

MEMORANDUM

To: All Members of AIA MA
From: John Nunnari
Date: 09/03/26
Re: Legislative and Regulatory Update

Legislative Update:**Since the last Update**

Since the July Legislative Update, Beacon Hill moved through the closing weeks of its traditional summer formal-session calendar under a significantly different set of legislative rules. Rather than facing the customary July 31 deadline for final action on major legislation, lawmakers focused increasingly on moving unresolved measures into conference committee, where negotiations can continue through the remainder of the 2025–2026 session; legislative leaders characterized the new approach as providing greater flexibility to resolve complex differences later in the year rather than forcing agreements before the end of July.

That approach was evident during the final two weeks of July, when the House and Senate advanced a substantial number of major bills while positioning many of the most complicated issues for continued negotiations. Among them was the economic development package: following House approval of a \$561 million proposal, the Senate approved a substantially broader \$575.4 million version containing provisions involving housing, artificial intelligence, tax policy, local-option “happy hour,” and other economic and social policy matters; House and Senate conferees were appointed on July 30 to negotiate a final agreement.

When lawmakers adjourned at the end of July, a number of major initiatives remained unfinished, including the economic development and energy-affordability bills, higher-education infrastructure borrowing, data privacy, primary-care reform, student cellphone restrictions, and public-records legislation. At the same time, lawmakers completed work on several other measures, including home-care licensure, child-welfare reforms, protections related to federal immigration enforcement, library-material protections, and changes governing abortion care after 24 weeks of gestation. Energy policy remained one of the most significant unresolved issues entering August. Initial conference committee discussions reflected substantial differences between the House and Senate approaches to reducing utility costs, and by early August negotiators had yet to reach agreement; with residential energy costs continuing to draw public and political attention, Gov. Healey publicly urged lawmakers to reach a compromise while discussions continued toward a possible fall resolution.

August itself was comparatively quiet at the State House as lawmakers dispersed from Beacon Hill and attention shifted toward the September 1 state primary and November general election. Campaign activity and the nine statewide ballot questions increasingly dominated the political landscape – including proposals concerning public-records access, residential zoning and housing production, the state tax-revenue limit, conservation funding, marijuana legalization, and an all-party primary system – while major conference committees remained positioned to resume negotiations after the primary and into the fall.

Looking Forward

With the September 1 state primary complete, attention will increasingly shift toward the November 3 general election and the Legislature’s remaining work for the 2025–2026 session. The primary produced several notable changes on Beacon Hill, including Persis Yu’s defeat of Senate Majority

Whip Michael Rush, while the Democratic primary between Senate President Pro Tempore Will Brownsberger and challenger Daniel Lander remains extraordinarily close and is headed toward a recount. In the House, Reps. Chris Flanagan and Francisco Paulino, both of whom have faced criminal charges, will not return next session – Flanagan did not seek reelection and Paulino lost his Democratic primary.

Election activity will now focus heavily on the nine statewide ballot questions voters will decide November 3, with Secretary of State William Galvin's office preparing the general-election ballot and voter information materials explaining the proposals and arguments for and against each question. The unusually large number of questions is expected to make for an extensive ballot and voter guide.

Beyond electoral politics, several significant legal and public events are also approaching. The Supreme Judicial Court is expected to issue a decision in the Commonwealth's case against prediction-market operator Kalshi, part of a broader national dispute over whether and how states may regulate prediction markets offering sports-related contracts. Similar litigation is underway in numerous states, and New Jersey has asked the U.S. Supreme Court to address the scope of state regulatory authority. Massachusetts will also mark the 25th anniversary of the September 11 terrorist attacks, with commemorative events planned to honor those lost and preserve the memory and significance of the attacks for a generation born since 2001.

As fall begins, attention on Beacon Hill will return to unresolved conference committee negotiations and other unfinished legislative business, while the November election and its nine statewide ballot questions increasingly shape the Commonwealth's political agenda.

AIA MA Bill Tracking

To view the current status of all AIA MA tracked legislation, [please click here](#) (Files located under the banner *Bills Tracked for the 2025–2026 Legislative Session*)

A schedule of all Legislative Events can be found on the [Legislative Events](#) of AIA MA's website.

