies/mod/mod-publications.html>

Parking Meter Fees

[M.G.L. c. 40 § 22A:](#)

In cities and towns that have parking meters, people who have an HP plate or display an HP placard are exempt from paying parking meter fees. However, this exemption only applies to meters, not any other type of pay to park system. Fines for parking in a handicapped parking space without a plate or placard range from one hundred dollars (\$100) to three hundred dollars (\$300). The municipality determines the exact amount. Also, violators may be towed. Enforcement is by the local police or traffic department.

Over Time Parking Limits

[M.G.L. c. 40 §22:](#)

People who have an HP plate or display an HP placard are exempt from the time limits on a parking space, such as 15 minutes or 1 hour only, etc. However, this does not exempt plate or placard users from fines or towing when "No Parking" restrictions are in effect, such as snow emergencies.

Reserved Spaces and Towing

[M.G.L. c. 40 §22D:](#)

A municipality may further regulate parking by restricting certain on-street areas for vehicles bearing HP plates or placards. People who park blocking curb cuts or handicapped parking spaces can be towed.

Massachusetts Handicapped Plate and Placard Law

[M.G.L. c. 90, §2:](#)

HP plates and placards are issued through the Registry of Motor Vehicles to eligible people with disabilities. As discussed under the parking laws above, they entitle holders: to park in designated HP spaces, to park longer than usual time limits, to park at parking meters free of charge, and to make use of the gas station law. The rights, responsibilities and privileges of plate holders and placard holders are the same. The Registry's Bureau of Medical Affairs determines eligibility according to physician's documentation. Only people who meet the disability definition and who are the registered owner of the vehicle and who are licensed drivers may receive plates. Anyone who meets the disability eligibility requirements can get a placard. The Massachusetts Registry of Motor Vehicles also issues temporary placards in some circumstances. An individual who uses an HP placard without proper authorization is the individual who will be penalized, as opposed to the individual with a disability to whom the placard was issued. A driver picking up or dropping off the authorized placard user may not idle in an accessible parking space for more than ten minutes. The fines for unauthorized utilization of an HP placard are five hundred dollars (\$500) for the first offense and one thousand dollars (\$1,000) for subsequent offenses. License suspension for violation of this law run from 30 Days for a first offense to one year for a third or subsequent offense. The fines and penalties in this section are in addition to those specified in Chapter 266, Section 37E for the fraudulent use of another's identity. If a plate or placard user voluntarily allows someone else to use his or her placard or plate, it can result in revocation of the placard or plate.

Also, [M.G.L. c. 90 §24B, ¶1](#) provides that:

“Whoever falsely makes, steals, alters, forges or counterfeits or procures or assists another to falsely make, steal, alter, forge or counterfeit a special parking identification disability placard, or whoever has in his possession, or utters, publishes as true or in any way makes use of a falsely made, stolen, altered, forged or counterfeited special parking identification disability placard shall be punished by a fine of not more than five hundred dollars or by imprisonment in the state prison for not more than five years or in jail or house of correction for not more than two years.”

Massachusetts Registry of Motor Vehicles, Medical Affairs
P.O. Box 55889
Boston, MA 02205-5889
(617) 351-9222 (Voice) / (877) 768-8833 (TTY)

Massachusetts White Cane Law

[M.G.L. c. 90 § 14A](#)

Whenever a blind pedestrian, guided by a guide dog or carrying a raised or extended cane that is white or white tipped with red, attempts to cross a street, drivers must stop for the dog or cane user. A person who owns an animal shall restrain and control such animal on a leash when in proximity to a guide dog that is on a public or private way. Violations of this law are punishable by a criminal fine of not less than one hundred and no more than five hundred dollars.

DISABILITY COMMISSIONS

Massachusetts Disability Commissions

[M.G.L. c. 40, § 8J](#)

A city or town, which accepts the provisions of this Section, is authorized to establish a Disability Commission to serve in an advisory capacity to municipal governments on disability issues. Commissions work with the Office

on Disability to carry out programs and activities designed to integrate people with disabilities into the community. The specific activities of a Commission depend on the needs of the disabled community in the particular city or town. Commissions consist of five to nine members, and are appointed by the mayor or city manager in cities or by the selectmen or town manager in towns. The majority of members must be disabled, and one must be an immediate family member of a disabled person. One member of the Commission must be an elected or appointed official of the city or town. Members are initially appointed in staggered one, two and three year terms. A Commission must have at least six meetings per year, keep records of its meetings and actions, and file an annual report. Commissions generally are authorized to receive gifts and other funds.

Administration of Handicapped Parking Program

[M.G.L. c. 40, § 22G](#)

For the benefit of persons with disabilities, cities and towns which have chosen to implement a Handicapped Parking Program may empower their Disability Commission to receive and administer fines from violations of the Handicapped Parking Law. Funds collected pursuant to this law must be kept in a separate account by the municipality's treasurer and shall be used solely for the benefit of persons with disabilities. Expenditures of money collected from the Handicapped Parking Program, including accrued interest, if any, should be approved in accordance with the accepted procedures of the municipality for the disbursement of funds. To find your local COD, please visit this page: <http://www.mass.gov/anf/employment-equal-access-disability>

EDUCATION

Federal Rehabilitation Act: Entities Receiving Federal Funds, §504

[29 U.S.C. § 794, et seq.](#)

This law prohibits discrimination against people with disabilities under any program or activity receiving or benefiting from federal financial assistance, which often includes educational entities.

