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**Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board**

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Subcommittee on Regulations Meeting Minutes -July 30, 2025
Remote Teams Meeting

This meeting was open to the public and began approximately at 10:04 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)
Joe Prochilo (JP)- joins late
Deborah Ryan (DR) – joins late

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, JP

- JD: I want to pick up where we left off- exception 2 (exempted work)
- WJ: Last time, the subcommittee approved changing the \$100,000 and \$500,000 to \$200,000 and \$1,000,000 respectively for inflation, and subsequently approved exception 1 to 202.1.2; everything was voted on except for exception 2 and 202.7, which we need to get to today

- CS: I was left flummoxed after the meeting mainly due to the algebraic change. It sounded like after we accepted this, people were still opposed to this. I would like it to be simpler and say 75% so it is clear to people.
- WJ: The other way you describe will be much more complicated to implement day to day for people getting the permits.
- CS: Have you talked to anyone since the meeting (WJ)?
- WJ: Only people inside my department.
- CS: As you recall, people are still opposed; I still feel as though people are going to move the goal posts.
- WJ: I can address the level alterations- the problem with this within our code is the lookback window and this makes it impossible to do code enforcement- it makes it impossible, if someone files a complaint, to establish jurisdiction in anything but an extremely difficult way, and will involve the Board sending subpoenas to building officials. It looks good on paper but in day-to-day use, it is seemingly impossible. Massachusetts works a little differently than other states.
- JD: Thank you WJ. Anything else to add?
- WJ: No, I think exception 2 is good, I know we have been going back and forth; I wish it was broader, but I don't know how to make it broader without introducing an incredible amount of confusion.
- CS: I am not talking about exception 2 yet but thank you WJ. I was not in favor, but I agree with the idea of compromise. I want the developer side to understand how great a compromise this is. Is 120 the same as the 75% of work?
- WJ: It effectively took the discounting and added it into the 30% rule itself.
- CS: I don't understand why it is unworkable.
- WJ: It's not unworkable, but it is more complicated- we want to reduce complexity as much as we can where able to.
- CS: I think I get that, but I am thinking it could say in an advisory that this is the same
- WJ: This is all or nothing - it makes this stronger in achieving its intentions.
- CS: Maybe we could put something in the advisory; it's really important that people know that we've done this.
- PL: CS, I had looked at the math after the meeting. We have made concessions. These concessions were done; we don't want almost 4 years of our time wasted. I do think the 120% calculation is easier than the 75%, but we do need to move through this. If you have a solution (with the advisory) please send it.
- DR: I think we have made tremendous improvement on both sides. We have known for a long time we have had to make changes. I think we need to move forward- it's not the last bite of the apple for folks, people still have an opportunity to voice their concerns, but I commend everybody for getting to where we are, but it is my personal opinion that we should move on.
- JD: I hear that, so with that I am going to ask WJ to continue on from exception 2. The intent was we don't want to penalize anyone if this is the only work being performed.
- WJ: This is a separate exemption, because unlike the other ones, this does not have a cap. It would also cover issues if we are in the complaint process, and we order someone to do accessibility work, which could put the Board in an awkward position. I wish there was a way I

could make this broader. I'd love if we could just use the word 'accessibility work,' but it is kind of a squishy term that could mean anything.

- JD: I'm going to pause there for a second and move around the board.
- CS: I think we said last time about adding 'so long as there is a path of travel to the building,' it was suggested by the ILCs that we add that condition. I just want to hear what people's thoughts are on that, I know DR thinks people would not do that (put an elevator in if you can't get into the building), but I want to hear what people think.
- MK: I'm happy with keeping things as is.
- PL: I have no problems with the way it is written.
- PM: What CS is saying makes sense, and I do remember the suggestions, but did we discuss it?
- JD: No.
- EM: Nothing to add right now.
- JP joins meeting.
- DR: I think it is fine, I don't think the path of travel language is necessary, I've never seen people voluntarily do accessibility work without having a path of travel already
- JD: JP, I am not sure how much of this you were here for but do you happen to have a comment?
- JP: I don't think I have access, so what exemption are you showing us?
- WJ: This is a new exemption that would exempt accessibility work towards the 30%
- JP: Makes sense from what I am seeing so far. Makes design standard sense.
- JD: PM, did you have a comment about the ILC letter?
- PM: Sorry, I cannot find it.
- WJ: I did not include the path of travel when I drafted this, because I would rather have them putting an elevator in now, and the threshold for them triggering the accessible entrance is much lower, and there are pieces of 521 that are intended for people who can ambulate but have other disabilities that require accommodation. We do want to encourage accessibility work even if it is not just for people who use wheelchairs. I'd rather see more accessibility than less, even if it is not perfect. The more conditions we stick in this, the less people will be willing to take advantage of it.
- JD: I would entertain a motion

