

GOVERNMENT AFFAIRS COMMITTEE**Meeting Agenda**

May 14, 2025

8:30am – 10:00am

Zoom

- 8:30 Welcome and Introductions
Russ Feldman AIA and Larry Spang AIA, Co-Chairs
- 8:35 Legislative & Regulatory Updates
- Interior Design discussions
 - School Door-Locking Devices (May 7 hearing)
 - MSBA-Related Bills (May 12 hearing)
 - BBRS Meeting (May 13)
- 8:45 Discussion: Housing Legislation
- Overview of bills before the Joint Committee on Housing; with focus on most relevant to architectural practice
- 9:05 Member Advocacy Strategy: High-Priority Bills
- Embodied Carbon / Intergovernmental Embodied Carbon Coordinating Council (HB3337/SB2127)
 - Local Historic Commission/Historic District Commission (HD4331/SB1428)
 - Massachusetts Municipal Public Safety Building Authority (HB2571/SB1650)
- 9:30 SJC Ruling on Statute of Repose
- Overview of decision and potential implications for architectural liability
- 9:45 Preview: Design Community Working Group Report
- Introduction to recommendations on barriers facing small and diverse design firms
 - Discussion to be scheduled at a future meeting
- 9:55 New Business
- 10:00 Adjourn

2025 AIA MA GAC Meeting Dates:

Wed., June 11 th	Agenda TBD
Wed., July 9 th	Agenda TBD
August	No Meeting
Wed., Sept. 10 th	Agenda TBD
Wed., Oct. 8 th	Agenda TBD
Wed., Nov 12 th	Agenda TBD
Wed., Dec 10 th	Agenda TBD

To: Member of the AIA MA GAC
From: John Nunnari
Date: 05/08/2025
Re: Housing Bills

AIA Massachusetts is currently reviewing legislation before the Joint Committee on Housing that aligns with our advocacy priorities around promoting density, zoning reform, and sustainable, equitable housing policy.

Promoting Housing Density and Zoning Reform

Several bills aim to expand by-right multifamily and mixed-use development, especially near transit and serviced areas. Proposals remove local bans on duplexes, reduce parking minimums, and streamline approval for small-scale housing. Incentives for municipalities adopting smart growth zoning and a study commission on zoning reform are also included.

Accessory Dwelling Units (ADUs)

Three bills propose legalizing ADUs by right in single-family zones, limiting municipal restrictions, and establishing a statewide trust fund to support construction by income-qualified homeowners. These efforts aim to expand infill housing options while balancing local control.

Modular Construction and Adaptive Reuse

Two companion bills would guide the Commonwealth in converting congregate shelters and underutilized buildings into non-congregate housing and modular units for unaccompanied adults experiencing homelessness. The emphasis is on innovative, cost-effective solutions for supportive housing.

Permitting, Designer Selection, and Policy Tools

Legislation would require land-use decision-makers to complete regular training on fair housing and zoning laws. A separate proposal would develop a statewide housing policy simulator to model the impact of reforms, integrating zoning, climate, and cost data.

Affordable Housing and Equitable Access

A group of bills seeks to expand access to affordable housing through geographically equitable investment, support for housing authorities, tenant preference regulations, and a \$100 million fund for social housing. Additional proposals include a home repair program for low-income owners and a starter home development fund.

Seasonal and Small-Scale Development

Targeted legislation would support housing in seasonal communities through zoning mandates, tax incentives, infill development tools, and funding flexibility to retain year-round housing and workforce stability.

To: AIA MA GAC Members
From: John Nunnari
Date: 05/09/2025
Re: Overview of the Public Construction Advisory Council and the Design Community Working Group Recommendations

Background

Executive Order No. 630, issued in March 2024, established the Public Construction Projects Advisory Council to identify and dismantle barriers preventing small, emerging, and diverse firms from accessing public construction opportunities. Among its key recommendations was the creation of a Design Community Working Group to more deeply examine inequities within public design procurement.

