

MEMORANDUM

To: AIA MA GAC
From: John Nunnari
Date: 09/13/2023
Re: Legislative and Regulatory Update

Legislative Update:

Since the last Update

In Massachusetts, August and early September have been a period of legislative inactivity and looming deadlines. Governor Healey faced a significant decision in the week of August 6th regarding the state's \$56.2 billion fiscal 2024 budget, which varied from her initial \$55.5 billion proposal. Legislative leaders have not acted on promised tax relief measures, even as the state announced a potential revenue shortfall for fiscal year 2023. A temporary sales tax holiday offered some relief but was criticized for costing \$1.6 billion in lost revenue.

By the week of August 20th, formal legislative sessions remained on hold, leading to increased reliance on ballot initiatives by advocacy groups. Among the few active legislative matters were Lt. Gov. Kim Driscoll's support for a healthcare workforce loan repayment program and the promotion of a new law offering in-state tuition to eligible undocumented immigrants. Issues around education, transportation, and healthcare were left hanging, adding complexity to an already full legislative plate.

In the week of August 27th, Governor Healey attempted to bypass the Legislature for implementing changes in sex education standards via the Board of Elementary and Secondary Education. Concurrently, several wealthier communities had until September 1st to opt for fossil fuel-free building requirements.

As of the week of September 3rd, the Healey administration is gearing up for various activities post-Labor Day, including deploying National Guard members to emergency shelters. Meanwhile, Attorney General Andrea Campbell faced the task of deciding which 2024 ballot initiatives pass constitutional muster. Legislative leaders have yet to indicate when formal sessions will resume, but face a November 15 recess deadline. Key items like budget amendments and other urgent legislative matters remain on the back burner. Overall, the Massachusetts Legislature is at a crossroads with both internal divisions and public pressure adding complexity to its agenda.

Looking Forward

As Massachusetts' state government wakes up from its summer recess, it faces a packed agenda. Top Democrats are deciding which bills to prioritize, with upcoming hearings on election law reforms, domestic violence, and taxation issues. Governor Maura Healey is grappling with multiple crises, including slow MBTA service due to infrastructure problems, and an emergency housing situation for an increasing number of migrants. These challenges come as the state also confronts a housing shortage driving up costs. The departure of Transportation Secretary Gina Fiandaca adds another layer of complexity. The state is, however, making significant investments in early education, with an upcoming hearing to discuss the issue.

AIA MA Bills

Since the July 12th report, of the 153 bills being tracked by AIA MA, (42) additional bills have/had been scheduled for their public hearing. ****Bold** denotes a proposed "High" priority bill**

- July 17th - Joint Committee on Telecommunications, Utilities and Energy (Senate Only)
 - HB 3151 - An Act establishing a pathway to net zero buildings
 - HB 3183 - An Act relative to the electrification of new and substantially remodeled or rehabilitated buildings
 - HB 3192 - An Act relative to building energy and decarbonization
 - HB 3217 - An Act relative to consumer access to residential energy information
 - HB 3232 - An Act establishing a Zero Carbon Renovation Fund
 - HB 3691 - An Act relative to healthy and sustainable schools
 - SB 2127 - An Act relative to healthy and sustainable schools
 - SB 2144 - An Act relative to building energy and decarbonization
- July 26th - Joint Committee on Housing
 - HB 1348 - An Act relative to detached accessory dwellings
- September 12th - Joint Committee on Children, Families and Persons with Disabilities
 - HB 142 - An Act relative to community living for older adults and people with disabilities
 - HB 209 - An Act providing for diaper changing stations in public buildings and accommodations
 - HB 212 - An Act requiring universal changing stations in public buildings
- September 13th - Joint Committee on Public Safety and Homeland Security
 - SB 1480 - An Act creating the public safety building authority
 - **SB 1489 - An Act creating a municipal and public safety building authority**
 - SB 1599 - An Act relative to the creation of the Massachusetts Public Safety Building Authority
- September 18th - Joint Committee on Education
 - HB 427 - An Act relative to the safety of schools, residences, and public assemblies
 - HB 431 - An Act to expand the Massachusetts School Building Authority and create a new program to assist public school districts with 21st century technology upgrades
 - HB 441 - An Act modernizing school construction
 - **HB 469 - An Act establishing a green and healthy schools working group and implementation plan**
 - HB 505 - An Act to improve and enhance the Advisory Board to the Massachusetts School Building Authority
 - HB 553 - An Act relative to the consideration of ergonomically designed school buildings
 - HB 554 - An Act relative to equipping public elementary and secondary schools with panic alarms or emergency mechanisms
 - HB 559 - An Act relative to increased access to safe swimming
 - HB 567 - An Act relative to the Massachusetts School Building Authority
 - **HB 568 - An Act establishing a special commission to study the effectiveness of the Massachusetts School Building Authority**
 - HB 569 - An Act providing school building assistance for special education collaboratives
 - **SB 242 - An Act establishing a green and healthy schools working group and implementation plan**
 - SB 251 - An Act modernizing school construction
 - SB 271 - An Act relative to carbon monoxide detectors in schools