To review previous Legislative or Regulatory Reports or minutes from GAC meetings, please click [here](#)

Regulatory Update:

A schedule of all construction board regulatory meetings can be found on the [Regulatory Events Calendar](#) of AIA MA's website.

Notices of Public Review of Prospective Regulations (07/06/26 – 09/03/26)

225 CMR – Department of Energy Resources

- July 17, 2026 - **225 CMR 28.00 – Solar Massachusetts Renewable Target (SMART) Program 3.0.** The SMART 3.0 Program under 225 CMR 28.00 aims to increase the pace of solar deployment in the Commonwealth by adjusting incentive rates and other aspects of the program on an annual basis, making the program more responsive to rapidly changing market conditions and development costs. During the initial months of implementation of the SMART 3.0 Program, DOER has identified certain administrative issues that it proposes to address in this rulemaking to improve the implementation process in the future. Aside from various clerical edits, DOER proposes to update the methodology for allocation of program capacity between the three Electric Distribution Companies, clarify eligibility requirements for Canopy and repowered systems, and refine the procedures for receiving

site visits. Additionally, DOER is modifying its eligibility criteria for certain projects aligned with existing plans for infrastructure investments in the Electric Distribution Companies' Capital Investment Projects and Electric Sector Modernization Plans. A virtual public hearing will be conducted to receive verbal and written comments on the regulation. – [Notice of Public Hearing](#) – Hearing to be held on 08/05/26 @ 1:00 PM. Written comments accepted until 9/4/26 by 5:00 P.M.

- July 31, 2026 – **225 CMR 26.00 – Massachusetts Offers Rebates for Electric Vehicles (MOR-EV)**. These amendments are intended to streamline the application processes and make the program more cost-effective and equitable. The amendments include a number of proposed changes, including lower vehicle price caps for the light duty new and used vehicle rebates and class 3-8 vehicle rebates. The amendments also include changes in rebate amounts for individuals acquiring pick-up trucks, class 2b vehicles, and class 3-8 vehicles, as well as the addition of an income threshold as new eligibility criteria for the MOR-EV+ adder. – [Notice of Public Hearing](#) – Hearing to be held on 09/01/26 @ 6:00 PM and 09/02/26 @ 1:00 PM. Written comments accepted until 9/4/26 by 5:00 P.M.

314 CMR – Division of Water Pollution Control

- July 17, 2026 – **314 CMR 9.00: 401 Water Quality Certification for Discharges of Dredged or Fill Material, Dredging, and Dredged Material Disposal in Waters of the United States Within the Commonwealth**. The amendments are primarily intended to streamline permitting for beneficial wetland restoration and other projects, including invasive plant management, damaged tree removal, and limited maintenance and construction of unpaved paths. – [Notice of Public Hearing](#) – Hearing to be held on 08/10/26 @ 1:00 PM & 6:00 PM. Written comments accepted until 8/20/26 by 5:00 P.M.

New Regulations (07/06/2026 – 09/03/26)

225 CMR – Department of Energy Resources

- July 17, 2026 – **225 CMR 28.00 – Solar Massachusetts Renewable Target (Smart) Program 3.0**. The purpose of 225 CMR 28.00 is to encourage the continued use and development of generating units that use solar photovoltaic technology by residential, commercial, governmental, and industrial electricity customers throughout the Commonwealth. – **Emergency Regulations [Part 1] [Part 2] – Effective Date: 06/26/2026. Expires 9/26/2026**

CMR's tracked include: 105 CMR – State Sanitary Code; 225 CMR 22.00 – 26.00 – Energy Codes; 248 CMR – Plumbing/Gas Fitting Code; 257 CMR – Water Treatment; 271 CMR – Sheet Metal; 310 CMR – DEP; 314 CMR – Water Pollution Control; 521 CMR – Architectural Access; 522 CMR – Boiler Rules; 524 CMR – Elevator; 527 CMR – Fire Code; 528 CMR – Pipefitter and Refrigeration; 780 CMR – Building Code

Copies of all codes listed above can be found on the [State Boards and Construction Regulations](#) page of AIA MA's website

