

**MEMORANDUM**

To: AIA MA GAC  
From: John Nunnari  
Date: 04/09/2023  
Re: Legislative and Regulatory Update

**Legislative Update:****Last Week**

DraftKings, the sports betting company, approached the state Gaming Commission to seek approval for betting on the Boston Marathon without consulting the Boston Athletic Association (BAA). The BAA told regulators that there was not enough time to assess the possible impact of the move. The proposal was unanimously rejected. Meanwhile, the state's MBTA system is struggling to fill thousands of vacancies, and the Attorney General's office is having trouble hiring and retaining lawyers, while the courts are grappling with a massive backlog of cases. On the legislative front, Governor Healey's proposal to divide the Housing and Economic Development secretariat into two separate offices won praise from the State Administration Committee. Lastly, the call for tax relief is growing, with a political advocacy group's poll revealing that 75% of respondents would like to see excess revenues go towards tax cuts

**Revenue Picture**

In March 2023, the Department of Revenue (DOR) in Massachusetts collected \$3.849 billion in tax revenue, which was \$228 million or 6.3% higher than expected. The increase was mainly due to a rise in major tax categories such as sales and use tax, corporate and business tax, and 'all other tax.' However, there was a decrease in non-withholding income tax due to an unfavorable increase in refunds, as well as a decrease in income-return payments. For FY '23, Massachusetts has collected \$27.501 billion, which is \$45 million or 0.2% less than the same period in the previous fiscal year. Adjusted for the pass-through entity excise, collections in FY '23 are \$1.04 billion or 4% ahead of actual collections at the same point in FY '22. April is expected to be the most significant month for collections, with DOR setting the monthly benchmark at \$6.216 billion.

**Next Week**

Governor Healey could soon have a standalone housing secretariat bill on her desk as she approaches her 100th day in office, while House Democrats will roll out their rewrite of the annual spending plan this week. Speaker Mariano will unveil a tax relief and reform bill on Tuesday and bring it forward for a vote on Thursday. He has indicated that it will be based on prior discussions and that "everything is on the table." The Thursday vote will occur after the release of the House's FY' 24 budget on Wednesday, which may need to account for tax relief measures spread out over multiple years. Separately, a plan to separate the Executive Office of Housing and Economic Development into two standalone departments is on track to win final approval from lawmakers. Other priorities for Speaker Mariano include an omnibus long-term care reform bill and the Health Policy Commission's vote on next year's target for health care cost growths.

**Regulatory Update:**

Board meetings:

- Wed., April 5<sup>th</sup> - Examiners of Plumbers and Gas Fitters
- Mon., April 10<sup>th</sup> - MA Architectural Access Board
- Tues., April 11<sup>th</sup> - Board of Registration of Architects
- Tues., April 11<sup>th</sup> - Board of Building Regulations and Standards
- Wed., April 12<sup>th</sup> - Commonwealth Designer Selection Board

- Wed., April 12<sup>th</sup> – Automatic Sprinkler Appeals Board
- Tues., April 18<sup>th</sup> – Board of Elevator Regulations
- Wed., April 19<sup>th</sup> – Board of Examiners of Sheet Metal Workers
- Mon., April 24<sup>th</sup> – MA Architectural Access Board
- Mon., April 24<sup>th</sup> – MA Board of State Examiners of Electricians
- Tues., April 25<sup>th</sup> – Board of Elevator Regulations
- Wed., April 26<sup>th</sup> – Commonwealth Designer Selection Board

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

### New Regulations

#### **105 CMR – State Sanitary Code:**

- March 3, 2023 – [CMR 105 Chapter 700](#) - Implementation of M.G.L. c. 94C – **Notice of Correction** – Effective date, 02/03/2023

#### **310 CMR – Department of Environmental Protection:**

- March 17, 2023 – [CMR 310 Chapter 7](#) - Air Pollution Control – **Notice of Correction** – Effective date, 12/30/2022
- March 17, 2023 – [CMR 310 Chapter 36](#) - Massachusetts Water Resources Management Program – **Notice of Correction** – Effective date, 01/20/2023

#### **527 CMR – Board of Fire Prevention Regulations:**

- March 17, 2023 – [CMR 527 Chapter 12](#) - Massachusetts Electrical Code (Amendments) – **Notice of Correction** – Effective date, 02/17/23
- March 31, 2023 – [CMR 527 Chapter 12](#) - Massachusetts Electrical Code (Amendments) – **Notice of Corrections** – Effective date, 01/26/23

### BBRS

At the April 11<sup>th</sup> meeting, the following item was discussed:

- **Public Hearing Process Proposal:** The Board considered a public hearing process proposal submitted by Tarica Leskiw AIA and John Nunnari, Executive Director, AIA Massachusetts. The Board discussed holding public hearings and various comments were made about the number and format of meetings. Board counsel suggested focusing on the number of meetings and how to handle the comment period. The board agreed to hold one in-person meeting in Boston, one in-person meeting in Springfield, and one virtual meeting during normal business hours. The exact dates of the hearings are to be determined once the 10th edition proposal is approved, but the board agreed to hold one meeting per week for three weeks, with public comment submission closing one week after the last hearing.

