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## **CHAPTER 1: SCOPE AND ADMINISTRATION (Unique to Massachusetts)**

**Chapter 1.**Delete in its entirety, and replace with the following:

### **PART 1 - SCOPE AND APPLICATION**

#### **SECTION 101 GENERAL**

**101.1 Adoption and Title.** The Board of Building Regulations and Standards (“BBRS”) adopts and incorporates by reference, *the International Building Code-2015* (“IBC”), as periodically amended by errata, the following chapters, as well as 110.R1 through 115.AA. These, together with modifications as set forth, shall collectively comprise 780 CMR, otherwise known as the Massachusetts State Building Code, Ninth Edition, Base Volume.

**101.2 Scope.** 780 CMR shall be the building code for all towns, cities, state agencies or authorities in accordance with M.G.L. c. 143, §§ 93 through 100. 780 CMR, and other referenced specialized codes as applicable, shall apply to:

1. the construction, reconstruction, alteration, repair, demolition, removal, inspection, issuance and revocation of permits or licenses, installation of equipment, classification and definition of any building or structure and use or occupancy of all buildings and structures or parts thereof except bridges and appurtenant supporting structures which have been or are to be constructed by, or are under the custody and control of the Massachusetts Department of Transportation, the Massachusetts Bay Transportation Authority, the Department of Conservation and Recreation, or the Massachusetts Port Authority or for which said agencies have maintenance responsibility;
2. the rehabilitation and maintenance of existing buildings;
3. the standards or requirements for materials to be used in connection therewith, including but not limited to provisions for safety, ingress and egress, energy conservation and sanitary conditions; and fire prevention and protection practices; and
4. other powers and duties found in M.G.L. c. 143, §§ 93 through 100, but not listed herein.

EXCEPTION: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures, and other buildings as described in 780 CMR may comply with 780 CMR 51.00: *Massachusetts Residential Code*.

**101.3 Intent.** The purpose of 780 CMR is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy

conservation, and safety to life and property from fire and other hazards attributed to the built environment, and to provide safety to fire fighters and emergency responders during emergency operations.

**101.4 Referenced Codes.** Referenced codes include the specialized codes of M.G.L. c. 143, § 96 and other codes and regulations listed in 101.4.1 through 101.4.12 and shall be considered part of 780 CMR to the prescribed extent of each such reference.

Work regulated by the specialized codes of M.G.L. c. 143, § 96 shall be designed, installed and inspected by individuals authorized to do so in accordance with the specialized codes. However, the impact of work regulated by the specialized codes of M.G.L. c. 143, § 96 and other codes and regulations on work governed by 780 CMR and within the jurisdiction of the building official, shall be subject to inspection by the building official.

**101.4.1 Gas and Fossil Fuel Burning Appliances.** Reference to the International Fuel Gas Code shall be considered reference to 248 CMR: *Board of State Examiners of Plumbers and Gas Fitters*. Gas fired appliances are governed 248 CMR. Oil fired appliances are governed by section 11.5 of 527 CMR 1.05.

**101.4.2 Mechanical.** The provisions of the International Mechanical Code (“IMC”) shall apply to all mechanical systems except for those which are defined as sheet metal work by M.G.L. c. 112, § 237. The provisions of 271 CMR shall apply to all sheet metal work, as defined by M.G.L. c. 112, § 237.

**101.4.3 Plumbing and Gas.** Reference to the International Plumbing Code or International Fuel Gas Code shall be considered reference to 248 CMR: *Board of State Examiners of Plumbers and Gas Fitters*.

**101.4.4 Property Maintenance.** The International Property Maintenance Code is not adopted. Reference to the International Property Maintenance Code shall be considered reference to 780 CMR and within the jurisdiction of the building official.

**101.4.5 Fire Prevention.** Reference to sections of the International Fire Code (IFC) for fire prevention requirements shall be considered reference to 527 CMR: *Board of Fire Prevention Regulations*. The fire official enforces the provisions of 527 CMR. Reference to sections of the International Fire Code (“IFC”) for building code requirements are adopted, except that retroactive requirements of the IFC are not adopted. The building official enforces 780 CMR and all adopted IFC requirements. Modifications, alterations, additions, or deletions to fire protection systems are any changes which affect the performance of the fire protection system. Such changes require a building permit and are subject to other permitting requirements pursuant to applicable provisions of M.G.L. c.148, § 27A.

The following statutes are enforced by the head of the fire department, and shall be appealed through the automatic sprinkler appeals board:

1. **M.G.L. c. 148, § 26A1/2:** certain high-rise buildings constructed prior to 01/01/1975;
2. **M.G.L. c. 148, § 26G:** certain non-residential structures that exceed 7,500 square feet;
3. **M.G.L. c. 148, § 26G1/2:** bars, nightclubs, dance halls, and discotheques with a capacity of 100 or more persons; and
4. **M.G.L. c. 148, § 26H** (if adopted through local option): lodging or boarding houses with six or more persons boarding or lodging.

