



Offered by Councilor Ed Flynn, Ruthzee Louijeune, Julia Mejia Arroyo, Bok, Coletta, Fernandes Anderson, Flaherty, Lara, Murphy and Breadon

CITY OF BOSTON

AN ORDINANCE AMENDING THE CITY OF BOSTON CODE RELATED TO CLOSED CAPTIONING ON PUBLIC FACING TELEVISIONS

Be it ordained by the City Council of Boston, as follows:

WHEREAS: The lack of communication access to the audio content on TVs in public places has always existed as a barrier for individuals with certain disabilities; and

WHEREAS: During the COVID-19 pandemic TV programming played a critical role in conveying information from public health experts and government officials to the public during the state of emergency; and

WHEREAS: This new necessity of watching/listening to TV during the COVID-19 pandemic to receive critical public health information and guidance highlighted the striking inequity that exists in communication access for those in the disability community and beyond who have no access to audible TV content when they are in public places; and

WHEREAS: TVs audible content has not been accessible to persons with these types of disabilities: Deaf/deaf, Hard of Hearing, hearing loss due to age or illness, developmental disabilities, sensory disabilities, non-native English speakers, and others; and

WHEREAS: When businesses enable the “open captions” function on their TVs, a live transcript of the program’s audio content is shown scrolling across the bottom of the screen; and

WHEREAS: Visible captions would eliminate a significant communication barrier for people with hearing loss and other disabilities by providing access to the information being given by speakers on TV programming in all of Boston’s public places; and

WHEREAS: Visible captions would also increase access to information for the general public, because TVs are often located in crowded and noisy commercial spaces where everybody may have difficulty hearing;

NOW THEREFORE,

Be it Ordained by the City Council of Boston as follows:

City of Boston Code Chapter 12 subsection 4 is hereby amended by adding at the end thereof, the following new sections and subsections.

12-4.10 Closed Captioning Activation

a. *Purpose.* The purpose of this ordinance is to expand accessible communication in places of public accommodation.

b. *Definitions*

When used in this section, unless the context otherwise requires, the following terms shall have the following meanings:

1. “Closed captioning” means a transcript or dialog of the audio portion of a television program that is displayed on the bottom portion of a television receiver screen when the user activates the feature.
2. “Closed captioning television receiver” means a receiver of television programming that has the ability to display closed captioning, including but not limited to a television, digital set top box, and other technology capable of displaying closed captioning for television programming.
3. “Public area” means any part of a public facility that is open to the general public.
4. “Public facility” shall have the same meaning as “public accommodation and service”, as defined in CBC 12-9.2.
5. “Public entertainment venue” means a place that is open to the public for mass gathering for entertainment, regardless of whether or not a ticket or payment of any type is required for admission. The term includes, but is not limited to, cinemas, theaters, concert halls, sports centers, and festivals.
6. “Regular hours” means the hours of any day in which a Public Facility is generally open to members of the general public.

c. *Activating Closed Captioning*

1. Any person owning or managing a public facility in the City of Boston must activate closed captioning on closed captioned television receivers in use in any public area during regular hours.

2. Exception. -- This section does not require public entertainment venues to activate closed captioning on closed captioned television receivers.
3. This section does not require a public facility to make closed captioning available in a public area of the public facility if:
 - (a) no television receiver of any kind is available in the public area; or
 - (b) the only public television receiver available in the public area is not a closed-captioning television receiver.
4. Nothing in this ordinance shall be construed to imply an exemption from state and federal requirements, such as those for effective communication and reasonable accommodations required under the Americans with Disabilities Act.

d. Enforcement

1. If a violation of Section 12-4.10 occurs, individuals can file a complaint with the Mayor's Commission for Persons with Disabilities ('Disabilities Commission').
2. The Disabilities Commission shall have the authority to investigate complaints brought before it, including but not limited to conducting unscheduled inspections of public facilities, holding mediation sessions with public facilities and other interested parties, and providing guidance for bringing public facilities into compliance.

Filed in Council: November 9th, 2022