

2003 JUL 28 P 4: 44

OFFICE OF THE CITY CLERK  
**ENOUGH ROOM, ROY BERCAW, EDITOR**  
**PO BOX 400297, CAMBRIDGE, MA 02140 USA 617-491-0433**

Committee on Ordinances and  
Honorable Cambridge City Council  
795 Mass Avenue  
Cambridge MA 02139

July 29, 2003

Re: Proposed Amendment  
to the Human Rights Ordinance  
Chapter 2.76.120 of the Municipal Code

I strongly object to the proposed Amendment to the Human Rights Ordinance Chapter 2.76.120 of the Municipal Code as written. The suggested addition to the chapter includes language which already exists in the US Code, popularly known as the Americans with Disabilities Act. The proponents want the Council to declare it "an unlawful practice ... to fail to remove architectural barriers, and communications barriers that are structural in nature ... "

The proposed amendment defines "barrier" to mean "any physical element of a facility that impedes access by people with disabilities." This is the latest instance of discrimination by the Cambridge Commission for Persons with Disabilities (legally known as the Handicapped Commission).

Sharing this bias, the Human Rights Commission openly stated that it will not address abuses by public officials toward persons with non physical disabilities. My previous complaints to the Council were ignored. It is unlawful City policy that some forms of disabilities are more equal than others.

Previous attempts to learn of this proposed amendment were thwarted by the Human Rights Commission. When it was advertised in the *Cambridge Chronicle*, I asked at the Office of the City Clerk to see the proposed amendment. I was told the Clerk's office did not have a copy, though the newspaper ad twice said it was available there. A Deputy Clerk told me to ask at the Office of the Human Rights Commission.

When I asked at the office of the Human Rights Commission their receptionist told me that they would not show it to me because it was not in print form. She said it was on their computer and they would not print a copy for me. This was not the first time that that office was abusive toward me and my inquiries. It is common for City officials to believe that citizens do not have a right to see public records. This is negligent training.

The unlawful priority of the Handicapped Commission is addressing discrimination toward persons with physical disabilities. Like other City, state and US government agencies, overt unlawful policies remain in place, while the focus, when there is

any focus on rights of persons with disabilities, is on physical access to buildings.

This shows how basic the denial of rights and access is for persons with physical disabilities. They still cannot enter ~~some~~ public accommodations. On the other hand, rights of persons with non physical disabilities, are not even recognized by the few city and state agencies who are supposed to address the same denial of access to public accommodations.

Whenever the word "access" is used at meetings of alleged advocates for the rights of persons with disabilities, it is always taken to mean, physical or architectural access, as in this proposed amendment. One reason for this is that most persons with physical disabilities are as prejudiced toward others who are accused of mental illness, as persons who are considered normal.

These persons are a fourth class of citizens after the ruling class, the ordinary citizens, and citizens with physical disabilities. Allowing this amendment to become law, indicates that the City Council shares this unlawful bias.

Language must be added to this proposed amendment to include persons accused of mental illness, and persons who have non physical disabilities. The word "access" applies as well to denial of access to the Courts, denial of access to legal representation, and denial of access to petition City, state and US officials. Many staff members of state and US elected officials, are as prejudiced toward persons accused of mental illness, contrary to law, as ignorant morons who openly show their hatred toward persons with disabilities.

But especially the word "access" includes denial of access to police protection for persons accused of mental illness. Allowing this amendment to stand as written will make a prima facie case for overt institutional bias by the City toward persons who are accused of mental illness.

Adding comparable language which specifically addresses denial of access to public accommodations, for persons with non physical disabilities, will make this proposed amendment acceptable. Without such language it will remain another law which violates Chapter 151 B of the Mass General Laws, the Americans with Disabilities Act, and the Rehabilitation Act of 1973.

Without addressing this blatant omission this proposed amendment cannot stand legal scrutiny. I urge the Council to reject the proposed amendment as written and add language to include prohibiting denial of access to all persons with disabilities, not just persons with physical disabilities.

Thank you for your consideration and attention.

Roy Beccaw

## **Chapter 2.76 HUMAN RIGHTS COMMISSION**

### **Section 2.76.120 Acts deemed lawful and unlawful—Exemptions.**

#### **Subsection M.**

1. It is an unlawful practice for any person directly or indirectly to withhold, deny, curtail or in any manner limit the full use of a public accommodation by any person, or discriminate against such person with respect to the use of such accommodation, because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, gender, marital status, family status, military status or source of income of such person.
  - a. *It is an unlawful practice for any person who owns, operates, leases, or leases to a place of public accommodation, to fail to take action to remove architectural barriers, and communication barriers that are structural in nature, in existing places of public accommodation, unless such barrier removal action is not readily achievable, i.e., easily accomplishable and able to be carried out without much difficulty or expense. For the purposes of this section, "barrier" means any physical element of a facility that impedes access by people with disabilities.*
  - b. *In determining whether an action is readily achievable, factors to be considered include—*
    - i. *the nature and cost of the action needed under this section;*
    - ii. *the overall financial resources of the public accommodation involved in the action; the number of persons employed at such public accommodation; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the public accommodation;*
    - iii. *the overall financial resources of the public accommodation; the overall size of the business of a public accommodation with respect to the number of its employees; the number, type, and location of its facilities; and*
    - iv. *the type of operation or operations of the public accommodation, including the composition, structure, and functions of the workforce of such public accommodation; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the public accommodation.*
  - c. *Where a public accommodation can demonstrate that the removal of a barrier under clause 1.a. is not readily achievable, it is an unlawful practice for that public accommodation to fail to make such goods, services, facilities, privileges, advantages, or accommodations available through non-structural methods, if such methods are readily achievable.*
2. It is an unlawful practice for any person directly or indirectly to advertise or otherwise publicize that any person is unwelcome to the full use of any public accommodation because of the race, color, disability or source of income of such person.

# LI

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## US CODE COLLECTION

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### Sec. 12181. - Definitions

As used in this subchapter:

#### (7) Public accommodation

The following private entities are considered public accommodations for purposes of this subchapter, if the operations of such entities affect commerce -

##### (A)

an inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor;

##### (B)

a restaurant, bar, or other establishment serving food or drink;

##### (C)

a motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;

##### (D)

an auditorium, convention center, lecture hall, or other place of public gathering;

##### (E)

a bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;

##### (F)

a laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;

##### (G)

a terminal, depot, or other station used for specified public transportation;

**(H)**

a museum, library, gallery, or other place of public display or collection;

**(I)**

a park, zoo, amusement park, or other place of recreation;

**(J)**

a nursery, elementary, secondary, undergraduate, or postgraduate private school, or other place of education;

**(K)**

a day care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment; and

**(L)**

a gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation.

# GENERAL LAWS OF MASSACHUSETTS

## PART IV. CRIMES, PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES.

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### TITLE I. CRIMES AND PUNISHMENTS.

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#### CHAPTER 272. CRIMES AGAINST CHASTITY, MORALITY, DECENCY AND GOOD ORDER.

##### **Chapter 272: Section 98. Discrimination in admission to, or treatment in, place of public accommodation; punishment; forfeiture; civil right.**

Section 98. Whoever makes any distinction, discrimination or restriction on account of race, color, religious creed, national origin, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, deafness, blindness or any physical or mental disability or ancestry relative to the admission of any person to, or his treatment in any place of public accommodation, resort or amusement, as defined in section ninety-two A, or whoever aids or incites such distinction, discrimination or restriction, shall be punished by a fine of not more than twenty-five hundred dollars or by imprisonment for not more than one year, or both, and shall be liable to any person aggrieved thereby for such damages as are enumerated in section five of chapter one hundred and fifty-one B; provided, however, that such civil forfeiture shall be of an amount not less than three hundred dollars; but such person so aggrieved shall not recover against more than one person by reason of any one act of distinction, discrimination or restriction. All persons shall have the right to the full and equal accommodations, advantages, facilities and privileges of any place of public accommodation, resort or amusement subject only to the conditions and limitations established by law and applicable to all persons. This right is recognized and declared to be a civil right.

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# GENERAL LAWS OF MASSACHUSETTS

## PART IV. CRIMES, PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES.

### TITLE I. CRIMES AND PUNISHMENTS.

#### CHAPTER 272. CRIMES AGAINST CHASTITY, MORALITY, DECENCY AND GOOD ORDER.

##### Chapter 272: Section 92A. Advertisement, book, notice or sign relative to discrimination; definition of place of public accommodation, resort or amusement.

Section 92A. No owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement shall, directly or indirectly, by himself or another, publish, issue, circulate, distribute or display, or cause to be published, issued, circulated, distributed or displayed, in any way, any advertisement, circular, folder, book, pamphlet, written or painted or printed notice or sign, of any kind or description, intended to discriminate against or actually discriminating against persons of any religious sect, creed, class, race, color, denomination, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, nationality, or because of deafness or blindness, or any physical or mental disability, in the full enjoyment of the accommodations, advantages, facilities or privileges offered to the general public by such places of public accommodation, resort or amusement.

A place of public accommodation, resort or amusement within the meaning hereof shall be defined as and shall be deemed to include any place, whether licensed or unlicensed, which is open to and accepts or solicits the patronage of the general public and, without limiting the generality of this definition, whether or not it be (1) an inn, tavern, hotel, shelter, roadhouse, motel, trailer camp or resort for transient or permanent guests or patrons seeking housing or lodging, food, drink, entertainment, health, recreation or rest; (2) a carrier, conveyance or elevator for the transportation of persons, whether operated on land, water or in the air, and the stations, terminals and facilities appurtenant thereto; (3) a gas station, garage, retail store or establishment, including those dispensing personal services; (4) a restaurant, bar or eating place, where food, beverages, confections or their derivatives are sold for consumption on or off the premises; (5) a rest room, barber shop, beauty parlor, bathhouse, seashore facilities or swimming pool, except such rest room, bathhouse or seashore facility as may be segregated on the basis of sex; (6) a boardwalk or other public highway; (7) an auditorium, theatre, music hall, meeting place or hall, including the common halls of buildings; (8) a place of public amusement, recreation, sport, exercise or entertainment; (9) a public library, museum or planetarium; or (10) a hospital, dispensary or clinic operating for profit; provided, however, that with regard to the prohibition on sex discrimination, this section shall not apply to a place of exercise for the exclusive use of persons of the same sex which is a bona

fide fitness facility established for the sole purpose of promoting and maintaining physical and mental health through physical exercise and instruction, if such facility does not receive funds from a government source, nor to any corporation or entity authorized, created or chartered by federal law for the express purpose of promoting the health, social, educational vocational, and character development of a single sex; provided, further, that with regard to the prohibition of sex discrimination, those establishments which rent rooms on a temporary or permanent basis for the exclusive use of persons of the same sex shall not be considered places of public accommodation and shall not apply to any other part of such an establishment.