Board of Building Regulation and Standards

At its **July 14th** meeting, the BBRS approved the June 9th BBRS meeting minutes, as well as multiple subcommittee meeting minutes from the Building Official Certification Committee (BOCC), Climate Resiliency Subcommittee, Energy Advisory Committee, Fire Prevention and Fire Protection (FPFP) Subcommittee, and Residential Code Subcommittee. Board Counsel Charles Kilb encouraged members to carefully review the proposed 11th Edition code language coming forward from the subcommittees, noting that recurring issues involving specialized codes, cross-references, and guidance to code users could benefit from a consistent approach across the code-development

process. He also recognized the substantial time and effort being contributed by Board members, staff, and volunteer subcommittee participants.

Subcommittee reports reflected continued progress toward development of the 11th Edition of the Massachusetts State Building Code. The BOCC did not meet in July and expects to resume meetings in August. The FPDF Subcommittee reported that it had completed its review of Chapters 4 and 33 and continued work on Chapter 9. No Residential Code Subcommittee report was provided. The Energy Advisory Committee continued its review of Chapter 4 and expected to vote on portions of that chapter during July. The Climate Resiliency Subcommittee reported that it had completed review of its nine assigned chapters, approved four of five referred code proposals, continued its review of a floodplain proposal, and remained on track to complete its work by the end of August.

The Executive Director reported that 221 Construction Supervisor Licenses (CSLs) were issued and 1,742 licenses were renewed during June 2026, with no reinstatements reported. Staff again thanked Board members, counsel, agency representatives, and subcommittee participants for the significant work underway across the 11th Edition code-update process.

The Board considered four Requests for Interpretation (RFIs). In RFI 2026-07, concerning energy-code compliance for a sunroom addition and the use of REScheck, the Board voted to take no action and direct the applicant to work with the local building official to determine the appropriate compliance pathway. In RFI 2026-10, concerning sprinkler requirements for an addition to an existing one- or two-family dwelling, the Board adopted an interpretation that Sections R313.2.1 and AJ112.4.2 do not require the addition to be sprinklered where the existing structure does not already have a sprinkler system. In RFI 2026-11, concerning accessibility references in Section 101.4.7 and other code provisions, the Board voted to take no action and encouraged the requester to submit a code-change proposal if clarifying language is desired for the 11th Edition. In RFI 2026-21, concerning whether a secondary means of egress may pass through a bedroom or other potentially lockable space, the Board voted to take no action, concluding that compliance with the requirement for a continuous and unobstructed egress path should be evaluated by the local building official on a case-by-case basis.

The Board also reviewed a code-change proposal addressing floodplain compliance for qualifying historic structures. The proposal would replace the current broad exemption from substantial-improvement requirements with a more limited approach intended to protect identified character-defining historic features while otherwise requiring appropriate flood-mitigation measures. Discussion focused on how qualifying historic structures and their character-defining features would be identified, the availability of information through the Massachusetts Cultural Resource Information System, coordination with historic-preservation authorities, administrative timing, and practices in other states. The Board voted to refer the proposal to the Climate Resiliency Subcommittee for further review and a subsequent report back to the full Board.

The Board then reviewed proposed FPDF amendments associated with safeguarding construction. Following extensive discussion regarding the respective authority of building and fire officials, coordination with 527 CMR 1.00 and NFPA 241, permit-processing implications, and the terminology used for required fire-safety documentation, the Board approved revised front-end language for 780 CMR Chapter 1, Section 107.2, requiring construction documents to include the fire prevention program required by Chapter 16 of 527 CMR 1.00.

The **August 11th** meeting was cancelled. The next meeting will be **September 8th**.

MA Board of Registration of Architects (MBRA)

At its **August 11th** meeting, the Board of Registration of Architects convened in open session and approved the June 9th meeting minutes as amended to clarify that the alternative licensure pathway discussed by the Board involves a non-NAAB-accredited degree with architecture-related coursework. The Board also approved the **June 23rd** special meeting minutes. In the Executive Director's report, staff provided an update on licensing and the current renewal cycle, reporting that just over 9,000 architects are eligible to renew by **August 31** and slightly fewer than 3,000 had completed renewal as of the meeting. Members discussed renewal requirements, including submission of continuing education documentation and the annual notarized CORI authorization. Staff also confirmed that Massachusetts does not currently participate in NCARB's centralized disciplinary database; following discussion, the Board requested additional information on how the database operates and what participation would entail.

