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Division of Occupational Licensure
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OCCUPATIONAL LICENSURE

Subcommittee on Regulations Meeting Minutes -November 8, 2023
Remote Teams Meeting

This meeting was open to the public and began approximately at 10:06 AM.

Subcommittee member attendance:

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

Division of Professional Licensure Employees in attendance:

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

JD opened the meeting for Roll Call:

CS, MK, PL, PM, EM, DR, AJ

- WJ: Today we are going through section 1100.
- CS: Where did all of this come from?
- WJ: This was mostly drawn from our draft of 521 CMR and compared where possible to the FHA Design Standards, and limitedly to ADADS.
- CS: When we met last time, did you draw this together after?

- CS: The terms Type A are adaptable, and Type B is accessible?
- WJ: No, Type A is the Group 2A unit, Type B is Group 1 and fully accessible is Group 2B.
- CS: One of my concerns is to make the adaptable units as adaptable as possible; people should be able to age in place.
- DR: I looked at a couple other state codes to make this a little bit easier to understand. Minnesota has a pretty good layout. I would recommend separating accessible units, Type A units, and Type B units into their own sections.
- WJ: Do they merge the bathroom pieces into the relevant sections?
- DR: I'll send you the link. They refer to section 600. It just seems to flow better.
- WJ: I'll see if I can mockup a draft of how it would look.
- AJ: The way that Minnesota has it is the same way ANSI has it and it is easier to follow that format.
- WJ: Shares a draft mockup of what the proposed format would look like.
- JD: Do we want to talk about formatting?
- WJ: IF you want a different layout, you should make a motion.

Motion to Adopt the format similar to the Minnesota code by PL

2nd by DR

By Acclamation/Motion Passes

- WJ: Are there any specific sections that people want to talk about?
- PL: It seems like there is no rule on less than 5% or up to 10%; it seems like it is up to the group that is making the ruling.
- WJ: The blue area is scoping, which we will get to when we get to scoping.
- CS: A lot of these sections should apply to both Type A and Type B - why should the door widths not be the same for Type A, B and accessible units?
- WJ: Door widths can be changed without significant structural change. It also would include the entire door section not just the widths.
- CS: Why should it be different?
- DR: All units need to have the 32in. clear doorway.
- CS: What's the downside?
- WJ: It makes the code much harder to get promulgated if we get pushback from architects.
- DR: The clear floor space is a big issue in Type B units.
- CS: Is that something that can be corrected without structural change?
- DR: You'd have to move walls.
- WJ: Or they can change the way the door swings.
- JD: Is there any way that we could put in there that it meets the push or pull clearance on one side? So, when they are building the bathroom, they just have to make it a little bit bigger.
- DR: I would recommend that you write that all door and openings that allow passage in Type B units comply with the appropriate section for door width and shall be capable of complying with other requirements in section 11.
- CS: Without structural change?
- DR: Yes.

- JD: We are on 1101.2, but are there any other sections that people want to talk about?
- DR: We need to say: Type B units need to comply with whatever section it is. (door widths).
- CS: Why make it so complicated?
- WJ: I think we are trying to make it so people can do the minimal change, like rehang a door.
- CS: I feel like “at a later date” is kind of vague, maybe “upon request.”
- DR: Yep.
- JR: So it will read Type B Units shall comply with section {tbd} Door Width and be capable of complying with sections within section 11. The exception is the door clearances shall be considered to comply if it can be brought into compliance by rehangng or reversing the door swings.

Motion to Adopt the language by DR

2nd by PL

Roll Call Vote

AJ- abstain

DR- yes

EM- not present

PM- yes

PL- yes

MK- yes

CS- no

JD- yes

5 yes, 1 no, 1 abstention, 1 not present- Motion Passes

- WJ: What is the next section people want to talk about?
- CS: Peepholes. What’s the difference between Type A and B here?
- DR: You can install a lower peephole later.
- CS: I have the same point, as why do that and why not have the peepholes be the same?
- WJ: If you are not in a wheelchair, a lower peephole would be difficult to use.
- CS: That’s true.
- DR: It takes two seconds to add a lower peephole in.
- DR: Ok 1101.5 talks about accessible routes and exterior spaces. I would recommend in Type A and accessible units that we require no more than ¾ in for balconies and in Type B if you have impervious material, like FHA you allow the 4 in drop.
- CS: Why?
- DR: Because that is what fair housing allows. For drainage and protecting the integrity of the unit from water. If you have a wood balcony it must be flushed other than the threshold and in Type A and accessible units, it must be flushed.
- WJ: Okay, so you are essentially striking the second sentence of 1101.5.1 and replacing it with, “For Type B units, the change in level between the interior and exterior greater than ½ inch in units with balconies of pervious materials they shall not exceed ¾ of an inch and in units with balconies of impervious materials they shall not exceed 4 inches.” Type A units must comply.
- DR: Yes. And it’s 4 inches between the interior floor and the surface of the patio.
- PL: I have a question about 1102.2.

