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**Subcommittee on Regulations Meeting Minutes -January 22, 2025**  
**Teams Meeting**

This meeting was open to the public and began approximately at 10:05 AM.

Subcommittee member attendance:

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

Division of Professional Licensure Employees attendance:

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

JD opened the meeting for Roll Call:

CS, AJ, MK, PL, PM, EM

Listening Session on 30% Rule- Public Testimony

**Name:** Helen Zazulak

**Organization/Position:** Resident and representative of disabled community from Natick

**Comments:** Highlights her change in mobility due to her experience with MS. She highlights her concerns with access to medical offices and medical buildings and gives an example of offices she visits noting their accessibility issues. She highlights relying on other people to help her get into the building since there are no auto-door openers, and thanks the subcommittee.

**Name:** Shantal Thomas

**Organization/Position:** CORD

**Comments:** Discusses accessible housing and shares a personal story of her parents needing accessible housing, and the need for more accessible housing across the commonwealth.

**Name:** Rep. Mary Keefe

**Organization/Position:** Representative for 15<sup>th</sup> Worcester district (downtown)

**Comments:** Notes how this 30% rule does not function in a lot of ways. She notes the 30% rule has a tough impact on her district and others' abilities to develop affordable housing and more housing in general. She notes that the absentee landlord number has gone up as well. Says the rule is not fair due to the inequity of the property values. Says the rule has created blight in her district, and notes people who would love to be substitute teachers but can't because they cannot access older school buildings. The Commonwealth is only meeting 20% of the need for affordable and accessible housing, and she supports a new way to measure value.

**Name:** Tamara Small

**Organization/Position:** CEO of NAIOP MA

**Comments:** Notes the value of exempted work is counted in the value total. She encourages MAAB to exempt these values from the total value calculation. Recognizes the variance process exists and says obtaining a variance has too many barriers and costs. Suggests MAAB use replacement costs in the future to get rid of these barriers. Says the 30% rule dissuades property owners from investing.

**Name:** Benji Kemper

**Organization/Position:** Center for Working and Living in Worcester

**Comments:** Encourages the MAAB to continue the 30% rule to ensure accessibility. Notes that this is also a large issue for seniors. Says the 30% rule encourages a more accessible Massachusetts.

**Name:** John Nunnari

**Organization/Position:** AIA Massachusetts

**Comments:** Says they are in complete agreement with NAIOP. Says the rule was intended to bring more accessibility, but the number of people in the meeting proves that the 30% rule is not working. Notes that if the Board adopted the exempted cost change, they would be in alignment with ADAAG. Says they should also look at section 3.5. Agrees with NAIOP that because the 30% rule is not working, it pushes people to variance requests, says the MAAB variance process is one of the better processes, but it should not be the starting point for the regulations.

**Name:** Robert Bilotta

**Organization/Position:** Center for Living and Working- Worcester

**Comments:** Encourages MAAB to keep the 30% rule. Notes others' arguments that

accessibility is getting in the way of developing projects. Notes that even with these current regulations, it is still very hard for disabled members of the community to get out and about. Says any change to this would really hurt accessibility. Worries that a change will lead to more barriers. Notes others' concerns but emphasizes impact on quality of life.

**Name:** Cathy Taylor

**Organization/Position:** Director of Services- CORD

**Comments:** Notes need to keep the 30% rule. Says there are other options. The demand for access is not going away. Asks others to find another way to provide access.

**Name:** Andre Leroux

**Organization/Position:** Gateway Cities Innovation Institute

**Comments:** Notes difference in building value between the Boston area and the Gateway Cities area, while the construction costs are very similar. Says they are not suggesting going backwards in terms of accessibility. Says he is talking more about incremental changes that individuals need to make, and that not all developers are big companies. Agrees with John Nunnari and the suggestion of the replacement cost and exemption of certain work. Notes variances should not be the process, wants a more predictable process. Says accessibility is a priority, but as a state we have other priorities that we need to balance.

**Name:** Steve Higgins

**Organization/Position:** Executive Director at Independents Associates

**Comments:** Reminds everyone that access is a civil right and should not be measured by its monetary cost. Society is better when we do not look at people with disabilities as a burden or an additional cost. Says legislators are de-valuing those with disabilities. The cost of non-compliance is much more than the cost of compliance and asks for no change to the rule.

**Name:** Jose Vasquez

**Organization/Position:** Center for Living and Working- Worcester

**Comments:** Shares personal experience as a person with a spinal cord injury. Gives a personal example of being discharged into a non-accessible apartment after rehab. Encourages the MAAB to keep this rule to ensure more accessible housing.

**Name:** Edward Adelman

**Organization/Position:** Architect

**Comments:** Notes appreciation for this meeting. Notes that access is a civil right and says MA was a leader. Considers himself an access advocate, but the 30% rule has an adverse effect on projects. Says the 30% rule is posing an impediment for people wanting to make other

improvements as well.

**Name:** Rev. Michael Denton

**Organization/Position:** Pittsfield MA

**Comments:** All churches in his community support the 30% rule but acknowledges that they need more help in order to make improvements. Notes that this is a good law but is simply asking for help with those who have low property values and want to make improvements.

**Name:** Jennifer Bertrand

**Organization/Position:** MA Developmental Disabilities Council

**Comments:** Notes the 30% rule is a policy that has been a good tool. Reads personal experience of a colleague and highlights need for more accessibility, and why it is needed across the Commonwealth.