Any person who shall violate any provision of this section, or who shall aid in or incite, cause or bring about, in whole or in part, such a violation shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days, or both.

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**ENOUGH ROOM, ROY BERCAW, EDITOR  
PO BOX 400297, CAMBRIDGE, MA 02140 USA 617-491-0433**

Honorable Cambridge City Council  
795 Mass Avenue  
Cambridge MA 02139

July 31, 2003

Definition: Public Accommodation  
for Proposed Amendment  
to the Human Rights Ordinance  
Chapter 2.76.120 of the Municipal Code

As per the meeting on July 30, 2003 of the Committee on Ordinances, regarding the proposed Amendment to the Human Rights Ordinance Chapter 2.76.120 of the Municipal Code, for the edification of the members, attached are copies of:

Title 42 of the US Code, Chapter § 12181 (7) (A) through (L).  
Definition of Public Accommodation; and

Mass General Laws Chapter 272 § 92A Definition of Public Accommodation; and

Mass General Laws Chapter 272 § 98 Discrimination in admission to, or treatment in, place of public accommodation; ...

Please note that there are other provisions of the Americans with Disabilities Act and other chapters of the US Code and the Code of Federal Regulations, which apply to other activities and entities in the City. The City Solicitor can easily provide the Council with any laws and regulations.

Perhaps the City Solicitor can train City Employees in how to comply with the parts of these laws which apply to governmental entities. *See also the Rehabilitation Act of 1973.*

*Roy Bercauw*

CAMBRIDGE, MASSACHUSETTS  
OFFICE OF THE CITY CLERK

2003 JUL 31 P 4:24

**Communication #19**

A communication was received  
from Roy Bercaw,  
regarding the proposed amendment to  
the Human Rights Ordinance.

**In City Council August 4, 2003**

**REFERRED TO THE PETITION**

## Community

# Students on a peace mission

By Auditt Guha  
CHRONICLE STAFF

For those who feel that American youths today are not interested or well versed in the world beyond their doorstep, a group that recently returned from a trip to El Salvador heartily disproves the notion.

Accompanied by Peace Commission director Cathy Hoffman and CRLS school volunteer J.R. Dreher, the youth delegation from Cambridge spent 10 days in the capital and five days in Cambridge's sister city, San Jose Las Flores.

What they learned and saw touched their lives and changed the way they view the world — and themselves. They presented this to the Cambridge community in an audio-visual presentation, talks and a play last Wednesday, July 9, at the Senior Center.

The youth delegates, who were led by Nikki Larcombe, included Robers Armand, Jessica Arrendol, Tessa Baker, Cesar Garcia, Sean Hallisey, Leigh Hardy, John Headley-Soto, Hanriah Jukovsky and Pablo Lopez.

Delegates talked with women organizing in protest of sweatshops, with young people connected to the youth commission of a political party and with doctors fighting the privatization of

health care. They visited a public school and the University of Central America, where six Jesuit priests were killed in 1989 by the Salvadoran military. San Jose Las Flores was celebrating the 17th anniversary of its repopulation. They spent five days working with the Las Flores youth council to plan a community-wide youth gathering with discussions, performances and proposals for greater youth involvement in community decisions.

At the "Report Back" event last week, the delegates shared their personal experiences and feelings.

Armand recalled his encounter with a black woman who has long been dealing with issues of sexism, feminism and sexual health in El Salvador in order to help other women.

Among their projects with youth in the foreign country, Hallisey described a mural they worked on with their counterparts that turned out better than planned.

"The kids were 10 and under, and we thought they'd make a mess," he said. But despite the language-culture barrier the project "didn't come out exactly as we planned but came out better — it became all of our mural."

Larcombe described how they became a family with the people they worked with and befriended,

from community workers to students like themselves, and bolstered their larger self and political awareness.

"A lot of the workers there didn't have a voice in their community," she said. "We can't do it alone, we are halves. We have to come together to change our communities."

Lopez talked about the largest doctors' strike in history that they witnessed in El Salvador, as 750 doctors fought against privatization of health care with no income for the last nine months.

"They had a courageousness about them," he said. "They sacrificed their lives and their family's health. All this to ensure that people in El Salvador can get their rights."

Arrendol, who was also moved by the strike, recalled something one doctor said to her: "Whatever you do in life, never compromise your morals and beliefs."

The group also performed a political theater in Spanish, showing reactions to the war in Iraq from different viewpoints.

The Cambridge Peace Commission has been sending delegations to El Salvador since 1987. Many of students in the program are members of the Peace and Justice Corps, which is affiliated with the Peace Commission.

# Educators work to create peaceable schools

By Auditt Guha  
CHRONICLE STAFF

From a teen who is sick of being labeled a "white male" and being a victim of reverse discrimination, to a rich high-school senior whom no one really noticed or listened to in a session with her psychiatrist, problem kids who are often ignored, misunderstood or punished in class made appearances on stage.

Michael Fowlin's performance, "You Don't Know Me Until You Know Me," drew laughter, tears and finally, a standing ovation. Part of a series of events organized by The Center for Peaceable Schools in Lesley University last week, the one-man show dealt with the issues of discrimination and personal identity. In a gripping, fast-paced performance, Fowlin slipped in and out of nine characters, both male and female, who shared their stories in a sometimes humorous and often heartbreaking way.

"These are meaningless lessons if we do not believe in

peace," said Fowlin, a clinical psychologist and professional actor who strongly supports violence-prevention programs in school. "I am trying to make people understand that it's not a lesson I am trying to deliver. It's a way of life."

From July 7-11, the Center for Peaceable School's 11th annual Summer Institute provided practical solutions and hands-on practice for educators, parents, counselors and community members engaged in creating safe schools and supportive learning environments.

From the first "Welcoming Diversity" workshop to the final "Creating a Road Map for Change," Lesley faculty, students and visitors went through a week of dance, theater, learning and evaluating to focus on peace and social justice in creating peaceable schools.

The Center for Peaceable Schools has its roots in a commitment to action by teachers concerned about the rise in local and international violence and its

effects on our society. A vision developed of "peaceable schools" where the ideals of democracy and diversity would be put into practice in the curriculum, social life, and governance of schools.

"It's definitely been an enlightening experience. I learned so much every day," said graduate student and aspiring elementary school teacher Kerita Spencer.

Curtis Jones and Steven Brion-Meisels, both members of the leadership team that organized the event, said the Institute came out of the first Gulf War in 1992.

"We really try to be in dialogue as a consortium of people looking at issues with a variety of lenses to model the kind of community we would hope to create," said teacher and team member Linda Brion-Meisels, who has been participating in the Summer Institute for the past 11 years. "I feel like I learn things every time I do this."

For more information visit <http://www.lesley.edu/peace.html>

## SUPPORT YOUR LOCAL BUSINESSES

### Sutula wins trophy

Alexander Sutula, 12, of Cambridge, won a first-place trophy in the 80th annual Edgartown Yacht Club Regatta. Sailing his Optimist boat named Sea Dragon, Sutula, sailing for the Vineyard Haven Yacht Club race team, won six of the races held during this three-day event.

This record gave him a first-place finish in the Optimist Green Fleet, and he was presented with an engraved bowl at the awards ceremony Saturday, July 12. Optimists are 8-foot-long sailing dinghies that are widely used as entry-level sailing and racing boats.

The son of Mary and Frank Sutula of Cambridge, he will be a seventh-grade student at Shady Hill School in the fall.

### Mumford wins award

Dissertations addressing a range of religious and ethical issues, including martyrdom in Iran, neo-Calvinism in the Cold War, Buddhist education in southwestern China, and the ethics and politics of free software, will be supported by 2003 Charlotte W. Newcombe Doctoral Dissertation Fellowships, announced recently by the Woodrow Wilson National Fellowship Foundation.

Included is **Jeremy R. Mumford** of Cambridge, a Ph.D. candidate at Yale University, whose field is early world history. His proposed dissertation title is "Reducing the Andes: The 'Reduccion de Indios' of Sixteenth-Century Peru."

Mumford also received the following awards/honors: Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship, Spain and Bolivia, 2002; and Howard Lamar Center for the Study of Frontiers and Borders, Yale University, Research Fellowship, 2001.

He is the son of David Mumford of Milton.

Founded by the Charlotte W. Newcombe Foundation of Princeton, N.J., the 28 grants will support Ph.D. students in the final year of their dissertation work at 12 institutions nationwide. Each Fellow receives a stipend of \$17,000 for one year.

The Newcombe Fellowships, created in 1981, have supported more than 800 doctoral candidates in the humanities and social sciences since their inception. Many Newcombe Fellows are now noted faculty at colleges and universities throughout the United States and abroad.

For more information, visit [www.woodrow.org/newcombe](http://www.woodrow.org/newcombe).



Cambridge Rindge and Latin exchange student Johanne Nathansen of Greenland.

PHOTO BY ZARA TZANEV

# From Greenland, with love

## Host parents help exchange student adjust

By Dan Eisner  
CORRESPONDENT

The difference between Johanne Nathansen's native Greenland and Cambridge are so numerous, it's impossible to mention them all. But to get a sense of life in her tiny Greenland hometown, look at the difficulty in simply seeing a movie.

In the immediate Cambridge area, there are dozens of theater options. In Greenland, she had one — and it was an eight-hour boat ride away.

Naturally, when Nathansen arrived in Cambridge in February as part of the American Field Service student exchange program, she was a bit overwhelmed. There was nearly nothing familiar.

From the language and cultural barriers to the distance from her family, it was an un-

derstandably difficult transition.

"I like it here," the shy, soft-spoken teenager said. "But it was hard at first when I came here. It's so different, like the language and culture. Food is different. The weather, it's been so hot."

The athletic 17-year-old couldn't even play team handball, the sport that has garnered her some recognition in Greenland. In fact, she was recently named to their international women's team handball squad which will be participating in the World Championships in Brasilia, Brazil, this September.

"I miss playing handball a lot," she said. "I miss it so much."

Fortunately, her host parents, Cathy Zusy and Sam Kendall, helped her adjust. Because Zusy participated in the AFS program as an 18-year-old in Turkey, she wanted to give back something and offered a warm, welcoming environment for Nathansen.

"My host family was loving

and generous when I was 18," Zusy said. "Hosting a student is the most profound thing you can do to make a difference. You're helping them grow at a very critical time in their lives."

Although there were no local team handball options, Nathansen found an athletic outlet in tennis, playing for the JV squad at Cambridge Rindge and Latin High School. As a transfer student, she wasn't permitted to compete on the varsity level.

It was only an adequate replacement for her beloved team handball, which she hasn't played since last March. Because of the long layoff and her rustiness, she didn't expect to be named to Greenland's team handball squad in April.

"I'm excited," she said. "I was surprised."