U.S. Department of Education, Office of Civil Rights
33 Arch Street, Suite 900
Boston, MA 02110-1491
(617) 289-0111 (Voice) - (877) 521-2172 (TTY)

Massachusetts Public Education Law, Ch. 766

[M.G.L. c. 71B, §§ 1 - 16](#)

This state law guarantees a "free and appropriate public education in the least restrictive environment" to all school-aged children (ages 3 to 21) regardless of disability. Any child who qualifies for special education services will receive services specified in an Individualized Education Plan (IEP). A team of interested parties, including educators, parents, physicians and advocates, develops the plan. The law also mandates support for children with disabilities who may be bullied, providing that: Whenever the evaluation of the Individualized Education Program team indicates that the child has a disability that affects social skills development or that the child is vulnerable to bullying, harassment or teasing because of the child's disability, the Individualized Education Program shall address the skills and proficiencies needed to avoid and respond to bullying, harassment or teasing. See: [Chapter 92 of the Acts of 2010, §7.](#)

Mass Department of Elementary and Secondary Education - Program Quality Assurance Unit
75 Pleasant Street, Malden, MA 02148-4906
(781) 338-3700 (Voice)

Website: <http://www.doe.mass.edu>

Federal Individuals with Disabilities Education Act

[20 U.S.C. § 1400, et seq.](#)

This federal law, modeled after the Massachusetts General Law Chapter 766, requires public schools to make available to all eligible children with disabilities a free and appropriate public education in the least restrictive

environment appropriate to their individual needs. Any child who qualifies for special education services will receive services following an evaluation and the development of an Individualized Education Plan (IEP). A team of interested parties, which can include such people as educators, parents, physicians and advocates, develops the IEP.

U.S. Department of Education
Office of Special Education and Rehabilitation Services
400 Maryland Ave., SW
Washington, DC 20202-7100
(202) 245-7468 (Voice)
Website: <http://www.ed.gov/about/offices/list/osers>

Massachusetts Fair Educational Practices Law

[M.G.L. c. 151C](#)

Very limited protections are available in the area of education. Specifically, for “educational institutions,” it is illegal to exclude from admission any student because the student is blind or deaf or requires the use of a guide dog. Educational institutions are defined as:

“...any institution for instruction or training, including but not limited to secretarial schools, business schools, academies, colleges, universities, primary and secondary schools, which accept applications for admission from the public generally and which is not in its nature distinctly private.”

[M.G.L. c. 151C §1\(d\)](#)

For “vocational training institutions,” disability is not mentioned as a protected classification. Vocational training institutions are defined as:

“... any educational institution the primary purpose of which is to offer technical, agricultural, business or trade courses or courses of study leading to employment in recognized trades or occupations.”

Massachusetts Commission Against Discrimination:

1 Ashburton Pl. #601, Boston, MA 02108
(617) 994-6000 (Voice) - (617) 994-6196 (TTY)
Website: <http://www.mass.gov/mcad>

Massachusetts Early Childhood Intervention Law

[M.G.L. c. 111G](#)

Under this law, early intervention services are provided to children and the families of children who are between birth and three years of age and who have identified disabling conditions or who are at risk for developmental delays due to biological or environmental factors. Services focus on the family and include speech, occupational and physical therapy, social work, psychological, and nursing care. DPH must provide transportation whenever transportation to early intervention services is required. DPH is the lead agency for the coordination of all governmental funding for the provision of early intervention services, both state and federal. DPH is also responsible for administration of an advisory committee, which monitors and assesses the effectiveness of the administration of early intervention services.

Department of Public Health
Bureau of Family Health & Nutrition
250 Washington Street
Boston, MA 02108
(617) 624-6060 (Voice) / (617) 624-5992 (TTY)
Website: <http://www.mass.gov/dph> and follow the Bureaus and Programs link.

Massachusetts Braille Literacy Laws

[M.G.L. c. 6, § 133G](#)

Legally blind adults are afforded the right to learn Braille through the Massachusetts Commission for the Blind (MCB). MCB is required to offer instruction up to the grade two Braille level. Additionally, the vocational rehabilitation and independent living programs provided by MCB must evaluate the appropriateness of Braille instruction for each participant in the program. The assessment shall include: (i) the person's efficiency in reading and writing print as compared with a person of similar intellectual ability; (ii) the person's stamina in using print before fatigue occurs; and (iii) the person's prognosis for further sight loss.

[M.G.L. c. 71B, §3](#)

School-age children deemed legally blind are entitled to receive Braille instruction as part of their school's special education services. As part of the broader special education evaluation conducted for children with disabilities, the school district must also assess the appropriateness of Braille instruction for the child.

