

AIA MASSACHUSETTS

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March 4, 2009

Mr. Gerald LeBlanc, Chairman
Massachusetts Architectural Access Board
One Ashburton Place
Room 1310
Boston, MA 021018

Dear Mr. LeBlanc,

I am writing on behalf of AIA Massachusetts, the umbrella organization for the Boston Society of Architects, and the Central Massachusetts and Western Massachusetts Chapters of the American Institute of Architects. With a combined membership of approximately 5,000 registered professionals and affiliate members, we are writing to express our ongoing support for the highest levels of compliance with accessibility design standards for new facilities and the removal of architectural barriers in existing facilities. **To that end, and in accordance with Section 4.7 of 521 CMR, AIA Massachusetts is recommending that the Massachusetts Architectural Access Board (MAAB) amend its regulations by adopting Chapter 11 of the International Building Code (IBC) and include as an amendment those provisions that are unique to Massachusetts.**

We strongly believe that this would increase compliance and improve accessibility for the following reasons:

- Massachusetts suffers economic impacts because development has been complicated by our unique codes, as noted in the recently issued Commonwealth of Massachusetts Mobilization for Federal Economic Recovery Infrastructure Investments Task Force Reports. Aligning with national standards will create a more hospitable climate for economic development.
- In recognition of the need to streamline an unwieldy code compliance process, the latest 7th Edition of the MA State Building Code (780 CMR) adopted the International Building Code as its basis.
- Most states across the country as well as our neighbors in Connecticut and Rhode Island have adopted the accessibility requirements of the IBC and/or the 2004 ADA/ABA Accessibility Guidelines (ADA/ABAAG), which are based on 2003 IBC and ICC/ANSI A117.

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- In comparison with other states, using 521 CMR in addition to 780 CMR and three overlapping federal access standards is cumbersome, producing delays, additional costs due to delays, and, in some cases, abandonment of projects.
- Aligning and harmonizing accessible design requirements will simplify applying standards and lead to higher levels of compliance because of reduced technical conflicts and time delays caused by trying to resolve technical conflicts.
- In a recent BSA survey, the predominant group of professionals licensed to use 521 CMR, members overwhelmingly voiced that accessibility compliance could be increased with the adoption of a “single code” that integrates all of the relevant state and federal access requirements.
- There is pending federal action to adopt the IBC-based ADA/ABAAG, harmonizing the design guidelines of the ADA, the Architectural Barriers Act, and the Federal Fair Housing Act.

The membership of AIA Massachusetts has a nationally significant number of licensed practitioners who would be gratified to see some advancement toward aligning the complexity of competing regulations into a single standard. It is our purpose to carry out the duties and obligations we have as licensed professionals to safeguard the health, safety and welfare of all citizens of the Commonwealth. The intricacy of overlapping scoping provisions, triggering thresholds, and technical requirements among federal, state and local accessibility standards presents significant obstacles to the profession in achieving the highest levels of accessibility compliance. A mistake of an inch can be extremely costly to the architect, owner, and user. This reality creates an environment of penalty in the economic climate that is already challenged by so many obstacles toward meeting the Commonwealth’s housing and development agenda.

We understand that the MAAB Regulations Subcommittee is currently developing a new version of 521 CMR to integrate additional requirements from the Federal accessibility standards.

Administratively, we believe that this could be most easily accomplished, and therefore strongly recommend that the MAAB adopt Chapter 11 of the IBC and include an amendments section with provisions that are unique to Massachusetts. This will align the Massachusetts access code format with most others in the country, while ensuring the best of all accessible design codes gleaned from Massachusetts and federal requirements.

We are available to discuss our request with you at a regularly scheduled Board meeting or with any designee you may assign at a mutually convenient time. Should the Board decide not to avail itself of a pre-conference, in accordance with Section 4.7.1, we request that AIA Massachusetts be notified in writing when the meeting of the Board will take place to discuss this issue.

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Very truly yours,



Margaret Minor Wood, AIA
President
AIA Massachusetts



John Nunnari, Assoc. AIA
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Cc:

Greg Bialecki, Secretary of Housing and Economic Development
Ron Marlow, Deputy Secretary of Access and Opportunity, EOAF
Kevin Burke, Secretary of Public Safety
Alexander MacLeod RA, Chair BBRS
Tom Gatzuntis, Commissioner Dept of Public Safety
Tom Hopkins, Director Mass Architectural Access Board
Donald Lange AIA, Chair Regulatory Review Committee

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