

MAURA HEALEY
GOVERNOR



KIM DRISCOLL
LIEUTENANT GOVERNOR

ASHLEY STOLBA
INTERIM SECRETARY, EXECUTIVE
OFFICE OF ECONOMIC
DEVELOPMENT

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

One Federal Street, Suite 600 • Boston • MA • 02110
V: 617-727-0660 • www.mass.gov/aab • Fax: 617-979-5459

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

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

Subcommittee on Regulations Meeting Minutes -June 25, 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)
Paul Logan (PL)
Mike Kennedy (MK)
Patricia Mendez (PM)
Deborah Ryan (DR)

Division of Professional Licensure Employees in attendance:

William Joyce –Executive Director (WJ)
Philip Chan- Board Counsel (PC)
Molly Griffin – Program Coordinator (MG)

JD opened the meeting for Roll Call:

CS, AJ, MK, PL, PM, DR

JD notes he would like the subcommittee to finish section 202 today. And asks WJ to pull up the draft that they worked on at last month's meeting.

- JD: Wants to reference the AIA letter that was received, and emphasize they want a comprehensive and easy to understand outline for the rules. JD asks WJ to now display the draft that they worked on last time.

- WJ: I think the primary point of today is 202.1.2 and the exemptions so we should probably focus on these.
- CS: My draft should just say 202.1.2- there were typos in the last one distributed. It's amazing to me that we are even talking about doing anything to the 30% rule considering the Trump Administration proposing making ADA regulations voluntary- so bad timing I think but I know that we must talk about it- I just wanted to throw that out there. I tried to put into words what we were talking about at the last meeting. I don't think that all that work should be exempted. If one of the items on the list is performed and performed due to an emergency and not as part of a larger project, then yes it should be exempted. If more than one of those alterations is performed, then 50% will be exempted. My fear is that accessibility work will fall to the bottom of the list.
- WJ shares CS' draft.
- JD: I am going to go around the Board to see what their thoughts are.
- WJ: In the other draft rather than having repetition, the million-dollar piece was only meant for the \$200,000 rule.
- CS: If somebody is spending a million dollars on one of these exemptions, what should we do with that?
- JD: From what I understand is if you spend up to a million and one dollars, you are now subject to the \$200,000 rule. Our last discussion was talking about would there be a percentage of that work to look at.
- CS: I feel that if a million dollars is spent, it shouldn't be totally exempt, and maybe for simplicity it should say 50% if a million is spent. The ILC letter strongly suggested a 4-year lookback instead of the 3-year lookback and I agree with that.
- JD: The first thing I want to discuss is item one from CS' draft, so I will ask the Board. JD reads item 1.
- DR: I don't have any questions. I don't agree with it. I think that emergencies are not what an exemption is. If the exemptions are performed alone or in combination with each other, they should be exempt.
- CS: If we took out the word emergency, do you agree with different standards for one alone and more than one?
- DR: I still think that they are exemptions, and they should be exempt. If someone is doing 1 of each and the cost is 35 million dollars then that is a major renovation, and they need separate permits. What I think is that the building will not get renovated and you won't get accessibility.
- CS: I am just thinking of the example you gave.
- DR: I think that is covered though, because they must go in for separate permits.
- CS: I am looking at the letter from Mr. Nunnari and others and they wrote some exemption for some or others, so I think we can explore this.
- DR: I agree.
- PM: I like CS' proposal and support this. I also hear DR, so I think we should continue to find the number for the compromise.
- PL: I would want a little more insight into DR's thought process. As far as the lookback, I wish we could go to 5 years. The farther we look out, it just becomes more of a hurdle. I

don't think we should give everything away, I think going to \$200,000 is reasonable. We do want to see this get passed, and we're going to have to give a little.

