

## Article # 8

The Massachusetts Office on Disability (MOD) was created in 1981 under M.G.L. Chapter 6 Section 185. The primary mission of MOD is to ensure the full and equal participation of all people with disabilities in all aspects of life by working to advance legal rights, maximum opportunities, supportive services, accommodations and accessibility in a manner that fosters dignity and self determination. It is the state advocacy agency that serves people with disabilities of all ages.



# Local Officials Guide

*Presented by the Massachusetts Office On Disability*



## Process for Establishing a Municipal Commission On Disability and Accepting Handicapped Parking Fines

### Establishing Your Commission On Disability...Easy As 1, 2, 3

Local acceptance of a General Law is subject to municipal charter provisions of your community. Generally speaking a member of the legislative body proposes a paper/warrant item. The Legislative Body would then vote on the measure.

#### **Step 1** - Adopt MGL 40, 8J

##### *This Creates the COD*

- ✓ Identify a sponsor to propose the acceptance of MGL 40, 8J

##### **Legislative body votes on...**

- ✓ *Ordered: That the City/Town of \_\_\_\_\_ accept the provisions of Massachusetts General laws Chapter 40, Section 8J relative to the establishment of the municipal Commission On Disability*

##### **In Cities;**

If the VOTE is approved, your measure goes to your Mayor for approval.

- ✓ **In Towns;**  
If the VOTE is approved then your COD is created. Now, you can propose another measure to accept HP Parking fines

#### **Step 2** - Adopt MGL 40, 22G

##### *This Allows Collection of Fines*

- ✓ Identify a sponsor to propose the acceptance of MGL 40, 22G

##### **Legislative body votes on...**

- ✓ *Ordered: That the City/Town of \_\_\_\_\_ accept the provisions of Massachusetts General laws Chapter 40, Section 22G relative to collecting Handicap Parking Fines*

##### **In Cities;**

If the VOTE is approved, your measure goes to your Mayor for approval.

- ✓ **In Towns;**  
If the VOTE is approved then your COD can accept HP Parking fines

#### **Step 3** - Appoint Members

- ✓ Commissions On Disability may have from Five (5) to Nine (9) members. Members are usually appointed by the Mayor or Town Manager, but MGL 40, 8J outline the particulars for each City/Town charter. A majority of members should be persons with disabilities.





# Massachusetts Office on Disability

One Ashburton Place, Room 1305 Boston, MA 02108

Charles D. Baker, Governor  
Karyn E. Polito, Lt. Governor  
David D'Arcangelo, Director

617-727-7440 TTY  
800-322-2020 TTY  
617 727-0965 FAX

April 14, 2016

Charles J. Aspinwall  
Town Administrator  
900 Main St. Room 220  
Veterans Memorial Building  
Millis, MA 02054

RE: Local Adoption of M.G.L Ch. 40 Sec. 8J & M.G.L Ch. 40 Sec. 22G  
Establishing a Commission on Disability for Millis

Dear Town Administrator Aspinwall:

Thank you for your service to Millis and for the constituents that you represent who are Persons with Disabilities. Our records indicate that Millis does not have a duly established Commission on Disability, COD, and we are contacting you with hopes of forming one.

As you may know, the Massachusetts Office on Disability, MOD, serves as the Coordinator for COD's. Municipal CODs are established by vote of the Legislative Body of each City or Town. The mission of a COD is to promote the inclusion and integration of persons with disabilities in the activities, services and employment opportunities of the community. CODs can also:

- Advise and assist municipal officials in ensuring compliance with federal and state disability laws;
- Attain the ability to allocate funds from Handicapped Parking fines for the benefit of persons with disabilities;
- Provide research, information, advocacy and technical assistance to individuals, businesses and organizations in disability related matters; and
- Coordinate the activities of other local groups organized to meet the needs of persons with disabilities.

COD's consist of no less than five and no more than nine members. The majority of the appointed members must be persons with disabilities and one may be a member of the immediate family of a person with a disability. Also, at least one member must be an elected or appointed municipal official.

Obviously, our office works with CODs from all around the state and we witness the great value that a well formed COD can bring to a community. Indeed, establishing a COD in your community can benefit all of our constituents and make Millis a better place to live, work and raise a family.

Please review the enclosed materials, which should help answer many common questions about forming your COD. MOD looks forward to working with you on local adoption and establishment of your COD. We stand ready and able to be a resource to you and your constituents.

Of course, if you have any questions or comments about this or any other issues please do not hesitate to contact me directly at 617 979-7317 or [david.darcangelo@state.ma.us](mailto:david.darcangelo@state.ma.us)

Sincerely,

  
David D'Arcangelo  
Director



The Commonwealth of Massachusetts  
General Laws

PART I: ADMINISTRATION OF THE GOVERNMENT  
TITLE VII: CITIES, TOWNS AND DISTRICTS

CHAPTER 40: POWERS AND DUTIES OF CITIES AND TOWNS

**Section 8J: Disability commission; powers and duties; members; terms**

**Section 8J.** 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.



## Sample Operating By-Laws

By-Laws of the \_\_\_\_\_ COMMISSION ON DISABILITY

### **ARTICLE I: TITLE AND PURPOSE:**

1. The name of this commission is the Commission on Disability (hereafter referred to as the Commission).
2. The purpose of the Commission is to coordinate or carry out programs in coordination with programs of the Massachusetts Office on Disability in order to bring about full and equal participation in all aspects of life in the City/Town of \_\_\_\_\_ - for people with disabilities.
3. The purpose of these by-laws is to establish principles, policies and procedures for the governance of this Commission.

