

MAURA HEALEY
GOVERNOR



LAYLA R. D'EMILIA
UNDERSECRETARY OF
CONSUMER AFFAIRS AND
BUSINESS REGULATION

KIM DRISCOLL
LIEUTENANT GOVERNOR

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

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

One Federal Street, Suite 600 • Boston • MA • 02110
V: 617-727-0660 • www.mass.gov/aab • Fax: 617-979-5459

ERIC PALEY
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Subcommittee on Regulations Meeting Minutes -September 24, 2025
Remote Teams Meeting

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
Ana Julian (AJ)
Mike Kennedy (MK)
Patricia Mendez (PM)
Deborah Ryan (DR)

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, AJ, MK, PM, DR

The Board observes a moment of silence for Joe Prochilo and notes their appreciation for his many contributions to accessibility.

- CS: I have two questions about my letter that was discussed at the last meeting when I couldn't be there.
- WJ: The legislature sets the earliest time we can set a statute for; we can set a later date.

- DR: If a brand new 3 family was built in 1995, and that 3 family had 6 steps going in, and they are all owner-occupied and they spend more than 30%, the way you are phrasing this is theoretically my unit would have to be completely gutted, and the entrance would have to be redone.
- CS: If an old church is converted into housing, and has more than 4 units, and was constructed in 1991- do the group A requirements apply?
- WJ: That would require a statutory change for us. We cannot make commercial conversions require Group 1 units. What you are describing is that church was not made for residential at the beginning. Going to the 1991 date would only cover multiple dwellings built between 1991 and 1996.
- JD: CS, do you have any more questions about what we discussed?
- CS: WJ, does that mean you are opposed to legislative changes?
- WJ: No, the legislative changes do a couple things-
- JaD: None of the staff at DOL is for or against legislation, that is the purview of the legislature. WJ's 'no' means he is not taking a stance on any proposed legislation. He can answer whether the proposed legislation is in conflict with current regulations.
- WJ: When new legislation passes, we will adjust the regulations accordingly.
- WJ: So, do you guys want to pick up where we left off?
- JD: We're still on housing, correct? R3?
- WJ: We are at the exceptions to 1107.6.2.2.1 This exception 2 is generally designed to say that when you are building new units, you don't have to count existing units.
- JD: Are you saying if they build an addition and add x number of units they are only looking at the new units in the addition?
- WJ: Yes. I think it probably needs a bit of a rewrite.
- CS: Don't we want to look at all the units?
- WJ: I think we need something equivalent where we can avoid the question where if a unit must be converted if you are building 3 units in another building somewhere. The other way to deal with this is only triggering if you hit full compliance.
- CS: I am not quite clear still. We want to make as much accessible housing as possible. Whatever we do should be governed by that principle. I don't think this exception meets that principle. What does it say now?
- WJ: You only trigger the obligation to provide Type A dwelling units if you trigger full compliance (30%).
- CS: Is that stronger than this exception?
- WJ: No, they are just different approaches to the same problem. I don't know if we can see which one is stronger.
- WJ: Without this, we would need to amend this exception to meet the current regs, change it, or keep it as is. We need some sort of exception here.

- PM: I am also not clear on what this exception does.
- WJ explains again
- PM: In my head it would make sense to keep the language in 521.
- CS: I agree.
- DR: I agree, if you're at 30% full compliance, and adding all the units together.
- CS: I agree and also people are used to seeing certain language.

Motion to Replace exception 2 with existing 521 CMR language by DR

2nd by PM

Roll Call Vote

DR- yes

PM- yes

MK- yes

AJ- yes

CS- yes

JD- yes

6 yes, 0 no, 0 abstentions- Motion Passes

- WJ: Okay, moving on to 1107.6.2.2.2; this should say 3 units.
- CS: I would rather go to 1107.7 to know what it says before voting on this.
- WJ: We are going to decide on what 1107.7 says and apply it to all Type B types.
- AJ: Would it be possible to look at the exception to 1107.7?
- WJ: Okay, general exceptions- WJ reads 1107.7 (General Exceptions).
- WJ: I think 1107.1.1 is structured better than the current regs, as it does not mention a ground floor; leading to less confusion.
- JD: So, the first exception is when you don't have an elevator, and what is this second one?
- WJ: This is meant to cover situations where you have two floors at grade because you are for example, on a hill.
- DR: This is like what we already have.
- WJ: For the moment I am just doing 1107.7.1.2 and its subsections.
- JD: Can someone help me understand item 1 under 1107.7.1.2?
- DR: If your vehicular way is within 50 feet of your entrance, and the slope is 10% or less, then the units on that level must comply. I think it is better than what we have, but it is very similar.
- CS: So, this is creating more accessible units, right?
- WJ: It is creating the same amount, but doing so in a better structure.

