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Subcommittee on Regulations Meeting Minutes -June 26, 2024
Teams Meeting

This meeting was open to the public and began approximately at 10:04AM.

Subcommittee member attendance:

Jeff Dougan (JD)- Chairperson
Carol Steinberg (CS), Vice Chairperson
Michael Kennedy (MK)
Patricia Mendez (PM)
Deborah Ryan (DR)
Ana Julian (AJ)
Joe Prochilo (JP)
Paul Logan (PL)
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, MK, AJ, PL, DR, PM

1. 10:05 AM 206.4.1

- WJ: The biggest difference is this section requires 60% of entrances to comply, but 521 CMR requires all entrances
- PL: I like the full idea

Motion to Accept 521 section that all entrances are accessible by CS

2nd by DR

By Acclamation/Carried

2. 10:08 AM 206.4.1.1 Automatic Doors

- WJ: The subcommittee was thinking of a new requirement with at least one exterior door be equipped with an automatic door opener. DO we want to tie this into affirming language
- DR: I think it's a great idea, realistically it's a huge problem. It should be limited to certain types of buildings. I think the reality is it's unrealistic
- CS: I totally disagree. I think anybody in a wheelchair knows the world is really difficult to get around and automatic door openers would make a huge difference.
- MK: I remember we struck a compromise for the big stores; I think we should pick a square footage, maybe 5,000 square footage or more to require an automatic door opener
- PL: I'll mesh them all together. I wish every public building could be accessible, but the AAB could be inundated with variance requests. I would go to 2,000-2,500 square feet to MK's point. How many AAB variance requests would we have for this WJ? Is it going to get crazier?
- WJ: In terms of variance requests, we get a very manageable number. To eliminate variances where the outcome is certain. I would put this in the zone where the Board really looks at this, if you somewhat limit when this triggers, that might be a problem.
- DR: I don't want anybody to misconstrue that automatic door openers give a large amount of access. This also reads that only the exterior door must comply, so I think both entrance doors should be accessible if there is a vestibule. Once you get in a building and there are multiple doors, what difference does it make?
- WJ: I think the exterior door piece is because the regulations allow the exterior doors to have much larger opening force
- CS: I'm just thinking what DR said, and does that mean we have to change the wording again? I don't know how we would do that. The other thing about the outside door is the wind, it's just harder to open. It's only when we have jurisdiction. I think we just don't know about the square footage; a 500 square foot building could be really important. I think this is what the variance process is for.
- WJ: I think the other reason exterior door is mentioned is the instance of inclement weather
- MK: If I remember correctly, doors and doorways in 521 CMR has a little section about compensating devices
- WJ: Technically it is possible to require an auto under certain circumstances under current regs, so people mentioning wind, that counts towards the door pressure. It is required by implication rather than explicitly which is bad policy
- WJ: These sections should be sub sectioned out
- JD: When auto door openers are replaced, you get certain allowances with the clearances, so I think we need to think about how this would be drafted
- WJ: It seems like there are three ways this could go: the current language which could stand on its own, second the door pressure and note door specifications for the pressure, or third use the existing section but tie it into a restriction in some way so certain types of building by use type or size or occupancy. I'll suggest the cost for auto door openers for generally varies from \$700-\$2,000
- DR: That's assuming you have electricity to the door
- WJ: these are battery-operated
- DR: For residential buildings: so you could have the public exterior entrance, but if you can't use the door without a power operator, you would be requiring all doors within the unit to have a power operator
- WJ: Usually, doors in dwelling units comply
- DR: If the door doesn't have a closer on it, are we assuming the door is fine to open?
- DR: My question is, is it the weight of the door or that some people just can't open a door?

- AJ: Many exterior doors do not have closers, but are heavy glass doors, that need an auto opener because they are so heavy
- CS: If you're rolling a manual chair, there are a lot of reasons why you can't open the door
- DR: Right, it's not just that the door is heavy, it's that there are people who cannot use it
- WJ: I think you can draw a line between requiring all doors within a building versus just exterior doors for this requirement

Motion to Require at least one public accessible exterior door but limit it to type of building or square footage by DR

