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Subcommittee on Regulations Meeting Minutes October 22, 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)
Paul Logan (PL)
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, PL, PM, DR

- WJ: So now we need to get through the rest of the residential stuff and 200 (we finished 1100 language).
- WL: We did not specifically talk about 202.4
- CS: My gut is it is so important to be able to visit a unit.

- WJ: This would require an elevator in every residential building, and an accessible route to every unit.
- CS: It doesn't have an exception for the number of units?
- WJ: No.
- JD: Thoughts?
- CS: I think it is too broad.
- WJ: This is a variation on the work performed rule.
- CS: Where did that exception come from?
- WJ: ADAAG.
- JD: I think this is necessary.
- JD: Is there a motion are there thoughts or comments?

Motion to Approve the addition of the exception to 202.4 by PL
2nd by DR

Roll Call Vote

CS- no

AJ- yes

MK- yes

PL- yes

PM- yes

DR- yes

JD- yes

6 yes, 1 no, 0 abstentions- Motion Passes

- WJ: Okay, 203.8. (WJ reads section). I think this one requires some discussion.
- JD: What would you recommend?
- WJ: You could mirror the current requirements, or you could leave this as is, or you could strike it entirely.
- JD: Is the 12-unit requirement something that is in the statute? I would like to see this start covering buildings with a lower unit number.
- WJ: Currently as written, this would not cover buildings with Group 1 or Group 2 units.
- CS: JD, what were you proposing?
- JD: Well, think about it. Will this create more variances?
- WJ: Yes, any time you reduce the scope of something it will create more variances.
- JD: And the 12 number is not statutory at all?
- CS: I don't think so.
- DR: I believe it is.
- WJ: I am checking right now.
- CS: So should we add the "fewer than 12."

- WJ: Your choice.
- CS: Doesn't 521 already say that common use spaces for 12 or more must be accessible?
- WJ: This is in the general exception section.
- CS: Isn't that a contradiction of what is in 521 now?
- DR: The types of units the ADA applies to do not require two story buildings to have an elevator if they have laundry on the second floor and the accessible units on the first floor. I think the bigger question is whether or not the Board wants to require an elevator for a building with 3 or more units with a common space that is not duplicated on another floor.
- JD: Common spaces are covered with 12 or more units.
- DR: What you have defines hallways as common areas as well. It's about what you want. I support the whole idea of visit-ability, I do not support an elevator in a triple decker if there's laundry in the basement.
- WJ: writes "203.8.2 New Buildings: In newly constructed residential facilities common use areas that do not serve Type A, Type B, or Fully Accessible dwelling units shall not be required to comply with these requirements or an accessible route where identical services are provided, are on an accessible route, and the areas not serving the Type A, Type B, or Fully Accessible dwelling units offer no unique features. including but not limited to trash rooms, laundry rooms, and unit specific storage are provided on..."
- DR: For buildings that have between 12 and 20 units I think the entrance should comply, but not the common use spaces.
CS: I am not sure.
- WJ: I think what she (DR) is trying to cover also is does the trash room dover visit-ability?
- CS: I don't care about the trash room.
- CS: What if I want to visit someone on the second floor?
- DR: It is never going to happen in an existing building. Say this is a 15-unit existing building with no accessible units, you would be requiring an elevator.
- CS: Are we talking about existing?
- DR: Yes. If they are still under 20 units, they will not have accessible units.
- WJ: Do I need to break this out into 203.8.1 and 203.8.2 and 203.8.3?
- JD: I think so.
- CS: I really need time to think about this.
- WJ: Okay, how does this look? Broke out 203.8 into 3 subsections. WJ reads sections.
- PL: I say it looks fine.
- DR: I think it looks good.
- PM: Looks good.
- MK: I like what is being presented.

- AJ: Yes, I think it is much clearer now.
- CS: I just have a few questions. On 203.8.3- I assume that means in a new building that has a roof deck must have access?
- WJ: Yes, it would, a roof deck is a unique feature.
- CS: It doesn't matter how many units there are?
- CS: I am against 203.8.2.

