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Office of Public Safety and Inspections
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Subcommittee on Regulations Open Meeting Minutes April 22, 2026
Remote Teams Meeting

INFORMATIONAL NOTE: All votes were taken by roll call

This meeting was open to the public and began approximately at 10:03 AM.

Subcommittee member attendance:

Jeff Dougan (JD)- Chairperson
Carol Steinberg (CS)- Vice Chairperson
Patricia Mendez (PM)
Ana Julian (AJ)
Mike Kennedy (MK)
Paul Logan (PL)
Elizabeth Myska (EM)
Deborah Ryan (DR)

Division of Professional Licensure Employees in attendance:

William Joyce –Executive Director (WJ)
Jamie Dalton- Board Counsel (JaD)
Molly Griffin – Program Coordinator (MG)

JD opened the meeting for Roll Call:

CS, AJ (joins at 11AM), MK, PL, PM, EM, DR

Chapter 100

- WJ: Okay let's begin by going over this.
- CS: Is this what chapter 1 says right now or are we changing it?

- WJ: It is not quite the same as it is right now. Some of these are outlining processes that we do right now, but it does not currently say it anywhere in the regulations. (such as sending a notice when you receive a complaint).
- CS: I find this difficult to not know what we have now and what is different.
- WJ: The only places of substantive conflict are in red.
- DR: 108.3 and 108.4; when this was originally a policy, it was to allow these three entities to weigh in on applications. The intent was to wait for comments; if you have comments submitted with the application, what is the purpose of the wait?
- WJ: Some of it is administrative, but most people do not go ahead of time to the local disability commission.
- DR: It could say the staff may waive the waiting period.
- JaD: It's not typical for the regulations to refer to what staff will do, but the Board could delegate the work to the staff, but the regulations should say the power rests with the Board.
- PL: I like the two-week rule, personally; I think the two weeks are important unless someone has really done their homework ahead of time. Does the two-week rule begin when the document is sent out by the AAB?
- WJ: It begins when we receive the application and only if it is complete.
- JD: I think we want to change ILC to Centers for Independent Living.
- DR: I have had concern from people who don't understand the process, and it is an incoming case and they cannot say something. It is frustrating to them. If it can get in here somehow.
- WJ: That might be in the advisory booklet.
- DR: Are the three parties allowed to comment during an incoming case presentation and the applicant is not allowed to?
- WJ: Generally speaking, no, the other parties are allowed to comment in writing only.
- DR: My comment is really about the presentation itself.
- WJ: Exclusively the staff of the Board, but we can add something to 108.6. Would that make sense in the advisory booklet?
- JD: Can we just put it here?
- WJ: I can add language to 108.6: "At that review, no testimony shall be permitted except that provided by the Board's staff."
- CS: It felt like the applicants were not getting due process when I was on the Board.
- WJ: This is about administrative reviews, not hearings.
- CS: Oh okay.
- JaD: WJ, how about deleting the word Board staff there? It is still the Board's decision and not the staff's.
- WJ: Is me presenting the application considered testimony?
- JaD: No, you are administratively presenting the document.
- JaD: Let's say it differently, "At that review, the parties shall not be permitted to make oral presentations except where the Board in its discretion deems such oral presentation necessary."
- PM: Would it be helpful for the guide document to have an example for the hearing and an example for the administrative review?

- WJ: Send me an email, this is something I am interested in developing material on.
- JaD: I think a one-pager on the website would be helpful.
- DR: People just want to correct something that is being said, not make a presentation.
- WJ: They do always have the option to email me, and I try to keep an eye on it during meetings.
- JaD: DR, I think your point is a good one, but I do think it is a slippery slope from contributing a single point to making their own presentation separate from their written application.
- DR: Totally agree.
- PL: Should we put in here that folks during the meeting should communicate with you?
- WJ: That would go into the guidance documents and training materials.
- JaD: That sounds right to me as well.
- JaD: I have one additional suggestion; I think you should call this Administrative Review. Just so they are synced up.
- CS: I think we should vote for one at a time.
- JD: Let's do this as a blanket one.

102.3

- CS: Okay, 102.3 Violations; is this a change?
- WJ: This is lifted straight from MGL c.22 13A.
- CS: Okay so this is just in the enabling statute.
- WJ: Yes.
- PM: Have we ever used that?
- WJ: No, it is very rare we must go through professional discipline for an architect.

103 Equivalent Facilitation

- CS: Is this something you added?
- WJ: This is a re-framing of an existing requirement; 2.5.1. This is making it clearer.
- JaD: I think the word 'better' will work here as opposed to greater. In addition, I think you should tell them to make a request, unless a finding already exists.
- DR: How do you know if a finding exists?
- WJ: This works like an advisory opinion.
- WJ: Splits 103 into subsections 103.1 and 103.2
- PM: Where do these letters live?
- WJ: Right now in a folder in our SharePoint, but I am planning on redoing our website and they will eventually live on the publicly accessible website.

104.1.1 & 104.2

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- WJ: This is one of the sections where there is an actual conflict between 521 and ADAAG, 521 sets their own tolerances, which I prefer. The tolerance gets bigger the longer the distance.
- WJ: 104.2 is interesting, ADAAG always rounds up and 521 uses regular rounding rules.