Mass. Commission for the Blind
600 Washington Street
Boston, MA 02111
(800) 392-6450 (Voice) - (800) 392-6556 (TTY)
Website: <http://www.mass.gov/mcb>

Massachusetts Transitional Planning Services, Turning 22 (Commonly Known as Chapter 688)

[M.G.L. c. 71 B, §§ 12A - C](#)

This law provides a transitional planning process for eligible people with disabilities who will lose special education services upon graduation or upon turning 22. An assigned agency develops an Individual Transitional Plan describing the services needed. The Individual Transitional Plan must be agreed upon by the Department of Education, the Executive Office of Health and Human Services, and the person with disabilities or their guardian(s). The Bureau of Transitional Planning within the Department of Education monitors all Chapter 688 cases.

Bureau of Transitional Planning
Executive Office of Health & Human Services
One Ashburton Place, Room 1109
Boston, MA 02108
(617) 727-7600 (Voice)
Website: <http://www.doe.mass.edu/>

EMPLOYMENT

Americans with Disabilities Act Title I: Employment

[42 U.S.C. § 12111, et seq.](#)

The law prohibits employers from firing, refusing to hire or rehire, or otherwise discriminating, against a "qualified" person with a disability on the basis of disability and obligates employers to provide reasonable accommodations. To be "qualified," a person must be able to perform the essential functions of the job, either with or without a reasonable accommodation. Employers are not required to provide an accommodation that would eliminate an essential function of an employee's job or would pose an "undue hardship" for the employer. An accommodation is provided at the employer's expense, unless the employer can demonstrate that it would pose an undue financial hardship. The law applies to employers with 15 or more employees.

This law was substantially revised by [the Americans with Disabilities Act Amendments Act \(ADAAA\) of 2008](#). In enacting the ADAAA, Congress overturned several Supreme Court decisions that Congress believed had

interpreted the definition of “disability” too narrowly, resulting in a denial of protection for many individuals with impairments such as cancer, diabetes, and epilepsy. The ADAAA states that the definition of disability should be interpreted in favor of broad coverage of individuals. The determination of whether impairment substantially limits a major life activity requires an individualized assessment. With one exception (“ordinary eyeglasses or contact lenses”), the determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as medication or hearing aids. Additionally, an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

Equal Employment Opportunity Commission
JFK Building, Rm. 475
Boston, MA 02203-0506
(800) 669-4000 (Voice) (800) 669-6820 (TTY)
Website: <http://www.eeoc.gov>

Massachusetts Employment Discrimination Law

[M.G.L. c. 151B §4](#)

This law prohibits any employer in Massachusetts who employs six or more people from firing, refusing to hire or rehire, or otherwise discriminating against a qualified disabled person based on disability. The MCAD is the enforcement agency (See contact info. above in the “Massachusetts Fair Educational Practices Law” section).

Direct-Employment by the Federal Government

[29 U.S.C. § 791, et seq.](#)

Section 501 of the Federal Rehabilitation Act governs the Interagency Committee on Employees who are Individuals with Disabilities. This section of the law prohibits discrimination and requires adoption of affirmative action plans for hiring, placement, and advancement of individuals with disabilities within federal agencies and the U.S. Postal Service. Complaints may be filed with the agency’s Equal Employment Opportunity Counselor for informal review and resolution. If the matter is not resolved satisfactorily within 21 days, a formal complaint may be filed with the agency head, the Director of Equal Employment Opportunity, an Equal Opportunity Officer, or other designated official.

Employment by Federal Contractors

[29 U.S.C. §793](#)

Section 503 of the Federal Rehabilitation Act prohibits discrimination based on disability and requires affirmative action in hiring persons with disabilities when the employer has a contract or subcontract with the federal government in excess of \$10,000.

U.S. Department of Labor
Office of Federal Contract Compliance Programs
J.F.K. Building, Room E-235
Boston, MA 02203
(617) 624-6780 (Voice) / (877) 889-5627 (TTY)
Website: <http://www.dol.gov/ofccp/>

EQUAL RIGHTS

Americans with Disabilities Act

[42 U.S.C. § 12101, et seq.](#)

The Americans with Disabilities Act (ADA) provides a comprehensive national mandate for the elimination of discrimination against individuals with disabilities. The individual parts of the law are discussed in the corresponding subject matter sections of this booklet. Specifically, in the following areas of this booklet:

Architectural Access; Employment, Title I; State and local government, Title IIA; Transportation, Title IIB; Public accommodations, Title III; and Telecommunications Title IV.

Website: <http://www.ada.gov>

Federal Rehabilitation Act

[29 U.S.C. § 791, et seq.](#)

In 1973, Congress passed the Rehabilitation Act in a national effort to end discrimination based on disability by agencies and organizations which receive or benefit from federal financial assistance. The five major components to the Rehabilitation Act of 1973, as amended, are: Section 501 – Employment by the Federal Government; Section 502 – Architectural and Transportation Barriers Compliance; Section 503 – Employment by Federal Contractors; Section 504 – Entities Receiving Federal Funds; and Section 508 – Access to Technology.

Massachusetts Constitutional Amendment

[Article 114](#)

The Massachusetts Constitution states:

“No otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity within the Commonwealth.”

