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The commission may, subject to appropriation, appoint such clerks and other employees as it may from time to time require. The commission shall consist of not less than three nor more than seven members. In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except that in cities having or operating under a Plan D or Plan E form of city charter, said appointments shall be by the city manager, subject to the provisions of the charter; and in towns the members shall be appointed by the selectmen, except that in towns having a manager form of government appointments shall be made by the town manager, subject to the approval of the selectmen. In any city or town which has not accepted the provisions of section eight H, the energy resources commission may assume the powers and duties of a recycling commission.

When a commission is established, the initial terms of the members shall be for one, two or three years, and so arranged that the terms of approximately one-third of the members will expire each year, and their successors shall be appointed for terms of three years each.

Any member of a commission so appointed may, after a public hearing, if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall, in a city, be filled for the unexpired term in the same manner as an original appointment, and, in a town, in the manner provided in section eleven of chapter forty-one.

Added by St.1980, c. 384.

Historical and Statutory Notes

St.1980, c. 384, was approved July 3, 1980.

Library References

Municipal Corporations ¶126.
C.J.S. Municipal Corporations §§ 465 to 467.

Comments.
Municipal energy resources commission,
see M.P.S. vol. 18, Randall and Franklin,
§ 242.

Texts and Treatises

56 Am Jur 2d, Municipal Corporations, Coun-
ties, and Other Political Subdivisions
§§ 337-342.

§ 8J. Disability commission; powers and duties; members; terms

A city which accepts the provisions of this section by vote of its city council, subject to the provisions of its charter, or a town which accepts the provisions of this section at an annual or special town meeting, may establish a commission on disability, hereinafter called the commission, to cause the full integration and participation of people with disabilities in such city or town. Such commission shall (1) research local problems of people with disabilities; (2) advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities; (3) coordinate or carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts office on disability; (4) review and make recommendations about policies, procedures,

services, activities and facilities of departments, boards and agencies of said city or town as they affect people with disabilities; (5) provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability; (6) coordinate activities of other local groups organized for similar purposes.

Said commission shall keep records of its meetings and actions and shall file an annual report which shall be printed in the city or town annual report and shall have at least ten meetings annually.

Said commission shall consist of not less than five nor more than nine members. In cities, the members shall be appointed by the mayor, subject to the provisions of the city charter except that in cities having a Plan D or Plan E form of government said appointments shall be by the city manager, subject to the provisions of the charter, and in towns they shall be appointed by the selectmen, except towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen and except towns having a town council form of government, the town manager. A majority of said commission members shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability and one member of said commission shall be either an elected or appointed official of that city or town. The terms of the first members of said commission shall be for one, two or three years, and so arranged that the term of one-third of the members expires each year, and their successor shall be appointed for terms of three years each. Any member of said commission may, after a public hearing, if so requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. The chairperson and other officers shall be chosen by a majority vote of said commission members.

Said commission may receive gifts of property, both real and personal, in the name of the city or town, subject to the approval of the city council in a city or the board of selectmen in a town, such gifts to be managed and controlled by said commission for the purposes of this section.

Added by St.1983, c. 75. Amended by St.1990, c. 260, § 10; St.1991, c. 390; St.1993, c. 214, § 1.

Historical and Statutory Notes

St.1983, c. 75, was approved April 29, 1983.
 St.1990, c. 260, § 10, approved Nov. 20, 1990, in the first paragraph, in the first sentence, substituted "disability commission" for "handicapped commission", "persons with disabilities" for "the handicapped" and "Massachusetts office on disability" for "office of handicapped affairs", and, in the second sentence, substituted "persons with disabilities" for "the handicapped"; and, in the second paragraph, in the second sentence, inserted "in which towns the appointment shall be made by" following "council form of government," and, in

the third sentence, substituted "persons with disabilities" for "handicapped persons" and "disabled" for "handicapped".
 St.1991, c. 390, approved Dec. 23, 1991, rewrote the section, which prior thereto read:
 "A city which accepts the provisions of this section by vote of its city council, subject to the provisions of its charter, or town which accepts the provisions of this section by vote of its inhabitants at an annual meeting or at a special meeting is hereby authorized to establish a disability commission, hereinafter called the commission, for the purpose of coordinat-

ing or carrying out the problems of p coordination with p setts office on dis shall research local disabilities and shal other local groups poses, and may ad distribute books, ma phlets necessary fo sion shall keep recce tions and shall file shall be printed ir report and shall ha nually.

"Said commission than seven member shall be appointed t provisions of the c cities having a Plan ment, said appoint manager, subject to ter; and in towns th selectmen, except to of government, in shall be made by th the approval of the having a town cour which towns the ap the town manager. sion members shall abilities and one o member of the imr abled person and o sion shall be eithe

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Any city or town can create a Commission of Handicapped Affairs.

A city can create a commission, using the guidelines in MGL c 40 s 8J (outlined below) by vote of the city council subject to the provisions of the city charter.

A town can create a commission, using the guidelines of MGL c 40 s 8J (outlined below) by vote of its citizens at an annual meeting or special meeting.