The following statute is enforced by the head of the fire department, and shall be appealed through the Building Code Appeals Board:

1. **M.G.L. c. 148, § 26A:** certain high-rise buildings

The following statute is enforced by the head of the fire department, and shall be appealed through a court of competent jurisdiction:

1. **M.G.L. c. 148, § 26I** (if adopted through local option): certain multiple dwelling units

**101.4.6 Energy.** 780 CMR 13.00 shall apply to all matters governing the design and construction of buildings for energy efficiency.

**101.4.7 Architectural Access.** Any reference in 780 CMR to accessibility shall be considered reference to 521 CMR: *Architectural Access Board*. 521 CMR is enforced by the building official.

**101.4.8 Environmental Protection.** See 310 CMR: *Department of Environmental Protection* and 314 CMR: *Division of Water Pollution Control*.

**101.4.9 Elevators.** Any reference in 780 CMR to elevators shall be considered reference to 524 CMR: *Board of Elevator Regulations*.

**101.4.10 Electrical.** Any reference in 780 CMR to the International Electrical Code shall be considered reference to 527 CMR 12.00: *Massachusetts Electrical Code (Amendments)*.

**101.4.11 Sheet Metal.** See 271 CMR: *Board of Examiners of Sheet Metal Workers*.

**101.4.12 International Residential Code.** Any reference in 780 CMR to the International Residential Code shall be considered reference to 780 CMR 51.00 through 120.00.

**101.4.13 Transit and Commuter Rail Stations.** Such stations shall comply with 780 CMR and Chapters 2, 3, 4, and 5 of NFPA 130-2014. Any references to NFPA 101 and NFPA 220 shall mean reference to 780 CMR. Where conflict exists between 780

CMR and the referenced standard, compliance with the referenced standard shall be required.

**101.4.14 Residential Contracting.** Residential contracting, as defined by section 80 of Chapter 27 of the Acts of 2009, is also regulated by M.G.L. c. 142A and 201 CMR 18.00. For information including, but not limited to, registrations, renewals, and filing of complaints against a Home Improvement Contractor (“HIC”), interested persons are directed to contact the Office of Consumer Affairs and Business Regulation, which administers the program.

**101.5 BBRS Advisory Committees.** BBRS technical advisory committees support requests from and by the BBRS as it deems necessary in accordance with M.G.L. c. 143. Titles and membership of these technical advisory committees may be viewed at <http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/opsi/>. These technical advisory committees include, but are not limited to the following committees with their respective composition listed:

**Energy Advisory Committee (“EAC”)**

One Division of Professional Licensure staff  
One Department of Energy Resources staff  
One mechanical engineer (with HVAC expertise)  
One architect  
One utility company designee  
One building envelope expert  
One lighting controls expert  
One building official  
One IAQ / filtration expert  
One high performance housing expert  
One ASHRAE 62.1, 62.2, and 90.1 expert

**Fire Protection Fire Prevention Committee (“FPFP”)**

One Division of Professional Licensure staff  
One Department of Fire Services staff  
Boston Fire Department Commissioner, or designee  
Two fire protection engineers  
One fire chief representative  
One building official representative  
One architect representative  
One residential contractor representative (for topics related to the residential volume)  
One general contractor representative (for topics related to the base volume)  
One sprinkler contractor  
One fire alarm contractor

**Property Maintenance Advisory Committee (“PMAC”)**

One Division of Professional Licensure staff  
One Department of Public Health staff

One Department of Housing and Community Development staff  
One Department of Fire Services staff  
One building official representative  
One health officer representative  
One residential property management representative  
One commercial property management representative  
One low-income tenant representative  
One architect representative  
One Housing Court representative

**Chapter 34 (Existing Buildings) Committee**

One Division of Professional Licensure staff  
One Department of Fire Services staff  
EAC Chair, or designee  
FPFP Chair, or designee  
SAC Chair, or designee  
One building official representative  
One general contractor representative  
One mechanical engineer  
One fire prevention officer  
One code consultant (with existing buildings expertise)  
One architect

NOTE:For the purposes of the composition of the BBRS's Chapter 34 Technical Advisory Committee, a code consultant shall be any person with specific expertise applying, and interpreting 780 CMR. Said person shall have at least five years of documented experience applying and interpreting the base and residential provisions of 780 CMR in a professional setting. A code consultant shall be duly licensed, or certified, as one or more of the following: architect, professional engineer, engineer-in-training, building official, fire prevention officer, or construction supervisor.

