



# Massachusetts Disability Quarterly

A Publication from the

## Massachusetts Office On Disability

One Ashburton Place, Room 1305 Boston, MA 02108



Vol. 3 Issue 2

Full & Equal Participation in All Aspects of Life by All Persons With Disabilities

Fall 2017

# MOD

## Summit 2017

### Topic: Employment Opportunity

**Date:** Friday, September 15, 2017

**Time:** 10:00AM-Noon

**Location:** Great Hall

Massachusetts State House  
24 Beacon St. Boston, MA 02133

**Register online:** [www.mass.gov/mod/summit2017](http://www.mass.gov/mod/summit2017)

#### Speakers:

Dave Manzo, *President, Cotting School*  
Matthew Brault, *Independent Researcher working with the New England ADA Center*  
Rick Fiery, *Cofounder InventiveLabs*

#### 2017 Thomas P. Hopkins Access Award:

William Kiernan, Dean, UMass School for Global Inclusion and Social Development

#### Post Summit Program:

Campus to Careers Reception: *National Organization on Disability, Career Opportunities for Students with Disabilities and Work Without Limits*

To request reasonable accommodations, contact Evan Bjorklund at 617-727-7440 x27324 or by email at [evan.bjorklund@massmail.state.ma.us](mailto:evan.bjorklund@massmail.state.ma.us) by 9/1/2017 if possible.

Summit 2017 is made possible with funding from the New England ADA Center.

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### Municipal ADA Improvement Grant FY 18 Cycle Open

The Massachusetts Office on Disability (MOD) is now accepting applications for the Municipal ADA Improvement Grant Program FY 18 cycle. Grants support capital improvements specifically dedicated to improving programmatic access for persons with disabilities. Eligible applicants include any Massachusetts city, town, special purpose district and/or regional governmental organization.

Grants of up to \$250,000 will be awarded to successful applicants. Examples of access improvement include the addition of features such as ramps, elevators, power lifts, signage, communication access devices, and curb cuts.

The deadline for the FY 18 Application period is November 17, 2017. All FY18 grants must be **submitted online**.

Check the grant web page, [www.mass.gov/mod/adagrants](http://www.mass.gov/mod/adagrants), for updates and application instructions.

## Disability Mentoring Week 2017

The Massachusetts Office on Disability (MOD) and the Human Resources Division (HRD) are partnering to host "Disability Mentoring Week (DMW)," an opportunity for people with disabilities to explore career opportunities within Massachusetts state government. Each mentee will be paired with a state government professional working in the mentee's field of interest.

**Dates:** October 17 - 19, 2017

**Location:** Statewide

### Background

Nationally, Disability Mentoring Day (DMD) began in 1999 with fewer than three-dozen participants as part of a White House effort to increase the profile of National Disability Employment Awareness Month (NDEAM) celebrated every October. On April 12th 2017, several Massachusetts state agencies participated in a DMD sponsored by the American Association of People with Disabilities (AAPD), which proved to be a positive experience for participants.

### What is Disability Mentoring Week (DMW)?

Each mentee will be matched with a workplace mentor according to expressed career interests. Mentees will participate in a career exploration experience and make connections with mentors and other Commonwealth employees. By participating, mentees can:

- Foster potential internship and employment opportunities
- Become equipped to successfully seek state employment using the MassCareers system
- Build confidence for reaching career goals

### How to apply to be a Mentee or Mentor:

Submit your online application at [www.mass.gov/mod/dmw](http://www.mass.gov/mod/dmw) by **September 25, 2017**.

**Please note:** Please note: Mentee spots are limited and mentees will be accepted on a first-come first serve-basis until all available spots are filled or until the deadline of September 25, 2017, whichever comes first.

Please note, this program is designed for persons with disabilities **21 years of age or older**.

## Coming Soon: Art Exhibition

The Massachusetts Office on Disability asked the public to submit original artwork that depicts the theme of "Breaking Barriers" and received dozens of amazing entries from talented individuals across the Commonwealth. We would like to thank all participants for submitting their work.

Our jury is now in the process of selecting pieces to display as part of our upcoming public exhibition. We hope to see you there to support our wonderful artists!

**November 14-26, 2017**

**Massachusetts  
State House  
Boston, MA**

[www.mass.gov/mod/art](http://www.mass.gov/mod/art)



# Jeffrey's Access Corner: Safe Harbor

Jeffrey Dougan

This installment of JAC will address the “Safe Harbor” provision and how it applies to the Americans with Disabilities Act (ADA) Design Standards.