2nd by PL

- PL: I'd ask DR to include a square footage to her motion, I would go with 1,000 square feet
- WJ: There hasn't been regulatory language proposed yet
- JD: So, PL we're going to continue conversation, but not limit this to square footage right now
- MK: This to me is a reasonable compromise
- JD: I honestly think tying into scoping is how we do this, alterations or reconstruction, so I think auto door openers are usable by everybody, I think limiting to square footage may be a disservice when we could tie it to scoping which could be more beneficial. Or maybe it's a mix of both, I think we need to put some thought into this. Auto door openers are the way we should be considering entrances at this point. That's my personal thought
- DR: I agree with what you're saying. I think your concern is different than what we're talking about, your concern was about when it is required. The question is what types of buildings require it
- CS: I just want to clarify, we leave it the way it is, but we deal with it later in scoping? It's impossible to list all the types of buildings.
- JD: We do that now in other sections
- WJ: JD, I think was talking about the general sense of the subcommittee is that the current language is too broad, it could be limited by type, size, or spending amount, to your point CS, we do it all the time in the regs, because we are talking about broad categories, not the nitty gritty
- CS: I like the language the way it is with variances
- PM: I'm not sure that the area is the best idea because in the city a lot of stores are smaller compared to suburban stores. I think the type of building would be a better exclusion to me
- JD: I think square footage or type of building is too limiting, I think the cleaner way is through scoping
- CS: I don't see how we vote if we don't have square footage in the motion and how much does it cost if someone is replacing the door?
- WJ: The vote would be to focus the subcommittee's discussion, to say we need to talk about this. Door replacement cost varies widely, anything over \$5,000 would be obscene
- DR: Prices have gone way up
- CS: Could DR amend her motion?
- DR: I can amend it

Original Motion Withdrawn by DR

Motion to Table this question until the next meeting for the Subcommittee to think about the specific restrictions by DR

2nd by AJ

PL: Why wait until next meeting

DR: I think we are just throwing out a square footage,

Motion Withdrawn

Motion to make At least one public Exterior entrance of a building or tenancy in a building shall be equipped with an automatic door or power-assisted door and to have exclusions by

PL

2nd by MK

WJ: I have some procedural concerns. PL while you can do this motion, I think it is imprudent, if you are introducing substantive pieces, you should do it altogether. If you have an exception list that is vital to this motion, I don't think you should make it

JD: I think we should go back to DR's original motion

Motion Withdrawn by PL

WJ: PL, to answer your question, I think the idea is to use the next month to get some facts at our fingertips to have a better understanding of the restrictions they want to make

Motion to Accept the language as 206.4.1.1 and rely on the variance process for exclusions by CS

2nd by PL

Roll Call Vote

DR- no

PM- yes

PL- yes

MK- abstains

AJ- yes

CS- yes

JD- yes

Motion Passes, 5 yes, 1 no, 1 abstention

3. 11:31 AM 206.4.1 Subsections

- WJ: As written, this requirement is now moot. This is redundant because we are saying all the entrances in a building must comply
- JD: For example, we could make 206.4.2 an exception under 206.4.1?
- WJ: Yes
- PL: I would counter that if I cannot find an accessible space on floor 2, I would go to another floor to look for an end spot that this not technically accessible, so I don't think this should be an exception
- WJ: At the moment, 206.4 contains a lot of redundant sections, I think the only ones that aren't explicitly redundant are 206.4.4.2 and 206.4.8
- CS: I think 206.4.5 is about entrances into the apartments not the building
- WJ: It's required because "all entrances to a building or tenancy to a building"
- WJ: Are there any exceptions to this requirement that people would like to address?
- DR: In a lot of parking structures the accessible spaces are going to be on the ends where it's level. PL, your argument about parking somewhere, the entrance has to be accessible but that requires you going up the slope of the parking lot, and the accessible route leads to the accessible entrance. If the structure is 3 or 4 stories they have to have accessible parking on different levels anyway
- PL: How about limiting it to 2 floors then