Article 114 is written broadly. It prohibits discrimination based on disability on any level within the state, not just for recipients of state or federal funds. For example, town meetings must be held in an accessible place with sign language interpreters provided if needed, and a small grocery store or a privately owned dinner theater cannot refuse to do business with an individual based on the person’s disability.

Office of the Attorney General, Civil Rights Division

One Ashburton Place

Boston, MA 02108

(617) 727-8400 (Voice) / (617) 727-4765 (TTY)

Website: <http://www.mass.gov/ago>

Massachusetts Equal Rights Law

[M.G.L. c. 93 §103](#)

Implementing Article 114 to the Massachusetts Constitution, the equal rights law guarantees persons with disabilities (with reasonable accommodation) the same rights as other persons, such as the rights to contract, to inherit, to purchase, to lease, to sell, to participate in law suits and to receive the full benefit of the law. Complaints of violation of the equal rights law are made by filing a law suit in the superior court.

Massachusetts Executive Order 526

[EO 526](#)

Executive Order 526 prohibits discrimination and mandates affirmative action to ensure equal opportunity for people with disabilities by the Executive Department of the Commonwealth. The requirements of this Order apply to State executive agencies’ internal policies and practices, such as employment and the granting of licenses, and apply as well to recipients of state funding, including contract and grant recipients. Each agency under an executive office must create an affirmative action plan, which includes goals and methodology for the placement of people with disabilities in the state’s work force. All state employment, services and facilities should be accessible and non-discriminatory based on disability. Responsibilities for carrying out the requirements of Executive Order 526 are divided among three different agencies: Office of Diversity and Equal Opportunity

(ODEO), the Massachusetts Commission Against Discrimination (MCAD) and the Massachusetts Office on Disability (MOD).

Office of Diversity and Equal Opportunity
One Ashburton Place, #213
Boston, MA 02108
(617) 727-7441 (Voice), (617) 727-6015 (TTY)
Website: <http://www.mass.gov/hrd>

OR

The MCAD is the enforcement agency (See contact info. above in the “Massachusetts Fair Educational Practices Law” section). All other disability related complaints about Executive Branch agencies should be directed to the ADA/504 Coordinator for the agency. A list of coordinators is available on the MOD website: <http://www.mass.gov/mod>

HATE CRIMES

Several Massachusetts laws address actions motivated by bigotry and bias including, but not limited to, a threatened, attempted or completed overt act motivated at least in part by disability based prejudice. These are generally referred to as “hate crimes.” [M.G.L. c. 22C, § 32](#).

Violations of Constitutional Rights; Criminal Penalties

[M.G.L. c. 265 §37](#)

Massachusetts law makes the following a crime:

“No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with, or oppress or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the commonwealth or by the constitution or laws of the United States.”

Assault or Battery Re: Intimidation; Weapons

[M.G.L. c. 265 §39](#)

(a) An assault or a battery upon a person or damage to the real or personal property of a person with the intent to intimidate such person because of such person's disability is a crime.

(b) A battery in violation of this section and which results in serious bodily injury is punishable by a fine of up to ten thousand dollars or by imprisonment in the state prison for up to five years, or by both. If the offender is armed with a firearm, rifle, shotgun, machine gun or assault weapon, punishment may be increased to imprisonment in the state prison for up to ten years or in the house of correction for not more than two and one-half years. The surcharge goes to the Diversity Awareness Education Trust Fund. In the case of convictions for multiple offenses, the surcharge is assessed for each conviction. A person convicted of a battery under (b) section must also complete a diversity awareness program designed by the secretary of the Executive Office of Public Safety in consultation with the Massachusetts Commission Against Discrimination and approved by the Chief Justice for Administration and Management of the Trial Court.

Civil Actions by Attorney General to Enforce Constitutional and Legal Rights

[M.G.L. c.12, §11H](#)

The attorney general may bring a civil law suit to protect the peaceable exercise or enjoyment of the right or rights secured by the constitution or laws of the United States, or of rights secured by the constitution or laws of the Commonwealth. This type of law suit is filed in Superior Court and must be based on evidence that a person or persons attempted to or actually interfered by threats, intimidation or coercion, with the exercise or enjoyment of civil rights by any other person or persons.

Department of the Attorney General
Civil Rights Division
100 Cambridge Street
Boston, MA 02114
(617) 727-2200 (Voice) - (617) 727-4765 (TTY)
Website: <http://www.ago.state.ma.us>

Civil Damages For Civil Rights Violations

[M.G.L. 266, §127B](#)

Any person incurring injury to his person or damage or loss to his property as a result of conduct in violation of this statute is entitled to file a civil law suit to ask the court to stop the violations and to obtain special and general damages, reasonable attorney fees and costs. Parents and legal guardians of an un-emancipated minor child are liable for any judgment rendered against such minor under the provisions of this section. Individuals may file private lawsuits.

