



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board
1000 Washington Street, Suite 710
Boston, Massachusetts 02118

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

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

Subcommittee on Regulations Meeting Minutes -March 8, 2024
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 Chairperson
Paul Logan (PL)
Patricia Mendez (PM)
Elizabeth Myska (EM)
Deborah Ryan (DR)

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, PL, PM, EM, DR

1. 10:06 AM Section 1103.9 – Exception 6
 - JD: why is there a need for exception 6 if these are the accessible units we're talking about
 - DR: you can take it out
 - JD: is there something in design or construction that would make this exception necessary?
 - WJ: I'm not aware that this is fixing a code conflict

Motion to Remove exception 6 but keep it as reserve by PL

2nd by CS

By Acclamation/Carried

2. 10:20 AM Section 1103.11



- CS: type B is what is adaptable right?
- WJ: yes, group 1 is type B
- WJ: this exception (exception to 1103.11.1) is saying if we don't make you put type B units in this structure, we're not going to make you do bathroom reinforcement in the structure

Motion to Rewrite 1103.11 to bathing rooms shall comply with 603 by CS

- DR: we're in accessible units not housing. The current AAB regs only require 1 bathroom to be accessible, it's really not different
- WJ: the current regs are ambiguous
- PL: if there are two bathrooms in a suite when we're building from the ground up, they should all be accessible- why shouldn't they be?
- CS: I agree

2nd by PL

By Acclamation/Carried

- WJ: so in that case do you want to just strike 1103.11.1 because this will never come up now.
- PL: yes

Motion to Strike 1103.11.1 and reserve it by PL

2nd by CS

- DR: in the existing regs it is 8.58

By Acclamation/Carried

3. 10:35 AM 1103.11.2 Accessible Toilet and bathing facility

- CS: what is meant by lavatory and water closet as opposed to toilet?
- WJ: water closet is the toilet itself
- WJ: the toilet in the toilet room is called the water closet
- DR: I think the intention of this is that they want the accessible fixtures within one bathroom instead of having an accessible shower in one room and the accessible sink in the other
- DR: but this won't matter if you've changed the one before it
- JD: this is really a moot section here
- WJ: I think we have to rewrite this rather than strike it- eliminating all "at least one" things and saying "all of them"

Motion to Delete "at least" in reference to 1103.11.2 by PL

2nd by CS

By Acclamation/Carried

4. 10:50 AM 1103.11.2 Kitchens and Kitchenettes

- JD: just because there may be a microwave, there should still be an accessible work surface to prep things
- WJ: this is like to put down a cutting board. Many rooms with just a microwave/mini fridge that I've been in don't have 30 inches of work space even in an inaccessible way

- DR: I think that what this is saying that in order to be a kitchenette you need a cooktop and work space
- JD: this is in line with the 2006 codes right
- DR: yes
- CS: if there is a work surface it should be accessible in an accessible room. I would add spaces that do not add a cooktop, conventional range or *any work surface* not be required to provide an accessible work surface
- DR: what you're saying is it has to be clear open knee space if it's under the bureau
- CS: yes
- DR: would you consider the top of a bureau a work surface?
- WJ: how would you define work surface in this context?
- CS: I was picturing a kitchenette with counter space in a suite
- WJ: what's the consensus among design professionals using the word countertop?
- JD: why are we negating to mention the coffee machine, the microwaves, and fridges? In a standard hotel room you may not have a kitchenette. Do we require access to those controls in a fully accessible unit?
- WJ: we're talking about here does having those things trigger having the accessible work space
- WJ: coffee makers wouldn't have to comply because they are fixed equipment
- WJ: what constitutes a work surface?
- JD: food prep
- WJ: what constitutes a food preparation area?
- CS: how about counter space? What do we say in a restaurant?
- WJ: we talk about bars or counters where food is provided
- DR: I think if you have counter space you could have a 30 inch counter with a microwave on top
- WJ: if you have 30 inches of clear counter space it needs to be accessible
- DR: getting 30 inches of counter space clear in housing is difficult
- WJ: they wouldn't meet this exception if they provide a cooktop, provide a conventional range, or if they are already providing the clear space
- WJ: if they have the space give us the knee space underneath it
- WJ: is 'clear counter space' clear enough to people?
- DR: I think in the ADA standards once you put a cooktop or conventional range you're in a kitchen as opposed to a kitchenette
- WJ: kitchen or kitchenette are not defined anywhere
- WJ: can we drop this thing and define 'kitchen' and 'kitchenette' in 106 when we get there?
- CS: can't we do both?
- JD: we're talking about only 5% of the units and of those, those that provide a kitchen or kitchenette
- WJ: so this is saying kitchen and kitchenettes must comply, it's adding that piece about the work surface
- JD: I agree with DR that there should be a sink in this space
- WJ: do we want to solve this by defining 'kitchen' and 'kitchenette'?
- DR: in general a kitchen is a sink, a cooking unit, and a fridge. I would say a kitchenette is a sink and a microwave or
- WJ: a kitchenette is a sink and some kind of food storage