Motion to Adopt 1107.7.1 , 1107.1.1 and 1107.7.1.2 by DR

2nd by AJ

CS- yes

AJ- yes

MK- yes

PM- yes

DR- yes

JD- yes

6 yes, 0 no, 0 abstentions- Motion Passes

- WJ: Okay, we are moving on to 1107.7.2- this is a desperately needed section. The current codebook has a complicated relationship with townhouses. I think this language needs to get tweaked a little bit, but we need a section dealing with multi-story dwelling units.
- CS: What does this require in a so-called townhouse, that you need a lift?
- DR: All 107.7.2 is saying is that the unit on the floor the elevator reaches complies with Type B. I disagree strongly with WJ, that we should adopt the building code definition of townhouse.
- DR: I think external elevator service means outside of the unit, not outside of the building.
- WJ: If you have a multi-story unit with no elevator in the building, this completely relieves them of Type B requirements, which I have a problem with.
- DR: Fair Housing exempts them – unless they are in a building with an elevator. If you have a multi-story unit on the first floor, and a basement with a comparable flat- then that flat would be the ground floor.
- JD: Can we bring this to reality?
- CS: Shouldn't this say a bedroom also?
- WJ: I think that is what living area means, but it should be more explicit.
- CS: I think it should be explicit about a bedroom.
- WJ writes “multistory Type B dwelling unit or sleeping unit that is not provided with elevator service within the unit shall not be required to provide an accessible route to all levels provided that at least one level is on an accessible route and that level contains at least a sleeping room, a kitchen, and a bathing room.”
- WJ: Is this a scoping or technical provision?
- DR: I think it should be in scoping.
- CS: How does this change our present requirements?
- WJ: Based on the way the Board interprets the regs now, it is similar - it doesn't technically require a lift, but it does require primary function spaces on an accessible route.

- CS: In the past, we would allow Type B units to have space for the future installation for the lift or a comparable flat- is that not allowed anymore?
- WJ: That is up to the subcommittee.
- JD: I like DR's idea for a comparable flat.
- DR: Did we make definitions?
- WJ: No.
- WJ: We'll probably have to define multi-story.
- WJ writes "Where multistory dwelling units are required to be Type A 1.) An equivalent flat or grater square footage may be provided instead, or 2.) framing and wiring to allow the later installation of a vertical wheelchair lift or residential elevator shall be provided and shall be located such as not to disrupt the usability of the unit."
- CS: I don't understand what 1 means. Isn't Type A fully accessible?
- WJ: I would call Type A adaptable; fully accessible units are called fully accessible.
- JD: Do we want to only give 1 option? The flat - or otherwise you must provide the lift in Group As.
- PM: That makes sense to me.
- WJ: Can you take a straw poll, JD?
- JD: On the table is the idea of either allowing future installation of a lift or having it installed at time of construction:
- CS: I want the lift at time of construction.
- AJ: I would like it at the time of construction.
- PM: I would like time of construction or a flat.
- DR: I do not have a problem with that, but if you give the developers the option for a flat, you will never see a townhouse with a flat.
- WJ: Does the potential requirement of future installation of the lift, as an expense, allow landlords to discriminate against individuals who make this request? If so, should we just make them install it?
- DR: We should say that a vertical wheelchair lift or residential elevator is acceptable.

Motion to Adopt item 1 (from what WJ wrote) (making 1107.2.1) but not item 2 by CS
2nd by DR

Roll Call Vote

DR- yes

PM- yes

MK- yes

AJ- yes

CS- yes

JD- yes

6 yes, 0 no, 0 abstentions- Motion Passes

- WJ: So, people are cool with these two subsections for 1107.7.2.1.2?

Motion to Adopt 1107.7.2.2 by CS

2nd by DR

Roll Call Vote

CS- yes

AJ- yes

MK- yes

PM- yes

DR- yes

JD- yes

6 yes, 0 no, 0 abstention- Motion Passes

- WJ: Okay, next is 1107.7.3.

Motion to Keep 1107.7.3 as is by DR

2nd by AJ

Roll Call Vote

CS- yes

AJ- yes

MK- yes

PM- yes

DR- yes

JD- yes

6 yes, 0 no, 0 abstentions- Motion Passes

- WJ: I think we can eliminate 1107.7.4.
- CS: Why?
- WJ: It is basically repeating the variance process.

Motion to Remove 1107.7.4 by DR

2nd by PM

Roll Call Vote

CS- yes

AJ- yes

MK- yes

PM- yes

DR- yes

JD- yes

6 yes, 0 no, 0 abstentions- Motion Passes

- WJ: Okay, 1107.7.5 design flood elevation. We have received a ton of variances recently for properties located in flood plains.
- DR: You don't see large residential buildings built in places like this.
- WJ: Most of the variances we have seen are 3 or 4 units, the biggest maybe had 6 units, but nothing was large enough to trip the requirement for type 2 units.
- DR: You've had a lot of variances on this WJ?
- WJ: Probably 6 within the last couple of years. Most went to a hearing.
- DR: Maybe there is a way we could require blocking in the bathroom and doors and stuff, but not an accessible route in.
- JD: I like DR's idea.
- WJ: I would continue to fully exempt them from Type A but require Type B minus the accessible routes.
- CS: I want to keep this in the variance process and not write it out. Climate change is always changing, and I can see people relying on this exemption to get rid of accessibility. It is putting climate change above accessibility. I would not be in favor of putting this in the code.
- WJ: Discouraging the construction of housing units is probably not the correct position for this Board to take.
- CS: I am not saying that. I am not discouraging housing, I am discouraging them from being built in a dangerous area.
- DR: I would say that we allow it as written, however require that the interior of the first level units meet the requirements. (Type B's only)