HOUSING

Federal Fair Housing Act

42 U.S.C. §§ [3535](#) & [3601-3620](#)

The Act extends civil rights protection to individuals with disabilities by prohibiting discrimination in the sale, rental or conditions of occupancy of a dwelling because of a person's disability and must allow for reasonable modifications to the dwelling. Owner-occupied dwellings of four or fewer units are exempt from this requirement. It is also unlawful to refuse to allow a person with a disability to make reasonable modifications at his/her expense to allow full use of the premises, unless the property owner can demonstrate that the accommodation would create an "undue hardship" for the owner. In federal publicly assisted housing, or housing with 10 or more units, the landlord is responsible for paying for reasonable modifications unless doing so would impose an "undue hardship." (See "Entities Receiving Federal Funds, Section 504" section below) For federally assisted housing, the federal provider Tenants may be required to remove modifications and return the unit to the original condition upon moving. All new multi-family units, rental units and condominiums, in complexes of four or more units, available for first occupancy have to be "adaptable."

Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
O'Neil Building, 10 Causeway Street, 3rd Floor
Boston, MA 02222
(800) 955-2232 (Voice) - (617) 565-5453 (TTY)
Website: <http://www.hud.gov/offices/fheo>

Massachusetts Housing Bill of Rights

[M.G.L. c. 151B §4](#)

This law largely mirrors the protections of the federal law. However, unlike federal law, it limits the owner occupied exemption to two-family units. It is illegal for a landlord to ask about a person's disability, except to ask about qualifications for a special type of unit. Only medical opinions that address qualifications for a particular unit may be sought. If there are 3 or more units, reasonable modifications must be made to rules or policies if these modifications are needed for a person with a disability to use or enjoy the premises, unless the property owner can demonstrate that the modification would create an "undue hardship" for the owner. A person with a disability may make reasonable modifications to the premises at his/her own expense. In federal publicly assisted housing, or housing with 10 or more units, the landlord is responsible for paying for reasonable modifications unless doing so would impose an "undue hardship." The law also requires that new construction of housing with 3 or more units ready for first occupancy be adaptable consistent with AAB regulations. The

MCAD is the enforcement agency (See contact info. above in the “Massachusetts Fair Educational Practices Law” section).

Federal Pet Law

[12 U.S.C. §1701 r-l](#); [24 C.F.R. §5.300, et seq.](#)

This law allows persons with disabilities and persons who are elderly living in federally assisted non-family rental housing to own or keep common household pets (dogs, cats, birds, rabbits, fish or turtles).

Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
10 Causeway Street, 3rd Floor
Boston, MA 02222
(800) 955-2232 (Voice) - (617) 565-5453 (TTY)
Website: <http://www.hud.gov/offices/fheo>

Guide Dogs and Hearing Dogs In Housing

[M.G.L. c. 151B, §4, ¶6 \(b\)](#)

Refusal to sell or rent housing because an individual uses a guide dog for the blind or a hearing assistance dog is specifically prohibited. General federal and Massachusetts anti-discrimination law, discussed above, will apply to others with services animals. The MCAD is the enforcement agency (See contact info. above in the “Massachusetts Fair Educational Practices Law” section).

Massachusetts Property Tax Exemptions

[M.G.L. c. 59, §5](#)

Clause 37 provides an exemption of \$437.50 of property taxes to legally blind persons who own and occupy their own property. Applications must be made annually. Clause 37A increases the exemption to \$500, but is a local option. A vote of Town Meeting (towns) or City Council (cities) must adopt it. Clauses 22, 22A, 22B, 22C and 22E apply to veterans with varying levels of disability (the greater the disability, the larger the exemption). Note: This is the only disability-specific, state-wide tax exemption but you should check with your local city or town to see if it offers an exemption or abatement program for individuals with disabilities.

Massachusetts Department of Revenue
Local Services, Real Estate Taxes, P.O. Box 9569
Boston, MA 02114-9569
(800) 521-5536 (Voice)
Website: <http://www.mass.gov/dor>

PUBLIC PLACES & PROGRAMS

Americans with Disabilities Act, State and Local Government, Title IIA

[42 U.S.C. §12131, et seq.](#)

State, local and municipal governments must provide equal opportunity for persons with disabilities in all programs, activities, services and employment practices. People using service animals must be allowed equal access. Effective communication must be ensured with persons who are deaf, hard of hearing and blind or who have cognitive disabilities through provision of auxiliary aids and services. Under a concept called “programmatic access,” every part of every facility need not necessarily be accessible. Instead, the programs, activities and services when viewed in their entirety must be readily accessible to and useable by persons with disabilities. Individuals may also file private lawsuits.

U.S. Department of Justice
950 Pennsylvania Avenue, NW

Civil Rights Division
Disability Rights Section - NYA
Washington, D.C. 20530
(202) 514-0301 or (800) 514-0301 (Voice)
(800) 514-0383 (TTY)
Website: <http://www.usdoj.gov/crt/ada/adahom1.htm>

Americans with Disabilities Act, Public Accommodations, Title III

[42 U.S.C. §12181, et seq.](#)

Public accommodations such as restaurants, retail stores, parks, day care centers and homeless shelters, may not discriminate based on disability. A place of public accommodation must make reasonable modifications to its policies, practices and procedures, to enable a person with a disability full and equal access to all of the activities, programs and services offered, unless the modifications would fundamentally alter the nature of the goods or services, or cause an "undue burden." Physical barriers in existing facilities must be removed if readily achievable. Complaints must be filed within 180 days of the alleged discriminatory act. The DOJ is the enforcement agency, please see contact information under the "Americans with Disabilities Act: Title IIB Transportation" section above.