### Architectural Registration Board

At the April 11<sup>th</sup> meeting, the following item was discussed:

- **Election of Officers per GL c. 13, § 44b:** Holly Cratsley will step down as chair and noted she will not seek another term on the Board. Aelan Tierney was voted in as Chair. Kwisi Sam was voted in as Vice-chair, and John Pesa was voted in as Secretary.
- **Authorization of Board Member to Discuss Title Usage with AIA GAC:** Board counsel reminded members what they may or may not speak about in public settings without prior Board approval. Board then reviewed proposed “panel discussion” questions and Aelan’s

proposed responses. Board then approved Aelan attendance at the April 12<sup>th</sup> AIA MA GAC discussion.

- **Final Approval of Joint Engineers-Architects Practice Guide:** Board unanimously approved the final draft presented by Board counsel.
- **Review Frequently Asked Questions:** Board counsel asked for feedback on draft FAQ questions related to continuing education credits. Board discussed various questions and proposed responses. Board counsel will review comments and incorporate into a new draft for further review.
- **Review proposed changes to the NCARB Governance Structure:** Issue tabled till the next meeting.

**MEMORANDUM**

To: Board of Building Regulations and Standards (BBRS) Executive Director Greer Spatz  
From: Tarica Leskiw AIA, BBRS Member, and AIA MA Executive Director, John Nunnari  
Date: 03/24/2023  
Re: 10<sup>th</sup> Edition 780 CMR Public Hearings

Concerning the scheduling of public hearings for the proposed 10th edition 780 CMR at the March 14, 2023, meeting of the BBRS, Executive Director Spatz requested that any Board member with suggestions regarding where, when, and how frequently hearings should occur is encouraged to submit proposals to her for discussion and consideration at the next BBRS meeting scheduled for Tuesday, April 11, 2023.

**Number/Location of Hearings**

The Board should consider holding at least four public hearings – physical locations and times to be determined – at geographic locations in eastern, central, and western Massachusetts. For example:

- (1) meeting could be held in Ashburton Place, Boston, MA
- (1) meeting could be held at the Department of Correction at 50 Maple Street, Milford, MA;
- (1) meetings could be held at the Commonwealths offices at 165 Liberty St L, Springfield, MA, or the Springfield State Office Building at 436 Dwight St, Springfield, MA; and
- (1) meetings could be held at the Pittsfield State Office Building, at 301-339 East St, Pittsfield, MA

To help find and secure suitable meeting locations, BBRS staff and Board members should seek help from the professional organizations representing the appropriate constituencies who submit names for appointment to the Board.

**In-person/Hybrid**

These meetings should be held in person but have the ability for members of the public to engage remotely. Board members should be encouraged to attend all four public hearings but should be required to participate physically in at least one meeting. The remaining three could be observed virtually.

**Hearing Procedures**

At the public hearings, the public should be allowed up to three minutes for their presentation, with additional time approved at the chair's discretion. Members of the public that wish to present as a panel should be allowed a maximum of ten minutes, again, with additional time approved at the chair's discretion.

Board members are free to ask questions of any presenter or petitioner, but the underlying rule of the hearing should be to collect public comment without question. The Board will review all submitted comments, suggestions, and proposals at the next non-public hearing meeting.

All Board procedures related to the public hearing should be made public before the hearings to provide transparency.

**Board Review of Public Comments**

Staff should group similar comments and proposals for Board review. For example, all Chapter 9 proposals can be grouped together and then considered sequentially by the Board. The Board should strive for consensus on accepting, rejecting, or modifying any submitted proposal. Further, the Board should endeavor to refrain from sending submissions to an Advisory Committee (AC) for further consideration. When the Board does seek the opinion of an AC, the Board should agree on the specific question or request it is seeking and provide the AC with a date specified by which the Board response is required. If the AC can not meet the determined date, the Board should default to taking no action on the proposal, set it aside for further consideration during errata creation or the future 11th edition, and move forward with the overall 10th edition promulgation process.