

Summary of AIA MA Regulatory Work 04/07/2022

AIA MA has been asked to participate on a number of state commissions/task forces. The subject matter of each commission/task force varies, but each commission /task force is tasked with solving a particular problem related to the built environment. The state has asked AIA Massachusetts to serve on the following commissions/task forces:

1. Blended Building Code

The last ED report noted the following: *Nothing new to report*

Progress: Nothing new to report

2. New Fire Code

The last ED report noted the following: *Only the **General Requirements Code Committee** and the **Occupancy Codes Committee** have met since the last reporting. Both Committees are reviewing/discussing Massachusetts amendments to NFPA 1, 2021 edition.*

Progress: The Board of Fire Prevention Regulations continues to meet monthly, and their General Requirements Code Committee and the Occupancy Codes Committee have not met since the last reporting. Both Committees continue to review/discuss Massachusetts amendments to NFPA 1, 2021 edition. The last update to the 527 CMR went into effect on May 15, 2020, but had no effect on the practice of architects. The update pertained to licensing requirements for trades such as commercial hood cleaning, fireworks, special effects, blasting, explosives and fire suppression.

3. Architectural Registration Board – New Regulations

The last ED report noted the following: *The ARB met on 09/28/2021, which was one week after the last ED report. Their next meeting is scheduled for 12/14/2021. At the 09/28 meeting, the board conducted their typical duties of reviewing renewal applications, CEU waivers and reinstatement requests. The board received an update from Holly Cratsley on the latest NCARB meeting, and Executive Director Keigan noted that public member, Rachel Pauze Esq., has resigned from the board. With the resignation of Ms. Pauze, the board now stands at three members instead of five; Chairman John Pesa AIA, Holly Cratsley AIA and Aelan Tierney AIA*

Progress: The ARB met twice since the last ED Report – 12/14/21 and 02/08/21. Holly Cratsley noted that she virtually attended an NCARB meeting, but noted that there was nothing new to report/share with the Board. Chairman John Pesa noted that he is now serving on NCARB's Responsible Control Committee. With regard to the board's review of the Professional Practice Guide, jointly issued by the Commonwealths Board of Registration of Professional Engineers and Land Surveyors, the board voted to accept the recommendations of OPSI, which proposed that the citations made in the guide should not be specific to any particular edition of the building code, but instead refer to the building code in general terms. The board also approved the adoption of NCARB requirements related to education, practical experience and examination, and also adopted board counsel's recommendation of a limited "refreshing" of the delegation to NCARB of the initial review of a candidate's education and experience. Meeting dates for 2022 have been established, and the board will continue to meet virtually until April 2022. Board agreed upon the following meeting schedule: 02/08, 04/12, 06/14, 08/09, 10/11 and 12/13. (**Note – Legislation has since been enacted that extends the ability of all state boards and commissions to meet remotely until July 31, 2022).

4. Construction Codes – Regulatory Restructuring

The last ED report noted the following: *Nothing new to report.*

Progress: While nothing formal has occurred, it is worth noting that some of the seven professional organization that AIA MA put together in 2017, which formed a coalition that supported the Governors efforts to move the Massachusetts Architectural Access Board, the Elevator Board, the BBRS, and Bureau of Pipefitter, Refrigeration Technicians and Sprinklerfitters into what is now the Office of Public Safety and Inspections (OPSI) within the Division of Licensure (DoL), are now returning to the issue. At the time, the Administration told the coalition that the movement of the four boards into OPSI was the first step in their longer term vision, which included consolidating construction code promulgating agencies under one executive office so that codes may finally be coordinated and enforced equitably. The coalition was also told that the BBRS, which prior to 2017 had approximately 6-8 staff members, would not lose staff and that it would likely gain some staff as a result of the move to OPSI. To date, the BBRS is now down to two staff members, and no additional efforts have been undertaken by the Administration to consolidate all boards under one Secretariat.

All said, some of the coalition organization are beginning to discuss concerns related to the lack of staff at the BBRS. Discussions have occurred and meetings have been held with the House Chair of the Joint Committee on Consumer Protection and Professional Licensure, Tackey Chan. It is Chairman Chans committee that has purview over the operations of DoL. As such, Chairman Chan has requested information regarding what the appropriate staffing level should be, and what that level of staffing would mean for DoL's current budget request. AIA MA has been involved in some of these discussions, and will continue to work with the coalition.