The Board received updates from the NCARB Annual Business Meeting, including NCARB's continuing work on Pathways to Practice and its competency-based approach to education, experience, and examination. The Board also noted upcoming Region 1 meetings in Portland, Maine, on **October 23–24, 2026**, and Providence, Rhode Island, on **February 25–27, 2027**. The Board then voted to participate in NCARB's Mutual Recognition Agreements with Canada, South Africa, Australia, and New Zealand. On continuing education matters, the Board requested further information from Alysoun Wright identifying the number of instructional hours specifically devoted to Health, Safety, and Welfare (HSW) content before determining credit, and approved Shiyu Wei's architectural engineering course for 12 continuing education units based on its HSW-focused content. Members also discussed OSHA 30 training and noted that, while safety-related, it has not traditionally been treated as architectural continuing education because it is not specific to the practice of architecture.

The Board concluded its open-session business by reviewing and approving, as amended, a policy establishing acceptable combinations of education and experience for applicants pursuing initial licensure without a NAAB-accredited degree. The policy provides that applicants with a four-year bachelor's degree containing at least 50 semester credit hours in architecture-related subjects must complete twice the required hours in each category of NCARB's Architectural Experience Program (AXP); applicants with a two-year associate degree containing at least 30 semester credit hours in architecture-related subjects must complete three times the required AXP hours in each category; and applicants with a high school diploma or equivalent who do not meet either postsecondary education threshold must complete four times the required AXP hours in each category. Board Counsel clarified that the policy provides examples of combinations the Board currently considers acceptable and does not preclude the Board from reviewing other education-and-experience combinations individually. No unanticipated matters were raised. The Board then voted to enter executive and closed sessions to consider confidential matters and did not intend to return to open session. The Board's next scheduled meeting is **October 13th**.

Board of Fire Prevention Regulations (BFPR)

At its **September 3rd** meeting, the BFPR approved the **August 6th** meeting minutes with several technical corrections and approved a response to a Request for Interpretation concerning 527 CMR 1.00, Section 10.23.1. The Board also discussed a separate request involving an existing high-rise fire-pump installation in Worcester and the interaction among NFPA 20, the Massachusetts Electrical Code, and the Building Code; because related questions are already proceeding through the Electrical Interpretation Code Committee, the requester agreed to withdraw the BFPR request and continue through that process.

A major focus of the meeting was finalization of the pending amendment package for 527 CMR 1.00. Staff reported that Board members will receive the redlined Massachusetts amendment package on **September 10th**, with preliminary comments and technical corrections requested by

September **25th**; remaining issues will be addressed at the **October 1st** meeting and statutory public hearing, followed by a planned final promulgation vote at an in-person meeting on **October 15th**. The Board also unanimously approved two NFPA technical errata and voted 14-0 to strike Massachusetts amendment Section 30.2.5 concerning automatic sprinkler protection for garages containing fueled vehicles, concluding that the provision could create inconsistent retroactive requirements and improperly overlap with matters governed by the Building Code; members noted that the underlying fire-safety issue could be revisited through a future code-change proposal if warranted.

The Board then completed final action on a series of outstanding code-change proposals for which the prior record did not clearly document full-Board approval. These included revisions affecting Chapters 11, 16, 52 and 65, including provisions addressing mass-timber and large wood-frame construction, site security and guard services, hazardous-material and blasting requirements, and other technical amendments; the Board approved the proposed language necessary for inclusion in the final redline package.

Under committee reports, the Board approved minutes from the Administrative Code Committee, General Requirements Code Committee, and Electrical Interpretation Code Committee and acted on several Electrical Interpretation Committee responses. Staff and the Chair emphasized that the extensive code-development work is nearing completion; **the next regular BFPR meeting and required public hearing are scheduled for October 1st**, followed by the anticipated final promulgation vote on **October 15th** at 1:00 p.m. in Stow.

