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

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EXECUTIVE DIRECTOR,
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Subcommittee on Regulations Meeting Minutes – May 24, 2023
Teleconference

This meeting was open to the public and began approximately 10:00 AM.

Subcommittee member attendance:

Carol Steinberg (CS)

Paul Logan (PL)

Mike Kennedy (MK)

Patricia Mendez (PM)

Elizabeth Myska (EM)

Deborah Ryan (DR)

Division of Professional Licensure Employees attendance:

William Joyce – AAB Executive Director (WJ)

Jamie Dalton – Legal Counsel (JaD)

Bradley Souders – Office Support Specialist (BS)

CS opened the meeting for Roll Call:

PL, DR, PM, MK, EM,

1. 10:04 AM Minutes

Motion to Accept minutes by PL

2nd by PM

By Roll Call PL/Y, DR/A, PM/Y, MK/A,

2. 802.1.4 Approach

- WJ: This is a case where both things may say the same thing
- DR: I think we should use ADA version, they both say the same thing but in this case less is more

Motion to Approve ADA version of 802.1.4 and 802.1.5 by DR

2nd by PL

By Acclamation/Carried

3. 802.3.1 Alignment

- WJ: this is a section where ADA has more to say than AAB, ADA explicitly states shoulder to shoulder



Motion to Add 802.3.1 by DR
2nd by PL

Discussion:

- PL: Discussion of side-by-side definition, discussion height in relation to companion seat
- DR: this section requires same floor elevation and side by side with your companion
- MK: I think this addresses earlier issues with wheelchair seats and your companion was in a higher chair and placed behind you instead of side by side, I think maybe this also covers that, the companion seat by side by side instead of behind you above you

4. 802.4.1 Armrests

- WJ: this is one where there is a difference without distinction, its two different ways to say the same thing.
- DR: AAB contradicts ADA because it allows you to remove the armrest
- CS: I sort of disagree; I think the language of that first sentence
- WJ: This only applies to aisle seats
- DR: this applies to 1% of seating, I don't want us to say you can remove the armrests
- CS: Do we need the word removeable?
- WJ: this is an area in the theory where the feds are stronger than us, we allow removeable armrests, they don't
- CS: it doesn't give the option to have none at all?
- WJ: No
- CS: Do we want to give that option?
- DR: its about the usability of the seat, if they want to they can flip the arm rest up
- PM: I think that if we give them the option to remove it then someone will remove it and never put it back
- CS: what about the option of having none at all?
- MK: Another thing about having armrests in place with the fold up feature they might actually use the opposite of the aisle armrest as a transfer tool, sort of like a grab bar
- PM: For someone that needs that extra help, the armrest on both sides can be there for use

Motion to Adopt ADA language for 802.4.1 by PM
2nd by DR
By Acclamation/Carried

5. 802.4.2 Identification

- WJ: then major difference here is ADA requires each seat is identified with marker, ADA requires signage at entry and ticketing area. I think this is an area where we want both, the cost would be de minimus
- DR: the biggest issue has always been what the signage says, sometimes people will put a wheelchair symbol on it which its not a fully accessible seat, I've noticed there are limited ticket counters as there are kiosks now, if it's a choose your own seat computer then it should be identified on the computer
- WJ: this is a question for JaD, can we require them to put that information on the computer interface
- JaD: Agreed, I don't think we can put that straight into the regulation as that's not something we're regulating
- WJ: Can we put that in the advisory section



- DR: If you're going to say armless seats are provided, then what
- CS: We're not governing websites which that is the way everything is done now
- DR: Where does the sign go and what does it do? The seats will have the identification, but someone could have bought them at the computer
- JaD: Regulating the purchase through the computer is not covered by this Board but we could have language encouraging information at the computer point of sale
- WJ: We regulate buildings and how they're constructed, we can't regulate how someone sets up their website
- WJ: Do we want to include language that it can't use the ISA?
- DR: No one has said what language or image to use for these moveable armrest seats
- WL: The ISA symbol would make it seem like it's a wheelchair space
- DR: you can leave it as general as is but I'm just bringing up issues that I've seen, the ADA doesn't tell you what the sign should actually be
- WJ: we're requiring them to have seats with removeable armrests, but if people see the ISA symbol they might assume it's a wheelchair space when its not
- MK: I definitely understand about the ISA causing confusion but what other kind of symbol can go there that will tell you the armrest is removeable or retractable? More often that not if there's any indicator it will the ISA symbol. What would we use if not the ISA?
- DR: I think that's why the feds say marker or identifier
- PM: My question is are all of the aisle chairs in a theater supposed to have removable armrests?
DR: I think its 1%
- PM: Maybe the word removeable should be marked on the armrest
- WJ: DO we want to add language that visually depicts a moving armrest?