What To Do:

I. Call your Town or City Hall and ask the procedure for putting your proposal for a commission on the agenda for the town meeting (town) or council meeting (city). It may, in some cases, involve getting a petition and signatures.

II. (Town) Get lots of friends to the meeting and pass the vote. (City) Have all your friends write letters and pass the council vote. Now that you have established a commission...

III. Call your Town or City Hall again and find out what kind of government you have. It should be one of the following:

- A. City, Plan A-E.
- B. Town-Selectmen
- C. Town-Town Council

IV. Appointing the commission (not more than 7 members).

- A. City, (Plan A-C) appointments by Mayor
- B. City, (Plan D and Plan E)-City Manager
- C. Town (Selectmen), Town manager subject to approval of Selectmen
- D. Town (Council)-Town Manager

V. Makeup of Commission

- A. The majority of members must be handicapped
- B. One must be either an elected or appointed official
- C. The Chairman/woman will be determined by a majority vote of the commission

VI. Terms of Service

The first members will have a term of 1, 2, or 3 years such that the term of one of the members expires each year. Their successors shall be appointed for 3 years.

VII. Functions of the Committee

- A. Research local problems of the handicapped
- B. Coordinate activities of other local groups organized for similiar purposes.
- C. Advertise, prepare, print and distribute books, maps, charts, plane and pamphlets necessary for its work.
- D. Keep records of its meetings and actions.
- E. File an annual report which shall be printed in the city or town annual report.
- F. Have at least 6 meetings annually.

VIII. Miscellaneous

- A. The commission may recive gifts of property upon approval of the city council or selectmen.
- B. The Office of Handicapped Affairs, located at One Ashburton Place, Boston, MA 02108 (617 727-7440) is always here to help you in any way you might need. Feel free to call us anytime.

CITIES, TOWNS & DISTRICTS

§ 8J. Disability commission; powers and duties; members; terms

A city which accepts the provisions of this section by vote of its city council, subject to the provisions of its charter, or town which accepts the provisions of this section by vote of its inhabitants at an annual meeting or at a special meeting may establish a commission on disability, hereinafter called the commission, to cause the full integration and participation of people with disabilities in said city or town. Such commission shall: (1) research local problems of people with disabilities; (2) advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities; (3) coordinate or carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts office on disability; (4) review and make recommendations about policies, procedures, services, activities and facilities of departments, boards and agencies of said city or town as they affect people with disabilities; (5) provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability; (6) coordinate activities of other local groups organized for similar purposes.

Said commission shall keep records of its meetings and actions and shall file an annual report which shall be printed in the city or town annual report and shall have at least ten meetings annually.

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Amended by St.1990, c. 260, § 10; St.1991, c. 390.

MUNICIPAL COMMISSIONS ON DISABILITY

Commissions on Disability are established by vote of Town Meeting (in towns) or City Council (in cities) to promote the inclusion and integration of persons with disabilities in the activities, services and employment opportunities of the community.

Commissions:

- Advise and assist municipal officials in ensuring compliance with federal and state disability laws;
- Review policies and activities of municipal departments and boards as they affect persons with disabilities;
- Provide information, referral, advocacy and technical assistance to individuals, businesses and organizations in all matters pertaining to disability;
- Coordinate the activities of other local groups organized to meet the needs of persons with disabilities.

Commissions consist of no less than five, no more than nine members chosen by the Board of Selectmen or Town Manager (in a town) and the Mayor or City Manager (in a city). The majority must be persons with disabilities and one may be a member of the immediate family of a person with a disability. One must be an elected or appointed municipal official.

Applicable Laws:

- MGL chapter 40 section 8J gives municipalities the authority to establish commissions;
- Section 504 of the Rehabilitation Act of 1973 requires inclusion and integration of persons with disabilities in the programs, services and employment opportunities of organizations and agencies that receive federal money;
- The Americans with Disabilities Act requires the same non-discrimination of municipalities whether or not they receive federal money;
- Amendment Article 114 of the Massachusetts Constitution prohibits discrimination on the basis of disability under any service or program within the Commonwealth;
- The regulations of the Architectural Access Board require access in newly built and renovated buildings.

September 1992

Massachusetts Office on Disability
(617) 727-7440 voice/TDD
1-800-322-2020 voice/TDD

COMMISSIONS ON DISABILITY

GOALS

1. INSURE MUNICIPAL SERVICES, PROGRAMS, MEETINGS AND EMPLOYMENT OPPORTUNITIES ARE AVAILABLE AND ACCESSIBLE TO PERSONS WITH DISABILITIES.

- Meet with appropriate staff: the Americans with Disabilities Act coordinator, selectboard, mayor, city/town manager, planning staff, building inspector, department of public works to review regulations, priorities, make a plan and set timelines.
- Survey all municipal buildings, facilities, and sidewalks for access.
- Assess each service, program and activity for physical and communication accessibility and to make sure policies aren't discriminatory.
- Review grievance procedures and notification of rights.
- Prioritize what needs to be done (especially the expensive building renovations).
- Be aware of new programs, services or construction. Work with those involved to make sure they meet the needs of people with disabilities, e.g. be a member of the school building committee.