- **SB 278 – An Act establishing a special commission to study the effectiveness of the Massachusetts School Building Authority**
- SB 298 – An Act relative to increased material costs in school construction projects
- **SB 309 – An Act establishing a special commission to review the adequacy and equity of the Massachusetts school building program**
- SB 331 – An Act providing school building assistance for Special Education Collaboratives
- SB 359 – An Act relative to school districts in receivership and the Massachusetts School Building Authority

- September 18th – Joint Committee on Higher Education
 - HB 1260 – An Act committing to higher education the resources to insure a strong and healthy public higher education system

- September 18th – Joint Committee on Tourism, Arts and Cultural Development
 - HB 3240 – An Act relative to procurement services for artists
 - HB 3246 – An Act establishing a program for local art and community engagement
 - SB2190 (SD2051) – An Act establishing a program for local art and community engagement

- September 19th – Joint Committee on Labor and Workforce Development
 - HB 1868 – An Act to prevent wage theft, promote employer accountability, and enhance public enforcement
 - SB 1158 – An Act to prevent wage theft, promote employer accountability, and enhance public enforcement

- September 20th – Joint Committee on Telecommunications, Utilities and Energy (Senate Only)
 - SB 2170 – An Act relative to green financing

- September 21st – Joint Committee on Telecommunications, Utilities and Energy (House Only)
 - SB 2170 – An Act relative to green financing

- September 27th – Joint Committee on Telecommunications, Utilities and Energy (Senate Only)
 - SB 1289 – An Act relative to installing solar energy systems in historic districts

- October 31st – Joint Committee on Telecommunications, Utilities and Energy (House Only)
 - HB 3151 – An Act establishing a pathway to net zero buildings
 - HB 3183 – An Act relative to the electrification of new and substantially remodeled or rehabilitated buildings
 - HB 3192 – An Act relative to building energy and decarbonization
 - HB 3217 – An Act relative to consumer access to residential energy information
 - HB 3232 – An Act establishing a Zero Carbon Renovation Fund
 - HB 3691 – An Act relative to healthy and sustainable schools
 - SB 2127 – An Act relative to healthy and sustainable schools
 - SB 2144 – An Act relative to building energy and decarbonization

Regulatory Update:

Board meetings:

- Mon., Sept. 4th – Architectural Access Board
- Tues., Sept. 5th – Board of Elevator Regulations
- Wed., Sept. 6th – Board of Examiners of Plumbers and Gas Fitters
- Mon., Sept., 11th – Architectural Access Board
- Tues., Sept. 12th – Board of Building Regulations and Standards
- Wed., Sept. 13th – Commonwealth Designer Selection Board
- Thur., Sept. 14th – Board of Fire Prevention Regulations
- Mon., Sept. 18th – Architectural Access Board
- Tues., Sept. 19th – Board of Elevator Regulations
- Wed., Sept. 20th – Board of Examiners of Sheet Metal Workers
- Mon., Sept. 25th – Board of Electricians
- Mon., Sept. 25th – Architectural Access Board
- Tues., Sept. 26th – Board of Elevator Regulations
- Wed., Sept. 27th – Commonwealth Designer Selection Board
- Wed., Sept. 27th – Architectural Access Board – Subcommittee on Regulations