Entities Receiving Federal Funds, Section 504

[29 U.S.C. §794, et seq.](#)

Section 504 of the Federal Rehabilitation Act prohibits discrimination against people with disabilities under any program or activity receiving or benefiting from federal financial assistance. It states that:

"No otherwise qualified handicapped individual in the United States ... shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service."

Organizations, such as colleges, public schools, libraries, hospitals, or cultural programs, which receive or benefit from federal financial funds, must provide equal opportunity for people with disabilities in their programs and activities. Remedying actions might include the provision of sign language interpreters, the distribution of material in large print or braille or moving a class to a physically accessible location. Every part of every building need not necessarily be accessible, but the program, when viewed in its entirety must not discriminate against or segregate persons with disabilities.

U.S. Department of Education, Office of Civil Rights
33 Arch Street, Suite 900
Boston, MA 02110-1491
(617) 289-0111 (Voice) - (877) 521-2172 (TTY)
OR

U.S. Department of Health and Human Services
Office of Civil Rights
JFK Federal Building, Room 1875
Boston, MA 02203
(617) 565-1340 (Voice) - (800) 537-7697 (TTY)
OR

U.S. Department of Housing and Urban Development
Office of Fair Housing
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street, Room 321

Boston, MA 02222-1092
(617) 994-8300 (Voice) - (617) 565-5453 (TTY)

Massachusetts Public Accommodations Law

M.G.L. c. 272, §§ [92A](#) and [98](#)

Discrimination in places of public accommodation based on disability is prohibited. A public accommodation is defined as any place, which is open to and accepts the general public. The law prohibits discrimination not only in terms of building access but also in terms of the programs or services offered. A complaint must be filed within 300 days of the alleged act. The Massachusetts Commission Against Discrimination is the enforcement agency (See contact info. above in the "Massachusetts Fair Educational Practices Law" section).

Sign Language Interpreters In Court

[M.G.L. c. 221, §92A](#)

When a deaf or hearing impaired person is a party or a witness, this state law entitles the person to have a qualified interpreter in any court proceeding, juvenile proceeding, or proceeding before an executive or legislative board, commission, agency, or any other body of the state or its political subdivisions. This law also entitles a deaf or hearing impaired person to have an interpreter during any proceeding that follows an arrest such as notification of rights, warnings, interrogation, or taking of a statement. The interpreter must be approved by the Massachusetts Commission for the Deaf and Hard of Hearing.

To hire an interpreter or for more information on the law contact:

MA Commission for the Deaf & Hard of Hearing
600 Washington Street, Boston, MA 02111
(800) 882-1155 (Voice) – (800) 530-7570 (TTY)
Website: <http://www.mass.gov/mcdhh>

SERVICE ANIMALS

Public Accommodations

M.G.L. c. 272, §§ [92A](#) and [98A](#)

Any person with a disability accompanied by a dog guide is entitled to any and all accommodations, advantages, facilities and privileges of all public conveyances, public amusements and places of public accommodation, within the Commonwealth, to which others not accompanied by dogs are entitled, subject only to the conditions and limitations applicable to all persons not accompanied by dogs. People training service animals are also protected. No service animal user may be required to pay any charge or fare for the service animal in addition to those lawfully chargeable for the user's own travel. The MCAD is the enforcement agency (See contact info. above in the "Massachusetts Fair Educational Practices Law" section).

There are three laws in Massachusetts that directly address service animal training:

Hearing dog business licensing

[M.G.L. c. 129, §39C](#)

People engaged in the hearing dog business must be licensed.

Hearing Dogs

[M.G.L. c. 129 §39D](#)

A person engaged in the hearing dog business, while actually engaged in the training process and activities of hearing dogs, has the same rights, privileges and responsibilities with respect to access to public facilities as those applicable to deaf persons.

General

[M.G.L. c. 129, §39F](#)

A person accompanied by and engaged in the raising or training of a service dog, including a hearing, guide or assistance dog, shall have the same rights, privileges and responsibilities as those afforded to an individual with a disability under the Americans with Disabilities Act, 42 U.S.C. sections 12101 et seq.

For more information contact:

MOD at [617] 727-7440 or toll free at [800] 322-2020 (both V/TTY).

Massachusetts Fair Educational Practices Law

[M.G.L. c. 151C](#)

“Educational institutions” may not exclude any student from admission because the student is blind or deaf or requires the use of a guide dog. The MCAD is the enforcement agency (See contact info. above in the “Massachusetts Fair Educational Practices Law” section).

TELECOMMUNICATION AND TECHNOLOGY

U.S. 21st Century Communications & Video Accessibility Act of 2010

[Pub.L. 111-260](#)

The goal of the legislation is to establish new safeguards for disability access to ensure that people with disabilities are not left behind as technology changes and the United States migrates to the next generation of Internet-based and digital communication technologies.