**Structural Advisory Committee ("SAC")**

One Division of Professional Licensure staff  
One architect representative (with structural expertise)  
One building official representative  
One structural engineer (with seismic expertise)  
One structural engineer (with ASCE 7 expertise)  
Six structural engineers (in addition to the two listed above)

**Geotechnical Advisory Committee ("GAC")**

One Division of Professional Licensure staff  
One building official representative  
Nine geotechnical engineers

**SECTION 102 APPLICABILITY**

**Concurrency Period.** Applications for building permits and related construction and other documents filed through January 1, 2018, may comply either with 780 CMR effective October 20, 2017, or with the Eighth Edition version of 780 CMR in effect immediately prior to amendment, but not a mix of both. After January 1, 2018, concurrency with the Eighth Edition ends, and all applications for building permits and related construction and other documents shall comply with 780 CMR as amended effective October 20, 2017 only.

**102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of 780 CMR specify different materials, methods of construction or other requirements, the most restrictive shall govern.

EXCEPTION: Where enforcement of a provision of 780 CMR would violate the conditions of a listing or manufacturer's instructions, the conditions of the listing and manufacturer's instructions shall apply.

**102.2 Other Laws.** The provisions of 780 CMR do not purport to override or nullify any provision of state or federal law. The Massachusetts General Laws and the Code of Massachusetts Regulations are often referenced throughout 780 CMR. It is the code user's responsibility to determine all applicable laws and regulations relevant to 780 CMR or any portion thereof.

**102.2.1 DDS Facilities.** Additional building features required by the Massachusetts Department of Developmental Services ("DDS") do not change the classification of residences operated or licensed by DDS as dwellings subject to 780 CMR 51.00: *Massachusetts Residential Code*.

**102.2.2 Municipal Bylaws or Ordinances.** 780 CMR applies state-wide. When municipal bylaws and ordinances conflict with 780 CMR, 780 CMR shall govern unless the bylaws or ordinances were promulgated in accordance with M.G.L. c. 143, § 98.

**102.3 Application of References.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of 780 CMR.

**102.4 Referenced Codes and Standards.** The codes and standards referenced in 780 CMR shall be considered part of the requirements of 780 CMR to the prescribed extent of each such reference. Where differences occur between provisions of 780 CMR and referenced codes and standards, 780 CMR shall apply.

**102.5 Partial Invalidity.** In the event that any part or provision of 780 CMR is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

**102.6 Existing Structures.** The legal occupancy of any structure existing on the date of adoption of 780 CMR shall be permitted to continue without change, except as is specifically covered in 780 CMR or as deemed necessary by the building official for the general safety and welfare of the public.

**102.6.1 Laws in Effect.** Unless specifically provided otherwise in 780 CMR, and narrow to the provisions of 780 CMR, any existing building or structure shall meet and shall be presumed to meet the provisions of the applicable laws, codes, rules or regulations, bylaws or ordinances in effect at the time such building or structure was constructed or altered and shall be allowed to continue to be occupied pursuant to its use and occupancy, provided that the building or structure shall be maintained by the owner in accordance with 780 CMR.

**102.6.2 Laws Not in Use.** In cases where applicable codes, rules or regulations, bylaws or ordinances were not in use at the time of such construction or alteration, the building or structure shall be maintained by the owner in accordance with 780 CMR.

**102.6.3 Less Stringent.** In cases where the provisions of 780 CMR are less stringent than the applicable codes, rules or regulations, bylaws or ordinances at the time of such construction or substantial alteration, the applicable provisions of 780 CMR shall apply, providing such application can be reasonably demonstrated not to result in danger to the public, as determined by the building official.

**102.6.4 Existing Means of Egress, Lighting and Ventilation.** The building official may cite any of the following conditions in writing as a violation and order the abatement within a time frame deemed necessary by the building official to make the building environment safe, healthy, or otherwise comply with 780 CMR:

- a. Inadequate number of means of egress.
- b. Egress components with insufficient width or so arranged to be inadequate, including signage and lighting.
- c. Inadequate lighting and ventilation.

Where full compliance for means of egress, lighting and ventilation are not practical, the building official may accept compliance alternatives, engineering, or other evaluations that adequately address the deficiency.

**102.7 Moved Structures.** Buildings or structures moved into or within the jurisdiction of the Commonwealth shall comply with the provisions of 780 CMR 34.00: *Existing Building Code*, provided that any new system shall comply as far as practicable with the requirements for new structures and provided further that the siting and fire separation distance comply with the requirements for new structures.

**102.8 Maintenance of Existing Buildings and Structures.** All buildings and structures and all parts thereof, both existing and new, and all systems and equipment therein which are regulated by 780 CMR shall be maintained in a safe, operable and sanitary condition.

All service equipment, means of egress, devices and safeguards which are required in a building or structure, or which were required by a previous statute in a building or structure, when erected, altered or repaired, shall be maintained in good working order.