- CS: I think this is giving a little for sure. It's giving much more than I want to give.
- MK: I kind of like the idea of CS' proposal. I see the concerns that DR brought up. I agree with DR about removing emergencies because that will be something else that will have to be defined. We're making headways.
- AJ: I think I am leaning more towards DR's point of view.
- CS: What about C? A and B are more maintenance, and C is more different.
- WJ: Various towns in the Commonwealth are adopting energy codes, which are setting deadlines to meet certain requirements. It's not affecting any usable space in the building. This is work that has two pieces, so we want to encourage climate resiliency work, and a bunch of municipalities will be enforcing work like this.
- CS: It just means if you put tons of money into complying with that code, you don't have to comply with our code. It just is wrong to me.
- JD: I see both sides. I kind of like the idea of one only. I don't think 50% is enough, I think we should go higher. We do want this simple for all users. I think the language you have here might be a lot.
- WJ: I have a big problem with this. These categories are going to have new meanings that they did not have before. There needs to be some basis for these categories. I just think if you want to go down this route, you need to rewrite the categories. I have enforcement concerns and concerns about us getting overturned on appeals.
- DR: I agree with what WJ said, but maybe there is another solution. If you're over 30% you get to exempt 75%. If you're spending over 30% with the 75% of exempted work exempted, you must meet full compliance. We need to do something to get this passed.
- JD: It does add a little more math to the equation.
- WJ: You would multiply your spending by .25. One of the questions we have is roof replacements for schools which will usually exceed 100% of the value of the building.
- DR: I do think the roof should be exempt.
- JD: Let's look, I think DR's thought might meet us in the middle. Exempted work is the only work that can be performed and if it includes something like energy efficiency, it might deal with an entrance - how do we deal with that?
- WJ: The current standards only deal with insulation in the walls, MEP systems, all back-ground work.
- CS: Why 75% instead of 50%?
- DR: I don't think 50% is meaningful when it comes to exemptions.
- WJ: Do we want to carve out roof replacement, foundation replacement, and masonry re-pointing into another category?
- CS: No. I was exempting roof repair completely.
- PL: What about the other two that WJ just mentioned?
- CS: Yes, that is exempted totally, if that is all you are doing.
- WJ writes draft language stating if expected work amounting to 120% or more of the full and fair cash value of the building then they would have to fully comply.
- JD: We have four categories here, what do feel about the addition of the 120% of expected work?

- CS: I think I understand it. I still feel it should only be one of these items, and if the categories are too fuzzy then we should clarify them. I don't want someone doing a,b,c, and d with no accessibility.
- JD: We covered that. I think you are getting more with this than what you were proposing originally.
- AJ: Asks for clarity.
- MK: I like this.
- CS: I have a follow-up. Why do you think this will appeal to the ILC people?
- MK: Because we know that we need to make changes here. I can't speak for all ILCs, but overall, I think it is making great headway.
- JD: Both sides have a want, so we are trying to compromise.
- PL: I agree with the 120% change. I would like to discuss sections a through d; I would want WJ's suggestion on how to rewrite these.
- WJ: If you go this route, it is largely for readability.
- PM: This works for me.
- DR: The concept I agree with, if it gets to exempting the 75%- I am not convinced the 120% does that. I think we need to run through a couple of scenarios to make sure this is doing what we think it's doing.
- CS: I agree.
- WJ: performs sample estimations for different buildings and their values and roof replacements to ensure the equation works.
- CS: What are we doing with the \$1,000,000 work? I just don't think it's clear. I would like to hear examples of what the Board deals with on a day-to-day basis. Is this realistic? Do people spend 120% of the value for these exempted items?
- WJ: Sometimes in low-value buildings, or if they have an expensive repair that they need to make. These exemptions are narrowly tailored. I think it is easier than you think to fall out of these exemptions.
- CS: If a school is spending tons of money on roofs, it should be made accessible; it's ridiculous.
- WJ: We are the wrong forum for that. I agree completely, but we are not the right place, people should talk about the MSBA (MA School Board Authority) about sending the schools more money. They'll get relief because the alternative is the school closing.

10 Minute Break

- JD: Welcomes everyone back. WJ, do you have examples?
- WJ: I do. WJ walks members through the equation examples that he created.
- DR: I still don't see it, WJ.
- CS: I don't think as it is written, it is clear.
- PL: Can you find a better way to say it, CS?
- CS: Unless the value exceeds 120% in which case, 202.1 applies.
- JD: DR do you have any questions with this example?
- DR: I believe you, WJ, but I am still trying to figure out how to do this.
- PL: So, for Gateway Cities, we have received a lot of information. Does the \$1,000,000 value we placed unfairly affect those cities?