Federal Communications Commission

445 12th Street SW

Washington, DC 20554

1-888-225-5322 (1-888-CALL FCC) Voice: toll-free

1-888-835-5322 (1-888-TELL FCC) TTY: toll-free

Website: <http://www.fcc.gov>

Federal Telecommunications Act

[47 U.S.C. §225](#)

Originally enacted as part of the Americans with Disabilities Act, this law deals with telephone and television access for people with hearing and speech disabilities. Some examples of the requirements in this act are as follows: Minimum standards for Relay Services have been set by The Federal Communication Commission. See [47 C.F.R. §§ 6 and 7](#). Video programming distributors under the jurisdiction of the FCC must provide captioning for the lesser of an average of 1350 hours of captioned video programming or all of its new nonexempt video programming. 100% of the programming distributor's new nonexempt video programming must be provided with captions. See [47 C.F.R. § 79.1, et seq.](#) Also, under rules adopted by the FCC, broadcast stations and multi-channel video programming distributors must provide programming with video description. [47 C.F.R. §79.3](#).

Federal Communication Commission, Disability Rights Office

445 12th Street, SW, Washington, DC 20554

1-888-225-5322 (1-888-CALL FCC) Voice: toll-free

1-888-835-5322 (1-888-TELL FCC) TTY: toll-free

Website: <http://www.fcc.gov/cgb/dro>

Access to Technology at the Federal Level

[29 U.S.C. § 794d, et seq.](#)

Section 508 of the Federal Rehabilitation Act requires federal agencies to ensure that information technology that is developed, purchased or used is accessible to people with disabilities.

U.S. General Services Administration
Center for IT Accommodation (CITA)
1800 F Street, NW, Room 1234, MC: MKC
Washington, DC 20405-0001
(202) 501-4906

Website: <http://www.section508.gov>

OR

United States Access Board
1331 F Street, NW, Suite 1000
Washington, D.C. 20004-1111
(800) 872-2253 (Voice) / (800) 993-2822 (TTY)
Website: <http://www.access-board.gov/508.htm>

VOTING

Federal Voting for the Elderly and Handicapped Act

[Section 20101 of Title 52, Voting and Elections](#)

In each state, political subdivisions responsible for conducting elections must assure that all polling places for federal elections are accessible to disabled and elderly voters. In Massachusetts, the Secretary of State's Office is responsible for ensuring that polling places are accessible. The "Massachusetts Voter's Bill of Rights" also guarantees the opportunity to use an accessible voting booth if necessary.

Voting Section, Civil Rights Division, Room 7254 - NWB
Department of Justice
950 Pennsylvania Ave., N.W. Washington, DC 20530
(800) 253-3931 - (202) 305-0082 (TTY)

OR

Secretary of the Commonwealth - Elections Division
One Ashburton Place, Room 1705
Boston, MA 02108
(617) 727-2828 or (800) 462-VOTE (8683) (Voice)
(617) 878-3889 (TTY)

Massachusetts Secretary of State, Election Division Regulations

[950 C.M.R. §51](#)

In Massachusetts, the Elections Division of the Secretary of State's Office has written regulations that apply to site access, parking, entrances, voting equipment, etc. All municipalities are responsible for following these regulations. The position of the Secretary of State and the Massachusetts Attorney General is that all state and municipal elections must also be accessible to persons with disabilities. If the Elections Division is unable to achieve voluntary compliance, the matter is referred to the Civil Rights Division of the Attorney General's Office. Individuals can also bring an action for declaratory or injunctive relief in the appropriate district court.

Secretary of the Commonwealth - Elections Division
One Ashburton Place, Room 1705
Boston, MA 02108
(617) 727-2828 or (800) 462-VOTE (8683) (Voice)
(617) 878-3889 (TTY)

Help America Vote Act (HAVA)

[42 U.S.C. §15301-§15545](#)

The Help America Vote Act (HAVA) was enacted to improve voting across the country and in response to the problems that arose in the 2000 Presidential elections. HAVA requires that federal elections voting systems be accessible to voters with disabilities, including voters with vision impairments, in a manner that provides the same opportunity for access and participation (including privacy and independence), as is provided for other voters.

Election Assistance Commission
1225 New York Ave., Suite 1100, Washington, DC 2005
(202) 566-3100 (Voice Only) - (866) 747-1471 (Voice Only)
OR
Voting Section, Civil Rights Division, Room 7254 - NWB
Department of Justice
950 Pennsylvania Ave., N.W. Washington, DC 20530
(800) 253-3931 (Voice) - (202) 305-0082 (TTY)
Website: <http://www.usdoj.gov/crt/voting/hava/hava.html>

WHEELCHAIRS

Massachusetts Wheelchair Lemon Law

[M.G.L. c. 93, §107](#)

Individuals who lease or purchase customized wheelchairs are entitled to have defects repaired or if not repairable refunds, plus interest paid. Failure to conform can result in fines to the manufacture of twice the cost to the consumer.