**102.8.1 Owner Responsibility.** The owner shall be responsible for compliance with the provisions of 780 CMR.

## **PART 2 - ADMINISTRATION AND ENFORCEMENT**

### **SECTION 103 ENFORCEMENT**

**103.1 Municipal and State Enforcement.** Reference to the Department of Building Safety shall be considered reference to the building official. 780 CMR shall be enforced by the building official, and in accordance with M.G.L. c. 143, §§ 3, 3A, 3Y, and 3Z and M.G.L. c. 22, the building official shall include the building commissioner or inspector of buildings, local inspector, and state building inspector.

### **SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL**

**104.1 General.** The building official is hereby authorized and directed to enforce the provisions of 780 CMR in accordance with M.G.L. c. 143, §§ 3 and 3A. The State Inspector of the Division of Professional Licensure, Office of Public Safety and Inspections, shall enforce 780 CMR as to any building or structure within any city or town that is owned in whole or in part by the Commonwealth or any departments, commissions, agencies, or authorities of the Commonwealth.

**104.2 Applications and Permits.** The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of 780 CMR.

**104.3 Notices and Orders.** The building official shall issue all necessary notices or orders to ensure compliance with 780 CMR.

**104.4 Inspections.** The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**104.4.1 Coordination of Inspections.** Whenever in the enforcement of 780 CMR, or another code or ordinance, the responsibility of more than one enforcement official is involved, it shall be the duty of the enforcement officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and

occupants of the building or structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an enforcement official observes an apparent or actual violation not within the official's authority, the official shall report the findings to the official having jurisdiction.

**104.5 Identification.** The building official shall carry proper identification when inspecting structures or premises in the performance of duties under 780 CMR.

**104.6 Right of Entry.** Where it is necessary to make an inspection to enforce the provisions of 780 CMR, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of 780 CMR which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by 780 CMR, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry. See M.G.L. c. 143, §§ 6 and 50.

**104.7 Department Records.** The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

**104.8 Liability.** All claims of liability relative to building officials shall be governed by M.G.L. c. 258.

**104.9 Approved Materials and Equipment.** Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

**104.9.1 Used Materials and Equipment.** The use of used materials which meet the requirements of 780 CMR for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

**104.10 Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of 780 CMR, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of 780 CMR impractical and the modification is in compliance with the intent and purpose of 780 CMR and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the building official.

**104.10.1 Flood hazard areas and coastal dunes.** The building official shall not grant modifications to any provision related to flood hazard areas and coastal dunes as established by 780 CMR without the granting of a variance to such provisions by the Building Code Appeals Board. Also, no variance to requirements of 780 CMR can be solely utilized to argue for lawful construction/reconstruction where such construction/reconstruction would conflict with requirements of M.G.L. c. 131, § 40: Removal, Fill, Dredging or Altering of Land Bordering Waters (the Wetlands Protection Act), or 310 CMR 10.00.

**104.11 Alternative Materials, Design and Methods of Construction and Equipment.** The provisions of 780 CMR are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by 780 CMR, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of 780 CMR, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in 780 CMR in quality, strength, effectiveness, fire resistance, durability and safety.

**104.11.1 Research Reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in 780 CMR, shall consist of valid research reports from approved sources.

**104.11.2 Tests.** Whenever there is insufficient evidence of compliance with the provisions of 780 CMR, or evidence that a material or method does not conform to the requirements of 780 CMR, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the enforcement authority. Test methods shall be as specified in 780 CMR or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

**104.12 Matters Not Provided For.** In recognition of the inherent difficulty of drafting a functional code that contemplates every situation that may arise in the area of building safety, this section provides the building official, the Building Code Appeals Board, or the BBRS itself, with reasonable discretion to ensure that all life safety issues that may arise in the enforcement of 780 CMR may be appropriately addressed. Matters not specifically provided for in 780 CMR regarding structural, egress, fire, energy, sanitary or other requirements essential to occupant safety shall be determined by the building official or, in the case of an appeal, the Building Code Appeals Board. The details of action granting modifications shall be recorded and entered in the files of the building official. For highly specialized buildings and structures that conform to unique code requirements or nationally recognized standards not required in 780 CMR, registered

design professionals shall provide sufficient information to the building official to support their approval.

## **SECTION 105 PERMITS**

**105.1 Required.** It shall be unlawful to construct, reconstruct, alter, repair, remove or demolish a building or structure; or to change the use or occupancy of a building or structure; or to install or alter any equipment for which provision is made or the installation of which is regulated by 780 CMR without first filing an application with the building official and obtaining the required permit.

**105.2 Work Exempt from Permit.** Except for activities which may require a permit pursuant to other laws, by-laws, rules and the specialized codes of M.G.L. c. 143, § 96, a building permit is not required for the following activities:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 ft.<sup>2</sup> (11 m<sup>2</sup>).
2. Fences not over seven feet (2,134 mm) high.
3. Oil derricks.
4. Retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18,925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18,925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings. See also 521 CMR for accessibility requirements as applicable.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over five feet nine inches (1,753 mm) in height.