First, let's review the effective dates under the 1991 Americans with Disabilities Act Design Standards (1991 ADADS), the Uniform Federal Accessibility Standards (UFAS), and the 2010 Americans with Disabilities Act Design Standards (2010 ADADS) for new construction or alterations. From January 26, 1992 to September 14, 2010, either the 1991 ADADS or UFAS were to be used for any new construction or alterations. From September 15, 2010 to March 14, 2012, either the 1991 ADADS, UFAS, or the 2010 ADADS were to be used for any new construction or alterations. During this 18 month window, any of these three regulations could be used to ensure compliance under the ADA. However, once a regulation set was chosen, that regulation was to be used for the entire project. One was not able to “mix and match” the various regulations. Since March 15, 2012, the 2010 ADADS are the only standards for any new construction or alterations. The 1991 ADADS or UFAS are no longer compliant.



Marinas are not covered under “safe-harbor” as the 2010 ADADS provides new standards for this element. State and municipal marinas will need to meet the programmatic access requirement and private marinas will need to undertake readily achievable barrier removal.

Even though the ADA Design Standards look like *building code*, they are actually *civil rights* “code” that quantify the ADA so that the built environment is non-discriminatory to persons with disabilities. To illustrate, if a door was too narrow because it did not meet the minimum dimensions prescribed, that could be considered a civil rights violation. The design standards also provided the criteria for ensuring “programmatic access” for Title II (State and Local Government) entities and for “readily achievable barrier removal” for Title III (Public Accommodation) entities. This means that when entities are making alterations to achieve programmatic access or to remove barriers, the alteration should be built in compliance with the design standards.

The 2010 ADADS covers features not previously addressed in earlier standards, including play equipment and play areas, recreational boating facilities, fishing piers and platforms among others. These newly covered areas need to comply with either the programmatic access or readily achievable barrier removal obligations, even if no work is planned to take place.

Now, let's discuss the “Safe Harbor” provision. The “Safe Harbor” provision allows construction that complied with the effective requirements at the time to remain as-is until a renovation takes place. For example, if you mounted room signage compliant with the 1991 ADADS in 2008, you most likely do not need to, relocate the signage to comply with the 2010 ADADS until you alter the signs. However, the “Safe Harbor” provision does not apply to the abovementioned newly covered elements found within the 2010 ADADS. Since these elements were not addressed in previous standards, they all must comply with the 2010 ADAS in new construction and alterations and for programmatic access and readily achievable barrier removal.

Reminder, if any work is done to create compliance under the ADA Design Standards, you must also comply with the Massachusetts Architectural Access Boards rules and regulations (MAAB/521 CMR).

## In Memory

The Massachusetts Office on Disability offers prayers and condolences to the families and friends of former MOD employee, Ralph Hickey, and disability advocate, Robert Tarantino, who have recently passed. Ralph and Robert were great people and strong advocates who will surely be missed by all.

## Massachusetts Disability Quarterly

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## Recent MOD Blog Posts

- [Governor Baker Proclaims August 2017 #AbleToSave Month](#)
- [Frequently Asked Questions: Housing Resources in Massachusetts](#)
- [Miniature Horses as Service Animals Under the Americans with Disabilities Act \(ADA\)](#)
- [Emergency Preparedness Program Updates](#)



[blog.mass.gov/mod](http://blog.mass.gov/mod)

## Fall 2017 Calendar

### September

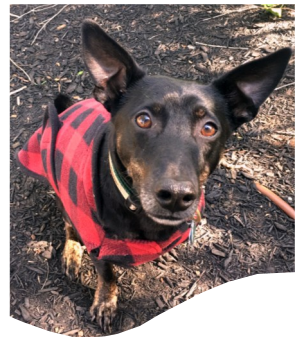
**4, Mon**  
Labor Day  
**8-10, Fri-Sun**  
Abilities Expo Boston  
**15, Fri**  
[MOD 2017 Disability Summit](#)  
**21, Thurs**  
Myositis Awareness Day  
**23, Sat**  
Eunice Kennedy Shriver Day  
**26-27, Tues-Weds**  
[West Bridgewater CAM Training](#)

### October

[Disability History Month](#),  
Head Injury Awareness Month,  
[National Disability Employment Awareness Month](#)  
**1, Sun**  
Independent Living Center Day  
**9, Mon**  
Columbus Day  
**10, Tues**  
World Mental Health Day  
**15, Sun**  
White Cane Safety Day  
**23, Mon**  
White Cane Day Celebration,  
State House  
**24-25, Tues-Weds**  
[Andover CAM Training](#)

### November

**11, Sat**  
Veteran's Day  
**14-26, Tues-Sun**  
["Breaking Barriers" Art Exhibition](#)  
**23, Thurs**  
Thanksgiving Day



Ulysses: Our General Counsel's dog.

Would you like to see **your pet** on a future issue of Massachusetts Disability Quarterly? Email photo to: [MOD-Info@MassMail.State.MA.US](mailto:MOD-Info@MassMail.State.MA.US)