Motion to Accept the exception with the language ‘Spaces that do not provide a cooktop, conventional range, or at least 30” of clear counter space available as a work surface shall not be required to provide an accessible work surface’ by CS

2nd by PL

- WJ: my question is is this language sufficiently clear?
- CS: I think it is
- JD: can we do at least 30 inches of clear space intended for food preparation
- DR: I am having a hard time understanding
- WJ: I think it’s trying to capture if they have the space, but it’s not already accessible. You need to give us the knee clearance
- DR: I think people would fill it with stuff and tell us they wouldn’t have the space
- WJ: right, I think the more elegant solution is to define
- WJ: I want the language to be as clear and non-ambiguous as possible
- CS: DR I think I was addressing your concern, but if it’s not clear to you, that’s a problem
- DR: my attitude is either require it or not
- WJ: should we define and then dump the exception?
- DR: section 8 says kitchens and kitchenettes have to comply with Group 2 kitchens
- JD: we are requiring that controls for anything in the accessible rooms are accessible right?
- DR: if it’s built-in
- JD: then I think we should make some language there
- WJ: this is the wrong section to do that – section 804
- WJ: I’m just realizing that this is all moot. We’re already requiring you to have a min. 30 inch work surface that complies with 803
- DR: that’s what this says as well but it has the exception

Motion to Withdraw current motion and define kitchen/kitchenettes next time by CS

- PL: let’s just move forward for now, you have this noted

5. 11:38 AM 1103.15 Beds 1:38:45

- PM: what does ‘open bed frame’ mean
- DJ: allows a lift to go underneath, open meaning you can’t have a box around it
- PM: ok thank you
- CS: 1103.15.3, does this meet peoples’ concerns?
- DR: that’s pretty low
- CS: seems okay to me
- WJ: this applies for beds in one sleeping area, so if you have 3 beds only 1 has to meet these standards
- PL: based on the logic from earlier, should all beds be accessible?
- PL: do we make all beds accessible in an accessible room?
- WJ: I think we need the word accessible between ‘two’ and ‘beds’ in the exception if you’re going to leave the exception as is
- PL: why not make them all accessible?
- DR: this applies to dormitories as well not just hotels

Motion to Make all beds accessible in an accessible unit by PL

2nd by DR

By Acclamation/Carried

- CS: because that changed does that change the other exceptions
- WJ: I think it would only affect 1103.15.3
- JD: where does transient housing fall into?
- WJ: depends on how long the housing is for, what services
- WJ: do we want to put an exception in about bunk beds?
- WJ: we can add that 'the upper bed (s) of a bunk bed are not required to comply'
- CS: I have a concern
- WJ: we can add 'if at least 2 accessible beds are provided,' to the exception
- DR: why can't we just say upper bunks don't comply?
- WJ: I think the concern is if the bunk is the only bed in the space it would need to support a lift

Motion to Include the exception by DR

2nd by PL

By Acclamation/Carried

6. 11:56 AM 1104 Type A Units left at 2:00:44

- WJ: this is the old Group 2A
- WJ: this is the adaptable unit, this can be made fully accessible without structural change
- JD: does 1104.2 include mechanical spaces or no?
- DR: if it's within the unit you need an accessible route to it
- WJ: traditionally these have been for rent, lease or higher not sale
- JD: so maintenance would be coming to do work
- CS: what about storage?
- DR: there's a subsection about storage
- WJ: the access to systems language is not really relevant to this unit type since it is for rent or lease
- PM: are going to have any type of graphic in this section?
- WJ: maybe in the advisory book, but I don't think we can have a naming graphic in the regs themselves
- DR: exception for 1104.11 is an error it should say all bathrooms; we should eliminate the first section
- WJ: I think everything in 1104.11 is in 600
- CS: and we dealt with 600?
- WJ: yes, before the Minnesota Code
- WJ: I will cross out things that we dealt with in 600
- WJ: I think the only thing not in 600 in 1104.11 is 1104.11.2 (one bathing room must have a roll-in shower)
- JD: I like the idea of having a roll in shower where two bathing rooms are provided
- PL: yes
- CS: do we need a motion?
- CS: if there's only 1 bathroom don't we want that to have a roll-in
- DR: depends on who you are
- JD: remember this is a 2A, so it's adaptable, the tub should be able to be replaced right?
- WJ: no, nothing in our regs really forces them to be swappable

- WJ: I don't think it's something the regs have to contemplate
- DR: I don't think there is a cut and dry answer here, because it comes to peoples' preferences
- WJ: I think the best option is to stay silence on the question, and can leave it to the owners. The first bathroom can be up to the market.
- DR: in the transient lodging world they are leaning towards showers
- CS: can we add the language capable of being switched?
- WJ: I think the problem is that this is a preference question.
- CS: in 603 what does it say about the 1 bathroom?
- WJ: it doesn't 603-610 talk about the technical requirements
- WJ: the language I wrote here reads, 'Toilet and bathing facilities shall comply with section 603 through 610 where at least two bathing rooms are provided, one must have a roll-in shower.'
- JD: who put that forward?