Office of Consumer Affairs, Business Regulations
10 Park Plaza, Suite 5170
Boston, MA 02116
(617) 973-8700
Website: <http://www.mass.gov/consumer>

ZONING

Massachusetts Zoning Law, Access Ramps

[M.G.L. c. 40A § 3 ¶8](#)

No dimensional lot requirement of a zoning ordinance or by-law, including but not limited to, set back, front yard, side yard, rear yard and open space shall apply to handicapped access ramps on private property used solely for the purpose of facilitating ingress or egress of a physically handicapped person. Although not required to meet the AAB Standards, the standards can be used as good design recommendations.

Massachusetts Zoning Law, General and Community Residences

[M.G.L. c. 40A § 3 ¶4](#)

Notwithstanding any general or special law to the contrary, local land use and health and safety laws, regulations, practices, ordinances, by-laws and decisions of a city or town shall not discriminate against a disabled person. Imposition of health and safety laws or land-use requirements on congregate living arrangements among non-related persons with disabilities that are not imposed on families and groups of similar size or other unrelated persons shall constitute discrimination.

Notes

DISABILITY RIGHTS LAWS IN MASSACHUSETTS



**CHARLES D. BAKER, GOVERNOR
KARYN E. POLITO, LIEUTENANT GOVERNOR
EVAN C. BJORKLUND, INTERIM DIRECTOR**

**1 ASHBURTON PLACE, ROOM 1305
BOSTON, MASSACHUSETTS 02108
617 727-7440**

Tax Incentives for Improving Accessibility



Fact Sheets in this series:

- Fact Sheet 1. Who Has Obligations Under Title III?
- Fact Sheet 2. Providing Effective Communication
- Fact Sheet 3. Communicating with People with Disabilities
- Fact Sheet 4. Tax Incentives for Improving Accessibility**
- Fact Sheet 5. Alternatives to Barrier Removal
- Fact Sheet 6. Resources for More Information

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Developed under a grant from the National Institute on Disability and Rehabilitation Research (grant #H133D10122).

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Tax Incentives for Improving Accessibility

Two tax incentives are available to businesses to help cover the cost of making access improvements. The first is a **tax credit** that can be used for architectural adaptations, equipment acquisitions, and services such as sign language interpreters. The second is a **tax deduction** that can be used for architectural or transportation adaptations.

(NOTE: A *tax credit* is subtracted from your tax liability after you calculate your taxes, while a *tax deduction* is subtracted from your total income before taxes, to establish your taxable income.)

Tax Credit

The **tax credit**, established under Section 44 of the Internal Revenue Code, was created in 1990 specifically to help small businesses cover ADA-related “eligible access expenditures.” A business that for the previous tax year had either revenues of \$1,000,000 or less or 30 or fewer full-time workers may take advantage of this credit.

The credit can be used to cover a variety of expenditures, including:

- provision of readers for customers or employees with visual disabilities
- provision of sign language interpreters
- purchase of adaptive equipment
- production of accessible formats of printed materials (i.e., braille, large print, audio tape, computer diskette)
- removal of architectural barriers in facilities or vehicles (alterations must comply with applicable accessibility standards)
- fees for consulting services (under certain circumstances)

Note that the credit cannot be used for the costs of new construction. It can be used only for adaptations to existing facilities that are required to comply with the ADA.

The amount of the tax credit is equal to 50% of the eligible access expenditures in a year, up to a maximum expenditure of \$10,250. There is no credit for the first \$250 of expenditures. The maximum tax credit, therefore, is \$5,000.

Tax Deduction

The **tax deduction**, established under Section 190 of the Internal Revenue Code, is now a maximum of \$15,000 per year—a reduction from the \$35,000 that was available through December 31, 1990.

A business (including active ownership of an apartment building) of any size may use this deduction for the removal of architectural or transportation barriers. The renovations under Section 190 must comply with applicable accessibility standards.

Small businesses can use these incentives in combination if the expenditures incurred qualify under both Section 44 and Section 190. For example, a small business that spends \$20,000 for access adaptations may take a **tax credit** of \$5,000 (based on \$10,250 of expenditures), and a **deduction** of \$15,000. The deduction is equal to the difference between the total expenditures and the amount of the credit claimed.

EXAMPLE: A small business’ use of both tax credit and tax deduction:

\$20,000	Cost of access improvements (rest room, ramp, 3 doors widened)
–\$5,000	Maximum credit
\$15,000	Remaining for deduction

FACTSHEET 2
Providing Effective Communication

Annual Incentives

The tax credit and deduction can be used **annually**. You may not carry over expenses from one year to the next and claim a credit or deduction for the portion that exceeded the expenditure limit the previous year. However, if the amount of credit you are entitled to exceeds the amount of taxes you owe, *you may carry forward the unused portion of the credit to the following year.*

For further details and information, review these incentives with an accountant or contact your local IRS office or the national address below.

FOR MORE INFORMATION...

Request IRS Publications 535 and 334 for further information on tax incentives, or Form 8826 to claim your tax credit.

Internal Revenue Service

Publications & Forms

(800) 829-3637 voice

(800) 829-4059 TTY

Questions

(800) 829-1040 voice

(800) 829-4059 TTY

Legal Questions

Office of the Chief Counsel

P&SI:6

1111 Constitution Avenue, NW, Room 5112

Washington, D.C. 20224

(202) 622-3110 voice