Motion to add 203.8.1, 203.8.2, and 203.8.3 by PL
2nd by MK

- CS: I feel like I need more time to digest this, I would like to vote on this next time.
- WJ: Next time will probably be in January.
- PL: I would like to move this along right now.

Roll Call Vote

CS- no

AJ- yes

MK- yes

PL- yes

PM- yes

DR- yes

JD- yes

6 yes, 1 no, 0 abstentions- Motion Passes

- JD: So, we are probably meeting in January next? November and December are going to be hard for me.
- WJ: The Subcommittee has traditionally not met in November and December.
- WJ: Okay, 206.2.3 exception 3, which I think is going to be an easy strike.
- JD: I am having difficulty finding building types that this code references (R1, R2, etc.) a lot on the property card.
- WJ: It's found within the permit set.
- JD: So how does the general public find the use type?
- WJ: It will be obvious for the public in certain situations, and it will be outlined in the advisory book as well.
- WJ: Reads exception 2. Basically, you do not need an elevator in a residential building where the common use areas are on an accessible route.
- CS: I'm not clear on how this is different.
- JD: Are people confused?

- WJ: This is awkwardly worded. It is saying that in residential facilities, an elevator is not required where Type A, Type B, or fully accessible units, common areas serving those units, and public use areas serving residential dwelling units are on an accessible route.
- CS: But we already said this.
- WJ: No, we did not.

10 Minute break taken at 11:20 AM. Meeting resumes at 11:34 AM

- CS: Does this apply to new construction as well as 30%?
- WJ: Yes. It is true under our current regs too.
- CS: And the ADA does this as well?
- WJ: Yes, and last I checked ADA does not require an elevator in two story buildings.
- PL: How radical would it be for second third and fourth floors to be accessible?
- WJ: It would vary based on size of the building.
- CS: You're talking about new construction, right?
- WJ & PL: Yes
- PL: Do we make a stipulation based on the unit number?
- DR: I think before taking such a bold step, having conversations with Mass Housing or other organizations would be helpful. I am concerned about smaller buildings and the effect on getting affordable housing built.
- CS: I was going to say what DR said, I think people that are building affordable housing, may have a problem with that.
- PL: How do we seek the answer?
- JD: I think by what DR suggested and through public comments.
- CS: Can you ask WJ, on the commission that you are on this question?
- WJ: I think it may be too late based on the stage of work we are at.
- PL: You mentioned an ILC, would someone there know?
- WJ: I think you should solicit comments from the general public if we go about it this way.

Motion to Solicit public comment on the question of what is the minimum number of units of a newly constructed residential building an elevator would be required and for existing buildings undergoing rehabilitation by CS

2nd by PL

Roll Call Vote

DR- yes

PM- yes

PL- yes

MK- yes

AJ- yes

CS- yes

JD- yes

7 yes, 0 no, 0 abstentions- Motion Passes

- WJ: The next thing to talk about is 206.4.6. I think this must be rewritten. I think we should replace this with what you decided on regarding the Minnesota Code.
- CS: Does it include the auto door opener requirement?
- WJ: No.

Motion to Import sections from Minnesota Code already voted on into the appropriate draft sections by DR

2nd by PL

- CS: I'm sorry, but I would like to see the language before voting

Roll Call Vote

CS- abstain

AJ- yes

MK- yes

PL- yes

PM- yes

DR- yes

KD- yes

5 yes, 0 no, 1 abstention- Motion Passes

- WJ: I don't recall parking being covered there.
- PL: I have 1100 open, and I don't see parking covered.
- WJ: Okay, so 208.2.3- we dealt with this.
- WJ: Okay, we do have to talk about transient lodging facilities.
- MK: What is up with the bed heights in transient lodging rooms? The beds are too high.
- JD: We have heard about this for a while, WJ I can't remember.
- DR: At the Access Board in Washington, we talked about this as well, the DOJ was supposed to come up with guidance about this (transient room bed heights) and they have not yet.
- WJ: I think the bed height is on our list of stuff that was tabled so we will have to circle back.
- WJ: Okay, so we are on 234.1.1
- WJ: I think you guys tabled bedrooms in 1100, but in the interest of time we should deal with stuff in front of us.