- WJ: Okay, let's finish up 1101 first.
- CS: I still think there shouldn't be a difference between Types A and B on this. I don't see the reason for making it different.
- WJ: It would exceed what is required in FHA. It would make people less likely to build decks. The change in level is to prevent water damage.
- CS: So everybody that builds Type B units is going to have the big step.
- WJ: Only where the layout of the balcony is going to cause backflow.
- MK: Just to muddy up the water a bit more, at my house, the roof eaves overlap both of my doors, where the water damage never happens so my decks are flushed with my doorway. Is there any kind of language that is like this that can be considered? Because I do know where this is coming from.
- WJ: Only if it covered the whole deck.
- MK: I'm just throwing it out there for the sake of discussion.
- JD: My concern with that in Massachusetts at least is snow and wind-driven snow.
- WJ: All of this is meant to prevent the situation of you opening the door and water flowing into your house.
- JD: These weather events are going to get more intense going forward, just wanted to put that out there too.
- WJ: 4 inches is what the Feds say, and when it comes to fair housing, we are aiming for substantial equivalency, at least that is what legislature has instructed us to do.

Motion to Adopt "For Type B units, the change in level between the interior and exterior greater than ½ inch in units with balconies of pervious materials they shall not exceed ¾ of an inch and in units with balconies of impervious materials they shall not exceed 4 inches. Type A units must comply." By DR
2nd by PL

- CS: I just want to say something about 4 inches versus 3 inches. My power chair only goes 3 inches. Could we say 3 inches and see how that goes?
- JD: I guess.
- WJ: We don't want to deviate substantially, so I would defer to you guys.
- CS: I would like to say 3 inches.
- DR: I think without providing justification, it would be hard.
- CS: I think most power chairs would.
- PL: I am using a manual chair, so I wouldn't do any of these drops.
- WJ: Do we know the industry standard?
- DR: I think you just need to be careful when it comes to thresholds.
- WJ: Yes, we would need an extensive paper trail if we change a threshold in case someone sues us in superior court.
- WJ: The 4 inches from the Feds is the safe option. If we have substantial evidence for something else, we can use it.
- PM: Can we say 4 inches with a beveled edge?
- DR: You want the 4 inches beveled?
- PM: No. 4 inches with just 1 inch beveled. To make it almost 3, but still 4 (inches).

- DR: I think it is a difficult detail.
- PL: It would make it harder for me in a manual chair.
- PM: Alright, never mind.
- DR: The 4 inches is a maximum, so people can design to 3 inches.
- PM: What do we have currently?
- WJ: I think we just have a requirement for equivalent facilitation in Group 1 units.
- DR: You say you can go more than a ½ inch but there is no maximum.
- WJ: We don't have a max in the current code, just equivalent facilitation. The equivalent facilitation language leads to other building code complications.
- DR: In the accessible units we require it to be raised at construction, and not later, then the handrail will be at the right height.
- CS: I don't think it's clear in 1101.5.1 and 105.1.2, shouldn't 5.2 apply to Type A and accessible units?
- WJ: DR's change is only in 1101.5.1 which covers all three unit types. 1101.5.2 is talking about only accessible units.

Roll Call Vote

JD- yes

CS- no

MK- yes

PL- yes

PM- yes

EM- yes

DR- yes

AJ- yes

7 yes, 1 no, 0 abstentions- Motion Passes

10 Minute Break. Return at 11:50 AM

- DR: I'm still on 1101.5.2- the exception. I don't know if there is any place that tells you the balcony needs to have the turning space.
- WJ: We only require turning space currently in like 3 or 4 places in the codebook total, mostly in bathrooms.
- DR: This exception wouldn't be a balcony if it is 30 inches wide.
- JD: So, is that an artifact of the microunits?
- DR: Yes, Juliet balconies usually only have railings generally across a door. I think the exception just doesn't work.
- WJ: We can strike it entirely; it is kind of pointless.
- JD: Do we require it on Type As and fully accessible?
- WJ: No, the only places we require full turning space currently is general clearance in the kitchen, at sinks and toilets, and in one of the specialty facility rules. We don't require them generally.
- JD: I am just wondering if it makes sense to have it for Type As and fully accessible units.