Motion to Adopt the Exception by DR

2nd by PL

Roll Call Vote

JD- yes

CS- yes

MK- yes

PL- yes

PM- yes

EM- yes

JP- yes

DR- yes

8 yes, 0 no, 0 abstentions- Motion Passes

- WJ: The last thing we have to vote on in this section is 202.7

Motion to Approve 202.7 by PL
2nd by DR

- CS: The ILCs have asked that it be changed to 4 years. I tend to agree with them.
- WJ: This was initially put in place to prevent people from scamming the system. In my 10 years with the Board, I have not seen someone try this past 3 years. If you change this to 48 months, you need to change the 30% number because you are bringing in another year of permit work.

CS Moves the question

Roll Call Vote

JD- yes

CS- no

MK- yes

PL- yes

PM- yes

EM- yes

JP- yes

DR- yes

7 yes, 1 no, 0 abstentions- Motion Passes

- WJ: Okay, we are done with 202 at long last. We can go back to housing scoping.

Public Comment (regarding Section 202)

- John Nunnari (AIA): I respectfully disagree with Director Joyce about Level 2 and Level 3 about how building officials have to document that, and how design professionals have to document Level 2 and Level 3. It is usually identified on the building permit; it can be found out. I think that conversation will continue outside of this subcommittee. I want to address the questions around the exemption language; I am not a mathematician, so I will take it on faith, but I did some calculations, and I will argue that I do agree with CS that it is a little confusing to use the 120 number instead of 75% of the work. The work is known, you know what the cost is and it is easy to find what 75% of that is. If a building is assessed at \$1,000,000, then 120% means \$1.2 million dollars- so that becomes your 75% exemption. This is a huge step forward, but it is a convoluted math problem and will confuse people. If there is going to be a guidance document, I would strongly encourage the subcommittee to craft that in conjunction with this draft. What happens with the money left for work that is not needed to conduct the exempted work?
- Rep. Fairley-Bouvier: The word compromise is certainly applicable here. The point of our letter was to get explanation of why the level approach was not used. I thank WJ for the explanation he gave today, so I am looking forward to understanding that more. I still find all of this very confusing. It seems like the level approach would be much more straightforward. I think it aligns with the Governor's letter from May 28 to the DOL to break down barriers for

more housing. The current rules and proposed rules do not do anything to address the inequality of the way the requirements are applied to communities across the state that are in different economic circumstances. I feel confident that I am speaking with one voice of my colleagues, especially Rep. Duffy of Holyoke and Rep. Keefe of Worcester.