Motion to Adopt 1107.7.5 with the addition of the Type B requirements to the first level units by DR

2nd MK

- PM: So, this would be smaller buildings, right?
- WJ: In theory someone could construct a large building, but in the places where this is a problem I am not sure constructing a larger building would be feasible.
- PM: I would like to see a limit on the size of the building before accepting this.
- WJ: We are talking about places where you cannot dig below a certain level.
- PM: My only concern is a big development.
- WJ: I don't think it is technically covered, but I don't think that would happen.

- JD: So, a 3-story development with like 40 units, requiring Type A and B- could this happen?
- CS: I just want to remind people this will be happening increasingly. I think this can be handled in the variance process.
- WJ: If the Board is going to give the variance every time, why should we go through the process?
- CS: Because I don't think we should assume anything, and it would mean less accessible units.

Roll Call Vote

CS- no

AJ- yes

MK- yes

PM- no

DR- yes

JD- yes

4 yes, 2 no, 0 abstentions- Motion Passes

- WJ: 1107.7.6, I think this is redundant because of the changes we made.
- JD: Is your recommendation to remove?

Motion to Remove 1107.7.6 by PM

2nd by CS

Roll Call Vote

DR- yes

PM- yes

MK- yes

AJ- yes

CS- yes

JD- yes

6 yes, 0 no, 0 abstentions- Motion Passes

- WJ: Okay, back to 1107.6.2.2.2 – this is the same Type B language in every other use group.
- JD: Do people want to accept this with the changes? (4 units to 3 units) (And the exceptions they worked on above)

Motion to Adopt 1107.6.2.2.2 with changes by PM

2nd by DR

Roll Call Vote

CS_ yes

AJ- yes

MK- yes

PM- yes

DR- yes

JD- yes

6 yes, 0 no, 0 abstentions- Motion Passes

- WJ: 1107.6.2.3
- PM: I think this makes sense if the bathrooms are accessible.
- WJ: They would be subject to 6.1.1 and 6.1.2.
- CS: What about kitchens?
- WJ: I think we talk about where you have them, because we don't require them.

Motion to Adopt 1107.6.2.3 by DR

2nd by MK

- CS: How does this change what we have?
- WJ: It changes the structure, not the requirements. We are adopting the use codes from the ICC.
- WJ: This is saying, effectively, dorms, frats, sororities, etc. need to comply with R1 type uses aka hotels and motels.

Roll Call Vote

DR- yes

PM- yes

MK- yes

AJ- yes

CS- yes

JD- yes

6 yes, 0 no, 0 abstentions- Motion Passes

- WJ: Okay, Group R-3 – 1107.6.3; this includes some things we do not currently cover. It is almost like a teeny R1.
- JD: Is this where we get the owner-occupied bed and breakfasts?
- WJ: Reads regulations.
- WJ: We might want to do R-4 first.
- JD: Okay, let's do R-4 units first.
- WJ: Reads R-4 definition. This is for people who cannot evacuate themselves in the event of an emergency.
- PM: So, like adult daycare?

- WJ: People are residing there- sober houses or drug rehabs where they are not receiving medical care.
- PM: So, people who live there and there are also staff there?
- WJ: Yes, to assist with daily tasks.
- MK: Another example, like SROs.
- CS: Under 1107.6.4.1, I feel like there should be more accessible units.
- WJ: Keep in mind these facilities are 10%.
- WJ: I would be hesitant to require more accessible sleeping rooms based on feedback that we have gotten from the community in the past.

Motion to Change 1107.6.4.1 increase condition 1 to 2 sleeping units and under condition 2 to 4 sleeping units

Motion never tabled for discussion

Motion to Adopt language for 1107.6.4 (and its subsections) with the change from four units to three units in 1107.6.4.2 by DR

2nd by PM

Roll Call Vote

CS- no

AJ- yes

MK- yes

PM- yes

DR- yes

JD- yes

5 yes, 1 no, 0 abstentions- Motion Passes

Public Comment

Michael Muehe (BCIL): I do agree with WJ generally that Group 1 (Type B) can properly be categorized as age in place, but these cannot be used by full-time wheelchair users. In general, I feel multi-story units really should be discouraged in every way possible. I believe this subcommittee and AAB in general should be doing everything to prevent these units being constructed.

Motion to Approve minutes by DR

2nd by PM

Roll Call Vote

CS- abstain

AJ- yes

PM- yes

DR- yes

JD- yes

4 yes, 0 no, 1 abstention- Motion Passes

Motion to Adjourn by DR

2nd by CS

Roll Call Vote

CS- yes

AJ- yes

PM -yes

Lost Quorum- meeting concludes