**Motion to Accept new language and eliminate all subsections of 1104.11.1 by CS
2nd by PL**

- CS: in Type B as opposed to Type A that's the 95% right?
 - WJ: 95% in a building without an elevator- the ground floor units
 - CS: what does that say about bathrooms?
 - WJ: that's gonna be different, it would have made 600 unreadable, Type B has different requirements
 - CS: so we didn't do that yet?
 - WJ: no; it will be in whatever the Type B dwelling unit section is

CS Objects

Roll Call Vote

DR- yes

JP- yes

EM- yes

PM- abstains

PL-yes

CS-abstains

JD-yes

5 yes 0 no 2 abstains – Motion Passes

- CS: I'm not against the language, my question is if there's only 1 bathroom should that have a roll-in shower or a tub? But I'm not sure if this was the right place to do that
- WJ: you can address it here or in scoping, but my recommendation is that that is not a fight we want to be in the middle of
- PM: thank you, now I know why you objected

7. 12:40 PM 1104.3.2

- WJ: the exception 1 in 1104.3.2 is now a dead reference, because you deleted what it was referencing

Motion to Remove Exception 1 in 1104.3.2 by CS

8. 12:43 PM 1104.5 Exceptions to Doors and Doorways

- WJ: this is asking when do doors have to comply with the door rules?
- DR: I think we can take out exception 2 because we talked about that section it's referencing already
- WJ: yes
- DR: for exception 1 (thresholds) 4 inches on the exterior is allowed if its concrete, but you have to provide raised decking so it's level with the floor so its an adaption
- JD: storm and screen doors (exception 4) it's helpful to have those here
- WJ: we have traditionally interpreted storm and screen doors not as a series
- DR: yeah so it helps to have that
- CS: it would help if I could see what 404.2.5 says before I vote on this
- DR: it's the vestibule requiring 7 feet in between or 3 feet plus the door
- CS: so that's what it applies to? The 7 feet?
- DR: yes
- CS: so doors in series, you don't have to turn around
- DR: it would mean you would have to have a 4 foot vestibule between your storm door and main door
- DR: which won't happen in a residential building
- CS: what do other people in chairs think?
- PL: fine by me
- JD: we've got 8 minutes left WJ, do you want us to pause here and we can pick up here next time?
- DR: sounds good to me
- WJ: are people good with the other exceptions?
- CS: I would like to see what 404.2.5 says, but I think I am fine with it
- WJ: I have that (reads 404.2.5) so this (404.2.5) does not have the exception for exterior doors
- WJ: ok so this should be 404.2.6 (in 1104.5 exceptions) not 404.2.5
- DR: it could be because I did not change some of the reference numbers
- WJ: if they're referencing ADAG this should be 6 not 5
- DR: I think that's what it's supposed to be referencing
- WJ: ok I will note that here
- WJ: this one (exception 5) could theoretically either be 404.2.5 or 404.2.6
- DR: that usually applies in hotels, when you have communicating doors to rooms
- WJ: do you want to dump this exception then?
- DR: yeah, I don't think you'll see it in residential
- WJ: this is between two sleeping rooms, so theoretically if you had two bedrooms with a communicating door between them, but if it's a residential dwelling unit that door should be accessible, so just dump them
- CS: I would like to know what 404.2.6 says before voting
- WJ: so this is basically saying that storm doors do not have to comply with the 4 foot rule, and turning spaces between doors in series is not required in a residential dwelling unit
- CS: ok so do we need to vote before we adjourn?

Motion to Eliminate exceptions 2 and 5 and change the sections 404.2.5 to 404.2.6 in exceptions 3 and 4 by DR

2nd by CS

By Acclamation/Carried

- WJ: next time we will come back to exception 1 (of 1104.5) and then go on to 1104.6-1104.9
- JD: any problems with 1104.6-1104.8 which are just pushbacks?
- PL: can we just come back to 1104.6 next time?
- JD: okay we will start at exception 1 next time

Motion to Adjourn by DR

- PL: should we discuss the minutes from 1/24
- WJ: they are not ready yet

Motion to Adjourn withdrawn by DR

Public Comments

- none

Motion to Adjourn by DR

2nd By CS

By Acclamation/Carried