



# 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

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Rachel Madden  
Undersecretary  
Executive Office of Administration & Finance  
State House, Room 373  
Boston, MA 02133

Dear Undersecretary Madden:

Thank you for leading the effort on the 2015-2016 Regulation Review Project. We truly appreciate the *Public Listening Sessions* that took place and recognize the great value placed on input provided by Persons With Disabilities.

As we have discussed, as part of our offices' mission to; identify, analyze and monitor public policies, programs services and regulations that affect or may affect persons with disabilities, we are pleased to offer comment and show interest in the following regulations as part of the Regulatory Review Project:

1. 521 CMR (Architectural Access Board)  
Preserve: Regulations and proposed amendments as recently submitted by the AAB. Keep sections that provide more protection than federal law.
2. 950 CMR 51 (Polling Place Accessibility for Elderly and Handicapped Voters)  
Preserve: The Commonwealth's regulations for polling places provide greater access to persons with a disability than the federal guidelines (federal government allow curbside voting if polling place is inaccessible, MA does not)
3. 204 CMR 4.00 (Alcohol Beverage Control Commission – Prohibited Practices)  
Add: Language that prohibits licensees or employees from denying valid forms of identification issued by the Commonwealth of Massachusetts pursuant to M.G.L. Chapter 138 Section 34B (would require acceptance of MA ID Card among other forms of identification).
4. 610 CMR 6.02 (Higher Education)  
Add: Language expanding scope of affirmative action policy (which presently covers only employment and admission) to include all programs and services.
5. 230 CMR 2.00 (Standard Examinations – DPL)  
Add: Language requiring the Director of Registration to ensure that all vendors agree to provide reasonable accommodations to individuals with disabilities and employ methods in the preparation and administration of examinations that are non-discriminatory toward individuals with disabilities.
6. 110 CMR 1.08 and 1.09 (DCF)  
Preserve: These sections which address non-discrimination and reasonable accommodations; consider Adding language similar to HB 1370, which prohibits “a parent's disability to be considered a negative factor in a determination of custody of or visitation with a minor child, absent a specific showing by a preponderance of the evidence made by the party raising the allegation, that there is a nexus between the parent's disability and alleged harm to the child, and that this alleged harm cannot be prevented or alleviated by accommodations for the disability, including adaptive parenting equipment or supportive parenting services”.

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7. 130 CMR 501.009 (MassHealth eligibility)

Add: Language stating that "Applicants" and "Members" will receive reasonable accommodation to enable equal opportunity and access to all MassHealth services.

8. 760 CMR 6 (DHCD Occupancy standards: state-aided housing)

Preserve: These regulations establish fundamental policies governing subsidized housing for individuals with disabilities including rent deductions based upon disability-related needs and service animals.

9. 220 CMR 25.00 (DPU- Shutting off heat/electricity)

Preserve: Keep exceptions/hardship conditions regarding termination of service.

10. 540 CMR 17 (RMV Handicapped Placard)

Preserve: Keep issuance of disability plates and placards.

11. 302 CMR 12.13, 12.14 (5) and (6) and (14) (DCR- Parks and Recreation)

Preserve: Keep language relating to service animals.

Add: Language to address any discrepancies about recreational vehicles and OPDMDs.

12. 540 CMR 14.04(1) (d) (Driving school bus/Commercial vehicles)

Preserve: Ability of Registrar to issue exemptions for medical criteria governing intrastate travel.

13. 760 CMR 67.00 (Eligibility for Emergency Assistance DHCD)

Preserve: The eligibility criteria and exemptions for disability contained in this regulation.

14. 524 CMR 1 (Board of Elevator)

Preserve: Keep installation and maintenance procedures as is.

15. 603 CMR 28.00 (Special Education)

Preserve: These regulations provide transparent special education process which supports parent involvement.

16. 115 CMR 7.04 (Dept. of Develop. Services)

Add: Language indicating that individuals will receive reasonable accommodation to enable equal opportunity and access to all DDS services.

Preserve: Do not lessen or adjust eligibility standards for DDS services.

17. 804 CMR 2, 3, 10 (MCAD-Housing Discrimination/ Employment Discrimination)

Preserve: These regulations establish the process for individuals with disabilities to pursue complaints regarding employment, discrimination, housing discrimination, and MCAD complaints generally.

18. 118 CMR (Disabled Persons Protect. Commission)

Preserve: Ensure that the current jurisdiction of the Commission does not decrease.

Thank you again for your foresight and leadership on reforming these important regulations. Please use this office as a resource regarding any aspect of any regulation(s) that may affect Persons With Disabilities.

Sincerely,



David D'Arcangelo  
Director

Cc: Lisa Dixon  
Brian McKeon