Nathansen returned to Greenland last month, where she immediately began practicing and preparing for the World Championships.

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## LEGAL NOTICE

### City of Cambridge Massachusetts Public Notice Relative to Zoning Office of the City Clerk

Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold two public hearings on Wednesday, July 30, 2003 in the Media Cafeteria at Cambridge Rindge and Latin School, 459 Broadway, Cambridge, Massachusetts; at 4:30 p.m. to consider proposed amendments to rezone the Riverside area in the refilled petition by the Planning Board, and at 5:00 p.m. to consider a refilled petition by Robert S. Carlson et al. to amend the zoning in the Riverside area. PLEASE NOTE CHANGE OF ADDRESS FOR THE HEARINGS.

Copies of these petitions are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

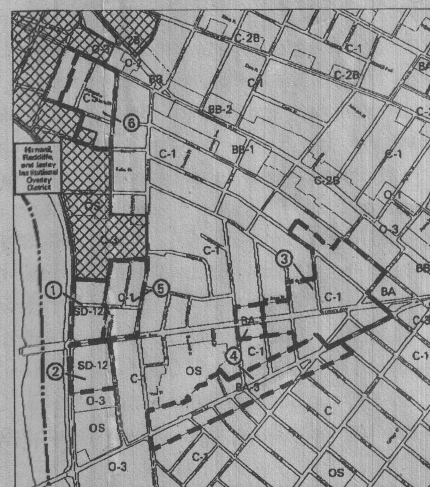
For the Committee,

Councillor David Maher

Councillor Brian Murphy

#### Carlson Petition

1. Mahoney Blocks
2. NSTAR Memorial Drive Block
3. Western Avenue, Kinnaird, Franklin, and Green Streets
4. River Street and a Portion of Western Avenue
5. Putnam to Banks, Western to Peabody Terrace
6. Banks, Cowperthwaite, Grant, and Athens Streets



#### Planning Board Petition

1. Mahoney Blocks
2. NSTAR Memorial Drive Block
- 3a. Western Avenue, Kinnaird, Franklin, and Green Streets West
- 3b. Western Avenue, Kinnaird, Franklin, and Green Streets East
4. River Street and a Portion of Western Avenue
5. Putnam to Banks, Western to Peabody Terrace
6. Banks, Cowperthwaite, Grant, and Athens Streets

# Cable Schedule

**Wednesday, July 16**  
 12 a.m. 9 - BeLive Monday No. 2  
 1 a.m. 22 - TBA program  
 2 a.m. 9 - BeLive Monday No. 3  
 2:30 a.m. 9 - TBA Program  
 4 a.m. 10 - CCR-Brother Blue  
 6 a.m. 10 - TBA Program  
 8 a.m. 9 - Democracy Now! Satellite  
 9 a.m. 9 - TBA Program  
 9:28 a.m. 10 - TBA Program  
 10 a.m. 9 - CCR-Cambridge Forum  
 11 a.m. 22 - Prophetic Word  
 11:30 a.m. 22 - Jubilation  
 12 p.m. 9 - CCR-Common Perspective  
 w/Robert Hall Sr.  
 1 p.m. 10 - Alive! Mind, Body, Spirit  
 1:30 p.m. 10 - Your Red Cross in Action  
 2 p.m. 9 - CCR-Tempest Tableau  
 2:30 p.m. 10 - Cambridge Uncovered  
 3 p.m. 22 - Portuguese Entertainment Network Wednesday  
 3:30 p.m. 10 - Ireland on the Move  
 4 p.m. 9 - With an Eye and Ear toward Zazaki  
 4:21 p.m. 9 - Cambridge-After-School, CCO,EEH,CCC  
 4:30 p.m. 9 - BeLive: Real Black Talk  
 5 p.m. 9 - BeLive: Stone Soup

5:30 p.m. 9 - Dance Month Kickoff Party 2003  
 6 p.m. 9 - BeLive: High Tech Fever  
 6:45 p.m. 10 - TBA  
 7 p.m. 9 - BeLive: Free Transfer  
 7:30 p.m. 9 - BeLive: Progressive Talk  
 8 p.m. 9 - BeLive: World Media Review  
 8:30 p.m. 9 - BeLive: SportsTalk w/Clyde  
 9 p.m. 9 - Democracy Now! Wednesday  
 10 p.m. 9 - BeLive Tuesday, No. 1  
 10:30 p.m. 10 - Arlington Heights  
 11 p.m. 10 - A Night at the Times

**Thursday, July 17**  
 12 a.m. 9 - BeLive Tuesday No. 2  
 1 a.m. 22 - TBA Program  
 2 a.m. 9 - BeLive Tuesday, No. 3  
 2:30 a.m. 9 - TBA Program  
 4 a.m. 10 - CCR-Tempest Tableau  
 6 a.m. 10 - TBA Program  
 8 a.m. 9 - Democracy Now! Satellite  
 9 a.m. 9 - TBA Program  
 9:45 a.m. 22 - Christian Assembly Tabernacle Series  
 10 a.m. 9 - CCR-Depraved Dave's Cave

10:30 a.m. 22 - Awake in the Dream  
 11 a.m. 22 - TBA Program  
 11:30 a.m. 22 - Fatima Today  
 12 p.m. 9 - CCR-Lack of Sunshine  
 1 p.m. 10 - Marisa DiVari Presents  
 1:30 p.m. 10 - From My Home to Yours  
 2 p.m. 9 - CCR-WeLive Radio  
 2:30 p.m. 10 - The Orchard Table  
 3 p.m. 10 - Rangin' with Sunny & Ra  
 3:30 p.m. 10 - TView  
 4 p.m. 9 - Steve Grossman: How Do Democrats Win  
 4:30 p.m. 9 - BeLive: Portuguese Spoken  
 5 p.m. 9 - BeLive: Stephen H.'s Show  
 5:30 p.m. 9 - BeLive: Positive Edge  
 6 p.m. 9 - BeLive: WeLive with Wayne  
 6:30 p.m. 9 - BeLive: CrimeTime  
 7 p.m. 9 - BeLive: Bitchin' About Movies  
 7:30 p.m. 9 - BeLive: Cambridge Community Outreach Tabernacle  
 8 p.m. 9 - BeLive: Psychic Fashion Show  
 8:30 p.m. 9 - BeLive: D & Marquis  
 9 p.m. 9 - Democracy Now! Thursday  
 10 p.m. 9 - BeLive Wednesday No. 1  
 10:30 p.m. 10 - Lolly's Remedies  
 11 p.m. 10 - Two Thousand Plus  
 11:30 p.m. 22 - A Voza Da MAPS

**Friday, July 18**  
 12 a.m. 9 - BeLive Wednesday No. 2  
 1 a.m. 22 - TBA Program  
 2 a.m. 9 - BeLive Wednesday No. 3  
 2:30 a.m. 9 - TBA Program  
 4 a.m. 10 - CCR-WeLive Radio  
 6 a.m. 10 - TBA Program  
 8 a.m. 9 - Democracy Now Satellite  
 9 a.m. 9 - TBA Program  
 10 a.m. 9 - CCR-Rocky Around the World  
 11 a.m. 22 - Creciendo en Gracia  
 12 p.m. 9 - CCR-Reggae-I-Vibez w/Angel Naphtalie  
 1 p.m. 10 - All About Cats  
 1:30 p.m. 10 - Fulani Show  
 2 p.m. 9 - CCR-Island Time w/Rachel and AJ  
 2:30 p.m. 10 - TBA Program  
 3 p.m. 10 - Inside Capitol Hill  
 3:30 p.m. 10 - Reeling: the Movie Review Show  
 4 p.m. 9 - BeLive: Community Artists  
 4:30 p.m. 9 - BeLive: Let's Talk  
 5 p.m. 9 - BeLive: Why Get High?  
 5:30 p.m. 9 - BeLive: Common Perspective w/Robert Hall Sr.  
 6 p.m. 9 - Digital Stories Tufts University, Spring '03  
 6:30 p.m. 9 - Steve Grossman: How Do Democrats Win  
 6:45 p.m. 10 - PINNED  
 6:54 p.m. 10 - TBA  
 7 p.m. 9 - Tribute to George Abdo at the Middle East  
 8 p.m. 9 - Dance Month Kickoff Party 2003  
 8:30 p.m. 9 - After Midnight  
 8:53 p.m. 9 - TBA Program  
 9 p.m. 9 - Democracy Now! Friday  
 9:30 p.m. 10 - Outline TV  
 10 p.m. 9 - BeLive Thursday, No. 1  
 11 p.m. 10 - Pride Time  
 11:30 p.m. 10 - ROBOSH!THEAD

**Saturday, July 19**  
 12 a.m. 9 - BeLive Thursday, No. 2  
 1 a.m. 10 - CCR-Rocky Around the World  
 2 a.m. 9 - BeLive Thursday, No. 3  
 2:30 a.m. 9 - TBA Program  
 3 a.m. 10 - CCR-Reggae-I-Vibez w/Angel Naphtalie  
 5 a.m. 10 - CCR-Island time with Rachel and AJ  
 7 a.m. 10 - TBA Program  
 8 a.m. 22 - Tele-Revieil  
 9 a.m. 9 - BeLive Friday, No. 1

10 a.m. 22 - La Demiere Heure  
 11 a.m. 9 - TBA Program  
 12 p.m. 10 - Inspire America w/Lisa Brightman  
 12:30 p.m. 10 - Our Town  
 1 p.m. 10 - Pat Fiorello presents Golden Memories  
 1:30 p.m. 22 - Andrew Cohen  
 2 p.m. 22 - Awake in The Dream  
 2:30 p.m. 22 - Islamic Perspectives  
 3 p.m. 10 - Street Corner Classics by Brother Blue  
 3:30 p.m. 10 - Workforce/CAC  
 4 p.m. 10 - Story Time with April and Friends  
 4:30 p.m. 10 - TBA Program  
 5 p.m. 22 - MTA Hours  
 5:30 p.m. 10 - Sound Visions  
 6 p.m. 10 - Music Mill Source  
 6:30 p.m. 10 - Visual Radio  
 7 p.m. 22 - Jenex Lakay  
 7:30 p.m. 10 - RealBlackTalk.com  
 9 p.m. 22 - Promo Evangelique  
 9:30 p.m. 9 - After Midnight  
 9:53 p.m. 9 - TBA Program  
 10 p.m. 9 - Mission Hill Presents  
 10:30 p.m. 9 - Roach Motel  
 11 p.m. 10 - Stone Soup Poets  
 11:30 p.m. 9 - Cafe Cabaret