- WJ: Would it be helpful if I answered Mr. Nunnari's question?
- JD: Yes
- WJ: This will work the same way it does now- there shouldn't be a situation where you have exempted and non-exempted work piling up
- John Nunnari: Are you saying that the delta between the construction cost and the 75% of the construction cost does not apply to the 3 year window?
- WJ: The way this works is that if you are just performing work from a, b, c, d alone or in combination, it does not apply to the 30% unless you reach the 120% of the value of the building and is inside the 3 year lookback – exempted work does not exist until the total of the exempted work triggers 120% of the value of the building.
- WJ: I am saying there is never going to be a circumstance where you have exempted and non-exempted work.
- John Nunnari: I think what we are uncovering is the grayness of this- it's not as clear as you think it is.
- WJ: Feel free to reach out to me offline.
- Allan Motenko (MOD): I am speaking as a member of the public, not as a representative of the Board. The 75% figure is one I am not seeing in regulations, I see it as Mr. Joyce is using an analogy, which is confusing. The regulation is using the 120% of the assessed value period. I think the Board should distinguish the concrete text versus the examples used for clarification.
- CS: Mr. Nunnari, yes, you're right and Mr. Nunnari represents the people who are going to be implementing this. WJ should not have to go to a meeting to explain this. I think we should rethink this language. To Rep. Bouvier, why is what we have done not address your concerns about equity?
- Rep. Fairley-Bouvier: I felt level 2 and 3 was skipped over when it was discussed what approach to take was. When it comes to anything tied to the value of a building, it inherently means it will not be addressed equitably across the state.
- WJ: Do you want me to go into how our complaint process works?
- JD: Would it be better for you to meet one on one? Ok briefly describe the complaint process.
- WJ: Members of the public submit written comments to the Board, the Board then has to investigate, and determine if the building obligated to comply in the first place- the Board pulls the permit record. WJ then explains the complaint process in depth.

10 Minute break at 11:24 AM

- WJ: gives refresher on types of buildings AAB is looking to adopt into their code to be consistent with other codes.

- WJ: Okay, we will start with Group I- starting at 1107
- DR: This is requiring Group 1 units in Group I - is this new construction only? I am concerned about converting existing units to Group 1.
- WJ: We already require Group 1 in hospitals.
- WJ: Type B is equivalent to a Group 1 unit, Type A is Group 2A, and fully accessible dwelling unit is old Group 2B
- CS: What's the difference between Type B and Type A
- WJ: Type B can be made minimally accessible, like it will have blocking but not clearances, Type A is adaptable - it has the clearances and blocking and can be made fully accessible without significant structural change.
- CS: Which one right now is barred by the FHA?
- WJ: Group 1/Type B; the not 5% ones.
- WJ: Okay questions about Group I units?
- PM: Is this appropriate time to talk about increasing the 5% maybe to 10%?
- WJ: We are currently talking about Group I-1 buildings, which are for custodial care, so you can as long as it remains in this context.
- DR: So this would apply to a rehab facility.
- WJ: This is more assisted living, not necessarily 24 hours of nursing care.
- WJ: Reads 1107.5 and 1107.5.1.
- DR: When I was talking about the Minnesota Code, I was really focused on Type A and Type B and fully accessible, so when I was pushing this idea, I was pushing those unit types not so much those other types, so I apologize.
- WJ: I think the important parts for the subcommittee to look at are the subsections.
- WJ: So for I-1 5% needs to be accessible; I think this will add some useful clarity to our code by addressing more types of units.
- CS: There were rules about jails, correctional institutions, I think nursing homes and hospitals; so I hear you about clarifying, but I don't remember we had under 521 under those.
- WJ: Technically they act like transient lodging, but looking closer they are multiple dwelling- which doesn't make sense for them or us. This requires 5% to be Group 2Bs if people can evacuate on their own.
- CS: The only codes we have are about correctional and nursing.
- WJ: We currently have multiple dwellings, transient lodging, correctional facilities and medical facilities.
- CS: It would be helpful to see what we have.
- WJ: We don't have I-1 right now (in 521 CMR).
- DR: It may be helpful for the next meeting to go through our existing sections.
- WJ: I think this will be the section that is most foreign. I-1 is just an odd duck.
- WJ: This covers halfway homes, rehab facilities, - would memory care be an I-1 use? Are people under memory care under the strictest security?
- DR: But they are not allowed to leave independently.
- WJ: That's true. Having the I-1 use is good, because it covers stuff we currently do not.
- WJ: We need to look at 1107.5.1.1 and 1107.5.1.2.

