

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Paul W. Mark

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 improving accessibility in the creative economy.

PETITION OF:

NAME:

Paul W. Mark

DISTRICT/ADDRESS:

*Berkshire, Hampden, Franklin and
Hampshire*

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 113 OF 2023-2024.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act improving accessibility in the creative economy.

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

1 SECTION 1. Section 186 of Chapter 6 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by adding the following section:-

3 Section 1 (a). There shall be established and set up on the books of the commonwealth a
4 separate fund, upon passage of this legislation, to be known as the Accessibility in the Creative
5 Economy (ACE) grant program, to be administered by the office on disability for the purposes of
6 supporting capital improvements and projects to improve programmatic access and or remove
7 barriers encountered by persons with disabilities in applicant for-profit, non-profit and public
8 organizations throughout the commonwealth that are part of the arts, humanities and interpretive
9 sciences sector.

10 (b) The fund shall be held in trust by the office on disability exclusively for the purposes
11 established in section (a). The fund shall be administered by the office on disability, which will

12 serve as treasurer and custodian of the fund and shall have the custody of its monies and
13 securities, in consultation with the commission established in section (c). As custodian of the
14 fund, the office on disability may accept monetary donations to the fund from individuals,
15 organizations, associations, non-profits, businesses, estates, foundations or other entities. Under
16 this program, one tenth of one per cent of the funds appropriated for the Executive Office of
17 Health and Human Services shall be designated for the ACE grant program.

18 In addition to the funds referenced above, the fund shall also include: (i) income derived
19 from the investment of any amounts credited to the fund; and (ii) all other monies credited to or
20 transferred to the fund from any other fund or source. The comptroller may certify amounts for
21 payment in anticipation of expected receipts; provided, however, that no expenditure shall be
22 made from the fund that shall cause the fund to be deficient at the close of a fiscal year. Amounts
23 credited to the fund shall be available for expenditure, without further appropriation, by the
24 office on disability, and any money remaining in the fund shall not revert to the general fund and
25 may be used in subsequent fiscal years for investments including, but not limited to, supporting
26 capital improvements and projects to improve programmatic access and or remove barriers
27 encountered by persons with disabilities in applicant for-profit, non-profit and public arts,
28 humanities and interpretive science organizations throughout the commonwealth.

29 (c) There shall be established a new commission to be known as the ACE Commission,
30 hereinafter called the commission, consisting of a majority of individuals with disabilities and
31 individuals with experience advocating on behalf of individuals with disabilities. The board shall
32 consist of: 3 persons appointed by the governor; 2 persons appointed by the speaker of the house
33 of representatives; 2 persons appointed by the senate president; the director of the office on

34 disability or a designee; the managing director of Open Door Arts or a designee; 1 person from
35 the Disability Law Center; and the executive director of mass cultural council or a designee.

36 (d) The commission shall make recommendations to the office on disability on the
37 criteria for making grants available to communities and organizations. Eligible uses shall
38 include, but not be limited to: (i) training or comprehensive support for for-profit, non-profit and
39 public organizations providing creative services; (ii) individualized consulting services related to
40 improving accessibility that are created and led by members of the disabilities community; (iii)
41 capital improvements specifically dedicated to improving access or removing barriers
42 encountered by persons with disabilities in applicant facilities, including but not limited to
43 increasing both physical and programmatic access through the addition of features such as
44 ramps, elevators, power lifts and limited use/limited application elevators (LULAs), signage,
45 Assistive Listening Systems, curb cuts or any other features that are designed to improve
46 architectural access or programmatic access; (iv) planning for updating or creating a self-
47 evaluation or transition plan as required under the Administrative Requirements of Title II of the
48 ADA and section 504 of the Rehabilitation Act and recommended under Title III of the ADA;
49 and (v) in selecting applicant organizations for capital improvements or programmatic projects,
50 the commission shall give preference to organizations located in the commonwealth. Grants will
51 be awarded on a competitive basis to projects that demonstrate real and tangible positive impacts
52 to persons with disabilities. The distribution of grants from the fund shall consider racial
53 diversity and equity, geographic diversity, and programmatic diversity within the cultural sector.

54 (e) The commission shall submit an annual report to the director of the office on
55 disability, the house and senate committees on ways and means, the joint committee on tourism,
56 arts and cultural development, and the joint committee on children, families and persons with

57 disabilities no later than December 31 detailing the expenditure of the funds, including the
58 amount of assistance provided to qualified organizations and a list of grant recipients. Said report
59 shall also include the unexpended balance of the fund. This report shall be considered a public
60 record.

61 (f) The ACE Commission shall be established no later than December 1, 2026.