- WJ: Do we want to have language that says they need automatic doors if they don't have the turning space?
- JD: Oh, right.
- WJ: Do we want to be in the business of setting minimum balcony sizes?
- JD: Was the intention that there was going to be turning spaces on other decks? Because that is why the exception exists.
- WJ: We don't require it anywhere.
- JD: This to me would infer that there should be turning space on balconies bigger than 30x30.
- WJ: Requiring things by implication is bad.
- JD: What's the benefit of not having the turning space on the balconies for people in mobility devices that would want to go out and turn around to go back in? I just don't understand why we wouldn't have them on the Type A units and the fully accessible units.
- CS: I totally agree. It doesn't make sense to have the exception if it is not required anywhere else.
- WJ: In either case this exception does not belong in this section any way. If you want to add 1101.5.3 about dimensions and stick an exception under that, that is fine.

Motion to Strike the Exception from 1101.5.2 by DR

2nd by AJ

By Acclamation/Carried

- JD: Do we want to add 1101.5.3?
- WJ: You could add a .3 or renumber.
- JD: How are people feeling?
- CS: The 5.3 would say in Type A and accessible units, exterior spaces as described above, shall be required to comply with 521 CMR 6.3.
- WJ: Do you just want to do balconies, or do you want to include patios, terraces, and court-yards?
- CS: Yes, all of it.
- JD: So, they're required to have either a 60-inch circle or a 36x60 T-intersection, right?
- WJ: Yes, is anyone going to do the T-turn on the balcony?
- JD: Can't we just say they're required to have the space required by the section?
- WJ writes, "1101.5.3 Minimum Dimensions. In Type A and Accessible dwellings exterior spaces shall have a minimum dimension of not less than the wheelchair turning space in 521 CMR x."
- JD: So, what will that require them to do?
- WJ: A 60x60 deck.
- JD: Okay, what do people think?
- PM: I think it's good to have the turning space to get fresh air and light; it's important.

Motion to Add 1101.5.3 that WJ wrote by DR

2nd by PM

- CS: Why shouldn't this have Type B too, or be capable of happening?
- WJ: There's no way to substantially expand the size of the balcony without structural change.

By Acclamation/Carried

- WJ: Okay, do we have anything left in 1101? The one that PL wants to talk about is in 1102.
- DR: 1101.7- that last sentence should be pulled out, but I am assuming you're going to go through all of that.
- WJ: Yes, since we have decided these will go into separate sections, there will be appropriate sections, and I will sort out the requirements and add them where appropriate.
- DR: The only other comment I have is regarding 1101.8 Alarm Controls. The last sentence is usually a problem with circuit breaker panels. Fair Housing doesn't cover circuit breaker panels.
- WJ: Do we want to have a specific carve out for panel breakers so they can remain at 54"?
- JD: Are you proposing a carve out with an exception, with the highest operable part at 54"?
- DR: Yes, because it is exceeding Fair Housing.
- PL: Is it?
- DR: We are requiring them to be accessible, but with a side reach of 54".
- WJ: Yes, so the top button may be slightly more difficult to reach, but it would keep this out of the way of children for safety.

Motion to Add "Exception: Circuit breaker panels shall be permitted to be located such that the highest operable portion of the control shall be not more than 54" aff "by DR

- CS: If we are proposing to lower the reach range requirement to 48", why would we raise this to 54"?
- WJ: This is a special type of equipment where it will still be pretty much usable from 54", but is a safety hazard.
- CS: There's a lot of safety hazards.
- WJ: I think the difference here is that you can lock the closet, we are saying you have to have the control panel at this height.
- CS: What about outlets?
- WJ: Outlets have a lot more childproofing than fuse boxes.

2nd by EM

- PL: 54" for someone in a wheelchair could be considered high. I understand the issues with 36" - what's a good solution?
- DR: The panels themselves are usually 18-24in tall themselves.
- PL: The smart thing would be to make them horizontal; but I have never seen one of those.
- WJ: It's worth keeping in mind that 36" is to the highest operable part.
- CS: What about just saying 48" and not 36"?
- WJ: That's still going to put your lowest control at 24" AFF in most cases.