**Sunday, July 20**  
 1 a.m. 10 - BOOM-TV  
 1:59 a.m. 10 - TBA Program  
 7 a.m. 10 - Your Red Cross in Action  
 7:30 a.m. 10 - Injury Hotline  
 8 a.m. 10 - From My Home to Yours  
 8:30 a.m. 10 - All About Cats  
 9 a.m. 10 - Your Health Care: Choice or Chance?  
 9:30 a.m. 10 - Alive! Mind, Body, Spirit  
 10 a.m. 10 - Marisa DiVari Presents  
 10:30 a.m. 10 - Business Insight  
 11 a.m. 10 - It's Your Money  
 11:30 a.m. 10 - Law Talk  
 12 p.m. 10 - Fulani Show  
 12:15 p.m. 22 - TBA Program  
 12:30 p.m. 10 - Boston Alzheimer's Center Lecture Series  
 1:30 p.m. 22 - St. Mary Church  
 2:10 p.m. 10 - TBA Program  
 2:30 p.m. 9 - Taymorberry Kickoff at the Middle East  
 3:30 p.m. 10 - Calling All Men  
 4 p.m. 10 - The Larouche Connection  
 4:01 p.m. 9 - Survivor's Inc.  
 4:30 p.m. 9 - BeLive: Amnesty International  
 5 p.m. 9 - BeLive: Ceangal Ceilteach

5:30 p.m. 9 - BeLive: Wrestling Talk with DWF  
 6 p.m. 9 - Mission Hill Presents  
 6:30 p.m. 9 - BeLive: Cambridge Environment  
 7 p.m. 9 - BeLive: Aha! with Michael Koran  
 7:30 p.m. 9 - BeLive: Living In America  
 8 p.m. 9 - BeLive: Tele Lakay  
 8:30 p.m. 9 - BeLive: CCTV and Free Speech  
 9 p.m. 9 - BeLive: BLURTI! Out Loud and Outspoken  
 9:30 p.m. 9 - Robert Hall Sr., presents Black & Green  
 10 p.m. 10 - AFSC presents Change the World TV  
 11 p.m. 22 - Voice of Abyssinia  
 11:15 p.m. 9 - Awakening  
 11:20 p.m. 9 - PINNED  
 11:30 p.m. 9 - Noise Party

**Monday, July 21**  
 12 a.m. 10 - Animal Agenda  
 12:30 a.m. 10 - TBA Program  
 8 a.m. 9 - Democracy Now! Satellite  
 9 a.m. 9 - TBA Program  
 9:28 a.m. 10 - TBA Program  
 9:30 a.m. 22 - Islamic Perspectives  
 10 a.m. 9 - CCR-Sports Talk  
 11 a.m. 22 - Respect for Life  
 12 p.m. 9 - CCR-Living in America  
 1 p.m. 22 - TBA Program  
 1:30 p.m. 10 - Law Talk  
 2 p.m. 9 - CCR-Journey with Alok  
 2:30 p.m. 10 - AFSC presents Change the World TV  
 3 p.m. 22 - Portuguese Entertainment Network Monday  
 4 p.m. 9 - The Blue Box  
 4:20 p.m. 9 - Awakening  
 4:30 p.m. 9 - With an Eye and Ear toward Zazaki  
 4:51 p.m. 9 - TBA  
 5 p.m. 9 - BeLive: TRUE: Art and Architecture  
 5:30 p.m. 9 - Digital Stories Tufts University, Spring '03  
 6 p.m. 9 - BeLive: BedTime Stories  
 6:30 p.m. 9 - BeLive: Moogie's World  
 7 p.m. 9 - BeLive: Rocky Around the World  
 7:30 p.m. 9 - BeLive: The Baldwin Eagle LIVE!  
 8 p.m. 9 - BeLive: Muslims on Air  
 8:30 p.m. 9 - BeLive: Clear the Air with John

CABLE SCHEDULE, page 27

**PUBLIC ANNOUNCEMENT CONCERNING MOUNT AUBURN HOSPITAL and WINCHESTER HOSPITAL ESTABLISHMENT OF A SHARED MOBILE PET/CT SERVICE**

The Mount Auburn Hospital located at 330 Mount Auburn Street, Cambridge, MA 02138 and Winchester Hospital located at 41 Highland Avenue, Winchester, MA 01890 intends to file on August 1, 2003, a Determination of Need Application with the Massachusetts Department of Public Health to establish a shared mobile PET/CT service to be located at Mount Auburn Hospital, 330 Mount Auburn Street, Cambridge, MA 02138 and The Winchester Hospital Family Medical Center, 500 Salem Street, Wilmington, MA 01884. The maximum capital expenditure is \$4,153,224. Any ten taxpayers of the Commonwealth may register in connection with the application by August 20, 2003. If requested, a public hearing shall be ordered on the application at the request of any such ten taxpayers made in writing not later than September 2, 2003. Such registrations or requests for hearing shall be sent to the Massachusetts Department of Public Health, Determination of Need Program, 250 Washington Street, Boston, MA 02108. The application may be inspected at such address and also at the Greater Boston Regional Health Office, 10 Malcolm X Blvd., Roxbury, MA 02119 and Northeast Regional Health Office, Tewksbury Hospital, Saunders Building, East Street, Tewksbury, MA 01876.

**LEGAL NOTICES**

**AVON HILL 8/6/03**  
**LEGAL NOTICE**  
**Avon Hill Neighborhood Conservation District Commission**  
 Notice is hereby given that the Avon Hill Neighborhood Conservation District Commission will hold a Public Hearing on Wednesday, August 6, 2003 at 5:30 PM, Room 303, Lesley University Porter Exchange Building, 1815 Massachusetts Avenue, Cambridge to consider the following application under Article III of the Cambridge City Code and the order establishing the Commission:  
**AH-143: 15 Raymond Street:** For review of binding Certificate of Appropriateness to construct 21' x 22', 462 square-foot garage. By John and Julia Bagalay.  
**AH-144: 45 Mt. Vernon Street:** For review of non-binding Certificate of Appropriateness to demolish existing sunroom addition and deck and construct new 687-square foot, one-story kitchen and basement addition. By Peter Berman and Jennifer Ruducha.  
 Allen Razdow, Chairman  
 AD#278260  
 Cambridge Chronicle 7/23, 07/30/03

tion, new entry, fencing, and landscaping.  
**Case 1435: 47 Palmer St., by President and Fellows of Harvard College on behalf of Veggie Planet restaurant.** To install projecting sign to wall.  
**Case 1436: 123 Brattle St., by Gene & Peggy Blumenreich.** To replace curved bay window and trim; repair or replace copper roof over bay window.  
**Case 1437: 27 Brattle St., by Richard Getz Associates, Agent, on behalf of Aubon Pain restaurant.** Install new awning frame and canvas with logo; install new light fixtures above awning.  
**Case 1438: 33 Church St., by Janet Cahaly.** To install fence; construct two additions and add railings on flat roofs; replace second-floor windows and rear door; clean and re-point masonry.  
**Demolition Review**  
**Case D-951: 176 Green St., by Eiko Onagi on behalf of Three Craigie Circle LLC.** To demolish triple decker residence (1894).  
 William B. King, Chairman  
 AD#278142  
 Cambridge Chronicle 7/23, 07/30/03

**For the Committee,**  
**Councillor David Maher, Co-Chair**  
**Councillor Brian Murphy, Co-Chair**  
**AD#275974**  
**Cambridge Chronicle 7/23/03**  
**CLK/MDC OPEN SPACE**  
**LEGAL NOTICE**  
**City of Cambridge**  
**Massachusetts**  
**Public Notice**  
**Relative to Zoning**  
**Office of the City Clerk**  
 Notice is hereby given that, in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, the Committee on Ordinances, comprised of the entire membership of the City Council, will conduct a public hearing on Wednesday, July 30, 2003 in the Media Cafeteria at Cambridge Rindge and Latin School, 459 Broadway, Cambridge, Massachusetts at 3:30 p.m. to consider a petition by the City Council to amend the Zoning Ordinance by rezoning land parcels owned by the Commonwealth of Massachusetts, generally acting as the Metropolitan District Commission, from their current, varied zoning designations to the zoning designation "Open Space". The parcels are listed below:  
 1. Linear Park currently zoned Special District BA-2, SD-2 and SD-3;  
 2. Alewife Brook Parkway currently zoned existing Residence B north of Whittemore Avenue;  
 3. John C. Gibbons Park and adjacent land currently zoned Residence B (as above);  
 4. Alewife Brook Parkway currently zoned BC, C-2, O2/PUD-5 and SD-3 (the portion between the centerline of Concord Avenue and the centerline of Whittemore Avenue and including lots #63, 61, 71, and 49 on Assessor's Lot #269 1/2);  
 5. Concord Avenue currently zoned IA-1, BA and BC (the portion from Fresh Pond Parkway to Alewife Brook Parkway);  
 6. Fresh Pond Parkway currently zoned Residence B and BA (Huron Avenue to Concord Avenue segment);  
 7. Fresh Pond Parkway at Lowell Park currently zoned Residence A-2;  
 8. Memorial Drive currently zoned Residence A-1, A-2, Office 3, C-3, SD-11, SD-5, C and Business A (the portion of the Memorial Drive right of way

including the riverfront from the Longfellow Bridge to the Cambridge/Watertown municipal boundary line on Greenough Boulevard);  
 9. John F. Kennedy Park currently zoned Residence C-3;  
 10. Cambridge Parkway currently zoned Residence C-3A/PUD-2 (East Cambridge waterfront from the Longfellow Bridge to Lechmere Canal);  
 11. Land Boulevard at Lechmere Canal currently zoned BA/PUD-4 (part of the Lechmere Canal Park in East Cambridge abutting the hotel use and 10 Canal Park); and  
 12. MDC Stables and Boathouse currently zoned Residence C3A/PUD-2 (East Cambridge waterfront at Land Boulevard and O'Brien Highway adjacent to the Museum of Science).  
 Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.  
 All persons interested in this matter may appear at this time and be heard.  
 For the Committee,  
 Councillor David Maher  
 Councillor Brian Murphy  
 AD#274410  
 Cambridge Chronicle 7/16, 7/23/03