- CS: That's why we're doing this.
- WJ: You could put in an actual dollar value if you wanted.
- DR: WJ, could you run the equation with these numbers: \$3,000,000 building with a \$5,000,000 roof repair. WJ calculates this.
- DR: So, full compliance is required either way, got it.
- CS: My question is still about the million dollars. Say in the example it was not a 5-million-dollar replacement, but a 1.5 million, according to the language it would trigger the 30%, right? Because you are spending \$1,00,000.
- WJ: No. They are not subject to 202.1.1 unless the cost of the work exceeds \$1,000,000.
- CS: So, if the work is \$1.5 million, it would trigger entrance and bathroom?
- WJ: Yes, regardless of building.
- CS: I just think it could be clearer.
- WJ: This is set up the way it is, the problem in the current regs is that we constantly repeat things.
- PM: We are going to have a companion for these regs to help people understand.
- WJ: I know we do have a Board Counsel sitting in on this. What would your interpretation be if you read this language? (directed to PC)
- PC: The problem I see is, the first "unless," is that coupled with 202.1.2?
- PC: I might do subsections on it, but that might complicate things. It takes a couple of times to read it, but I get it after a couple of times.
- WJ: Ok, so we might have to break it up.
- PC: I'll try to think too. This might be the best one, you just have to read it a couple of times.
- JD: To me it feels like this is meeting two sides in the middle somewhere.
- JD: Are there any motions?

Motion to Add the 120% language to section 1 by PL
2nd by DR

- JD: The language isn't changing; it is just voting to split them into two sections.
- CS: If we vote on the concept, I would like us to be able to edit the language if we have a problem.
- WJ: Are you fine with 120%?
- WJ: I will come back when we have final language. Are you fine with these exceptions and them being exempt unless the total project spend is 120%? That is the question.
- PM: So, I didn't understand what AJ was suggesting.
- AJ: Separating it out into two subsections.
- CS: I am not going to vote in favor of any change, unless it is my proposed change because of what is happening federally. I do not think it is the right time.
- PL: They could be more accessible if more buildings can be renovated.

Roll Call Vote

DR- yes

PM- yes

PL- yes

MK- abstain

AJ- yes

CS- no

JD- yes

5 yes, 1 no, 1 abstention- Motion Passes

- JD: Ok now moving on to the next part, exceptions 2 and 3. I like the idea of this, I just want to make sure it is easy.
- CS: I did make a proposal in my draft.
- WJ: Before we get to your version, CS, exception 2 is common to both versions. CS' version is very similar.
- CS: That's not quite right. I also added to it that we want to make sure there is a path of travel for people with disabilities.
- DR: I have a concern, but I am not sure if I can articulate it. My concern is when you are doing accessibility upgrades.
- CS: This is not saying full compliance, this is just saying there needs to be a path into the building.
- WJ: I understand what you are saying DR, but I think that is a squishy category and is hard to reconstruct from the record.
- DR: I have had cases where they are doing renovations, not over 30%, but want to install a lift - would that be covered?
- WJ: No. If I could find a way to make it work, I would like to make this exception slightly larger, but I have not been able to find it. If there is better language, please let me know.
- DR: Yes, because there are people who want to make their building accessible, but do not have the money to make it 100%.
- WJ: This is the barest version.
- WJ: As written, this just says they need an accessible route, but not necessarily to the element that they're touching.
- JD: I am not sure if we can take outside comments, but there is one about language.
- WJ: There is a reason curb cuts are treated totally differently.
- WJ: I think curb cuts make sense as their own exemption.
- JS: Do people want to see a cap for accessibility work? Are you looking at accessibility work - if it is the only work being performed - as exempt?
- CS: I feel the path of travel language is so important. I think it should be 100% exempt if there is that path of travel. No cap necessary.
- WJ: Even if there is no accessible route to an element, it would still have more of a benefit if it is made accessible than if it is left untouched.
- CS: I get it, but what if we put a time for the accessible path of travel.
- DR: Sorry guys, I have to leave. My thought is that if someone wants to voluntarily make their building accessible, they should be exempt from the 30%, to encourage people to make their building accessible.
- PM: I agree with incentivizing accessibility work.
- PL: I would also like to see that we incentivize as much as we can.
- MK: I agree with PL and DR. Incentivize not penalize.
- AJ: I agree with what has been said

