

Legislative Affairs Committee (LAC)
Meeting Minutes 8 January 2008

In attendance were: George Bachrach, Esq., Andrew Baldwin, Michael Davis, Joseph Drown, Ernest Edwards, Russel Feldman (Chair), Diane T. Georgopoulos, Benet Heast, David Johnson, Damon May, John Nunnari, Paul Pezzella, Chris Walsh

1. **Legislative update - Paul Pezzella**

- a. As of 2 January 2008, the State Legislature is in a new session, ending 31 July. Bills correctly filed will remain active for a period of 2 years, if action has not been taken, before that time.
- b. **Emeritus Architects Category:** This bill has seen no action. There is no apparent opposition or staunch support. As reported earlier, the BSA must provide advocacy for passage.
- c. **Interior Design Licensing - HB 3209** This bill has no current action and the BSA position in favor of certification, still holds, but there will be challenges. It was noted that the question of ID registration is active in several states and is expected to return to MA.
- d. **Mechanics Lien Law and Concrete Legislation** BSA has not completed its proposal as yet so there is nothing currently before the Legislature concerning these bills. Both are expected to be brought forward in the future.
- e. **The State Budget** Will have principal attention of the Legislature due to the large deficit that is anticipated, over 1 billion dollars. Attention has been drawn to finance policy (structural) issues and to economic stimulus issues related especially to Bond bills for Higher Education, Public Transportation, Housing, and Environmental issues.

The sense of the discussion was concerned with rising costs for cities and towns, especially in health care and fuel costs, which exceed manageable increase levels, and the Governor's recommendations, which appear to create a manageable resolution. The Legislature has begun to work their way through the budget.

There is a large stabilization fund, which is about equal to the expected short fall, but that is not intended for this purpose.

2. **Green Communities Act and Green Building Tax Credit**

- a. The Governor's Energy Bill is the Legislature's Green Communities Act, which has received attention by the House, at the end of the last session, and now by the Senate at the beginning of this session with the intent that a final bill passed on from the

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Conference Committee to the Governor's signature in February. Although we had made an attempt to amend the current bill with the GBTC, it was pulled at the request of the Ways and Means chair. There will be no provision for the Green Building Tax Credit.

b. A 94 Item summary of the Senate Energy Reform Bill was circulated to the attendees of this meeting. Messers Baldwin, Davis, Feldman, Nunnari and perhaps others, had read the text of the Senate Bill in preparation for this meeting. The question before this meeting was how the BSA may still have an opportunity, as an informal resource to constructively influence the Senate bill, in the hearing process.

c. There was a general comment that a Building Code resolution rather than a Building Regulation is preferred if possible.

d. **Item 4:** Home Energy Source was noted that this provision requires the Board of Registration of the Home Inspectors to adopt regulations to establish a home energy scoring system applied at the time of sale for a single family or multi-family dwellings with less than 5 units.

The sense of the meeting was that such authority is better delegated to the Legislature rather than building inspectors.

e. **Item 5:** was noted as the method by which Green Community programs may establish a process to implement the intent of this bill. All financial benefits go to cities and towns, not to the developers. Final authority requires clarification. It was noted that section 5 allows localities to create building codes. It was agreed that this well intentioned proposal would be problematic. We will craft a position identifying our concerns and reach out to other industry associations so that they are made aware of the issue.

f. **Item 16 - Alternate Portfolio Standard:** This provision is a technology-based provision for power sources, which is beyond lay evaluation. It is probably not wrong, but needs clarification to achieve full understanding and implementation.

g. **Item 21:** Identifies the MA Renewable Energy Trust Fund and expands applicability to funding to include energy conservation and efficiency.

This could be an alternative source of money for the Green Building Tax Credit to promote green construction. It is applicable to both private and public projects. It would be a shared cost payable to communities, and only indirectly could benefit developers.

h. **Item 25:** The MA Renewable Energy Trust Fund is again amended to promote energy efficient buildings in schools, housing authority projects and low income housing projects.

i. **Items 42, 43, 44** all refer to the International Energy Conservation Code (IECC), and refers to the last Item 96 for the effective date of enforcement.

42 provides for full understanding of IECC energy requirements. This item requires clarification to reach its objective.

43 Exempts the IECC from the Board's ability to interpret and modify parts of the Building Code.

44 places the responsibility on the MA State Board of Regulations and Standards (SBRS) to keep the Building Code current with IECC Regulations at 3 year intervals.

Knowing the difficulty of the SBRS to complete the 7th Edition of the State Building Code, is this a realistic provision?

f. **Item 69** provides for NetMetering combining small neighborhood energy sources (wind and solar) for redistribution to the general electric grid, for credit allocation to the makers of such alternate power sources.

k. **Green Tax Credits:** It appears that insertion of a substantive Tax Credit provision for Architects may not be possible within the schedule set for completion of this bill. Senator Galin is a new Senator who has shown interest in sponsoring a tax credit provision in the bill. This is worth pursuing by LAC.

l. The intent of LAC is to summarize a list of positions regarding the overall bill, submit it in a detailed letter to Secretary of Environmental Affairs Ian Bowles with copies to members of the legislative Conference Committee and then arrange for a meeting with Bowles and committee staff.

3. **Residential Design and Construction Event:** This subject applies to honoring a public official at the Spring Trade Show in partnership with the Builders Association of Greater Boston, scheduled for April 2-3.

A meeting will be scheduled to make a decision in this matter.

4. **Construction Reform Commission:** Mr. Feldman received a call from Senator Wilkerson's office to schedule a meeting, 16 January, to reactivate the Construction Reform Commission served by Mr. Feldman as a member.

The implementation of the Commission recommendations have had a bumpy start; the certification process has screened and eliminated undesirable bidders.

The purpose of reactivating of the Commission is to hear about the experience to date, address problems and to stream-line the implementation procedures.

5. **Architects Day on Beacon Hill**: The target date is 22 April with lunch and discussion of issues off-side, tentatively at 145 Tremont Street.

There are several issues summarized on a handout to the meeting, which by reference becomes part of these minutes. Final issues need to be selected by March.

If a speaker is selected, Jonathan Taylor was suggested.

6. **Speakers for Upcoming LAC Meetings**:

a. Chairman Timilty is scheduled as speaker for the LAC meeting, 11 March 2008.

b. A group organized to train Green Building inspectors may provide an instructive session for LAC attendees at a future meeting. Don Fudge of the New England Energy Partnership was one candidate; Jay Wickersham was another for a briefing on Zoning Reform.

7. **Other Business**

a. **Substantial Equivalency - MAAB to ADA - HB 3938**: The meeting scheduled for a January meeting with a consultant on Substantial Equivalency is in process.

b. **Chapters 40A and 40B**: This discussion was prompted by a federal law suite in Framingham, MA, which contends that 2 zoning bylaws are in effect. If this subject is pursued, and if it comes within a Sate context, may be of special interest of LAC. In that case we may need Jay Wickersham to assist us.

8. **Next Meeting**: Tuesday, 12 February 2008, beginning in the 5th Floor BSA Conference Room (if available) or elsewhere, 52 Broad Street, Boston. MA.

9. **End of Meeting Minutes**