**MC-2377: 16 Ware Street:** For review of non-binding Certificate of Appropriateness to replace wood window sash with vinyl, throughout building. By Bancroft Court Condominium Trust, Jennifer Cooper, Trustee.  
 John Moos, Chairman  
 AD#278140  
 Camb Chronicle 7/23, 7/30/03  
**SERAFINO GUARDIANSHIP**  
**LEGAL NOTICE**  
**Commonwealth of Massachusetts**  
**The Trial Court**  
**Probate and Family**  
**Court Department**  
**MIDDLESEX Division**  
**Docket No. 03P2894G11**  
**NOTICE OF PETITION FOR APPOINTMENT OF GUARDIAN OF MENTALLY ILL PERSON**  
 To ANGIE SERAFINO of CAMBRIDGE in the County of MIDDLESEX, her heirs apparent or presumptive, a petition has been filed in the above captioned matter alleging that said ANGIE SERAFINO of CAMBRIDGE in the County of MIDDLESEX is a mentally ill person and praying that ADVOGUARD, INC. of ROCKLAND in the County of PLYMOUTH or some suitable person be appointed guardian, to serve with surety of the person - and property - with the authority to consent to customary and usual medical treatment.  
 IF YOU DESIRE TO OBJECT THERE-TO, YOU OR YOUR ATTORNEY MUST FILE A WRITTEN APPEARANCE IN SAID COURT AT CAMBRIDGE ON OR BEFORE TEN O'CLOCK IN THE FORENOON (10:00 AM) ON AUGUST 5, 2003.  
 WITNESS, HON. BEVERLY WEINGER BOORSTEIN, ESQUIRE, First Justice of said Court at CAMBRIDGE this day, July 1, 2003.  
 John R. Buonomo  
 Register of Probate  
 AD#275622  
 Cambridge Chronicle 7/23/03

Late of CAMBRIDGE  
 In the County of MIDDLESEX  
 Date of Death December 25, 2002  
**NOTICE OF PETITION FOR PROBATE OF WILL**  
 To all persons interested in the above captioned estate, a petition has been presented praying that a document purporting to be the last will of said decedent be proved and allowed, and that ROBIN R WOODSUM of OAKLAND in the County of and NICHOLAS WOODSUM of BOSTON in the County of SUFFOLK be appointed executors, named in the will to serve without surety.  
 IF YOU DESIRE TO OBJECT THERE-TO, YOU OR YOUR ATTORNEY MUST FILE A WRITTEN APPEARANCE IN SAID COURT AT CAMBRIDGE ON OR BEFORE TEN O'CLOCK IN THE FORENOON (10:00 AM) ON AUGUST 12, 2003.  
 In addition, you must file a written affidavit of objections to the petition, stating specific facts and grounds upon which the objection is based, within thirty (30) days after the return day (or such other time as the court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.  
 WITNESS, HON. BEVERLY WEINGER BOORSTEIN, ESQUIRE, First Justice of said Court at CAMBRIDGE this day, July 8, 2003.  
 John R. Buonomo  
 Register of Probate  
 AD#275621  
 Cambridge Chronicle 7/23/03

**CAMB HISTORICAL 8/7/03**  
**LEGAL NOTICE**  
**CAMBRIDGE HISTORICAL COMMISSION**  
 Notice is hereby given that a public hearing will be held on **Thursday, August 7, 2003, at 6:00 PM** at 806 Massachusetts Ave., Cambridge Senior Center, to consider the following matters under M.G.L. Ch. 40C and Ch. 278 of the Code of the City of Cambridge:  
**Alterations to Designated Properties**  
**Case 1388: 182 Brattle St., by Joseph Chung. (continued)** To review paving material of approved driveway; discuss design of fence and gates. To install new paved walkway, implement landscape plan.  
**Case 1426: 1734 Massachusetts Ave., by Linnean Corporation.** To remove clapboards and shingles and install new; strip trim of paint; paint exterior of building.  
**Case 1302 Amendment: Intersection of Brattle/Mason/Ash streets, by City of Cambridge.** To construct curb extensions and pedestrian crossing island.  
**Case 1433: Intersection of Craigie/Buckingham streets, by City of Cambridge.** To review alterations to existing curb extensions.  
**Case 1434: 50 Church St., by 50 Church Street Realty Trust.** To construct addi-

**CLK/HUMAN RIGHTS**  
**LEGAL NOTICE**  
**Public Notice**  
**Relative to Municipal Code**  
**City of Cambridge**  
**Massachusetts**  
**Office of the City Clerk**  
**The Committee on Ordinances, comprised of the entire membership of the City Council, will conduct a public hearing on Wednesday, July 30, 2003 at 3:00 P.M. in the Media Cafeteria, Cambridge Rindge and Latin School, 459 Broadway, Cambridge, Massachusetts, to discuss a proposed amendment to the Human Rights Ordinance, Chapter 276.120 of the Municipal Code, to include a requirement that public accommodations remove architectural barriers and structural communication barriers to access for people with disabilities, unless such barrier removal is not readily achievable.**  
**Copies of this amendment are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.**  
**All persons interested in this matter may appear at this time and be heard.**

**MID CAMBRIDGE 8/4**  
**LEGAL NOTICE**  
**Mid Cambridge Neighborhood Conservation District Commission**  
 Notice is hereby given that the Commission will hold a Public Hearing on Monday, August 4, 2003 at 6:00 PM in the Ballroom of the Cambridge Senior Center, 806 Massachusetts Avenue, Cambridge to consider the following applications under Article III and the Order establishing the Commission:  
**MC-2366: 2 Arnold Circle #1:** For review of non-binding Certificate of Appropriateness to replace three windows. By Arnold Circle Condo Trustees on behalf of Frank Wang.  
**MC-2375: 5 Dana Street:** For review of non-binding Certificate of Appropriateness to reconstruct and alter rear ell including adding 537 square feet, restoring chimney, removing siding, changing roof pitch, installing new windows, and landscaping, including new fencing. By Orhun Muratoglu.  
**MC-2376: 56-58 Kirkland Street:** For review of non-binding Certificate of Appropriateness to reconstruct rear ell, including replacing brick veneer, altering windows, and selective demolition. By 56-58 Kirkland Street Condo Association, Howard Dinin, president.

**WITNESS, HON. BEVERLY WEINGER BOORSTEIN, ESQUIRE, First Justice of said Court at CAMBRIDGE this day, July 1, 2003.**  
 John R. Buonomo  
 Register of Probate  
**AD#275622**  
 Cambridge Chronicle 7/23/03  
**WOODSUM ESTATE**  
**LEGAL NOTICE**  
**Commonwealth of Massachusetts**  
**The Trial Court**  
**Probate and Family**  
**Court Department**  
**MIDDLESEX Division**  
**Docket No. 03P2209EP1**  
 In the Estate of  
 SIDNEY PERHAM WOODSUM

**WITNESS, HON. BEVERLY WEINGER BOORSTEIN, ESQUIRE, First Justice of said Court at CAMBRIDGE this day, July 1, 2003.**  
 John R. Buonomo  
 Register of Probate  
**AD#275622**  
 Cambridge Chronicle 7/23/03  
**WOODSUM ESTATE**  
**LEGAL NOTICE**  
**Commonwealth of Massachusetts**  
**The Trial Court**  
**Probate and Family**  
**Court Department**  
**MIDDLESEX Division**  
**Docket No. 03P2209EP1**  
 In the Estate of  
 SIDNEY PERHAM WOODSUM

**To place your legal notice call Bianka Nebel at 781-453-6438 or fax 781-453-6650**

**030730 Ordinance Committee:  
Human Rights Amendment**

**Co-Chair David Maher**

**Co-Chair Brian Murphy**

**The Honorable, the City Council**

**Don Drisdell  
City Solicitor**

**Robert W. Healy  
City Manager**

**Richard Rossi  
Deputy City Manager**

**Robert Bersani, ISD**

**Neighborhood Associations**

**Michael Muehe  
Director of the Commission for  
Persons with Disabilities**

**Quoc Tran  
Director of the Human Rights  
Commission**

**Ben Barnes  
Chairman  
License Commission**



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260

FAX (617) 349-4269

tty/TDD (617) 492-0235

D. MARGARET DRURY  
CITY CLERK

DONNA P. LOPEZ  
DEPUTY CITY CLERK

TO: THE HONORABLE, THE CITY COUNCIL

FROM: D. MARGARET DRURY, CITY CLERK *DMD*

DATE: JULY 17, 2003

RE: ORDINANCE COMMITTEE MEETING

\*\*\*\*\*

Please be advised that Councillor David Maher and Councillor Brian Murphy, Co-Chairs of the Ordinance Committee, have scheduled a public hearing of the Ordinance Committee on **WEDNESDAY, JULY 30, 2003** in the **Media Cafeteria, Cambridge Rindge and Latin School, 459 Broadway, Cambridge, Massachusetts (see attached 1-page description)** as follows:

- 3:00 p.m.** To consider a proposed amendment to the Human Rights Ordinance, Chapter 2.76.120 of the Municipal Code, to include a requirement that public accommodations remove architectural barriers and structural communication barriers to access for people with disabilities, unless such barrier removal is not readily achievable.

Your kind attention in this matter will be greatly appreciated.

030730MuniOrdHumRtsNotice



**OFFICE OF THE CITY CLERK**

CITY OF CAMBRIDGE

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tty/TDD (617) 492-0235

D. MARGARET DRURY  
CITY CLERK

DONNA P. LOPEZ  
DEPUTY CITY CLERK

**TO: ROBERT W. HEALY, CITY MANAGER  
RICHARD ROSSI, DEPUTY CITY MANAGER**

**FROM: D. MARGARET DRURY, CITY CLERK *DMR***

**DATE: JULY 17, 2003**

**RE: ORDINANCE COMMITTEE MEETING**

\*\*\*\*\*

Please be advised that Councillor David Maher and Councillor Brian Murphy, Co-Chairs of the Ordinance Committee, have scheduled a public hearing of the Ordinance Committee on **WEDNESDAY, JULY 30, 2003** in the **Media Cafeteria, Cambridge Rindge and Latin School, 459 Broadway, Cambridge, Massachusetts** (see attached 1-page description) as follows:

**3:00 p.m.** To consider a proposed amendment to the Human Rights Ordinance, Chapter 2.76.120 of the Municipal Code, to include a requirement that public accommodations remove architectural barriers and structural communication barriers to access for people with disabilities, unless such barrier removal is not readily achievable.

You or your designee is invited to attend.

Your kind attention in this matter will be greatly appreciated.

030730MuniOrdHumRtsNotice



**OFFICE OF THE CITY CLERK**

CITY OF CAMBRIDGE

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D. MARGARET DRURY  
CITY CLERK

DONNA P. LOPEZ  
DEPUTY CITY CLERK

**TO: BEN BARNES, CHAIRMAN, LICENSE COMMISSION**

**FROM: D. MARGARET DRURY, CITY CLERK** *DM*

**DATE: JULY 17, 2003**

**RE: ORDINANCE COMMITTEE MEETING**

\*\*\*\*\*

Please be advised that Councillor David Maher and Councillor Brian Murphy, Co-Chairs of the Ordinance Committee, have scheduled a public hearing of the Ordinance Committee on **WEDNESDAY, JULY 30, 2003** in the **Media Cafeteria, Cambridge Rindge and Latin School, 459 Broadway, Cambridge, Massachusetts** (see attached 1-page description) as follows:

- 3:00 p.m.** To consider a proposed amendment to the Human Rights Ordinance, Chapter 2.76.120 of the Municipal Code, to include a requirement that public accommodations remove architectural barriers and structural communication barriers to access for people with disabilities, unless such barrier removal is not readily achievable.