### **ARTICLE II: POWERS AND DUTIES:**

1. Research, understand, evaluate and advocate local issues, challenges and opportunities encountered by people with disabilities.
2. Coordinate the activities of other local groups organized to meet the needs of people with disabilities.
3. Review and make recommendations about policies, procedures, services and activities of departments and agencies of the City/Town of \_\_\_\_\_ - as they affect people with disabilities.
4. Work in cooperation with the departments and agencies of the City/Town of \_\_\_\_\_ - to bring about maximum participation of people with disabilities.
5. Initiate, monitor, and promote legislation at the city, state and federal level which advances the equal status of people with disabilities.
6. Encourage public awareness of disability issues.
7. Provide information and advice to individuals, businesses, organizations and public agencies in all matters pertaining to disability.
8. Recruit and recommend prospective Commission members to the Mayor. At least one month prior to making recommendations, the Commission shall solicit nominations and ensure that said nominations reflect different disabilities.
9. File an annual report, which shall be printed in the City/Town report.
10. Receive gifts of property, both real and personal in the name of the City/Town subject to the approval of the city council; such gifts to be managed and controlled by the Commission.
11. Take such action as the Commission considers appropriate to ensure the equal access status of persons with disabilities.

### **ARTICLE III: MEMBERSHIP:**

1. The Commission shall consist of seven members appointed by the Mayor. The majority of members shall consist of people with disabilities. One of the members may be a member of the immediate family of a person with a disability. One member shall be either an elected or appointed official of the City/Town. The members shall initially serve the following terms: (a.) Two members shall serve one-year terms; (b.) Two members shall serve two-year terms; and (c.) Three members shall serve three-year terms.
2. After the initial term, all members shall serve three-year terms.
3. Resignation shall be made by notifying the chairperson in writing.
4. If any member is absent from three regularly scheduled meetings in any one calendar year, a recommendation shall be made to the Mayor that he/she be removed from the Commission, unless any or all absences have been excused for good cause by the chairperson. Good cause shall include, but not limited to: illness, a death in the family, weather, and professional responsibilities.
5. The Mayor shall fill any vacancy for the remainder of the unexpired term in the same manner as an original appointment.
6. Any members of said Commission may, after a public hearing, is so requested, be removed for cause by the appointing authority.
7. Members shall get the approval of the Commission prior to making statements or joining activities on behalf of the Commission.
8. All members shall have full voting rights.

### **ARTICLE IV: OFFICERS:**

1. The officers shall include a chairperson, vice chairperson, secretary and treasurer.
2. Officers shall be elected annually by the majority vote of the Commission.
3. One member may hold more than one office.
4. Duties:

The chairperson shall:

Develop the agenda in coordination with the other officers; preside over all meetings; appoint subcommittees as needed; and authorize expenditures as needed. (The vice chairperson shall perform all the functions of the chairperson in his/her absence.)

The secretary shall:

Keep records of all meetings attendance, minutes, and correspondence; post notice of all meetings forty-eight (48) hours before each meeting at the City/Town clerk's office; and send notice of meetings and minutes of the prior meeting to the members at least fourteen (14) days prior to the meeting.

The treasurer shall:

Keep records of all financial matters; develop a budget in coordination with the Commission; prepare a financial statement for inclusion in the annual report.

### **ARTICLE V: MEETINGS:**

1. Regular meetings shall be held at least six (6) times a year.
2. A quorum shall consist of four (4) members.
3. Meeting minutes will be amended and approved at the next meeting.
4. Special meetings can be called by the chairperson or by any three (3) members.





# What Does MOD Do?

**Mission:** to ensure the full and equal participation of all people with disabilities in all aspects of life by working to advance legal rights, maximum opportunities, supportive services, accommodations and accessibility in a manner that fosters dignity and self determination.

## MOD's Four Areas of Focus

### Advocacy

- Information & Referral on civil rights and resources
- Technical Assistance on reasonable accommodations, applicability of architectural access codes, etc.
- Client Assistance Program for Vocational Rehabilitation and Independent Living Center consumers
- Assistance with disability-related discrimination and denial of service
- Architectural review/site visits
- Technical Advisor to local Commissions on Disability

### Training

- Community Access Monitor
- Emergency Preparedness
- Americans with Disabilities Act
- Commissions on Disability
- Customized & Special Topics

### Resources

- Quarterly Newsletter
- Website
- Fact Sheets
- Disability Laws Booklet
- Videos

Public Outreach

Other Publications

### Monitoring

- Commonwealth Executive branch ADA Coordinator
- Architectural Access Board Member
- State 911 Commission
- Disability policymaking



@ the 5/23/16  
BOS MTG.  
the Board asked  
the T.A. to reach  
out to the MOD &  
state that the Board  
is in favor of putting  
this on the Fall  
T.M. warrant





## Commissions on Disability (COD)

- MASSACHUSETTS**  
CITY AND TOWN LINES
- 
- \*Municipalities with an active COD are shaded blue*
- 

*\*Municipalities with an active COD are shaded blue*



**MOD**  
Massachusetts Office on Disability

[illegible]

**You Tube**

Watch us on YouTube:  
Mass Office on Disability