

Legislative Affairs Committee (LAC) 11 March 2008

In attendance were: Edward Adelman, George Bachrach Esq., Andrew Baldwin, Michael Davis, Ernest Edwards, Russel Feldman (Chair), Commissioner Thomas Gatzunis, Diane Georgopoulos, Elizabeth Gibb, David Johnson, Rohn MacNulty, Katherine McGuinness, John Nunnari, Paul Pezzella, Senator James Timilty, and Christopher Walsh

1. Discussions with:

Senator James Timilty, Senate Co-Chair of the Joint Committee on Public Safety and Homeland Security and his staff assistant Matt Walsh.

Commissioner Thomas Gatzunis, Department of Public Safety.

Discussion as follows:

2. Discussion of Current Legislation:

a. **Type 1-B Construction:** The meeting did not add to previous discussion, expressing BSA opposition.

b. **Intumescent paint:** Mr. Adelman, representing educational facilities, noted that intumescent paint is a very special chemical compound, which blisters when heat is applied and is therefore useful for limited application over steel. The bill does not differentiate what interior surfaces should be subject for application and includes therefore non-combustible surfaces, i.e.: masonry and concrete. There is no published research specific to the effects of intumescent paint on the environment.

Mr. Adelman's jurisdiction includes 11,000 students. If required the cost would result in an expenditure of \$7 million increase fees for rooms 11%. He indicated also that it would be impossible for his agency to implement the work in the time frame stipulated under the proposed legislation.

He recommends the continuation of a sprinkler installation programs for applicable facilities in excess of 7500 square feet, which is required by the State Building Code.

The BSA position as presented to Sen. Timilty, is opposition to this bill for both technical and process grounds. Technically, it requires public expenditures without documented benefit and procedurally, we oppose except in exceptional matters the modification of building code regulation through legislative action. It is the BSA position that any new legislation on this matter should be processed and researched by the State Board of Regulations and Standards. This view was supported by Commissioner Gatzunis.

c. **Massachusetts Architectural Access Board (MAAB) - Regulation for Substantial Equivalency - HB3938**

This bill, if approved, would extend the jurisdiction of the MAAB to include Types I & II of the ADA Legislation, to areas of Public Employment.

On the 27th of February 2008, in Boston, Ms. Marsha Mazz of the U.S. Justice Department, made an extensive presentation provisions and administration of the Americans with Disabilities Act. Ms. Mazz responded to questions concerning HB 3938.

Opinions expressed in the meeting of 11 March 08, concerning Ms. Mazz's recommendations varied from "not possible" to "this is an opportune time" to address conflicts, and problems of management, with the objective of providing the highest level of compliance.

Ms. McGuinness, Chair of BSA Access Committee referred to 6 separate laws and regulations, which are specific to access of persons with disabilities, depending on building funding sources.

Currently there are six different standards applied to accessibility with some inconsistencies among the standards. There appears to be some sense of optimism for Access Legislation under the International Building Code (IBC) with recommendations by Ms. Mazz, which is in process, and with local amendments, but it may not reduce the number of separate regulations into a single definitive standard.

In the meantime, the BSA is not opposed to including the ADA language for private employment areas, however the BSA has concerns relating to several administrative procedures including the current Massachusetts Office of Disabilities (MOD) selection of candidates for the MAA Board. The BSA intent is to broaden the MAAB perspective from pure advocacy to a fuller evaluation of all public purposes in advancing the agenda for universal access. The BSA agreed to provide to Senator Timilty with recommended language to modify the MAAB appointment process.

The BSA also hopes to resolve conflicting provisions of the 6 current applicable codes and regulations. There should also be a process to prioritize cost for access when compared with other regulatory requirements. The MAAB requirement for full compliance for renovations should be limited to cost of access provisions only.

3. Massachusetts Building Code Alliance The Green Community Act (H 4373 & S 2468

This bill is in the Joint Resolutions Committee for final resolution. BSA recommendations for revision are recorded in the LAC report of 12 February. Commissioner. Gatzunis reported BSA opposition under S 2468, Section 5, has been addressed through an amendment put forward by Secretary Bowles to require that all codes promulgated by municipalities would have to be approved by BBRS. Local communities may apply existing standards if higher than S 2468 standards, but must go through a process, which includes MBRS(I don't know what this is?) and a public hearing.

Public input ends 19 March, prior to public hearing.

Exit, Senator Timilty and Commissioner Gatzunis.

4. **The Global Warming Solutions Act - SB 2531**

Mr. Michael Davis reporting. The sponsor for this bill in the House is Representative Brian S. Dempsey. This bill has passed both houses and resides in the Joint Reconciliation Committee.

The bill was prepared by an energy advisory committee without BSA representation. The text does not exclude Chapter 9 of the Building Code. It includes planning money. There is no cap. Mr. Davis indicated that this was a good bill, worthy of support. There was some discussion as to how quickly it will receive action, with Mr. Pezzella suggesting that it would not move that fast..

There is an opportunity to broaden the scope of the bill and to be precise as to implementation... how does it work...?

Mr. Pezzella advised that there will be sufficient time to get this bill right.

5. **Architects Day on Beacon Hill - 29 April 08**

This will be a two-part program beginning with lunch and orientation at 145 Tremont Street, 7th Floor, Aloft Restaurant, followed by a visit to the Hill in the afternoon.

The issues currently discussed are bills concerning:

Green Categories

Codes Categories

Bond bills:

Environment

Education

Transportation

Rose Kennedy Greenway

Emeritus Architects Category

This list shall be finalized and clearly defined.

6. **Other Business**

Mr. Edwards of AIA Central Chapter raised the question of AIA Grassroots; is this within the scope of the LAC? The value of Grassroots conferences here-to-for has been the concern of all AIA

members, as it concerns National AIA policy with out-reach to individual members of Congress by constituency. It has therefore not been limited in the BSA, to the LAC.

There may be away to better prepare participants, much as Architect's Day on Beacon Hill. If so, or by some other model, Mr. Edwards was encouraged to develop his concept for better participation, and to report back.

There was discussion for representation from all three AIA Chapters in Massachusetts and architectural students, to broaden representation – perhaps our “brand” at the State House is AIA Massachusetts rather than BSA. We had some discussion of visiting the Central and Western Mass chapters to discuss policy issues and facilitate member meetings with legislators at their district offices. This would strengthen our message that we are a statewide organization, with a statewide perspective on public policy matters.

7. Next Meeting

Tuesday, 8 April 2008, in the BSA 5th Floor Conference Room, 52 Broad Street, Boston, MA., beginning at 8:30 a.m.

End of Meeting Minutes