

**HOUSE . . . . . No. 2935**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Ann-Margaret Ferrante*

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

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

An Act establishing a design certification program for cultural facilities and programming.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>	<i>1/15/2019</i>

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By Ms. Ferrante of Gloucester, a petition (accompanied by bill, House, No. 2935) of Ann-Margaret Ferrante for legislation to direct the Massachusetts Cultural Council to establish a design certification program for cultural facilities. Tourism, Arts and Cultural Development.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2714 OF 2017-2018.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act establishing a design certification program for cultural facilities and programming.

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

1 Chapter 10 of the General Laws is hereby amended by adding immediately after section  
2 58A, the following new section 58B: -

3 Section 58B. The council shall develop a design certification program for cultural  
4 facilities and programming (the program). The program shall officially recognize best practices  
5 as defined by the council with respect to so-called universal or inclusive design principles in (1)  
6 the construction, maintenance and operation of cultural facilities, including museums and  
7 performance centers and (2) the development and presentation of arts and cultural programming  
8 within the commonwealth of Massachusetts. Different levels of certification may be awarded  
9 under the program with each level based on minimum qualifications to be determined by the  
10 council. In order to implement the program, the council may establish an application and review

11 process, criteria, guidelines, rules and regulations in accordance with the provisions of section  
12 fifty-four. To further aid in the program’s design and development, the council shall consult  
13 with nationally recognized universal or inclusive design experts, Massachusetts advocates for  
14 accessibility in the arts, sciences and humanities, and other experts as necessary.

15         The program’s primary purpose shall be the recognition of cultural facilities and cultural  
16 programming that adhere to certain design principles. The program shall not be for determining,  
17 nor shall the award of any certification under the program be deemed evidence of, any  
18 applicant’s compliance with the Americans with Disabilities Act, any other legal requirement  
19 regarding accessibility, or any other state or federal law or municipal code or ordinance.  
20 Notwithstanding the foregoing, the council may take into account compliance with relevant laws  
21 and regulations as part of its criteria for awarding any level of program certification.

22         Any certificate issued under the program shall be valid for a period of five years after it  
23 which it may be renewed in such manner as is prescribed by the council. The council may enter  
24 into contracts with individuals, organizations and institutions for services furthering the  
25 objectives of the program; may accept application fees from applicants to the program; and may  
26 require applicants to the program to pay any reasonable fees of experts of consultants retained by  
27 the council to conduct a review of such applicant’s facility or programming; and may do and  
28 perform any and all other acts which may be necessary or desirable to carry out the purposes of  
29 this section fifty-eightB.

30         For purposes of this section, the terms “universal design” or “inclusive design” shall refer  
31 to the concept of designing cultural programming and facilities to be aesthetic and usable to the

- 32 greatest extent possible by everyone, regardless of their age, ability, or status in life without the
- 33 need for further adaptation.