- WJ: Again, this is only about the entrance itself, not accessible routes
- WJ: Writes potential exception to 206.4.2: In parking structures with multiple levels, entrances from the parking structure into an adjoining building shall not be required on those levels where there are not accessible routes to that level and no accessible parking is provided on that level
- PL: Why not at all levels?
- DR: Do you want to park on the 6th floor if there's no connection?
- CS: It's only where there is an entrance to the building
- DR: But it's in a parking garage and the only accessible route is from the accessible spaces
- WJ: With this exception we would not have substantial equivalence, so this would make us weaker than ADAAG
- DR: They only require 60%
- WJ: I don't think we can adopt this exception and still be substantially equivalent with the Feds
- DR: I'm just concerned about the accessible route to the entrance
- WJ: But this is just about the entrances themselves
- WJ: Are there any exceptions to the general requirement that people want to discuss?
- WJ: We need a motion to eliminate
- DR: I wouldn't delete the parking one just to keep it as like a notice
- WJ: Ok, these sections have no force, but reiterate something you must have
- DR: I would take out any section that has "At least one entrance"
- CS: I think that 206.4.4.1 should come out
- WJ: lists exceptions that should be struck
- WJ: So do we want to strike everything except the parking structure one?
- CS: I don't know if the fact that it is reiterated is helpful
- WJ: How would the courts look at this?
- JaD: WJ is on the right track, so each provision has to have meaning
- WJ: It seems like the cleanest way forward is to take these subsections and move them to the Advisory Booklet and strike them from the regs
- JaD: I think the regs are easier to read for people if they are shorter

Motion to Strike the subsections of 206.4.1 and add it to the Advisory Booklet, and the language should read "Public Entrances include but are not limited to," by CS

2nd by PL

By Acclamation/Carried

4. 12:06 PM 206.5 Doors, Doorways, and Gates

- WJ: ADAAG handles this slightly different than we do, but I'm not sure a specific way is better or worse. ADAAG takes it out for scoping for each type, 521 covers more doors, ADAAG is more specific which can be a blessing and a curse
- DR: Under ADAAG, 206.5.1 I think makes sense
- JD: So you're in favor of keeping 206.5.1
- CS: How does that not contradict 206.4.1?
- WJ: AN entrance can have more than one door as part of the entrance
- PL: Looking at three entrances side by side if I am coming from the left side, I would have to go to the middle door to get the accessible door is that correct?
- WJ: All would have to comply. Currently we (521) to have all doors be accessible on accessible routes, under ADAAG, only one door would have to comply.

- CS: Do we want to say that all doors be accessible or not?
- WJ: We are discussing how you want to handle 206.5

Motion to Adopt the 521 Language into 206.5 by CS

2nd by PL

DR: I like the way ADAAG deals with it better because it requires every entrance to have an accessible door, I think it is more specific in ADAAG

- JD: With the adoption of this, what would we be striking 5.1 and 5.2?
- WJ: You don't have to strike any of them but 5.1, 5.2, and 5.4 would be moot
- WJ: I think you could rewrite 206.5.1. If you adopt the red language you're deleting the subsections
- DR: You're saying all doors and openings along the route shall comply
- WJ: 206.5 as modified would not apply to revolving doors (12:32 PM)

Roll Call Vote

CS- yes

AJ- no

MK- yes

PL- yes

PM- yes

DR- no

JD- yes

Motion Passes, 5 yes, 2 no, 0 abstentions

WJ: 206.5.1, 2, and 4 are now moot

Motion to Eliminate 206.5.1, 206.5.2, and 206.5.4 by CS

2nd by PM

Roll Call Vote

CS- yes

MK- yes

PL- yes

PM- yes

DR- no

JD- yes

Motion Passes, 5 yes, 1 no, 0 abstention

5. 12:38 PM 206.5.3

- WJ: Explains 206.5.3
- DR: This is in the inaccessible rooms
- WJ: For reference, this is more than we currently require. I think this is non-controversial
- CS: So this means in a hotel?
- WJ: Hotel, motel, dormitory, any other transient lodging

Motion to Adopt 206.5.3 by PM

2nd by DR

- WJ: We don't need motions if we are keeping language as is

6. 12:44 PM 206.6 Elevators

- WJ: Does anyone have comments? This is saying elevators must comply with the elevators section
- PM: I think we need to define Lula
- WJ: This doesn't name Lulas, it just points you to the limited use section
- WJ: 206.6.1 is really helpful; if you mess with an element of one elevator you have to mess with all them in the same way. I think this is an addition that needs to be there
- MK: I just want to ensure that devices don't have keys because operators lose keys all the time
- WJ: This was dealt with, the Subcommittee allowed keys in limited circumstances

7. 12:54 PM 206.7 Platform Lifts

- WJ: This does potentially need to be altered
- WJ: I think all the 206.7 subsections are redundant
- CS: I think we should save this for next time

Motion to Approve May 29, 2024, Minutes by PL

2nd by PM

By Acclamation/Carried

Motion to Adjourn by CS

2nd by PL

By Acclamation/Carried