- DR: I would recommend using ADAAG - you get more accessibility that way.
- WJ: Okay so we can adopt the ADAAG section in black.
- CS: DR, how do you feel about that?
- DR: Good, I think it makes it clearer

104.3

- CS: Do we have any figures?
- WJ: We will have them. Those are the things that happen last.
- JD: Would it be better to put 104.3 somewhere more obvious?
- WJ: This is where ADAAG has this language.

105.1

- WJ: This standards section is one of the sections that will happen last. I think the current one we reference is 780 CMR and 524 CMR.

107.1

- CS: Isn't this part of the regulations somewhere too?
- WJ: We have it in 2.6 in the existing regs. It should not be anywhere else in the draft regs.
- DR: I personally think there should be an emergency section with this.
- WJ: We do our best to expedite issues, but we have to respect due process as a Board.
- CS: If something is in a procedural regulation, is it something you can file a complaint about?
- WJ: Yes, you can file a complaint about any section of 521.
- PM: This maintenance of accessible features is huge; it should be made very clear.
- CS: The fact that it is in chapter 1 makes me feel a little better, rather than buried within the regulations.
- WJ: We have very strict style guides to adhere to when writing the code; so they will be very vanilla once they are done.

10 Minute Break taken at 11:26 AM

DR departs.

Meeting resumes at 11:38 AM

108

- WJ: Does anyone have any questions about section 108?
- CS: Was this changed in any way?
- WJ: Only in the sense that things were made more explicit and clearer. I added letter g to 108.6.1 which says, take other reasonable action permitted to it via any applicable statute or regulation.;

109

- CS: I have a question on 109.4.
- PL: If there are 100 complaints filed annually, how often does AAB go out on site visits?
- WJ: 2 or 3 times a year for the staff. Generally, only when the complaint really requires them.
- CS: I remember we would take a site visit to a few places where people were asking for a large number of variances, so I do not see why we can't add the language, 'investigate complaints or for some other reason as determined by the Board.'
- WJ: There are logistical hurdles that would make variance site visits a tall order. The Board is from all over the state, not just Greater Boston.
- CS: JaD do you think item g covers site visits?
- JaD: I don't think the Board has automatic access to any place in the state, but if it is a public space, they could theoretically go whether invited or not.
- CS: It could say at the end 'including but not limited to a site visit.'
- WJ: I don't want to say it because it creates the expectation that they are a regular occurrence.
- JaD: Technology has changed a lot; we do not hear current Board members calling for site visits.
- WJ: On the complaint side we need this, but the Board has the consent of petitioners of variance to do other things than a site visit with the variance applications.
- CS: What if people apply for many variances?
- WJ: Those almost always get scheduled for a hearing, and a lot of them are street projects.
- CS: I thought 109.4 should give some wiggle room unless the Board gives good reason.
- WJ: Anything longer than 90 days needs a variance.
- CS: Maybe it should say that.
- WJ: Adds language, "where a plan requires more than 90 days, the building owner must seek relief as laid out in 521 CMR 108."
- PM: I have a question on the word abatement. Is there an easier word we could use?
- WJ: Abatement has a term that has legal meaning, so this might be a thing for the advisory booklet.
- CS: Is waiver the same thing?
- PL: No.
- WJ: I think this can be handled in the advisory book.
- CS: Should this be in the definitions section?
- WJ: Words only need a defined term if they are not using the common definition.
- JaD: This is almost always happening at the Board's discretion anyways.
- PL: We could eliminate this section; this has teeth.
- JaD: I think you want this because often the abatement is happening because there are other circumstances at play.
- PL: The practice has been to abate many cases.
- MK: Maybe we can have something in there on willful non-compliance.
- JD: This section is more of an education section. It is here just to give people an idea of what the Board can do.

- WJ: This is the power the Board has always had and can voluntarily get rid of.

111

- WJ rewrites 111.2: Request for adjudicatory hearing: Any party aggrieved by any action stemming from an administrative review may submit a written request for adjudicatory hearing.
- JD: Isn't this in 110?
- WJ: I think CS' point is that re-opening a hearing and filing a motion for consideration is not the same even though they have some overlap.
- PL: When you go through the process of filing the complaint with AAB, it gets frustrating because people keep stalling, and fines end up getting abated.
- WJ: adds 111.2.1 and 111.2.2.
- CS: I want to make sure people know about the motion for reconsideration before the 10 days run out.
- WJ: Rewrites 111.3: Motion for Reconsideration: Any party aggrieved by the final decision of the Board may submit in writing a request for reconsideration 10 days of the date the decision becomes final.
- WJ adds 111.3.1 and 111.3.2.

Motion to Accept language up to but not including 109.11 by PL

2nd by MK

Roll Call Vote

EM- yes

PM- yes

PL- yes

MK- yes

AJ- abstain

CS- yes

JD- yes

6 yes, 0 no, 1 abstention- Motion Passes

Motion to Approve meeting minutes August 2022, September 2022, October 2022, January 2024, March 2024, and the March 25, 2026 meetings with edits by PL

2nd by MK

Roll Call Vote

JD- yes

CS- abstain

AJ- abstain

MK- yes

PL- yes

PM- yes

EM- yes
5 yes, 0 no, 2 abstentions- Motion Passes

Motion to Adjourn by PL

2nd by CS

Roll Call Vote

CS- yes

JD- yes

MK- yes

PM- yes

EM- yes

PL- yes

7 yes, 0 no, 0 abstentions- Motion Passes

