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OCCUPATIONAL LICENSURE

**Subcommittee on Regulations Meeting Minutes -April 23, 2025**  
**Teams Meeting**

This meeting was open to the public and began approximately at 10:07 AM.

Subcommittee member attendance:

Jeff Dougan (JD)- Chairperson

Mike Kennedy (MK)

Paul Logan (PL)

Patricia Mendez (PM)

Elizabeth Myska (EM)

Joe Prochilo (JP)

Debroah Ryan (DR)

Division of Professional Licensure Employees in attendance:

William Joyce –Executive Director (WJ)

Jamie Dalton- Board Counsel (JaD)

Molly Griffin – Program Coordinator (MG)

Ross Seavey- Director of Building and Engineering Training, Education, and Code (RS)

JD opened the meeting for Roll Call:

MK, PL, EM, JP, DR, PM (joins late)

WJ introduces Ross Seavey (RS) from the BBRS to discuss level 1, 2, and 3 alterations from the IBC

- RS: presents diagram and 2021 building code introduced by the ICC; notes that this provides compliance methods for existing buildings of all types of buildings including residential. 2 methods in MA, a prescriptive method and the work area method which outlines the different levels of alteration. The accessibility requirements are dealt with in the

front of the code, and outline accessibility requirements based on what type of work you are doing. Level 1 is the lowest tier of alteration meaning replacing in kind- no real change. Level 2 includes the addition or elimination of any door or window, or system, and applies when the work area is less than 50% of the building area. Level 3 is larger projects; this applies where the work area is more than 50% of the building area.

RS shows a diagram of the Level 1,2, and 3 alterations that can be found in the code

- RS: RS explains the diagram and notes examples of the work that can occur under each level. For an area to be considered a work area, it has to be a reconfigured space. Once you figure out what level you are in then you can find what has to be done. If you're in Level 2 you have to comply with Level 1 and Level 2, if you're in Level 3 you have to comply with both Levels 1 and 2. Change of occupancy has its own chapter in the existing code and you have to comply with those requirements as well, and whatever you are triggering by the amount of work that you are performing. Historic buildings also have their own chapter in the existing code as well, that would have to be followed if applicable.
- JD: In the existing process used for the MAAB regulations, we can find pretty much everything we need on a property assessment card. How would the layperson find this information in order to check on the compliance? How would the public know when and how these levels are triggered?
- RS: Generally, the relevant information will be noted on plans submitted to the building official. Depending on the scope of the work, the building official can order an assessment. If this is a layperson trying to understand what's required, you would have to open the existing building code and understand it. Usually this would come in the form of a plan, generally consultation with a registered design official or contacting a licensed contractor with some knowledge would be helpful.
- JD: Is there a formal place where the levels are kept other than the building code? Is it in the building jacket? Where would I find what work has been done on a building in the past?
- RS: I think in the ideal world, it would be in the building file. Or on the set of plans that were stamped. The code does not dictate what you need to put on as a description for a permit. It is up to the building official.
- WJ: My question was basically similar. Today, how common is it for building officials to include that information on what level is done on the permit itself or on records? How easy would it be to reconstruct from the permit record what level of alteration occurred?
- RS: I think it depends from building department to building department across MA. I think we as a construction community have spread more information about the existing building code. It's not something building officials spend a lot of time in. I am going to recommend that people do document their work on the permits at these trainings. I think it is good for people to be clear on exactly what level you are in.
- DR: Does a Level 3 alteration require additional compliance with other sections?
- RS: Yes, for each one of these, once you identify which level you are in, you then open those individual chapters. Those chapters will outline what upgrade you have to do or what you are subject to. Each chapter goes through almost every element of a building.

Level 3 will have a lot more of those requirements in every category compared to Level 1.

