



Sunila Thomas George
CHAIR

The Commonwealth of Massachusetts Commission Against Discrimination

NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD

The Massachusetts Commission Against Discrimination ("MCAD") hereby gives notice pursuant to M.G.L. c. 30A, § 2 of the extension of time to submit written comments on proposed changes to its Rules of Procedure found at 804 CMR 1.00 et seq., promulgated pursuant to its authority under M.G.L. c. 151B, § 3 and M.G.L. c. 151C, § 5. The MCAD has revised sections of 804 CMR 1.00 to improve readability and reflect current MCAD practice and procedure. The revisions include new rules surrounding the implementation and use of the MCAD's online filing and case management system, updates to the MCAD investigation and preliminary appeals processes, as well as substantive changes to the rules with respect to motion practice, communications with the MCAD, and more.

The MCAD conducted three public hearings in January 2026. Based on the comments received in writing and in the scheduled public hearings, the Commissioners voted to extend the public comment period until the end of March during a public meeting held on February 17, 2026.

Written comments can be submitted by email to MCADProRegs@mass.gov as an attached Word or PDF document or as text within the body of the email with the name of the regulation in the subject line. All written comments should include the sender's full name, mailing address, and organization or affiliation, if any. Individuals who are unable to submit comments by email should mail written hard copies to 1 Ashburton Place, Room 601, Boston, MA 02108. The deadline for submitting written comments is extended until **5:00 p.m. on March 31, 2026**.

A copy of the current draft of the proposed regulations is located here: <https://www.mass.gov/doc/draft-updated-mcad-procedural-regulations-for-public-comment/download> or to request a hard copy in writing c/o MCAD's Records Access Officer, 1 Ashburton Place, Room 601, Boston, MA 02108.

SMALL BUSINESS IMPACT STATEMENT
804 CMR 1.00

The Massachusetts Commission Against Discrimination ("MCAD") hereby gives notice pursuant to M.G.L. c. 30A, § 2 of a series of public hearings to be held on proposed changes to its Rules of Procedure found at 804 CMR 1.00 et seq., promulgated pursuant to its authority under M.G.L. c. 151B, § 3 and M.G.L. c. 151C, § 5.

The MCAD is charged with enforcing the Commonwealth's anti-discrimination laws under M.G.L. c. 151B, c. 272, §§92A, 98, 98A, and c. 151C, and its procedural rules dictate how complaints of illegal discrimination (primarily in the areas of employment, housing and public accommodation) are investigated, prosecuted and adjudicated at the MCAD. The MCAD has revised sections of 804 CMR 1.00 to improve readability and reflect current MCAD practice and procedure. The revisions include new rules surrounding the implementation and use of the MCAD's online filing and case management system, updates to the MCAD investigation and preliminary appeals processes, as well as substantive changes to the rules with respect to motion practice, communications with the MCAD, and more. In any event, the MCAD's procedural rules are not of the type and character that uniquely or meaningfully affect small business-like any employer, housing provider or place of public accommodation subject to the statutes enforced by the Commission, small businesses must follow MCAD process when responding to a complaint of illegal discrimination. For decades, that process has required cooperating in the investigation of a complaint, and has potentially required litigating a complaint and participating in MCAD proceedings. The proposed revisions do not alter those decades-old requirements for small businesses or any other respondent.

In accordance with M.G.L. c.30A, §2, the Commission offers the following responses:

Estimate of the Number of Small Businesses Impacted by the Regulation:

Every small business in the Commonwealth that is subject to the anti-discrimination laws described above is subject to the MCAD's procedural rules once named as a respondent in an MCAD complaint.

Will small businesses have to create, file, or issue additional reports?

No.

Will small businesses have to implement additional recordkeeping procedures?

No.

Will small businesses have to provide additional administrative oversight?

No.

Will small businesses have to hire additional employees in order to comply with the proposed regulation?

No.

Does compliance with the regulation require small businesses to hire other professionals

(e.g., a lawyer, accountant, engineer, etc.)?

No.

Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?

No.

Are performance standards more appropriate than design or operational standards to accomplish the regulatory objective?

No.

Do any other regulations duplicate or conflict with the proposed regulation?

No.

Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?

Yes. The regulations allow for regulatory enforcement activities including but not limited to investigations, sanctions, and adjudicatory proceedings.

Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?

No.

Is the regulation likely to deter the formation of small businesses in Massachusetts?

No.

Is the regulation likely to encourage the formation of small businesses in Massachusetts?

No.

Does the regulation provide for less stringent compliance or reporting requirements for small businesses?

No.

Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?

No.

Did the agency consolidate or simplify compliance or reporting requirements for small businesses?

No.

Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?

No.

Are there alternative regulatory methods that would minimize the adverse impact on small

businesses?
No.