Board of Elevator Regulation

From July through late August, the Board of Elevator Regulations focused primarily on variance requests involving existing-building conditions, accessibility, and elevator safety. At its **July 7th** meeting, the Board denied relief for noncompliant pit ladders in Taunton, continued review of an over-travel wheelchair platform lift in Boston pending additional technical information, and considered alternative safety measures for elevators at 25 Northern Avenue; it also continued several previously unresolved matters while awaiting further documentation. The **July 28th**, **August 4th**, and **August 18th** meetings were subsequently cancelled. At its **August 25th** meeting, the Board determined that a Springfield battery-lowering-device variance was unnecessary because the applicable codes did not require the device; approved a Boston elevator-modernization variance subject to specified safety modifications; denied a Cambridge request for a 23-foot vertical platform lift because that travel exceeds the currently adopted Massachusetts standard; and continued consideration of a LUMA-Savaria residential lift product variance for up to 60 days so the petitioner could more fully identify all Massachusetts-specific code provisions requiring relief. Overall, the Board continued to emphasize code-compliant solutions where feasible and required petitioners seeking relief to demonstrate that proposed alternatives provide an appropriate level of safety and fully address applicable Massachusetts requirements.

Massachusetts Sheet Metal Board

At its **July 15th** meeting, the Board of Examiners of Sheet Metal Workers reported that no meeting minutes were ready for approval and reviewed PSI examination results from the prior month, noting several successful first-time candidates.

Under matters not reasonably anticipated, the Board discussed whether an owner-occupant of a single-family residence who is exempt from sheet-metal licensure must obtain a permit for work performed under that exemption. The Chair indicated that the Board's longstanding interpretation is that no permit is required in those circumstances, while acknowledging that local building officials may have questions regarding the work.

No executive session, investigative conference, or adjudicatory hearing was required. The Board adjourned unanimously for its summer recess, with the next meeting scheduled for **September 16th**.

Bureau of Pipefitters, Refrigeration Technicians, and Sprinkler Fitters

The **July 15th** meeting was cancelled. The next meeting is **September 16th**.

Board of State Examiners of Plumbers and Gas Fitters

From August through early September, the Board of State Examiners of Plumbers and Gas Fitters continued its review of licensing, product approvals, code variances, and proposed amendments to 248 CMR 10.00. The Plumbing Board Code Subcommittee remained engaged in a section-by-section review intended to clarify technical requirements and improve consistency in interpretation and enforcement, while the Board approved a range of project-specific variances, including monitored pipe-lining installations intended to help evaluate emerging repair technologies.

At its **September 2nd** meeting, the Board also revisited previously accepted products, rescinding approval of a RUPPAIR gas train after identifying code-compliance concerns and limiting ComStar's Copper Lock product to its existing approved residential applications unless additional testing and documentation are submitted. The Board approved several additional variances, including another monitored epoxy pipe-lining installation at UMass Amherst, and took under advisement an appeal concerning a local gas inspection and carbon-monoxide protection requirements; the next Board meeting is scheduled for **October 7th**.

MAAB (Subcommittee on Regulations)

From July through August, the MAAB Subcommittee on Regulations continued its comprehensive rewrite of 521 CMR, refining technical provisions and working to improve clarity, consistency, and coordination with ADAAG, PROWAG, and other accessibility standards. In July, the Subcommittee addressed a broad range of provisions affecting existing buildings, historic properties, accessible routes, doors, elevators, stairs, transportation facilities, and dining/bar accessibility, including increasing the proposed share of fully accessible dining and standing spaces from 10 percent to 20 percent; it also identified a potential copyright issue involving language drawn from the Minnesota Accessibility Code that could delay portions of the drafting process.

At its **August 26th** meeting, the Subcommittee advanced proposed accessibility requirements for electric-vehicle charging stations using the U.S. Access Board's 2024 proposed federal rule as a framework, including a reserved-space approach for accessible charging spaces, while acknowledging that future federal action or public comment could require revisions. It also further refined dining/bar accessibility provisions by requiring at least two continuous accessible dining or work surfaces at bars or counters, subject to an exception for very small establishments, and continued work on signage, trails, adult changing tables, automatic door openers, and accessible hotel bed heights; the consolidated draft has grown to approximately 117 pages and will undergo a comprehensive review once the remaining sections are completed.

- END -