- DR: Bringing the entire building into compliance is not the same as a Level 3 alteration, right?
- RS: Right,
- JD: Thanks, RS for your time. WJ. do you have any other questions?
- WJ: No, thank you. RS, I think the information was very helpful.
- RS: I would encourage you to look at the existing code as it deals with accessibility in its own sections and not in the levels. I do know that as a building official the dollar stuff can be tricky
- DR: one last question, I'm sorry, as a building official, how difficult was it for you to determine the estimated cost of work as against the assessed value
- RS: For the most part, we got property cards and values, I was working in a very expensive community, but I never got to saying give me invoices and receipts. I would reject things that seemed impossible to build at the costs presented.
- JD: It seems like people do Level 1, 2, and 3 analysis, but what about the 30% rule?
- DR: How do you check that?
- RS: Yeah, we would pull the cards and info from the general contractor. We knew it was like a 2-part analysis: the existing building code, and then the AAB analysis as its own analysis for the project,
- JD: Okay, members we agreed at the last meeting we were going to look at the options that were sent to us. Did people put their time in reviewing these?
- PL: Yes
- WJ: I had a brief discussion with DOR, they provided us some written information that explains the basics, but they recommended we would probably be better talking with someone from the Mass. Association of Assessing Officers, and I started reaching out to them. It might be worth talking about IEBC and if the members have strong feelings
- JD: Procedurally, it might be hard to find the information from what we learned today
- WJ: The listing of permits on the property card is spotty at best and almost always unreliable. We use the property card to determine the value of the property and nothing more, and we pull the permit jacket. This is not a simple process, even now. I think how simple it becomes, depends on how many building officials list the level of alterations on the building permits, which is not impossible
- JD: Let's look at the options that were offered on March 25<sup>th</sup> – are any of these options something people have feelings on?
- DR: I would be in favor of exempting certain work from the requirements.
- JD: Were one of those options tailored to what you are saying or a general thing? Would you be in favor of a cap?
- DR: No, because I don't think a cap is meaningful in certain locations
- PL: You said 4 options and I am looking at a letter with 3 I just want to make sure we are talking about the same document
- JD: Any comments from others?
- WJ: Might I suggest round robin?
- JD: Okay let me go around to each subcommittee member

- DR: I am looking at the March 25<sup>th</sup> letter from the elected officials
- DR: I would look at exempting certain project costs from the calculation first. I don't know if the level systems from the IBC is the way to go. I do think there are certain things that should be exempt
- JP: I'm good; I really have no comments.
- JD: Is there one that you favor more than the other?
- JP: I think exempting various costs out seems to be the most logical
- EM: I would echo what DR and JP have said
- PM: I am open to discussing exempting work, and I would also like to discuss the time variances we sometimes grant. I hear that people need time to plan and come up with money, so I think that adding potential for time kind of like an automatic time variance could work too
- PL: I would absolutely agree with adjusting options 1 and 2, not number 3. I have no problem with DR's recommendation and coming up with other work. As far as an inflation factor and other descriptions we should talk about those two
- MK: Out of the three choices, number 2 (the exempt work) would be my number 1. I agree with taking option 3 right off of the table. I like that - options 1 and 2 - still try to keep it relatively simple
- WJ: I previously figured out the inflation- it roughly doubles the work, so it would be \$200,000 and \$1,000,000
- JD: How are we thinking about changing these values?
- WJ: It's slightly different than that, but they are roughly 189% inflation- so roughly \$202,660.96 and \$1,013,304.82- and we would have to calculate this again when we promulgate, likely in a year
- JD: Their recommendations seem on point how do other members feel?
- JD: I am in favor of adjusting those numbers
- MK: I am okay with those changes
- PL: Yes I am fine with those changes
- PM: That sounds reasonable
- EM: Yes
- JP: Yes
- DR: Yes

Motion to Increase the financial triggers for inflation from \$100,000 to \$200,000 and \$500,000 to \$1,000,000 by PL