14. Greenhouses covered exclusively with plastic film. This exemption does not apply if the greenhouse is to be used for large assemblies of people or uses other than normally expected for this purpose.
15. Replacement or repair of any component or components of a fire protection system, where such does not affect system performance and compatibility. No building permit is required for maintenance. Other permits, however, may be required pursuant to applicable provisions of M.G.L. c.148, § 27A and of 527 CMR.

**105.2.1 Emergency Repairs.** Where replacements and repairs governed by 780 CMR shall be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

NOTE: Pursuant to the terms of the specialized codes of M.G.L. c. 143, § 96, this exemption might not apply to emergency repairs conducted under those specialized codes.

**105.2.2 Repairs.** Application or notice to the building official is not required for ordinary repairs to structures. A permit is required for work including but not limited to: the substantial cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements or mechanical systems or other work affecting public health or general safety under the jurisdiction of 780 CMR.

**105.3 Application for Permit.** To obtain a permit, the owner or authorized agent shall file a permit application on a form furnished by the building official for that purpose. Standard application forms, along with application forms that some municipalities use, can be found at <http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/opsi/>. Such applications shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended. If the work involves a care facility or residence licensed by a state agency, indicate the agency name and appropriate licensing regulation on the permit. For example: Department of Developmental Services, 115 CMR.
4. Be accompanied by construction documents and other information as required in section 107. Construction documents shall list any additional building features required by a Massachusetts state agency for its facilities that go beyond the requirements in 780 CMR.
5. State the valuation of the proposed work. The building official has authority to request from the applicant a detailed substantiation of the valuation.

6. Be signed by the owner or authorized agent.
7. Give such other data and information as required by the building official in accordance with 780 CMR.
8. If applicable, include the registration number and information of home improvement contractors or subcontractors for residential contracting services, in accordance with M.G.L. c. 142A, §§ 9(a) and 13.

**105.3.1 Action on Application.** The building official shall examine or cause to be examined applications for permits and amendments, and shall issue or deny the permit, within 30 days of filing. If the application or the construction documents do not conform to the requirements of 780 CMR and all pertinent laws under the building official's jurisdiction, the building official shall deny such application in writing, stating the reasons therefore. The building official's signature shall be attached to every permit. The following requirements, where applicable, shall be satisfied before a building permit is issued:

1. Zoning: in accordance with M.G.L. c. 40A or St. 1956, c. 665.
2. Railroad Right-of-way: in accordance with M.G.L. c. 40, § 54A.
3. Water Supply: in accordance with M.G.L. c. 40, § 54.
4. Debris Removal: in accordance with M.G.L. c. 40, § 54.
5. Workers Compensation Insurance: in accordance with M.G.L. c. 152, § 25C(6).
6. Hazards to Air Navigation: in accordance with M.G.L. c. 90, § 35B.
7. Construction in coastal dunes: in accordance with flood construction requirements of 780 CMR.

**105.3.2 Time Limitation of Application.** An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued, except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**105.4 Validity of Permit.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of 780 CMR or of any other law or ordinance. Permits presuming to give authority to violate or cancel the provisions of 780 CMR or other laws or ordinances shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of 780 CMR or of any other laws or ordinances.

**105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in

writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**105.6 Suspension or Revocation.** The building official is authorized to suspend or revoke a permit issued under the provisions of 780 CMR wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of 780 CMR.

**105.7 Placement of Permit.** The permit or copy shall be kept on the site of the work until the completion of the project.

**105.8 Notice of Start.** The building official may require to be notified at least one business day before the start of work.

**105.9 Independent Structural Engineering Review Condition.** As a condition for the issuance of a building permit, the structural design of the following described structures shall be reviewed by a registered design professional to verify that the design of the primary structure is conceptually correct and that there are no major errors in the design:

1. High rise buildings.
2. Structures of unusual complexity or design as determined by the BBRS. A building official may apply to the BBRS for such a determination on a specific structure.

This requirement shall not preclude an owner from obtaining an independent structural engineering design review of a primary structure, other than those listed in this section.

**105.9.1 Review Requirements.** The independent structural engineering review shall be in accordance with the guidance document found at <http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/opsi/>.

**105.9.2 Disputes.** Disputes between the structural engineer responsible for the design of the building or structure and the independent structural engineering reviewer shall be resolved by the BBRS or a board established by the BBRS.

## **SECTION 106 FLOOR AND ROOF DESIGN LOADS**

**106.1 Live Loads Posted.** Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m<sup>2</sup>), such design live loads shall be conspicuously posted by the owner in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices

**106.2 Issuance of Certificate of Occupancy.** A certificate of occupancy required by section 111 shall not be issued until the floor load signs, required by section 106.1, have been installed.

