

Bill S160

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

Section 1 (a).

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

Section 1 (b)

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

In addition to the funds referenced above, the fund shall also include:

(i) income derived from the investment of any amounts credited to the fund; and

(ii) all other monies credited to or transferred to the fund from any other fund or source.

The comptroller may certify amounts for payment in anticipation of expected receipts; provided, however, that no expenditure shall be made from the fund that shall cause the fund to be deficient at the close of a fiscal year. Amounts credited to the fund shall be available for expenditure, without further appropriation, by the office on disability, and any money remaining in the fund shall not revert to the general fund and may be used in subsequent fiscal years for investments including, but not limited to, supporting capital improvements and projects to improve programmatic access and or remove barriers encountered by persons with disabilities **in applicant for-profit, non-profit and public arts, humanities and interpretive science organizations throughout the commonwealth.**

Section 1 (c)

There shall be established a new commission to be known as the **ACE Commission**, hereinafter called the commission, consisting of a majority of individuals with disabilities and individuals with experience advocating on behalf of individuals with disabilities.

The board shall consist of:

3 persons appointed by the governor;

2 persons appointed by the speaker of the house of representatives;

2 persons appointed by the senate president;

the Director of the office on disability or a designee;

the Managing Director of [Open Door Arts](#) or a designee;

1 person from the [Disability Law Center](#);

and the Executive Director of [Mass Cultural Council](#) or a designee.

Section 1 (d)

The commission shall make recommendations to the office on disability on the criteria for making grants available to communities and organizations. **Eligible uses** shall include, but not be limited to:

(i) training or comprehensive support for for-profit, non-profit and public organizations providing creative services;

(ii) individualized consulting services related to improving accessibility that are created and led by members of the disabilities community;

(iii) capital improvements specifically dedicated to improving access or removing barriers encountered by persons with disabilities in applicant facilities, including but not limited to increasing both physical and programmatic access through the addition of features such as ramps, elevators, power lifts and limited use/limited application elevators (LULAs), signage, Assistive Listening Systems, curb cuts or any other features that are designed to improve architectural access or programmatic access;

(iv) planning for updating or creating a self-evaluation or transition plan as required under the Administrative Requirements of [Title II of the ADA](#) and [section 504 of the Rehabilitation Act](#) and recommended under [Title III of the ADA](#); and

(v) in selecting applicant organizations for capital improvements or programmatic projects, the commission shall give preference to organizations located in the commonwealth. Grants will be awarded on a competitive basis to projects that demonstrate real and tangible positive impacts to persons with disabilities. The distribution of grants from the fund shall consider racial diversity and equity, geographic diversity, and programmatic diversity within the cultural sector.

Section 1 (e)

The commission shall submit an annual report to the director of the office on disability, the house and senate committees on ways and means, the joint committee on tourism, arts and cultural development, and the joint committee on children, families and persons with disabilities no later than December 31 detailing the expenditure of the funds, including the amount of assistance provided to qualified organizations and a list of grant recipients. Said report shall also include the unexpended balance of the fund. This report shall be considered a public record.

Section 1 (f)

The ACE Commission shall be established no later than December 1, 2026.