



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:

The MSBA will hold a series of public hearings, some of which will be in person and some of which will be remote. Please see the list below and note that **additional hearings will be scheduled for December 2023 and January 2024**. These additional hearings will be noticed separately in upcoming publications of the Massachusetts Register and on the MSBA's website.

Tuesday, November 28, 2023 – Lynn

12:00 pm – 2:00 PM

Lynn City Hall
3 City Hall Square
Lynn, MA 01901

Wednesday, November 29, 2023 – Springfield

11:00 am – 1:00 pm

Forest Park Conference Room
299 Sumner Avenue
Springfield, MA 01108

Thursday, November 30, 2023 – Remote Hearing via Zoom

11:00 am – 1:00 pm

Those who would like to attend the meeting should contact 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 meeting will be available throughout the duration of the meeting.

Friday, December 1, 2023 - Worcester

11:00 am – 1:00 pm

Worcester Technical High School
Multipurpose Room
1 Officer Manny Familia Way
Worcester, MA 01605

**Please make sure to check the MSBA's website for additional information and weather-related hearing updates. www.massschoolbuildings.org/regulations*



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Public Comment Period:

Written Public Comments will be accepted from November 1, 2023 through January 31, 2024 at 5:00 pm. Written comments may be submitted via email to 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. Those who wish to receive a written copy of the proposed Regulations, may contact Anne at Anne.Hudson@MassSchoolBuildings.org, or by mail at the address above.



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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.