Your kind attention in this matter will be greatly appreciated.

030730MuniOrdHumRtsNotice



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D. MARGARET DRURY  
CITY CLERK

DONNA P. LOPEZ  
DEPUTY CITY CLERK

**TO: ROBERT BERSANI, COMMISSIONER ISD**

**FROM: D. MARGARET DRURY, CITY CLERK** *DM*

**DATE: JULY 17, 2003**

**RE: ORDINANCE COMMITTEE MEETING**

\*\*\*\*\*

Please be advised that Councillor David Maher and Councillor Brian Murphy, Co-Chairs of the Ordinance Committee, have scheduled a public hearing of the Ordinance Committee on **WEDNESDAY, JULY 30, 2003** in the **Media Cafeteria, Cambridge Rindge and Latin School, 459 Broadway, Cambridge, Massachusetts** (see attached 1-page description) as follows:

- 3:00 p.m.** To consider a proposed amendment to the Human Rights Ordinance, Chapter 2.76.120 of the Municipal Code, to include a requirement that public accommodations remove architectural barriers and structural communication barriers to access for people with disabilities, unless such barrier removal is not readily achievable.

Your kind attention in this matter will be greatly appreciated.

(30730MuniOrdHumRtsNotice



**OFFICE OF THE CITY CLERK**

CITY OF CAMBRIDGE

(617) 349-4260

FAX (617) 349-4269

tty/TDD (617) 492-0235

D. MARGARET DRURY  
CITY CLERK

DONNA P. LOPEZ  
DEPUTY CITY CLERK

**TO: DON DRISDELL, CITY SOLICITOR**

**FROM: D. MARGARET DRURY, CITY CLERK** *DMD*

**DATE: JULY 17, 2003**

**RE: ORDINANCE COMMITTEE MEETING**

\*\*\*\*\*

Please be advised that Councillor David Maher and Councillor Brian Murphy, Co-Chairs of the Ordinance Committee, have scheduled a public hearing of the Ordinance Committee on **WEDNESDAY, JULY 30, 2003** in the **Media Cafeteria, Cambridge Rindge and Latin School, 459 Broadway, Cambridge, Massachusetts** (see attached 1-page description) as follows:

- 3:00 p.m.** To consider a proposed amendment to the Human Rights Ordinance, Chapter 2.76.120 of the Municipal Code, to include a requirement that public accommodations remove architectural barriers and structural communication barriers to access for people with disabilities, unless such barrier removal is not readily achievable.

Your kind attention in this matter will be greatly appreciated.

030730MuniOrdHumRtsNotice



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D. MARGARET DRURY  
CITY CLERK

DONNA P. LOPEZ  
DEPUTY CITY CLERK

TO: MICHAEL MUEHE, DIRECTOR OF THE COMMISSION FOR  
PERSONS WITH DISABILITIES

FROM: D. MARGARET DRURY, CITY CLERK *DMD*

DATE: JULY 17, 2003

RE: ORDINANCE COMMITTEE MEETING

\*\*\*\*\*

Please be advised that Councillor David Maher and Councillor Brian Murphy, Co-Chairs of the Ordinance Committee, have scheduled a public hearing of the Ordinance Committee on **WEDNESDAY, JULY 30, 2003** in the **Media Cafeteria, Cambridge Rindge and Latin School, 459 Broadway, Cambridge, Massachusetts** (see attached 1-page description) as follows:

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Your kind attention in this matter will be greatly appreciated.

030730MuniOrdHumRtsNotice



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DONNA P. LOPEZ  
DEPUTY CITY CLERK

**TO: QUOC TRAN, DIRECTOR OF THE HUMAN RIGHTS COMMISSION**

**FROM: D. MARGARET DRURY, CITY CLERK** *DMU*

**DATE: JULY 17, 2003**

**RE: ORDINANCE COMMITTEE MEETING**

\*\*\*\*\*

Please be advised that Councillor David Maher and Councillor Brian Murphy, Co-Chairs of the Ordinance Committee, have scheduled a public hearing of the Ordinance Committee on **WEDNESDAY, JULY 30, 2003** in the **Media Cafeteria, Cambridge Rindge and Latin School, 459 Broadway, Cambridge, Massachusetts** (see attached 1-page description) as follows:

- 3:00 p.m.** To consider a proposed amendment to the Human Rights Ordinance, Chapter 2.76.120 of the Municipal Code, to include a requirement that public accommodations remove architectural barriers and structural communication barriers to access for people with disabilities, unless such barrier removal is not readily achievable.

Your kind attention in this matter will be greatly appreciated.

030730MuniOrdHumRtsNotice



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260

FAX (617) 349-4269

tty/TDD (617) 492-0235

D. MARGARET DRURY  
CITY CLERK

DONNA P. LOPEZ  
DEPUTY CITY CLERK

TO: NEIGHBORHOOD ASSOCIATIONS  
FROM: D. MARGARET DRURY, CITY CLERK *DM*  
DATE: JULY 17, 2003  
RE: ORDINANCE COMMITTEE MEETING

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030730MuniOrdHumRtsNotice

## Chapter 2.76 HUMAN RIGHTS COMMISSION

### Section 2.76.120 Acts deemed lawful and unlawful—Exemptions.

#### Subsection M.

1. It is an unlawful practice for any person directly or indirectly to withhold, deny, curtail or in any manner limit the full use of a public accommodation by any person, or discriminate against such person with respect to the use of such accommodation, because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, gender, marital status, family status, military status or source of income of such person.
  - a. *It is an unlawful practice for any person who owns, operates, leases, or leases to a place of public accommodation, to fail to take action to remove architectural barriers, and communication barriers that are structural in nature, in existing places of public accommodation, unless such barrier removal action is not readily achievable, i.e., easily accomplishable and able to be carried out without much difficulty or expense. For the purposes of this section, "barrier" means any physical element of a facility that impedes access by people with disabilities.*
  - b. *In determining whether an action is readily achievable, factors to be considered include—*
    - i. *the nature and cost of the action needed under this section;*
    - ii. *the overall financial resources of the public accommodation involved in the action; the number of persons employed at such public accommodation; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the public accommodation;*
    - iii. *the overall financial resources of the public accommodation; the overall size of the business of a public accommodation with respect to the number of its employees; the number, type, and location of its facilities; and*
    - iv. *the type of operation or operations of the public accommodation, including the composition, structure, and functions of the workforce of such public accommodation; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the public accommodation.*
  - c. *Where a public accommodation can demonstrate that the removal of a barrier under clause 1.a. is not readily achievable, it is an unlawful practice for that public accommodation to fail to make such goods, services, facilities, privileges, advantages, or accommodations available through non-structural methods, if such methods are readily achievable.*
2. It is an unlawful practice for any person directly or indirectly to advertise or otherwise publicize that any person is unwelcome to the full use of any public accommodation because of the race, color, disability or source of income of such person.

## McGrath, Elaine

---

**From:** Nebel, Bianka [bnebel@cnc.com]  
**Sent:** Thursday, July 17, 2003 3:04 PM  
**To:** McGrath, Elaine  
**Subject:** RE: notice for another July 30 hearing TO BE PUBLISHED on July 23

WOO HOOO!!!!!! Got your ad...doing it right now!!! oh boy...

B

> -----Original Message-----

> From: McGrath, Elaine [SMTP:emcgrath@CambridgeMA.GOV]

> Sent: Thursday, July 17, 2003 2:39 PM

> To: bnebel@cnc.com

> Subject: notice for another July 30 hearing TO BE PUBLISHED on July  
> 23

>

> Hi Bianka- July 30 is gonna collapse under the weight of all these  
> hearings!-here's another one, attached: July 30 at 3:00 P.M. on a proposed  
> amendment to the Human Rights Ordinance. It needs to be published next  
> Wednesday, July 23. Any questions, please call me. Thanks.  
> Elaine:349-4260 Cambridge City Clerk's office. << File: Chronicle legal  
> notice for municipal code03C730HumRts.doc >>

**Public Notice**  
**Relative to Municipal Code**  
**City of Cambridge**  
**Massachusetts**  
**Office of the City Clerk**

The Committee on Ordinances, comprised of the entire membership of the City Council, will conduct a public hearing on **Wednesday, July 30, 2003 at 3:00 P.M.** in the **Media Cafeteria, Cambridge Rindge and Latin School, 459 Broadway, Cambridge, Massachusetts**, to discuss a proposed amendment to the Human Rights Ordinance, Chapter 2.76.120 of the Municipal Code, to include a requirement that public accommodations remove architectural barriers and structural communication barriers to access for people with disabilities, unless such barrier removal is not readily achievable.

Copies of this amendment are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor David Maher, Co-Chair  
Councillor Brian Murphy, Co-Chair

# Existing Ordinance

2.76.130

economically disadvantaged; provided, that such selection shall not discriminate among the disabled, elderly, individuals not fluent in English, or the economically disadvantaged on the basis of other discriminatory criteria as set forth in Section 2.76.030 of this chapter.

M. 1. It is an unlawful practice for any person directly or indirectly to withhold, deny, curtail or in any manner limit the full use of a public accommodation by any person, or discriminate against such person with respect to the use of such accommodation, because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, gender, marital status, family status, military status or source of income of such person.

2. It is an unlawful practice for any person directly or indirectly to advertise or otherwise publicize that any person is unwelcome to the full use of any public accommodation because of the race, color, disability or source of income of such person.

3. The following practices shall not be deemed unlawful:

a. The designation of a public accommodation for the exclusive or preferential use of the elderly or the disabled;

b. The designation of a rest room or of a privately owned athletic or exercise facility for the exclusive or preferential use of members of a single sex;

c. The advertisement of a public accommodation as being for the preferential use of persons of a particular sex, age, religious creed, national origin or ancestry, sexual orientation, gender, marital status, family status or military status, provided such preference is not advertised as or implied to be a requirement for entry or use of such public accommodation.

N. It is an unlawful practice for any person to harass, intimidate,

threaten, assault or otherwise discriminate against any person in or upon any public accommodation because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, gender, marital status, family status, military status or source of income of such person, or attempt to do so.

O. It is an unlawful practice for any person to commit any act forbidden by this chapter for any reason that would not have been asserted, wholly or partially, but for the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, gender, marital status, family status, military status or source of income of any person.

P. It is an unlawful practice for any person to aid, abet, incite, compel, coerce or conspire to the commission of any of the acts forbidden by this chapter or to attempt to do so.

