



# Massachusetts School Building Authority

**Deborah B. Goldberg**  
*Chair, State Treasurer*

**James A. MacDonald**  
*Chief Executive Officer*

**Mary L. Pichetti**  
*Executive Director / Deputy CEO*

## **Massachusetts School Building Authority NOTICE OF PUBLIC HEARINGS AND PUBLIC COMMENT PERIOD**

Notice is hereby given that, in accordance with M.G.L. c. 30A, §2, the Massachusetts School Building Authority will hold a series of public hearings and a public comment period to obtain comments in connection with the proposed revisions to the MSBA's Regulations, 963 CMR 2.00, *et seq.*

### **Statutory Authority:**

The revisions to the MSBA's regulations (963 CMR, 2.00 *et seq.*) will be promulgated pursuant to the rule-making authority conferred to the Authority by M.G.L. c. 70B and St. 2004, c. 208, and in accordance with M.G.L. 30A.

### **Summary of the Proposed Revisions:**

The MSBA's regulations, 963 CMR 2.00 *et seq.*, set forth the MSBA's authority and responsibility to achieve the effective planning, management and financial sustainability of a grant program to provide financial assistance for the construction and renovation of municipally-owned school facilities. The regulations set forth the requirements which shall be met, the standards which shall be applied, and the procedures which shall be followed in the application for and the awarding of school building grants by the MSBA.

The MSBA is now proposing revisions to these regulations to accurately reflect how the MSBA's grant process has evolved, to provide clarity and make the regulations more user friendly, and to make the regulations easier to follow by arranging the sections in chronological order and matching the MSBA modules. The following is a summary of the key revisions to the regulations:

- The revised regulations will proceed from MSBA Module 1 through Module 9 as projects do, making it easier for districts and external stakeholders to understand the process.
- The MSBA added stand-alone sections to the revised regulations such as: Accelerated Repair Program; Construction (Module 7); Post Occupancy Evaluation (Module 9); and Model School Program.
- The MSBA made changes to the regulations to allow for the regulations to stay current year after year by eliminating references to outside standards and codes that periodically change.
- The MSBA clarified terminology used in the regulations and made technical changes to better capture our process and provide increased clarity for stakeholders.
- The MSBA updated the timing in the Statement of Interest section of the regulations to match the timing that the MSBA follows for the Statement of Interest submission period.
- The MSBA updated the incentive points portion of the regulations, removing Construction Manager at Risk and Model School incentive references from this section because the MSBA no longer provides these incentive points.

- The MSBA updated the Green School Program incentive to allow for three incentive points and also included an additional point for Indoor Air Quality.
- The MSBA added greater details about the grant program, where appropriate, such as the addition of the educational profile questionnaire that is required during Eligibility Period.

### **Public Hearings:**

In November and December, the MSBA held a series of public hearings throughout the Commonwealth. Please see the list below of the remaining hearings and note that these are the final hearings.

#### **Wednesday, January 17, 2024 – Remote Hearing via Zoom**

**4:00 pm – 6:00 pm**

#### **Friday, January 19, 2024 – Remote Hearing via Zoom**

**8:00 am – 10:00 am**

Those who would like to attend a remote hearing should contact [Anne.Hudson@MassSchoolBuildings.org](mailto:Anne.Hudson@MassSchoolBuildings.org) for the information and instructions to access the meeting. If you prefer or have questions related to accessing the meeting, please call 617-960-3075. Information to register for and to access the meetings will be available throughout the duration of the meetings.

### **Public Comment Period:**

Written Public Comments will be accepted through January 31, 2024 at 5:00 pm. Written comments may be submitted via email to [Anne.Hudson@MassSchoolBuildings.org](mailto:Anne.Hudson@MassSchoolBuildings.org), or by mail to:

Anne Hudson – Legal Assistant  
Massachusetts School Building Authority  
40 Broad Street, Suite 500  
Boston, MA 02109

**Written comments must be received by 5:00 p.m. on January 31, 2024.**

### **Copy of the proposed regulations:**

A copy of the proposed Regulations referenced above may be viewed by visiting [www.massschoolbuildings.org/regulations](http://www.massschoolbuildings.org/regulations). Those who wish to receive a written copy of the proposed Regulations, may contact Anne at [Anne.Hudson@MassSchoolBuildings.org](mailto:Anne.Hudson@MassSchoolBuildings.org), or by mail at the address above.

### **Interpretation/Accommodations:**

To request written language translation or oral interpretation at the public hearings, please contact [Anne.Hudson@MassSchoolBuildings.org](mailto:Anne.Hudson@MassSchoolBuildings.org). For oral language interpretation, the request must be received at least five (5) business days prior to the public hearing date at which the interpretation is requested. To request other reasonable accommodations, please contact [Anne.Hudson@MassSchoolBuildings.org](mailto:Anne.Hudson@MassSchoolBuildings.org).



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## **MSBA Small Business Impact Statement:**

Below please find the accompanying Small Business Impact Statement provided in accordance with M.G.L. c. 30A, §2.

The MSBA does not expect that the proposed revisions to the MSBA's regulations will have a new or different impact on small businesses in the Commonwealth. The proposed changes are intended to be helpful to stakeholders, including small businesses.

1. An estimate of the number of small businesses subjected to the proposed regulation. To the extent that the MSBA's existing regulations affect small businesses, the MSBA does not anticipate that the proposed revisions will impact any additional or fewer small businesses.

2. Projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation;

To the extent that the MSBA's existing regulations impact reporting, recordkeeping and other administrative costs for small businesses required for compliance with the current regulations, the MSBA does not anticipate that the proposed revisions will have any different impact on small businesses in this regard. Any record keeping procedures outlined in the regulations do not alter the applicable requirements of M.G.L., c. 66.

3. The appropriateness of performance standards versus design standards; To the extent that the MSBA's existing regulations impact the appropriateness of performance standards versus design standards for small businesses, the MSBA does not anticipate that the proposed revisions will have any different impact on small businesses in this regard.

4. An identification of regulations of the promulgating agency, or any other state agency, which may duplicate or conflict with the proposed regulation; and  
The MSBA does not expect the revisions to the MSBA's regulations to duplicate or conflict with other regulations.

5. An analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the state.  
The MSBA has been an economic driver of the state economy since our inception in 2004. The nature of the proposed revisions to the regulations should not deter or necessarily encourage the formation of new businesses in the state.