**106.3 Restrictions on Loading.** It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by 780 CMR.

## **SECTION 107 SUBMITTAL DOCUMENTS AND CONSTRUCTION CONTROL**

**107.1 General.** Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

EXCEPTION: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with 780 CMR.

**107.1.1 Professional Seal and Signature.** All plans and specifications shall bear a seal and signature of the responsible registered design professional in accordance with M.G.L. c. 143, § 54A. See also [www.mass.gov/dpl](http://www.mass.gov/dpl) for policy on electronic seal and signature for certain registered design professionals.

**107.1.2 Fire Department Review.** For permits that include fire protection systems under 780 CMR 4.00: *Special Detailed Requirements Based on Use and Occupancy*, 780 CMR 9.00: *Fire Protection Systems*, or 780 CMR 34.00: *Existing Building Code*, construction documents shall be filed with the building official who shall cause them to be filed with the head of the local fire department for review. The fire department shall have ten working days after receiving the documents to complete its review. Upon the fire department's written request, the building official may grant one or more extensions up to a total review period maximum of 30 days. If the fire department review is not received within the allowed time frame the building official may upon review deem the documents in compliance with 780 CMR. If the head of the local fire department believes such construction documents to be non-compliant with 780 CMR or reference standards, he or she shall notify the building official in writing citing relevant sections of non-compliance with 780 CMR or the section of the referenced standards adopted in 780 CMR 35.00: *Referenced Standards*. See M.G.L. c. 148, § 28A.

**107.1.3 Manufactured Buildings and Modular Homes.** Document submittal shall be as follows:

1. Site specific plans and specifications.
2. Plan Identification Number Assignment Form with BBRS number. This is to confirm plans have been approved by the Office and shall include a stamp approval and signature.
3. Plans shall be stamped on every page by a third party inspection agency.
4. Every page showing calculations by a registered design professional shall be provided with their stamp and signature.
5. Energy compliance certificate.
6. Set manuals are required to be on site at time of project set and shall be specific to the project.

EXCEPTION: If all connection details are provided on the plans then the set manual is not required.

7. Set crew information shall accompany the plan submittal package with approved certification from manufacturer.

**107.2 Construction Documents.** Construction documents shall be in accordance with sections 107.2.1 through 107.2.6.

**107.2.1 Information on Construction Documents.** Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of 780 CMR and relevant laws, ordinances, rules and regulations, as determined by the building official.

**107.2.2 Fire Protection System Shop Drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to 780 CMR and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in 780 CMR 9.00: *Fire Protection Systems*.

**107.2.3 Means of Egress.** The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of 780 CMR. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

**107.2.4 Exterior Wall Envelope.** Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with 780 CMR. The construction documents shall provide details of the exterior

wallenvelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wallenvelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

**107.2.5 Site Plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design base flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

**107.2.5.1 Design Flood Elevations.** Where design flood elevations are not specified, they shall be established in accordance with section 1612.3.1.

**107.2.6 COMcheck submittal.** The construction documents submitted with the application for permit shall be accompanied by completed COMcheck Envelope, Lighting and Mechanical Compliance Certificates, and a Plan Review Inspection Checklist for the purposes of demonstrating compliance with the energy provisions of 780 CMR 13.00: *Energy Efficiency*.

**107.3 Examination of Documents.** The building official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of 780 CMR and other pertinent laws or ordinances.

**107.3.1 Approval of Construction Documents.** When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

**107.3.2 Previous Approvals.** 780 CMR shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of 780 CMR and has not been abandoned.

**107.3.3 Phased Approval.** The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of 780 CMR. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

**107.3.4 Deferred Submittals.** For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have the prior approval of the building official. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official.

**107.4 Amended Construction Documents.** Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

**107.5 Retention of Construction Documents.** One set of approved construction documents shall be retained by the building official in accordance with M.G.L. c. 66, § 8.

#### **107.6 Construction Control.**

**107.6.1 General.** This section shall apply to the construction controls, professional services and contractor services required for buildings and structures needing registered design professional services.

The following structures are exempt from the requirements of this section:

1. Any building containing less than 35,000 cubic feet of enclosed space, measured to the exterior surfaces of walls and roofs and to the top of a ground supported floor, or in the case of a crawl space, to the bottom surface of the crawl space. In the case of basement floors or levels, the calculation of enclosed space shall include such spaces. For additions to existing buildings, the volume of enclosed space shall include the entire existing building and all proposed additions.
2. Any one- or two-family dwelling or any accessory building thereto.
3. Any building used exclusively for agricultural purposes. See Appendix C: Group U - Agricultural Buildings for occupancy and other limitations.
4. Retaining walls less than ten feet in height at all points along the wall as measured from the base of the footing to the top of the wall.