- WJ: So do people have questions or concerns about 224.1.1?

Motion to Approve 224.1.1 by PL

2nd by DR

Roll Call Vote

CS- yes

AJ- yes

MK- yes

PL- yes

DR- yes

JD- yes

7 yes, 0 no, 0 abstentions- Motion Passes

- WJ: Okay, 224.1.2- we dealt with this in 1107, and it is getting replaced. 224.2 is also getting replaced.
- WJ: Okay we do need to talk about 224.3- do people want to move forward with the 5%?
- CS: Why shouldn't we raise it to 10% if we did that in residential?
- WJ: Because we are not raising the number of rooms in transient facilities.
- CS: There's a lot of disability in transient and veteran housing.
- WJ: This is more than the number of accessible sleeping rooms we require in a hotel.
- JD: Any other comments or thoughts?
- WJ: This is covering a relatively rare formation. (barracks-style sleeping rooms)

Motion to Approve 224.3 with edit changing 5 to 10% by PL

2nd by DR

- DR: I would put the 10% as it's not a big deal; it's the clear floor space.

Roll Call Vote

CS- yes

AJ- yes

MK- yes

PL- yes

PM- yes

DR- yes

JD- yes

7 yes, 0 no, 0 abstentions

- WJ: Okay, so I think you guys can make a motion about section 233. But I think that is it.
- CS: Did we already do recreation facilities?
- WJ: Yes. Okay, and that is the end of housing stuff.

- DR: Did I miss the discussion on existing housing where just the façade is remaining?
- WJ: I think it is because there is a bill in the legislature that has not passed yet. It got talked about briefly.
- CS: I think that is an interesting point, because gut rehabs are the same as new construction in certain circumstances.
- DR: They are not the same under FHA.
- WJ: Okay, over the break we will try to start harmonizing materials we have worked on, once we get through that we can move onto new regulations that we need to write from scratch.
- PM: For the new regulations can we discuss the touch screens as controls for elevators when we get there?
- JD: I thought we did some of that.
- CS: You mean the screens are too high?
- PM: No, the screens don't have buttons, it's like an iPad.
- CS: Also, for the list, I think you said we cannot deal with bike lanes.
- WJ: We are more or less adopting PROWAG, but I don't think we cover vehicular paths of travel, we will have rules about crosswalks.
- CS: I would like to explore if we can deal with it in Massachusetts, and mid-block curb cuts.
- WJ: I will investigate that and get back to you.
- AJ: I would like to add requirements for social stairs to be added to the list.
- WJ: I am pretty sure we effectively banned them, but I will double check.
- JD: Since we will be covering on-street parking and access to sidewalks, I do think we want to consider not having something like a bike lane between the vehicle and sidewalk.
- WJ: I don't think we cover on-street parking even in the new regs.
- JD: Oh, so we are not adopting all of PROWAG.
- WJ: I don't think we statutorily could.

Public Comment

June Hailer wrote in the chat: "Before this meeting ends, may I strongly suggest again that bed height numbers (17" to 22") must be added to the regulations. This is very important. Thank you so much."

Michael Muehe of the BCIL thanks the members for their efforts, especially those showing boldness. He respectfully asks that certain facilities or facilities will never be accessible. He strongly urges the subcommittee to adopt a 10% minimum in all types of lodging throughout the regulations. And agrees with previous comments about hotel bed heights from personal experience.

Motion to Approve minutes from the September 22, 2025 meeting by PL

2nd by MK

Roll Call Vote

CS- abstain

AJ- yes

MK- yes

PL- abstain

PM- yes

DR- yes

JD- yes

5 yes, 0 no, 2 abstentions- Motion Passes

Motion to Adjourn by PL

2nd by DR

Roll Call Vote

CS- yes

AJ- yes

MK- yes

PL- yes

PM- yes

DR- yes

JD- yes

7 yes, 0 no, 0 abstentions- Motion Passes