2<sup>nd</sup> by MK

Roll Call Vote

MK- yes

PL- yes

PM- yes

EM- yes

JP- yes

DR- yes

JD- yes

7 yes, 0 no, 0 abstentions- Motion Passes

- JD: I think we can look at option A now, about the exemptions
- DR: I would argue that we exempt the work we exempt now and add accessibility work which should be exempted as well. I don't think there should be a cap on exempted work, but what I don't want to see happen is someone doing a major renovation and taking these things out of their project to get under the 30% I do think if you are only replacing your roof, and it's over 30%, it should be exempt.
- JD: Are we looking project by project, or a three year look back
- PL: DR, do you have any recommendation on a financial trigger?
- DR: No, because every building is going to be different, I'm not sure how to deal with it, but we definitely need exemptions
- WJ: I can potentially be helpful. Under 3.3.1b, you only qualify for the exemption if you are only doing the exempted work or doing exempted work in combination with other exempted work. So, you need to decide whether this is project by project or a three year window (lookback.)
- JD: We are at three years now, we could go to two years
- WJ: The point still stands
- PM: To bring the time variance idea to help mitigate the worry here. We can say that for 90% of the cost of the roof replacement or exempted work, if you take a portion of that cost, we can grant an automatic time variance like additional years to complete the work so we are not sacrificing the accessibility work
- JD: So if we don't exclude everything, and we are looking at 10% of the work and it would trigger the 30% they would have additional time to bring the entire building into compliance?
- PM: I have it in writing, I will email it to WJ
- WJ: So what PM was saying, is rather than having any exemptions, and in their place you would have an automatic requirement that accessibility be achieved within 5 or 10 years- if you triggered from exempted work
- PL: I'm not following
- WJ: Okay an example, aa school doing a roof replacement triggers them for full compliance, so instead of a variance application they get an arbitrary time span to come into compliance
- PM: WJ, do you mind sharing that with the Board members so they can see it?

JD shares written document that PM sent to WJ

- WJ: I have concerns here. If this is read as an automatic time, this is going to result in a lot of people not doing this work. If this is just saying you have to apply for a variance

anyways, this effectively does nothing. This is in other words advisory language that should be somewhere else if you want to use it.

- JD: PM, I like the idea, but I hear what WJ is saying too
- DR: I think the problem is it just means you don't have an exemption, and that the exemptions are meaningless
- PM: So what I am hearing is that this is what we already have. But we do not have partially exempted work, instead of exempting everything all of the time, but thank you for the consideration.
- JD: Thank you for sharing-but don't ever shy away from sharing new ideas
- WJ: I do want to emphasize that we will be highlighting the idea that you can get temporary relief in the advisory book
- JD: Right now, do we explain time variances?
- WJ: Not explicitly
- JD: WJ, can we come back to option A now- now we are on the exemption list
- JD: So, in relation to the exemptions that we have, do we exclude our current exemption list completely, or do we put something on it so it is not abused?
- PM: When you say cap it, what do you mean?
- JD: When we were originally discussing this, we were looking at percentages, and I do want to hear from the assessors – I would like to see maybe separating the exempted work and the accessibility work on its own; I think we can make this inviting to do accessibility work on a project
- WJ: Here is the draft exemption language that we were talking about two meetings ago
- WJ: There was discussion about a cap, access work being separate, and based on the current language this is what it could look like
- JD: When they do the exempted work and the three year lookback is the exempted work the only work
- DR: I think we have always talked about these things as being exempt; the problem comes in is if the work is part of a larger project
- WJ: I think putting in a time window is to make sure they actually do the work
- PM: What's the difference between 1 year and 2 year- which is more advantageous
- JD: It is saying if you do any of this exempted work as a single project, within a year, but if they then go back and do more work that is not exempted the exemption goes away
- WJ: Right now, we do not specific what performed alone or in combination with each other, and this puts a calendar timeframe on it
- WJ: As a general rule, I don't like sticking stuff that's important in the definition section, so I will have to think about this
- JD: Okay, we will wait to make a motion on it. Let's talk about other exemptions
- WJ: People were talking about security stuff and climate resilient measures
- JD: How do people feel about adding those, because it is big work being done on the building. I am trying to look at this from the small business perspective – I am open to adding the energy code
- PL: we're looking at a-d right now, right. WJ, what's the couple of items you run into the most amount of problems with when it comes to variance requests? Is there a particular exemption people try to muck around with?