**Schedule of meetings can also be found on [AIA MA web-site](#)

New Regulations/ Notices of Public Review of Prospective Regulations (06/15/23 – 07/11/23)

Notice of Public Review for 105 CMR 130.000, 140.000, 141.000, 150.000, 158.000 & 170.000

- The [public hearing](#) will be held on August 1, 2023, at 10AM.
- Copies of the proposed amendments to the referenced regulations may be viewed on the Department's website at <https://www.mass.gov/dph/proposed-regulations> or requested from the Office of the General Counsel by calling 617-624-5220.
- All comments must be submitted by 5:00 p.m. on August 1, 2023, the date of the public hearing.

Notice of Public Review for 225 CMR 26.00 MA Offers Rebates for Electric Vehicles (MOR-EV) Program (Regulations)

- The [public hearing](#) will be held on September 19, 2023 from 1 -3 pm.
- Location: Virtual Hearing via Zoom: [https://zoom.us/meeting/register/tJAocu-pqz4sGte7vGgKhyXHIEFkt6jKkmYs](https://zoom.us/join/zoom/register/tJAocu-pqz4sGte7vGgKhyXHIEFkt6jKkmYs)
- Written comments will be accepted beginning on September 8, 2023 and ending at 5 pm on September 19, 2023.

225 CMR 26.00 – Department of Energy Resources

- Sept., 1, 2023 – [CMR 26.00 part 1](#) and [part 2](#) – Massachusetts updated its MOR-EV Program to incentivize electric vehicle adoption with a \$50 million funding. Changes outline eligibility, new incentives, and application processes.– **Emergency Regulations** – Effective date, 8/8/2023. **Expires 11/8/2023**
- Sept., 4 2023 – [CMR 225 24.00](#) – Massachusetts Act mandates DOER to launch a project allowing localities to require new or renovated buildings to be fossil fuel-free. – **Permanent Regulations** – Effective Date 08/1/2023

310 CMR 7.00 – Department of Environmental Protection

- Sept., 1 2023 – [CMR 310 7.00](#) – Establishes new regulation 310 CMR 7.41 Large Entity Reporting Requirement that requires medium- and heavy-duty (MHD) vehicle fleets to submit a one-time report to enable MassDEP to assess the best way to develop electric vehicle charging infrastructure and other programs to support and accelerate the MHD zero emission vehicle market in Massachusetts. – **Permanent Regulations** – Effective Date 09/1/2023

314 CMR 21.00 – Division of Water Pollution Control

- Sept., 4 2023 – [CMR 314 21.00](#) – Various changes. – **Notice of Correction** – Effective Date 07/07/2023

Board of Building Regulations and Standards (BBRS)

At the September 12th meeting, the following occurred:

- The Board approved their August meeting minutes;
- Approved meeting minutes for the Inspector Continuing Education Subcommittee (ICES), Building Codes Appeals Board (BCAB) and Building Official Certification Committee (BOCC);
- Board continued their previous discussions related to the BOCC processes/procedures;
- ICES Chair Couture outlined the areas of discussion around financing for building official training and who could provide those services. Board agreed the ICES should continue their work and report back to the Board at the November meeting with specific recommendations for funding/service providers;
- Board discussed the importance of members participating in BCAB hearings; and
- No update on progress of the 10th edition obtaining Healy Administration clearance for public hearing.

Latest Meeting Minutes can be found [here](#)

Board of Registration of Architects (CBRA)

Next meeting is scheduled for October 17th

- August 8th meeting was cancelled

Latest Meeting Minutes can be found [here](#)

Architectural Access Board (MAAB)

Next meeting is scheduled for Sept 25th. The AAB has created a subcommittee that has been working on a complete overhaul of 521 CMR to align with the ADA. The subcommittee meets once a month and is open to the public to listen. Since Jan. 2023, they have reviewed Sections 601-612, 700-708, 800, 900 and 1000. Their next meeting is scheduled for Sept 27th. (schedule in the link below).

<https://www.mass.gov/service-details/aab-2023-meeting-list>