5. Structures where the building official determines that the scope of work is minor in nature and not needing registered design professional services.

Notwithstanding these exemptions, registered design professional services shall be required for activities which are deemed to constitute the practice of architecture or engineering as defined in M.G.L. c. 112, §§ 60A or 81D, except as provided in M.G.L. c. 143, § 54A and any legally required profession or as provided in M.G.L. c. 112, § 81R. Where work is performed by licensed trades people pursuant to M.G.L. c. 112, § 81R, shop drawings or plans and specifications prepared to document that work shall not be required to bear the seal or signature of a registered design professional. In lieu of a seal and signature the building official may require that the registered design professional review and approve shop or record drawings for general conformance to the design concept.

**107.6.1.1 Specialized Structures.** Telecommunication towers, wind turbine towers, and similar structures are engineered structures and shall be subject to the requirements of section 107.6.

#### **107.6.2 Registered Design Professional Services.**

**107.6.2.1 Design.** All plans, computations and specifications involving new construction, alterations, repairs, expansions or additions or change in use or occupancy of existing buildings shall be prepared by or under the direct supervision of a registered design professional and shall bear his or her signature and seal (see section 107.1.1).

Said signature and seal shall signify that the plans, computations and specifications meet the applicable provisions of 780 CMR and accepted engineering practices. Any alternative means and methods which deviate from prescriptive requirements of 780 CMR shall be submitted to the building official for approval in a narrative form separate from the plans.

**107.6.2.2 Construction.** The registered design professionals who are responsible for the design, plans, calculations, and specifications, their designee or the registered design professionals who have been retained for construction phase services, shall perform the following tasks:

1. Review, for conformance to 780 CMR and the design concept, shop drawings, samples and other submittals by the contractor in accordance with the requirements of the construction documents.
2. Perform the duties for registered design professionals in 780 CMR 17.00: *Special Inspections and Tests*.
3. Be present at intervals appropriate to the stage of construction to become generally familiar with the progress and quality of the work and to determine if the work is being performed in a manner consistent with the construction documents and 780 CMR.

The permit application shall not be deemed completed until all of the construction documents required by 780 CMR have been submitted. Documentation indicating that work complies with the plans and specifications shall be provided at the completion of each phase when required by the building official. Upon completion of the work, the registered design professional shall file a final document to the building official indicating that, to the best of his or her knowledge and belief, the work has been performed in accordance with the approved plans and 780 CMR. Forms for construction control when required by the building official shall be those found at <http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/opsi/>.

**107.6.2.3 Special Inspections and Tests.** Special inspections and tests shall be provided in accordance with 780 CMR 17.00: *Special Inspections and Tests*.

**107.6.2.4 Non Structural System Test and Inspection.** Tests and inspections of non-structural systems shall be performed in accordance with applicable engineering practice standards, referenced standards listed in 780 CMR 35.00: *Referenced Standards*, or as otherwise specified in 780 CMR.

**107.6.3 Construction Contractor Services.** The actual construction of the work shall be the responsibility of the general contractor as identified on the approved permit and shall involve the following:

1. Execution of all work in accordance with the approved construction documents.
2. Execution and control of all means and methods of construction in a safe and satisfactory manner in accordance with all applicable local, state, and federal statutes and regulations.
3. Upon completion of the construction, certification in writing to the responsible registered design professional that, to the best of the contractor's knowledge and belief, construction has been done in substantial accord with section 107.6 and with all pertinent deviations specifically noted. The building official may require a copy of this certification.

**107.6.4 Project Representation.** A project representative may be required by the building official. This representative shall keep daily records and submit reports as may be required by the building official. This project representation requirement shall be determined prior to the issuance of the permit and may be a prerequisite for permit issuance. Refusal by the applicant to provide such service if required by the building official shall result in the denial of the permit. All fees and costs related to the performance of project representation shall be borne by the owner. When applications for unusual designs or magnitude of construction are filed, or where reference standards require special architectural or engineering inspections, the building official may require that the project representative be a registered design

professional in addition to those registered design professionals required elsewhere in accordance with section 107.6.

**107.6.5 Building Official Responsibility.** Nothing contained in section 107.6 shall have the effect of waiving or limiting the building official's authority to enforce 780 CMR with respect to examination of the contract documents, including plans, computations and specifications, and field inspections.

## **SECTION 108 TEMPORARY STRUCTURES AND USES**

**108.1 General.** The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

**108.2 Conformance.** Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of 780 CMR as necessary to ensure public health, safety, and general welfare.

**108.3 Fire Department Review.** Temporary structures and uses shall be approved by the building official in consultation with the head of the local fire department.