- JD: So right now we are requiring 5% where they can evacuate on their own and where they cannot evacuate on their own, 10%- any comments or questions?
- CS: When did we vote before?
- WJ: We last looked at this in September or October.
- JD: Have people over time thought about changing anything?
- CS: What are we talking about?
- WJ: Are people satisfied with not changing this again?
- CS: I think it is too low.
- PL: Yes, PM was talking about increasing this.
- DR: I just want to make sure counsel checks what we do when we change percentages that it is in compliance with the existing statute.
- PM: Looking at the bigger picture, across the state we are getting older, so we need more accessible units, and I was going to bring this up with multiple dwellings but this is related, and more accessible units is needed.
- DR: I checked the statute and it is 5% but we can increase to 10% in certain areas.
- WJ: Would an I-1 use be residential or a commercial facility?
- CS: I don't think this applies to this kind of assisted living facility.
- DR: We need more accessible housing.
- WJ: if you guys wanted, I could try to write a differentiating criterion for affordable accessible units.
- DR: A lot of the projects within the City of Boston require a percentage of affordable, there is no requirement for those specific units to be the accessible units, but that is where they are needed.
- WJ: You could add a carve out in the distribution requirements when we get to that.
- MK: I support PM's piece about increasing from 5% to 10% accessible units and I also agree with DR's note as well. If we could somehow carve out affordable and accessible housing increasing from 5 to 10%
- PL: I was going to say the same as MK; we need more housing across the state.
- WJ: Let's see if we can knock out the I uses.
- JD: Are people fine with 1107.5.1.1? If so, we will move on.
- WJ: Okay, we can look at 1107.5.1.2; I think we need to put the proviso on this (built on or after Sep. 1 1996)
- DR: I would change it to 3 or more dwelling units not 4.
- CS: I have a lot of questions. So, this is in three deckers?
- WJ: Again, this is only I-1 use- assisted living facilities. Basically, this is how many group 1 units are required in an I-1 use.
- CS: I would oppose adding the language of the date.
- WJ: We are required by law to do so.
- CS: No, I think it is a given. If the statute changes, that's a given.
- JaD: The Board is not able to pass any regulations that are not consistent with statute- restating the the statutory requirement in the regulation can be helpful.
- WJ: In my experience, it is helpful to have it in there.

- CS: I know we can't pass something inconsistent, but can we be silent? Changes are already in the draft amended statute.
- JaD: We can indicate in the regulations that we want the largest amount allowed by statute, but we cannot be silent if it would mean the regulation would be overinclusive
- CS: I suggest we say 'as permitted by statute' because the statute can change. If we can do that, I would prefer that.
- WJ: I would object to that - it is going to create so much confusion, because our statute is not the clearest thing in the world, and you are asking someone to read through our entire statute. People can and will misread the statute. Having this language is not endorsing it, but acknowledging it.
- JaD: If statute changes, targeted amendments to regulations can go through very quickly, not like this comprehensive process of revisions.
- JD: I would ask WJ, CS, and JaD to have a further discussion about this offline.
- CS: I just want to disagree that it would be unclear.
- MK: I'm cool.
- PL: No comments.
- PM: I'm cool too.
- EM: I'm cool three.
- JP: I'm good.
- DR: Most people don't read statutes, so I think adding the date is important.

Motion to Approve 1107.5.1.2 by PL

2nd by DR

Roll Call Vote

DR- yes

JP- yes

EM- yes

PM- yes

PL- yes

MK- yes

CS- no

JD- yes

7 yes, 1 no, 0 abstentions- Motion Passes

- WJ: We circle back on boarding care and can move on to I-2 next time.
- JD: Last 10 minutes we will open up to public comment:

Public Comment

No members of the public wish to comment.

Motion to Accept minutes by MK

2nd by PL

Roll Call Vote

JD- yes

CS- abstain
MK- yes
PL- yes
PM- abstain
EM- abstain
JP- abstain
DR- yes
4 yes, 4 abstentions, 0 no- Motion Passes

Motion to Adjourn by PL
2nd by MK
Roll Call Vote
JD- yes
CS- yes
MK- yes
PL- yes
PM- yes
EM- yes
JP- yes
DR- yes
8 yes, 0 no, 0 abstention- Motion Passes