- JD: I think we should be incentivizing, and I don't think there should be a cap.
- CS: I guess I would say something like an accessible path of travel, or the path is anticipated in a time.
- JD: You want a lookback?
- CS: Yes
- WJ: I totally get why you think that is the way to go, but from the enforcement side that will be a nightmare.
- CS: They can submit an affidavit with their package.
- WJ: That has the same effect as requiring it now, but with much more room for fraud.
- JD: Do we want to add the accessible path of travel piece?
- JD: I think incentivizing will lead to other projects. Keeping it similar to what we have now is best in my opinion.
- CS: I do want that language, they can get a variance.
- WJ: They cannot get a variance because this is an exception.
- AJ: No, I don't think we should require that language.
- MK: If they are voluntarily doing the work, be my guest.
- PL: My immediate thought is to leave it as it is. (No path of travel required)
- PM: I would like to explore the accessible path of travel more.
- CS: What if: if there is no path of travel, the work is 50% exempted. But if there is an existing path of travel, there is a 100% exemption.
- JD: I think we should stop and digest this. Do people want to come back next month with ideas for the path of travel?
- PL: We need to approve minutes

Motion to Approve minutes from the May 2025 meeting by PL

2nd by CS

Roll Call Vote

JD- yes

CS- abstain

AJ- yes

MK- yes

PL- yes

PM- yes

5 yes, 0 no, 1 abstention- Motion Passes

Public Comment:

John Nunnari (AIA): I do know that representatives are on the line, so I would like to allow them to speak first. While I appreciate the step forward today, I am concerned that the 30% rule is still not adequately addressing the inequity that exists across the state. I think there is a positive step, but I am not sure that it addresses the main point. I would offer in your conversation that you have been having about the accessible paths, I think my organization

would agree with you that 100% of that work should be exempted. I think it would be a mistake to begin drilling down into the accessible path or other things, and to use broader language that WJ had developed. It is much clearer and easier to understand. The primary users of this document are architects, contractors, and engineers. Thank you.

Rep. Tricia Farley-Bouvier: I certainly want to express my deep appreciation for the work that all of you are doing. I do need to make this comment, because I am going to frustrate you when I make this comment. A big reason I got into this work is because the inequity applied to work across the state. A roof costs the same, but the triggers are not the same. I totally see the progress that you are making, and I am hearing you when we are trying to get to more accessibility, but if you could all see the number of people who are sleeping in doorways in downtown Pittsfield - the growing homelessness is disturbing and many of them are disabled. We must address these barriers to producing more housing units, and this is one of the key ones. Thank you.

Kay Bell: I am Kay Bell from Sudbury. I really sit in awe of the balancing act you are performing. Thank you for that. I wanted to note that this body does not have any control on how communities evaluate their assessing factors. I think for those folks affected by the variations and inconsistencies they have to work at a different angle to get that fixed. I also wanted to note that the architects and contractors reading this code need to have this language clear, but the actual impact of the content of the language is what effects the people who are using the built environment, and I think that is the ultimate work that the AAB is doing. Thank you.

Michael Muehe: I want to reference this subcommittee again to reference the ILC letter of May 15, 2025. To be exempt, accessible work should be 100% usable. This subcommittee's work should not be driven by a fear that the legislature will change the AAB's statute. Thank you.

June Hailer: I think it is important to have in writing an accessible path of travel and entrance. Thank you.

Sam Larue: I would just like to echo June, Michael, and Kay's statements. We as disabled people are the people who will be living in these buildings and using these spaces. While it is true that things need to be clear for developers, it needs to be clear that it centers our lives. Please re-read the ILC's letters. Thank you.

Motion to Adjourn by PL

2nd by PM

Roll Call Vote

JD- yes

CS- yes

AJ- yes

PL- yes

MK- yes

PM- yes

6 yes, 0 no, 0 abstentions- Motion Passes