Q. It is an unlawful practice for any person to discharge, expel, evict, harass, retaliate in any manner or otherwise take action against any person because such person has opposed any act forbidden by this chapter or because such person has filed a complaint, testified or assisted in any proceeding under this chapter. (Ord. 1016 (part), 1984: prior code Ch. 25 § 8(A))

(Ord. 1182, Amended, 02/24/1997)

## 2.76.130 Cooperation with other government agencies.

The Commission shall work cooperatively with federal, State and City agencies, including, but not limited to the School Department and the Massachusetts Commission Against Discrimination, in developing materials, workshops, public presentations and other educational resources designed to eliminate prejudice, intolerance, bigotry and discrimination and to enlist the cooperation of the various racial, religious and ethnic groups, civic

**Section 2.76.150 Complaint resolution procedures.**

A. Any person or class of persons claiming to be aggrieved by an alleged violation of this chapter may make, sign and file with the Commission a verified complaint in writing which shall state the name and address of the person alleged to have committed such violation and the particulars and other such information as may be required by the Commission. The Commission may also on its own motion issue a complaint, whenever it has reason to believe that any person has engaged in an unlawful practice in violation of this chapter.

B. No complaint shall be considered unless it is filed within one hundred eighty days after the occurrence of the alleged unlawful practice, or unless it has been referred to the Commission by the Massachusetts Commission Against Discrimination or the Equal Employment Opportunity Commission after having been timely filed with either or both agencies.

C. The filing of a complaint, the failure to file a complaint, or the dismissal of a complaint by the Commission shall not bar the complainant from seeking relief in any other administrative or judicial forum. Nor shall filing or failing to file a complaint with other federal, State or City agencies or courts bar the complainant from seeking relief through the Commission.

D. After the filing of any complaint, the Chairperson of the Commission shall designate the Executive Director or one or more of the Commissioners to oversee a prompt investigation thereof with the assistance of the staff of the Commission.

E. If such Commissioner(s) determine after such investigation that no probable cause exists for crediting the allegations of the complaint, they shall promptly file a report of such findings with the Commission, which shall determine whether or not to dismiss the complaint. The Commission shall, within ten days from such determination, notify the complainant in writing of such determination.

F. If such Commissioner(s) determine after such investigations that probable cause does exist for crediting the allegations of the complaint or if the Commission so determines, notwithstanding a negative report from such Commissioner(s), the Commission shall forthwith endeavor by conference, conciliation and persuasion to eliminate the unlawful practice. The Commission and its staff shall not disclose what has occurred in the course of such endeavors except to disclose the terms of conciliation when the complaint has been disposed of in this manner.

G. In the case of failure to eliminate an alleged unlawful practice by the process of mediation or after ninety days have passed from commencement of mediation, or if probable cause exists that a conciliation agreement has been violated, the Commission shall issue and serve in its name a written notice, together with a copy of the complaint, requiring the person named in the complaint (hereinafter called the "respondent") to answer the charges of the complaint at a hearing of the Commission at a reasonable time and place specified in such notice. The respondent may file a written verified answer to the complaint and appear at such hearing in person, with or without counsel, and submit testimony. The Commission may designate a staff member to present evidence on behalf of the complainant or may permit the complainant to do so himself or herself or by counsel. The Commission shall not be bound by the strict rules of evidence prevailing in the courts. The testimony taken at the hearing shall be under oath and recorded, and shall be transcribed at the request of any party.

H. If, upon all the evidence, the Commission shall find that a respondent has not engaged in any unlawful practice or violation of this chapter, the Commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the complaint as to such respondent.

I. If, upon all the evidence, the Commission shall find that a respondent has engaged in any unlawful practice or violation of this chapter, the Commission shall state its findings of fact and shall forthwith seek relief through one or more of the following actions:

1. File a criminal complaint against the respondent in the Cambridge District Court or in the district court for the judicial district in which the respondent resides, seeking fines of up to three hundred dollars, or the maximum under State law, for each such violation;

2. Levy a civil fine of up to three hundred dollars for each such violation;

3. File a complaint against the respondent in Superior Court seeking injunctive relief, including a temporary restraining order; or

4. File a complaint against the respondent in a court of appropriate jurisdiction seeking the award to the complainant of damages, expenses, punitive damages and other relief, as appropriate.

J. The Commission may be represented in court by the City Solicitor or by its own attorneys.

K. It shall be a crime punishable by a fine of not more than three hundred dollars, or the maximum under State law, per violation to commit any unlawful practice under this section and Sections 2.76.110, 2.76.120 and 2.76.130 of this chapter. (Ord. 1016 (part), 1984: prior code Ch. 25 § 8(D))

781-259-8356

2003 JUL 28 P 4: 44

OFFICE OF THE CITY CLERK  
**ENOUGH ROOM, ROY BERCAW, EDITOR**  
PO BOX 400297, CAMBRIDGE, MA 02140 USA 617-491-0433

Committee on Ordinances and  
Honorable Cambridge City Council  
795 Mass Avenue  
Cambridge MA 02139

July 29, 2003

Re: Proposed Amendment  
to the Human Rights Ordinance  
Chapter 2.76.120 of the Municipal Code

I strongly object to the proposed Amendment to the Human Rights Ordinance Chapter 2.76.120 of the Municipal Code as written. The suggested addition to the chapter includes language which already exists in the US Code, popularly known as the Americans with Disabilities Act. The proponents want the Council to declare it "an unlawful practice ... to fail to remove architectural barriers, and communications barriers that are structural in nature ... "

The proposed amendment defines "barrier" to mean "any physical element of a facility that impedes access by people with disabilities." This is the latest instance of discrimination by the Cambridge Commission for Persons with Disabilities (legally known as the Handicapped Commission).

Sharing this bias, the Human Rights Commission openly stated that it will not address abuses by public officials toward persons with non physical disabilities. My previous complaints to the Council were ignored. It is unlawful City policy that some forms of disabilities are more equal than others.

Previous attempts to learn of this proposed amendment were thwarted by the Human Rights Commission. When it was advertised in the *Cambridge Chronicle*, I asked at the Office of the City Clerk to see the proposed amendment. I was told the Clerk's office did not have a copy, though the newspaper ad twice said it was available there. A Deputy Clerk told me to ask at the Office of the Human Rights Commission.

When I asked at the office of the Human Rights Commission their receptionist told me that they would not show it to me because it was not in print form. She said it was on their computer and they would not print a copy for me. This was not the first time that that office was abusive toward me and my inquiries. It is common for City officials to believe that citizens do not have a right to see public records. This is negligent training.

The unlawful priority of the Handicapped Commission is addressing discrimination toward persons with physical disabilities. Like other City, state and US government agencies, overt unlawful policies remain in place, while the focus, when there is

any focus on rights of persons with disabilities, is on physical access to buildings.

This shows how basic the denial of rights and access is for persons with physical disabilities. They still cannot enter ~~some~~ <sup>public</sup> accommodations. On the other hand, rights of persons with non physical disabilities, are not even recognized by the few city and state agencies who are supposed to address the same denial of access to public accommodations.

Whenever the word "access" is used at meetings of alleged advocates for the rights of persons with disabilities, it is always taken to mean, physical or architectural access, as in this proposed amendment. One reason for this is that most persons with physical disabilities are as prejudiced toward others who are accused of mental illness, as persons who are considered normal.

These persons are a fourth class of citizens after the ruling class, the ordinary citizens, and citizens with physical disabilities. Allowing this amendment to become law, indicates that the City Council shares this unlawful bias.

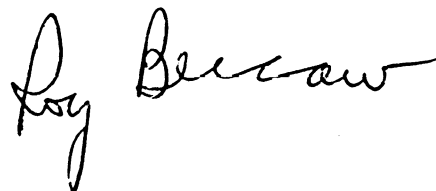
Language must be added to this proposed amendment to include persons accused of mental illness, and persons who have non physical disabilities. The word "access" applies as well to denial of access to the Courts, denial of access to legal representation, and denial of access to petition City, state and US officials. Many staff members of state and US elected officials, are as prejudiced toward persons accused of mental illness, contrary to law, as ignorant morons who openly show their hatred toward persons with disabilities.

But especially the word "access" includes denial of access to police protection for persons accused of mental illness. Allowing this amendment to stand as written will make a prima facie case for overt institutional bias by the City toward persons who are accused of mental illness.

Adding comparable language which specifically addresses denial of access to public accommodations, for persons with non physical disabilities, will make this proposed amendment acceptable. Without such language it will remain another law which violates Chapter 151 B of the Mass General Laws, the Americans with Disabilities Act, and the Rehabilitation Act of 1973.

Without addressing this blatant omission this proposed amendment cannot stand legal scrutiny. I urge the Council to reject the proposed amendment as written and add language to include prohibiting denial of access to all persons with disabilities, not just persons with physical disabilities.

Thank you for your consideration and attention.



**Chapter 2.76 HUMAN RIGHTS COMMISSION**

**Section 2.76.120 Acts deemed lawful and unlawful—Exemptions.**

**Subsection M.**

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2. It is an unlawful practice for any person directly or indirectly to advertise or otherwise publicize that any person is unwelcome to the full use of any public accommodation because of the race, color, disability or source of income of such person.

# City of Cambridge

## ORDINANCE COMMITTEE MEMBERS

In City Council October 20, 2003

*Councillor David P. Maher, Co-Chair*  
*Councillor Brian Murphy, Co-Chair*  
*Vice Mayor Henrietta Davis*  
*Councillor Marjorie C. Decker*  
*Councillor Anthony D. Galluccio*  
*Councillor Kenneth E. Reeves*  
*Councillor E. Denise Simmons*  
*Councillor Timothy J. Toomey*  
*Mayor Michael A. Sullivan*

The Ordinance Committee held a public hearing on July 30 2003, beginning at 3:13 o'clock p.m. in the Cambridge Rindge and Latin School Media Cafeteria, 459 Broadway. The purpose of the hearing was to consider a proposed amendment to the Human Rights Ordinance, Chapter 2.76 of the Cambridge Municipal Code, to include a requirement that public accommodations remove barriers to access for people with disabilities.

### **Attachment A.**

Present at the hearing were Councillor David P. Maher and Councillor Brian Murphy, Co-Chairs of the committee, Vice Mayor Henrietta Davis, Councillor E. Denise Simmons, and City Clerk D. Margaret Drury. Also present were Michael Muehe, Executive Director of the Cambridge Commission for Persons with Disabilities, Quoc Tran, Executive Director of the Human Rights Commission, Jill Herold, Assistant City Manager for Human Services and Jerry Leblanc, Inspectional Services Department.

Councillor Murphy convened the hearing and explained the purpose. He invited Mr. Muehe and Mr. Tran to explain the proposed amendment. Mr. Muehe began by informing the committee that both the Human Rights Commission and the Disabilities Commission voted unanimously to approve this proposed amendment. He explained that Title III of the Americans with Disabilities Act (ADA) applies to public accommodations and requires existing facilities to remove barriers to access whenever such barrier removal is readily achievable. This amendment would make the requirement already contained in the ADA a part of the Human Rights Ordinance and thus provide for local enforcement.