5. Reformation of AIA MA/ACEC/DCAM Working Group

The last ED report noted the following: *Due to COVID, this effort will be ongoing.*

Progress: Due to COVID, this effort will be ongoing.

6. **DPU Interconnection Sub-Group** – *On November 18, 2021, the sub-group held it's first meeting since January 2020. The meeting was chaired by DPU General Counsel, Shane Early, and for the first time we were joined by Lieutenant Governor Polito. The agenda was to cover Engineering Site Review/Pre-Construction Meetings and Coordination, Customer Service and Communication, Potential Verizon Pole Resolution with Eversource, Report on Utility Resources for Interconnection, Status of Web Portals for Job Orders/Status, Use of Pipe Sleeves, and finally, Pricing for Installations. The majority of the meeting was spent receiving updates from both National Grid and Eversource on their efforts related to the seven agenda items noted above (see attached pdf files of their presentations). All agreed to meet again, and DPU will coordinate to find a date and time.*

Progress: Nothing new to report. The sub-group has not met since the last ED Report.

7. Workforce Participation Requirements

The last ED report noted the following: *On October 14, 2021, AIA MA/ACEC sent a letter to the Executive Office for Administration and Finance (A/F) Secretary Michael Heffernan. The letter outlined our concerns regarding the designer's workforce participation goal requirements under M.G.L. c. 149, §44(A)(2)(G). The letter also highlighted the concerns related to A/F Bulletin 14.*

On November 1, 2021 we were notified by Sect. Heffernan's chief of staff, Brendan Moss, that the matter was being passed on to DCAMM to handle on behalf of A/F. A meeting was then scheduled for November 19, 2021 between AIA MA/ACEC and DCAMM, the purpose of which was to further discuss

the statute-related concerns outlined in the letter. Please see the attached meeting minutes prepared by Mona Zafar from Donovan Hatem.

AIA MA/ACEC will follow up with DCAMM in December.

Progress: Since the last report, AIA MA/ACEC has met with DCAMM twice – on 01/14 and 02/09. The focus of the meetings has been two-fold: discussions related to amending DCAMM contract language related to workforce participation and creation of a “model” workforce participation reporting form. AIA MA/ACEC has submitted both proposed contract language and a “model” reporting form. While DCAMM has offered minor amendments to our proposed contract language, and has agreed with the concept of a “model” reporting form, they have yet to share any comments on the proposed form itself. Noted below is the current state of the contract language negotiation.

Key: ~~Black strikethrough~~ = base contract language struck
~~Red strikethrough~~ = AIA MA/ACEC language rejected by DCAMM
Blue = DCAMM proposal

7.20.4. Minority and Women Workforce Participation and Reporting. If the Awarding Authority is a state agency then pursuant to M.G.L. c. 7C, s. 6 and M.G.L. c. 149, s. 44A(1)(G) the Designer shall make every effort with a goal of ~~maximizing providing~~ ~~increasing~~ opportunities for minority and women design professionals to provide services under this contract. The Designer ~~must shall~~ provide ~~regular quarterly~~ (either “regular” or “no less frequent than monthly”) reports of the gender and race/ethnicity of employees engaged in work under this contract in the form and format required by DCAMM, ~~in the attached form including but not limited to, which shall be submitted electronically by electronic reporting including, but not limited to electronic reporting through the requested~~ ~~requested~~ means ~~and with the frequency~~ and with the frequency required by DCAMM

The AIA MA/ACEC proposed “model” workforce participation reporting form is attached.

Lastly, AIA MA/ACEC is continuing to press our request with A/F Secretary Heffernan to create a new A/F bulletin specific to design professionals. (**Note: Previously issued Bulletin #14 was specific to the workforce participation requirements of General Contractors, but is being applied to design professionals. This is why we are requesting a new bulletin)

Coalition Work

AIA MA participates on a number of coalitions that work to make policy changes at both the legislative and regulatory level. The subject matter of each is different, but all are tasked with working to solve a particular problem related to the built environment.