- WJ: Not really, most of these exemptions deal with things we do not regulate. The big issue this poses is this only exempts you from the \$500,000 rule. I think the energy code compliance stuff would mostly be captured under the existing exemptions. Would altering the insulation in walls be considered work only to mechanical or plumbing systems or do we need to tweak that language to “any work that does not impact ...”
- JD: Would stretch energy code change the entrance? Like the creation of a vestibule? Because that to me would be more than exempted work.
- WJ: Do you want to specifically just say insulation, automatic sprinklers, etc., etc. In terms of code interpretation would you consider insulation solely electrical mechanical or plumbing system work?
- JD: I think adding it to b, would be good. What about the weather resilient one?
- DR: I am curious as to whether or not this work is required if you are doing any other work on the building?
- WJ: This is mainly going to affect new construction
- DR: Maybe we should ask people to be more specific
- JD: Let’s make a note to look at other types of exempted work we want to look at here like insulation, siding, and then Section 202 looking ahead. I would like to think about the year timeframe for a lookback period for next time, too.
- WJ: The lookback thing, I don’t think it needs to be super long, I think you could get away with something as short as 6 months
- JD: What I am trying to protect is to keep our code strong, but I want this uniqueness—that is access-only to be treated separately
- PL: I would go back to what DR said earlier, don’t exempt the access-only work
- DR: It shouldn’t be exempted because it has to comply, but exempted from the 30% if it is the only work being done
- WJ: Do you want the staff to put together a draft? Just putting a series of exemptions, and what they are? So, it’s just language of an exemptions section for the 30% rule, and I will try and capture accessibility work and the other types of work that are socially beneficial that don’t directly impact the usable areas of the building.

Motion to have Staff produce a draft of the exemptions by PL

2<sup>nd</sup> by DR

Roll Call Vote

PL- yes

PM- yes

EM- yes

JP- yes

DR- yes

JD- yes

6 yes, 0 no, 0 abstentions- Motion Passes

- WJ: I’ll try to get this together for the next meeting, so we have something to talk about more concretely
- JD: Okay are there any other comments from the subcommittee?

- PL: Should we approve the minutes?

Motion to Approve the March 26, 2025, minutes by PL

2<sup>nd</sup> by PM

Roll Call Vote

PL- yes

PM- yes

EM- yes

JP- yes

DR- yes

JD- yes

6 yes, 0 no, 0 abstention- Motion Passes

### **Public Comment:**

**Michael Muehe (BCIL):** He applauds the subcommittee for their hard work over the past few months. The exemptions ideas that have been floated make some sense. I think the elevator situation is a particularly interesting one and a bit sticky because I can see a situation where an existing apartment building decides to install an elevator, and I think it could just be a tricky situation. As the population gets older, the incidence of disability gets higher and higher, triggering the need for accessible units. I think it is important to build in some incentives whereby we just need more accessible housing. I think the Board should consider some carve-outs for people to create more accessible units maybe within existing housing stock, maybe it is raising the 5% to 10% in existing buildings or something like that. Again, I appreciate the Board and Subcommittee for their work.

- JD: I do want to say I am part of another working group for accessibility in MA and the estimate is we need another 269,000 accessible units through 2035, so I do think housing is something that we need to consider robustly, so thank you Michael for bringing that up
- PM: Can we talk about the next meeting?
- WJ: It will be on May 28<sup>th</sup> this month fell early

Motion to Adjourn by PL

2<sup>nd</sup> by JP

Roll Call Vote

PL- yes

PM- yes

EM- yes

JP- yes



DR- yes

JD- yes

6 yes, 0 no, 0 abstentions- Motion Passes