

# AIA Government Affairs Committee

3/13/24

---

# Architectural Access Board

- A 9-member Board established pursuant to MGL Ch. 22 Sec. 13a, with the task of writing and enforcing a specialized code to ensure that buildings and facilities are accessible to and safe for use by persons with disabilities.
  - Board consists of 6 gubernatorial appointees, a designee from EOAF, a designee from MOD, and a designee from EOED.
- Originally established in 1967, until 1975, the Board only had jurisdiction over state owned property.
- The AAB meets every other Monday to review variance applications and to conduct adjudicatory hearings.

# AAB Staff

- AAB's staff consists of an Executive Director, a Compliance Officer, and an Office Support Specialist.
- We're open 9-5 Monday to Friday excluding holidays.
- Any member of AAB's staff is always happy to provide technical assistance and answer any code or procedural questions you may have.

# AAB Members

- Chairperson Dawn Guariello, AIA, LEED AP BD+C
- Vice-Chairperson Patricia Mendez, AIA, LEED AP BD+C
- Katie Denis
- Pamela Daly
- Raymond Glazier, PhD, EOEA Designee
- David Johnson
- Mary Mahon McCauley or Designee, MOD
- Elizabeth Myska, Esq., EOED Designee
- Joseph Prochilo, MBA

# Variations

- Can apply when you believe compliance with the Board's regulations is impracticable which is defined as:
  - Technologically unfeasible, or
  - Would result in an excessive and unreasonable cost without ANY substantial benefit to persons with disabilities.
- Complete the form available on our website, and provide copies to the Board and the required other parties.
- After a 14 day waiting period, it is reviewed by the Board at their next meeting.
- Notices will be sent to all parties.

# Variance Appeals - Adjudicatory Hearings

- Any member of the public aggrieved by the results of an administrative review may submit a request for an adjudicatory hearing.
- Adjudicatory hearings are scheduled on a first come first serve basis.
- Each lasts for one hour where the Board receives sworn testimony from any interested individual and results in a full written decision including findings of fact and law.

# Post Hearing Appeals

- Within 10 days of receipt of the written decision from a hearing, any individual may submit a Request for Reconsideration.
  - The request must generally be based on additional evidence which was not reasonably available at the time of the hearing.
  - Requests must be submitted in writing to the Board's staff and must clearly set forth the ground or statutory provisions upon which they rely.
- Any aggrieved party may appeal a final decision of the AAB to superior court within 30 days.

# Complaints

- Any member of the public may submit a complaint alleging non-compliance with 521 CMR.
- Once we conduct an initial review to determine jurisdiction and establish a reasonable likelihood of the violation, the owner of the property is sent a First Notice of Violation, a copy of which is sent to your office.
- If the Owner can prove they are in compliance, the complaint will be dismissed, otherwise they'll need to provide a plan for compliance or apply for a variance.
- Failure to do so will result in a Second Notice being sent, then a Adjudicatory Hearing before the Board, and finally a Fine Hearing.
- AAB has the authority to issue fines of up to \$1,000 per day per violation, file complaints against licenses, issue cease and desists on the use of buildings and facilities among other administrative remedies.



# AAB Subcommittee

- The AAB has established a standing subcommittee on regulations which is tasked with developing an update to 521 CMR.
- Subcommittee generally meets on the 4<sup>th</sup> Wednesday of each month.
- This process has been ongoing since 2022.
- Highlights of the current round include:
  - Harmonizing the structure of new draft regulations with 521 CMR.
  - Updating walkway, curb cut, and other rules to bring them in line with PROWAG.
- Currently the Subcommittee is revising the proposed housing provisions.

# AAB Staff Contact

William Joyce, Executive  
Director

- [William.joyce@mass.gov](mailto:William.joyce@mass.gov)
- (617)894-1254

Andrew Chase, Compliance  
Officer

- [Andrew.m.chase@mass.gov](mailto:Andrew.m.chase@mass.gov)
- (617)826-5255

Molly Griffin, Program  
Coordinator

- [Molly.griffin@mass.gov](mailto:Molly.griffin@mass.gov)
- (617)826-5215