- JD: What we have proposed is more stringent than Fair Housing.
- CS: Why are we changing the reach range from 54”?
- WJ: Because the feds did.
- CS: So why are we not trying to match them here?
- WJ: Because the Feds do not currently require circuit breakers to be accessible at all.
- CS: But the reach range is 48” for other things.
- WJ: We’re looking at different rules for this because it is something not currently covered by the Feds.
- WJ: So do you want to strike that part about the wiring?
- DR: Yes.
- CS: So is this potentially putting circuit breakers out of reach?
- DR: The 54” reach range has been in effect for over 40 years. And it is currently in effect at AAB.
- WJ: This is a type of device that has unique properties that make it different than a regular light switch.
- PL: Could it be if we don’t put this in- could it be 72” if someone chose?
- DR: Yes, they could put it in as high as they want if they have sufficient wiring.
- CS: If we leave in 36-48 inches, they cannot do 72”. If I lived alone, this could be a problem.
- WJ: 54 inches is 4 feet 6 inches.
- JD: We’re actually making it more accessible.
- PL: I’m not sure that 54” would be out of your reach, Carol. Years ago, they used to be much higher.
- JD: Can we say the opening mechanism should not be higher than 48”?

By Acclamation/Carried

- WJ: Any other 1101 things?
- CS: The closet door thing, I get 9.1- this applies to Type A and B right?
- WJ: Yes.
- CS: Could someone just explain 1101.9.2 and why is it different for A and B?
- DR: If you have a closet that exceeds 2 feet in depth, it is considered a walk-in closet, so you need to be able to go into the closet and the door needs to be 32 inches clear.
- CS: Okay and what’s different between Type A and accessible unit closets?
- DR: The doors need to open fully so that you can reach all parts of the closet if the closet is less than 2 feet.
- WJ: This is for a closet you are not supposed to enter.
- CS: Can a person in a wheelchair get into ones for the Type B units?
- WJ: I mean a person in a wheelchair can’t get into the other closet either. Think about a closet that is not walk-in.
- CS: Okay, I get it.
- WJ: You had something in 1102 right Paul?

- PL: Yes, page 6- 1102.2 PL reads 1102.2. Why wouldn't this be at least 48 inches?
- WJ: I think because 36 inches is our minimum for accessible routes, and if they are exterior, they need to meet the walkway requirements, and this covers both interior and exterior.
- PL: Should we split them up?
- WJ: I don't think you have to, this is how the code is written now, too.
- CS: I think it's confusing.
- WJ: The accessible route is always 36 inches clear; it's just for the exterior we have you add an extra foot for the hardware we know is likely out there.
- JD: 36 is always going to be clear, and specific sections will call out 48 inches.
- PL: I guess I just feel it should be separated.
- WJ: It is written this way because parking is not always outside. The rules are written generically because they have to cover a wide array of situations.
- PL: Okay that makes sense.
- WJ: This already refers to the accessible route section. We could just refer to...
- CS: Why don't we refer to section 8? Noting some routes require greater width.
- JD: If you look at section 4 it starts out with 36 inches to be clear- that is the base minimum that we need to keep. This is a core staple to many other things.
- WJ: How about "Accessible routes shall comply with accessible routes (521 CMR X)."
- PL: Yes, that makes a big difference. This would narrow it down.

Motion to Adopt language WJ wrote to 1102.2 by PL

2nd by MK

By Acclamation/Carried

- WJ: Okay what's next?
- DR: 1102.3- FHA requires 2% of parking spaces for covered units only.
- WJ: We start at 15 spots because it is written into our statute.
- MK: I'm not crazy about how this only applies to 50% of the accessible units. What if you are visiting?
- DR: The visitor issue is separate.
- CS: What about Type B?
- WJ: That would be the covered units.
- JD: What happens with deeded spaces?
- JD: Can we limit it to the spaces within the lot? If you have less than 14 spots or something like that and can add the capable of complying language?
- WJ: I will go back and rewrite 1102.3

Motion to Approve September 27, 2023 minutes by PL

2nd by CS

By Acclamation/Carried

Motion to Adjourn by PL
2nd by MK
By Acclamation/Carried