**Name:** Felix Zemel

**Organization/Position:** City of Fitchburg- Acting Building Commissioner

**Comments:** Agrees with a lot of what has been said on various sides. As a building official in a Gateway City, the 30% rule presents challenges in terms of equity versus more affluent communities. Replacement cost proposal could address some equity issues but not all. Notes the idea of replacing 30% rule with level 2 and level 3 alterations from the building code. Says new rule should be consistent with the other construction codes across the state. Says variances that are frequently requested and granted should be made part of the code, and variance requests should be reserved for one-off instances.

**Name:** Lawrence Sylvia

**Organization/Position:** IL Coordinator at Southeast Center for Independent Living

**Comments:** Notes his experience as a quadriplegic living in Massachusetts with the need for reasonable accommodations. Has joined the meeting to learn more about the 30% rule and what the next steps look like.

**Name:** Carmen Rosado

**Organization/Position:** Stavros ILC

**Comments:** Shares her own experience with access issues in her living situations. Says that although they have access to some things, many things are tough in terms of accessibility. Says that the more rural areas of the state are lacking access.

**Name:** Rep. Tricia Farley- Bouvier

**Organization/Position:** State Rep. for Pittsfield

**Comments:** Says that everybody agrees that we need more accessible housing units, more accessible public buildings, and more buildings with public access. Does not see the 30% rule as a bad thing, but believes it is inequitable. Says the people of Pittsfield should have the same access to accessible units as people elsewhere in the state, but it is not happening because they cannot afford to remodel the buildings due to the 30% rule. Says we should retain the variance process, but we should not rely on it to achieve equity.

**Name:** Jim Lyons

**Organization/Position:** NE Independent Living Program

**Comments:** Supports the ILCs' support for the 30% rule. Says we need to have it to ensure accessibility. Says the rule supports the philosophy of independent living.

**Name:** Dawn Oates

**Organization/Position:** Disability Advocate

**Comments:** Advocates for the preservation of the 30% rule as it stands. In her view, it ensures that when building owners want to make significant investments in their property, accessibility improvements are included. Says that ideas like replacement cost may dilute the law, which currently provides a clear benchmark. Current system encourages improvements while not leaving communities behind. Ensures that substantial renovations include substantial progress and keeps accessibility as a fundamental right, not an afterthought. This rule is a lifeline for people with disabilities in MA.

**Name:** Michael Muehe

**Organization/Position:** BCIL

**Comments:** Reiterates BCIL's opposition to the reduction or elimination of the 30% rule. Emphasizes that BCIL, along with many other independent living centers, supports the 30% rule.

**Name:** June Hailer

**Organization/Position:** Disability Advocate

**Comments:** In support of the 30% rule the way it is. Says she is in support of the variance process as well. Says that contractors need to be in more contact/conversations with MOD and MAAB to discuss potential projects before beginning work.

**Name:** Rep. Keefe

**Organization/Position:** Worcester

**Comments:** Asks what the next steps look like for the Subcommittee and the public in this

process.

WJ goes over process and next steps

**Name:** Andre Leroux

**Organization/Position:** Gateway Cities Innovation Institute

**Comments:** Notes the problem that people from the Gateway Cities are trying to solve is improving the way this rule works, that more investment goes into some of the poorer areas of the Commonwealth to get more accessibility.

CS asks how replacement value works? Would builders consult with the insurance company? Would Building Inspectors be able to enforce it?

CS asks how the 30% rule prevents accessible housing?

**Name:** Catherine

**Organization/Position:** Advocate

**Comments:** Feels that people do not prioritize accessibility, and to leave it up to people to provide access out of good-will is not the best option. Her concern is that if we change the rule, people may use it to make spaces less accessible.

Motion to Approve December 11, 2024 meeting minutes by PL

2<sup>nd</sup> by PM

Roll Call Vote

EM- yes

PL- yes

PM- yes

MK- abstain

AJ- yes

CS- yes

JD- yes

6 yes, 0 no, 1 abstention – Motion Passes

**Name:** Michael Muehe

**Organization/Position:** BCIL

**Comments:** Concerned that everyone wants more housing, but wants to somehow weaken the 30% rule. Notes BCIL would not support the exemption of work under 521 CMR 3.3.1 in the total cost calculated under the 30% rule.

**Name:** John Nunnari

**Organization/Position:** AIA

**Comments:** Asks to confirm that there will be a public hearing at the MAAB level. He also asks what the subcommittee is hoping to receive following this meeting. Says there seems to be a misunderstanding about what is being proposed. He and his organization are not proposing to eliminate the 30% rule, just noting that it is not working as well as it could.

**Name:** Dawn Oates

**Organization/Position:** Advocate

**Comments:** Hopes to tighten some enforcement mechanisms. She would love to see that the 30% rule aligns more with the ADA in terms of enforcement timelines. Hopes the Board will consider whether the 3 year period for calculating 30 % is too short, especially if there are large-scale renovations performed over time. Also, if it were possible to expedite complaints, she would support that.

Motion to Adjourn by PL

2<sup>nd</sup> by MK

Roll Call Vote

EM- yes

PM- yes

PL- yes

MK- yes

AJ- yes

CS- abstain

JD- yes

6 yes, 0 no, 1 abstention- Motion Passes