Mr. Muehe stated that the enforcement procedures for Title III are very problematic. Complainants must either file with the U.S. Justice Department in Washington D.C. or file a lawsuit in their local Federal District Court. A recent U.S. Supreme Court case has increased the difficulties for complainants of collecting legal fees in these cases by eliminating award of attorneys' fees made under the "catalyst theory," which allowed legal fees even in cases that settled before trial, as long as the defendant fixed the condition.

Mr. Tran stated that the Human Rights Commission had a great deal of discussion about the capacity of the commission to handles this type of case, and the commissioners concluded that the commission is well equipped to take on this responsibility. There is

**Committee Report #5**

A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Councillor David P. Maher and Councillor Brian Murphy, Co-Chairs of the Ordinance Committee, for a meeting held on July 30, 2003 to consider a proposed amendment to the Human Rights Ordinance, Chapter 2.76 of the Cambridge Municipal Code, to include a requirement that public accommodations remove barriers to access for people with disabilities.

**In City Council October 20, 2003**

**REPORT ACCEPTED  
REFERRED TO PETITION  
TWO ORDERS ADOPTED**

no backlog of complaints in the Human Rights Commission caseload. The commission anticipates a gradual increase in these cases over time. The Disabilities Commission already has an ongoing access program that provides technical assistance to businesses and other facilities trying to remove access barriers.

In response to a question from Councillor Maher, Mr. Muehe explained that the Massachusetts Architectural Access Board regulations only apply in cases where there has been construction, and the Inspectional Services Department's only authority in the area of disabilities at present is to enforce the Access Board requirements.

Councillor Murphy asked for examples of barriers that would fall under this provision as barriers for which removal would be "readily achievable." Mr. Muehe responded that stores with one step at the entrance or with a door too narrow to accommodate a wheelchair are typical of the barriers that the ordinance could address. In response to Councillor Murphy's question as to what kind of a barrier removal that would not be readily achievable, Mr. Muehe gave the example of a restaurant with a second floor and no elevator.

Councillor Murphy asked whether there is case law in which the courts have considered the question of what is readily achievable. Mr. Muehe said that there has been quite a bit of litigation of this issue. As is specified in Title III and the proposed ordinance, the determination takes into account several factors, many relating to the overall resources of the institution that has the barrier. There is no hard and fast rule, but rather a certain reasonableness factor.

Councillor Maher asked whether other Massachusetts communities have similar ordinances. Mr. Muehe said that Chelsea, Dennis, North Reading and Waltham have ordinances that attach such requirements to licenses for common victualers. This ordinance would go beyond those regulatory schemes. Councillor Murphy asked about other states. Mr. Muehe responded that Jacksonville, Florida recently passed a similar ordinance.

Councillor Murphy asked for a description of the process for complainants under the proposed ordinance. Mr. Muehe said that the first step would be for the Disabilities Commission to write a letter to the owner asking for compliance. Mr. Tran said that if informal requests do not work, the Human Rights Commission staff would initiate a complaint. If the Human Rights Commission were to find sufficient grounds, it would hold a public hearing. If after a public hearing, the commission were to find a violation, it could order compliance. If there were no compliance at that point, the Human Rights Commission could initiate court action.

Councillor Murphy asked if there would be a conflict with the jurisdiction of the Architectural Access Board. Mr. Muehe responded in the negative. He said that the first step in investigating a complaint would be to determine whether any building permits had been issued. If so, the case would be referred to the Access Board, and that board, working with ISD could enforce the accessibility laws as part of the Building Code.

At this time, Councillor Murphy invited public testimony.

Roy Bercaw, 474 Broadway, stated that he objects to the proposed ordinance because it focuses on physical access. Those with physical disabilities face discrimination due to physical barriers, but there are also barriers for people with mental illnesses. The ordinance should be broader and longer to include nonphysical disabilities. Mr. Bercaw also submitted a letter for the record. **Attachment B.**

George Metzger, Antrim Street, stated that he is an architect, vice president of the Central Square Business Association and president of the board of CASPAR. He said that since the ADA was passed in 1990, we have gone a long way towards making our community more accessible, but there is still far to go. He said that he wants the City Council to understand the impact of the proposal. For a business like Novartis, there is no problem. But a barber who has been occupying the same space for years is almost certainly occupying an inaccessible space. A start-up entrepreneur who just found second floor space faces similar problems. The cost of making space accessible is generally not small. The City's efforts to work for the removal of barriers in existing facilities is laudable, but there are issues that must be understood. He suggested providing incentives for voluntary compliance before instituting complaints. Perhaps the City should provide some assistance. Mr. Metzger added that if this ordinance is adopted, there should be a review of its achievements and accomplishments and whether small business owners are being treated fairly.

Joseph Johnson, Outreach Coordinator for the Human Rights Commission, stated that it is very important to have a means of filing and resolving grievances for people who have experienced barriers. Cambridge should be in the forefront of providing such a system. There are quite a few cases involving disabilities at the Human Rights Commission. This amendment would be very useful.

Councillor Simmons asked Mr. Muehe what kind of public outreach has been done with regard to this proposal. Mr. Muehe said that he did not do any specific outreach regarding this hearing. However, the Disabilities Commission has been discussing the proposal for a couple of years.

Councillor Simmons said that she would like to see the issue go to the Economic Development Committee for another public hearing with broader outreach to all who might be affected by the proposal. They should at least be informed of the proposal. She asked what businesses will have to do to modify their entrances if this ordinance is adopted. Councillor Murphy said that removal of barriers is already required by the ADA, but an individual must seek enforcement through a complaint to the Justice Department or a federal court case. This ordinance would enable complaints to be filed with the Human Rights Commission.

Councillor Simmons said that lots of storefronts in Cambridge have one to five steps at the entrance. She asked how these businesses would be affected. Mr. Muehe said that

the determination of whether removal of a particular barrier is readily achievable is made on a case-by-case basis. He can easily envision a restaurant or store that is part of a large national chain where removal is readily achievable and a small mom and pop establishment where it is not readily achievable.

Councillor Simmons said that she would suspect that many businesses are not even aware of the requirement to remove existing barriers. This is an opportunity to reach out to our businesses, make them aware of the law and help them achieve what is readily achievable.

Vice Mayor Davis said that she is concerned about adding more steps to implementation of this ordinance. ADA implementation is already difficult. Cambridge should be as compliant as possible without being confiscatory. She asked if this ordinance adds anything more than the ADA requires. Mr. Muehe answered in the negative.

Councillor Simmons said that any opportunity to enlighten the community is an opportunity that the City should take. She is not trying at all to slow down the process, but she does believe the effected public should know more about the law.

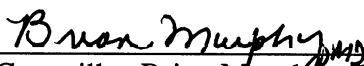
**Councillor Simmons moved to keep the proposed amendment in the Ordinance Committee and to recommend that the City Council also refer the matter to the Economic Development Committee for an additional hearing. The motion passed on a voice vote without objection.**


**Councillor Murphy moved that the City Solicitor be requested to provide the Ordinance Committee with a legal memorandum on the issue of the “readily achievable” standard and on the issue of nonphysical disabilities and removal of barriers. The motion passed on a voice vote without objection.**

Councillors Murphy and Maher thanked all those present for their attendance.

The meeting was adjourned at 4:11 p.m.

For the Committee,

  
Councillor Brian Murphy, Co-Chair

  
Councillor David P. Maher, Co-Chair

## Chapter 2.76 HUMAN RIGHTS COMMISSION

### Section 2.76.120 Acts deemed lawful and unlawful—Exemptions.

#### Subsection M.

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    - iii. *the overall financial resources of the public accommodation; the overall size of the business of a public accommodation with respect to the number of its employees; the number, type, and location of its facilities; and*
    - iv. *the type of operation or operations of the public accommodation, including the composition, structure, and functions of the workforce of such public accommodation; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the public accommodation.*
  - c. *Where a public accommodation can demonstrate that the removal of a barrier under clause 1.a. is not readily achievable, it is an unlawful practice for that public accommodation to fail to make such goods, services, facilities, privileges, advantages, or accommodations available through non-structural methods, if such methods are readily achievable.*
2. It is an unlawful practice for any person directly or indirectly to advertise or otherwise publicize that any person is unwelcome to the full use of any public accommodation because of the race, color, disability or source of income of such person.

## **Chapter 2.76 HUMAN RIGHTS COMMISSION**

### **Section 2.76.120 Acts deemed lawful and unlawful—Exemptions.**

#### **Subsection M.**

1. It is an unlawful practice for any person directly or indirectly to withhold, deny, curtail or in any manner limit the full use of a public accommodation by any person, or discriminate against such person with respect to the use of such accommodation, because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, gender, marital status, family status, military status or source of income of such person.
  - a. *It is an unlawful practice for any person who owns, operates, leases, or leases to a place of public accommodation, to fail to take action to remove architectural barriers, and communication barriers that are structural in nature, in existing places of public accommodation, unless such barrier removal action is not readily achievable, i.e., easily accomplishable and able to be carried out without much difficulty or expense. For the purposes of this section, "barrier" means any physical element of a facility that impedes access by people with disabilities.*
  - b. *In determining whether an action is readily achievable, factors to be considered include—*
    - i. *the nature and cost of the action needed under this section;*
    - ii. *the overall financial resources of the public accommodation involved in the action; the number of persons employed at such public accommodation; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the public accommodation;*
    - iii. *the overall financial resources of the public accommodation; the overall size of the business of a public accommodation with respect to the number of its employees; the number, type, and location of its facilities; and*
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14.



CITY OF CAMBRIDGE • EXECUTIVE DEPARTMENT

*Robert W. Healy, City Manager*    *Richard G. Rossi, Deputy City Manager*

795 Massachusetts Avenue, Cambridge, Massachusetts 02139

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June 2, 2003

To the Honorable, the City Council:

Please find attached for your consideration a proposal to amend the Human Rights Ordinance to include a requirement that public accomodations remove barriers to access for people with disabilities. The recommended changes are being submitted at the request of Quoc Tran, Director of the Human Rights Commission and Michael Muehe, Director of the Commission for Persons with Disabilities.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert W. Healy".

Robert W. Healy  
City Manager

RWH/mec  
Attachment

**Consent Agenda #14**

A proposal to amend the City's Human Rights Ordinance to include a requirement that public accommodations remove barriers to access for people with disabilities.

**In City Council June 2, 2003**

**REFERRED TO THE  
COMMITTEE FOR ORDINANCE.**

14.



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#138A

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**In City Council June 2, 2003**

**REFERRED TO THE  
COMMITTEE FOR ORDINANCE.**

12/22/03- Placed on

File at the end of  
Legislative Session

Per Order #10F

December 22, 2003