Formation of the Working Group

The Design Community Working Group was convened shortly after the Advisory Council's report, with facilitation by Simone Early, Executive Director of the Designer Selection Board. Its charge was to address structural obstacles facing small and diverse design firms. AIA Massachusetts members, including Kerry Dietz, Dorrie Brooks, Hansy Better Barraza, and Executive Director John Nunnari, played central roles in the effort.

Legislative and Regulatory Recommendations

The Working Group's recommendations build on and complement the Advisory Council's work and are organized into four thematic areas:

1. Designer Procurement and Application Process

- Streamline and standardize applications through the Designer Selection Network.
- Improve Central Register access and outreach.
- Clarify Owner's Project Manager (OPM) responsibilities and update inclusion-related training.

2. Post-Award Contracting and Payments

- Develop model subconsultant contracts with equitable clauses.
- Pilot early and milestone-based payment models.
- Mandate tracking of payment timelines to subconsultants.

3. Training and Capacity Building

- Centralize technical assistance and training on procurement, finance, and proposals.
- Promote agency networking and mentoring opportunities.

4. Programs for Action

- Launch mentor-protégé programs.
- Develop procurement pilots for project-ready small firms with limited administrative resources.

The report also reaffirmed earlier Advisory Council proposals regarding prompt payment, streamlined certification, and improved access to public design contracts for diverse businesses.

Conclusion

Together, these efforts represent a coordinated and forward-looking approach to making public design contracting more equitable, transparent, and accessible. Implementation of the recommendations will require agency collaboration, legal review, and potentially new statutory authority.

To: AIA Massachusetts Government Affairs Committee
From: John Nunnari
Date: 05/09/2025
Re: Summary of [Boston University v. Clough Harbor and Associates LLP](#) and Its Impact on Design Professionals

Case Background:

Boston University (BU) contracted with Clough Harbor and Associates LLP (CHA) in 2012 to design an athletic field atop a parking structure. The contract included a specific indemnification clause requiring CHA to cover BU's costs for damages caused by CHA's negligence. After discovering serious field defects, BU incurred repair expenses and sought indemnification. CHA refused. BU sued more than six years after the field opened—raising the question of whether the *statute of repose* ([G.L.c. 260, § 2B](#)) barred BU's claim.

Legal Issue:

The Massachusetts Supreme Judicial Court (SJC) considered whether a contract-based indemnification claim—when grounded in negligence—should be treated as a time-barred tort claim under the six-year statute of repose, which typically applies to design and construction defect claims.

SJC Decision:

The SJC unanimously ruled that the statute of repose does *not* apply to breach of express contract claims—even if the contract references negligence. The Court found that BU's indemnification claim arose from a negotiated contractual promise, not a tort obligation imposed by law. Thus, CHA's motion for summary judgment was reversed, and the case was remanded for trial.

David Hatem's Commentary:

[David J. Hatem Esq. of MG+M The Law Firm](#) expressed serious concern over the decision's implications:

- **Expanded Liability Exposure:** The ruling exposes design professionals to liability well beyond six years post-completion if their contracts include indemnification clauses referencing negligence.
- **Greater Risk for Public Infrastructure Projects:** Hatem notes heightened exposure for engineers on long-lived public projects (e.g., roads, bridges, transit), where third-party claims may arise decades after completion.
- **Contractual and Legislative Remedies:** Hatem suggests exploring revised contract language to include specific repose protections and considering targeted legislative fixes—though he warns that legislative action risks opening broader statutory debates.

Next Steps for AIA MA:

This ruling presents significant risk-management and contractual implications for design professionals. The [American Council of Engineering Companies of MA \(ACEC/MA\)](#) has formed a working group to evaluate legislative or contractual responses, which AIA MA Executive Director John Nunnari will be participating in.

More information will follow, but AIA MA GAC members interested in tracking this issue should make their interest known to GAC co-chairs Russ Feldman and Larry Spang and/or John Nunnari.