Motion to add language that includes a visually depicts a moving armrest on appropriate seats
by DR
2nd by PM

PL: change ticket counter to where tickets are sold/point of sale

By Acclamation/Carried

6. 803

- WJ: ADA doesn't include any language for mirrors where AAB does

Motion to Include AAB language for mirrors by CS
2nd by MK

PL: Question about benches

By Acclamation/Carried

7. 804

- WJ: this is an interesting one, ADA talks about Pass through and U shape, AAB talks about those and L Shaped
- DR: ADA doesn't cover L shape, you generally won't see an L shape but I think we should include it, this helps clarify it
- DR: This could be confusing; this is all kitchens outside of a residential kitchen



- CS: So this wouldn't fall under Fair Housing
- DR: Fair Housing applies to any 4 or more unit building, the ADA standards only apply to state and government housing

Motion to Add L shape kitchen from AAB by DR

2nd by PM

By Acclamation/Carried

8. Comments on Housing

DR: Discussion on confusing requirements for large state/public housing developments that are required to comply with ADA, Fair Housing, and AAB

9. 804.3

DR: this is a public/common use kitchen where you can't put a cabinet in where you need the work surface

WJ: Should we cut out the first sentence

Motion to Adopt ADA language with caveat for 15-inch work space required by AAB by DR

2nd by PM

Discussion

- DR: in a community kitchen you do not want adaptability issues, you want it fully compliant at time of construction and take out residential kitchen reference
- WJ: We don't want any adaptability clauses for residential kitchens
- DR: We want common use kitchens fully accessible at time of construction
- CS: We want the work surfaces to be low
- WJ: the only difference is the section highlighted in yellow, the 15 inches of clear counter space
- DR: I think the 15 inches is fine as long as that's included in the other requirement for 30 inches

By Acclamation/Carried

10. 804.3.1

- WJ: we should cut the exceptions from this section because this is for residential

Motion to Strike exceptions for 804.3.1 by DR

2nd by PM

By Acclamation/Carried

11. 804.6.4

WJ: The only difference that may be here is that hoods are explicitly called, the a certain extent its covered by 806.5.4.3 but it may be helpful to call this out that hoods count too

Motion to add AAB language for 804.6.5 by DR

2nd by PL

By Acclamation/Carried

12. 806.4.5

- WJ: side hinge oven doors are less common than they used to be and hard to design to our standards



- DR: If you're requiring wall oven then you need to look what's above the oven, you need to be careful if you're requiring a cook top and a wall oven versus a range and a wall oven. You're requiring a front approach
- WJ: Do we want to allow the use of ranges in common kitchens? Traditionally we haven't allowed the use of ranges. We get a lot of variances for this
- DR: you could have a range with a stove underneath and a wall oven
- WJ: Do we want to require the knee clearance as the stove-like element

Motion to require amended language for cook top for 806.6.4 by DR

2nd by PL

By Acclamation/Carried

13. 804.6.5

- WJ: We should swap 15 for 30 for the requirement
- DR: I would say 15 minimum

Motion to Accept draft language for 804.6.5 by DR

2nd by PL

By Acclamation/Carried

14. 804.6.6

- WJ: the only difference is we allow exceptions for undercounter type refrigerator

Motion to include AAB exception by DR

2nd by PL

By Acclamation/Carried

15. 810.3

- WJ: this may or may not be a difference, we say the bus shelter space cannot overlap the accessible route

Motion to Accept draft language for 810.3 by DR

2nd by PL

By Acclamation/Carried

16. 902.3

- WJ: this might be scoping as this tells you when a counter is required
- DR: ADA doesn't require 60 inches and the AAB does, which allows people to sit together at a bar
- CS: Can we have language where they have to keep the accessible counter clear of storage
- WJ: WE can call that out in section 900
- PL: As far as the space, what would be the width

Motion to adopt amended draft language by DR

2nd by MK

By Acclamation/Carried

17. 902.5 Discussion about adding 902.5 for keeping accessible counters clear from storage and other items similar to how inaccessible tables are kept



- WJ: this is probably best kept in the advisory section and is covered by maintenance of accessibility features

18. 904.4

- WJ: the feds make a distinction between forward and parallel approach, we only deal with parallel
- DR: if you want a forward approach, you only need a 30 inch accessible counter, if it's a side approach is a longer counter. It gives people the option to use one or the other

Motion to adopt ADA draft language for 904.4.2 by DR

2nd by PL

By Acclamation/Carried

19. Adding 904.4.3

WJ: this is the depth issue where they don't specify the depth required, so lets say it needs to be equally as deep

Motion to Add 904.4.3 depth requirement by PL

2nd by MK

By Acclamation/Carried

20. 904.5.1

WJ: this may be an area where the feds are more strict, they require all to comply and ours only requires 50%

Motion to Accept ADA language for 904.5.1 by PL

2nd by DR

By Acclamation/Carried

21. 904.6

Motion to Accept ADA language for 904.6 by PL

2nd by DR

By Acclamation/Carried

Motion to Adjourn by DR

2nd by PL

By Acclamation/Carried

Respectfully submitted,
Bradley Souders, Office Support Specialist