1. The Massachusetts Smart Growth Alliance (MSGA)

The last ED report noted the following: *The Steering Committee (SC) last met on November 18th. The topics of discussion were updates on ARPA priorities and a discussion on building stretch codes. With regard to MSGA ARPA Priorities, the group decided to send the Legislature a brief letter outlining some of MSGA members’ priorities for ARPA spending as they work on some sort of*

Conference Committee report. All SC members who submitted letters, shared their ARPA funding requests.

With regard to building stretch codes the SC members shared different conversations they have had with DOER/BBRS stakeholders on this topic. The group decided that it was worthwhile to convene some staff to further figure out a few top issues MSGA's members should pursue as advocacy priorities. The group will include: Dana Lawinter (CHAPA), MAPC: Leah Robins, Cammy Peterson, Karina Milchman-Oliver; Emily Jones (LISC), Deanna Moran (CLF) and John Nunnari (AIA-MA).

Progress: While some emails have gone back-and-forth related to requesting the Legislature recapitalize the Brownfields Redevelopment Fund with \$10-\$15M of ARPA funding, the Steering Committee (SC) has not formally met since the last reporting. That said, all SC members agreed the MSGA should submit a letter to the Legislature requesting recapitalization of the fund at the \$10-\$15M range, utilizing ARPA funds.

2. The USGBC/AIA MA Environmental Advocacy Roundtable (EAR)

The last ED report noted the following: *At the October BBRS meeting, DOER submitted their proposed amendments to the base 2021 IECC. In essence, DOER proposes the following changes:*

- a) Allow stretch code and IECC 2021 zero energy appendices (ZCREA) – as optional compliance paths*
- b) Remove MA source energy ASHRAE performance option – revert to existing site energy approach*
- c) Modify envelope backstop to allow use of vertical UA calculation and change formula*
- d) Reduce commercial fenestration U-values closer to residential levels*
- e) Modify commercial EV ready wiring to 10% of spaces, with exceptions*
- f) C406 shifts from (3) options out of 10 choices to 15 points from the C406 table of options (IECC 2021 is 10 points)*
- g) Max. HERS rating option update from 55 to 52 with incentive for electric heat and PV retained for residential low rise.*
- h) PHIUS option updated from 2018 to 2021, ERI option updated to reflect new HERS levels under IECC2021*

At the November BBRS meeting, the board voted to move the DOER proposal to their web-site. DOER also noted that the stretch energy code will be removed from the 780 CMR building code and placed into a new CMR 225, which will be under the sole control of DOER. DOER gave no indications as to their progress in crafting either the new version of the stretch energy code or the new municipal opt-in specialized stretch energy code.

(Note: Each chapter reviewed by the BBRS is being uploaded to their web-site for public viewing. Once all chapters have been reviewed and uploaded, the BBRS will vote to move all chapters into the public hearing process along with establishing a public hearing date).

Progress: On 02/08, DOER released their Straw Proposal to the public. On 03/02, at the request of AIA MA, DOER presented their Straw Proposal to AIA MA members and answered all pre-submitted questions during their presentation. On 03/09, the AIA MA GAC held an open meeting intended as a way for any AIA members to offer their thoughts/comments as to what a AIA MA submitted comment letter should focus on. DOER has extended the deadline for submitting comments from 03/09 till 03/18, and AIA MA will submit its comments by then.

3. The Massachusetts Climate Adaptation Coalition (MACAC)

The last ED report noted the following: *Nothing new to report.*

Progress: Coalition has not met. Nothing new to report. This item will be removed from future reports.

4. Insurance Limits Group (AIA MA, ACEC, Insurance Representatives, Donovan & Hatem and state DSB Representatives)

The last ED report noted the following: *Nothing new to report*

Progress: Group has not met. Nothing new to report. This item will be removed from future reports.

5. Local Fossil Fuel Infrastructure (Brookline Gas Ban) and What Effects the Ban Could Have on the Production of Affordable Housing

The last ED report noted the following: *Nothing new to report*

Progress: Group has not met. Nothing new to report. This item will be removed from future reports.

End