Some examples:

- All public meetings should be held in accessible locations.
- Emergency services such as police and fire departments should have telecommunication devices for the deaf (TDDs are devices which enable persons who are deaf to communicate by telephone).
- Written material, such as town reports and newsletters, should be available on tape and in braille upon request for people who are visually impaired.
- Announcements about municipal activities such as recreational programs, meetings, public health programs, and employment opportunities should be publicized on the radio, cable T.V. as well as in print.
- Sign language interpreters should be available at meetings and activities upon request.
- Libraries should have books on tape and in large print plus mail or home delivery for people who are shut-in.

2. INSURE BUSINESSES, AGENCIES AND ORGANIZATIONS ARE ACCESSIBLE TO PERSONS WITH DISABILITIES.

- Survey businesses, agencies and organizations for communication and architectural access. Work with owners and managers to encourage compliance with the Americans with Disabilities Act, the Architectural Access Board's regulations and other disability laws.
- Educate owners and managers about the needs of persons with mobility, hearing, visual, cognitive and other disabilities.
- Introduce them to the federal IRS \$15,000 tax deduction for barrier removal and \$5,000 tax credit for ADA compliance.

3. ENCOURAGE MOBILITY

- Survey all parking lots that are open to the public for HP designated spaces. Work with owners and the building inspector to bring the lots into compliance with AAB and ADA regulations and municipal by-laws.
- Review on-street HP designated parking and curb cuts. Work with local officials to increase both if necessary.
- Propose an ordinance/by-law that allow police to ticket cars in privately owned, publicly used parking lots and that increases fines for violations of HP parking.
- Evaluate transportation needs. Work with Regional Transit Authority, Council on Aging, municipal officials to increase (or to provide!) accessible transportation.

Some Examples:

- Offer a program that gives discounts on taxi rides.
- Contract with a local van company to provide rides.
- Council on Aging and other transportation providers must also provide accessible transportation.

4. INCREASE ACCESSIBLE AFFORDABLE HOUSING

- Work with housing authority to increase adaptable and accessible housing.
- Meet with local builders/developers to encourage development of accessible and adaptable housing.

5. ALL STUDENTS WITH DISABILITIES SHOULD RECEIVE AN EDUCATION COMPARABLE TO THAT GIVEN TO NON-DISABLED STUDENTS IN THE LEAST RESTRICTIVE, MOST INTEGRATED SETTING.

- Evaluate programs for students with disabilities for mainstreaming and integration.
- Evaluate schools for architectural accessibility.
- Introduce a disability awareness program in the schools.

6. BE A RESOURCE: PROVIDE INFORMATION AND MAKE REFERRALS ON A BROAD RANGE OF DISABILITY ISSUES.

- Advertise the commission's existence. Post the community with flyers or brochures, put articles in the newspaper, use the cable t.v. and radio.
- Establish a way for people to contact the commission. Either set-up an office and phone answering machine or assign one commission member to be the contact person.
- Develop a file of information.

7. WORK TO PASS FEDERAL AND STATE LEGISLATION WHICH WILL INCREASE THE QUALITY OF LIFE FOR PEOPLE WITH DISABILITIES (LOBBY).

- Write, call, meet with legislators.
- Testify at public hearings.

8. ADVOCATE FOR THE RIGHTS OF INDIVIDUALS WITH DISABILITIES AND DISABILITY GROUPS.

- Set up and publicize a mechanism for people to contact the commission with their individual concerns.
- Work with appropriate officials and organizations to resolve situations.
- Work with Mass. Office on Disability Client Services Program.

9. EDUCATE THE PUBLIC ABOUT DISABILITY ISSUES.

- Develop good relationships with newspapers, T.V. and radio stations (start a column or regular show, write press releases about your work).
- Initiate awareness program in the schools.
- Speak to civic organizations such as Lions, Girl Scouts, Chamber of Commerce, and Rotary.
- Hold disability awareness workshops.

OTHER CONSIDERATIONS

- Determine how many people in your community have a disability (Mass. census figures indicate 17% of the population as having a disability; that percentage might be higher if you have a large elderly population).

- Find out what people's needs are. Conduct a needs survey or hold a public hearing.

- Contact organizations in your community with similar concerns: veterans' office, council on aging, special needs parents advisory committee. Work together on common issues.

- Establish an advisory committee, friends of the commission or associate membership to increase support.

- Get organized. Adopt operating procedures, establish long and short range goals, break into subcommittees or assign tasks to individuals to be accomplished between meetings.

March 1992

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MUNICIPAL COMMISSIONS ON DISABILITY

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Commissions consist of no less than five, no more than nine members chosen by the Board of Selectmen or Town Manager (in a town) and the Mayor or City Manager (in a city). The majority must be persons with disabilities and one may be a member of the immediate family of a person with a disability. One must be an elected or appointed municipal official.

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