**108.4 Termination of Approval.** The building official is authorized to terminate for cause and with written notice such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

**108.5 State of Emergency.** Upon declaration by the governor of a state of emergency under St. 1950. c. 639, or of an emergency detrimental to the public health under M.G.L. c. 17, § 2A, a building or space within a building may be used as a temporary emergency use for purposes of housing and/or caring for persons in accordance with procedures established for such purpose as contained in 780 CMR. See also 780 CMR 31.00: *Special Construction*.

## **SECTION 109 FEES**

**109.1 Payment of Fees.** A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid in the amount established by the applicable governing authority.

**109.2 Schedule of Permit Fees.** For state building permit fees, see 801 CMR 4.02: *Fees for Licenses, Permits, and Services to be Charged by State Agencies*. For municipal building permit fees, refer to the municipality.

**109.3 Building Permit Valuations.** The applicant for a permit shall provide an estimated value of project cost at time of application. If, in the opinion of the building

official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

**109.4 Work Commencing Before Building Permit Issued.** Any person who commences any work on a building or structure governed by 780 CMR before obtaining the necessary building permit shall be in violation of 780 CMR and subject to penalties. See section 114.

EXCEPTION: Emergency repairs as found in section 105.2.1

**109.5 Related Fees.** Payment of the building permit fee shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

## SECTION 110 INSPECTIONS

**110.1 General.** Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of 780 CMR or of other laws or ordinances. Inspections presuming to give authority to violate or cancel the provisions of 780 CMR or of other laws or ordinances shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes and that all work shall be conducted, installed, protected and completed in a workmanlike and acceptable manner so as to secure the results intended by 780 CMR. Neither the building official nor the applicable enforcement authority shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**110.2 Preliminary Inspection.** Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

**110.3 Required Inspections.** The building official shall conduct inspections during construction at intervals sufficient to ensure compliance with the provisions of 780 CMR which may include inspections set forth in sections 110.3.1 through 110.3.10 (Also 110.4). The building official shall inform the applicant of the required points of inspection at the time of permit issuance. The building official may designate specific inspection points in the course of construction that require the contractor or builder to give the building official one business day notice prior to the time when those inspections need to be performed. The building official shall make the inspections within two business days after notification.

**110.3.1 Footing and Foundation Inspection.** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in

place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

**110.3.2 Concrete Slab and Under-floor Inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

**110.3.3 Lowest Floor Elevation.** In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in section 1612.5 shall be submitted to the building official.

**110.3.4 Frame Inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, fire-blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

**110.3.5 Lath and Gypsum Board Inspection.** Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

EXCEPTION: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

**110.3.6 Fire- and Smoke-resistant Penetrations.** Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

**110.3.7 Energy Efficiency Inspections.** Inspections shall be made to determine compliance with 780 CMR13.00: *Energy Efficiency* and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R- value, and HVAC and water-heating equipment efficiency.

**110.3.8 Other Inspections.** In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of 780 CMR and other laws that are enforced by the building official.

**110.3.9 Special Inspections.** For special inspections, see 780 CMR 17.00.

**110.3.10 Final Inspection.** The final inspection shall be made after all work required by the building permit is completed.

**110.3.10.1 Flood hazard documentation.** If located in a flood hazard area, documentation of the elevation of the lowest floor as required in section 1612.5 shall be submitted to the building official prior to the final inspection.

**110.4 Inspection Agencies.** The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

**110.5 Inspection Requests.** It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by 780 CMR. The building official may require the permit holder or his or her representative to attend these inspections.

**110.6 Approval Required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with 780 CMR. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

**110.7 Periodic Inspections.** The building official shall inspect periodically existing buildings and structures and parts thereof in accordance with Table 110 entitled Schedule for Periodic Inspections of Existing Buildings. Such buildings shall not be occupied or continue to be occupied without a valid certificate of inspection. Periodic inspections required by this section do not apply to residences operated or licensed by the Massachusetts Department of Developmental Services and subject to 780 CMR 51.00: *Massachusetts Residential Code*.

**Table 110: Schedule for Periodic Inspection of Existing Buildings**  
(See Chapters 3: Use and Occupancy Classification and 4: Special Detailed Requirements Based on Use and Occupancy for complete descriptions of use groups.)

Use Group	Use Group	Use Group Description	Minimum Inspections	Maximum Certification Period
A-1	Movie theaters or theaters for performing acts (stage and scenery)	> 400 occupant load	Semi-annual	One year
		≤ 400 occupant load	Semi-annual	One year
A-2	Restaurants, Night Clubs or similar uses	> 400 occupant load <sup>1</sup>	Semi-annual <sup>1</sup>	One year
		≤ 400 occupant load <sup>1</sup>	Annual <sup>1</sup>	One year
A-3	Lecture halls, dance halls, churches	> 400 occupant	Semi-annual	One year

	and places of religious worship, recreational centers, terminals, etc.	load ≤ 400 occupant load	Annual	One year
A-4	Low density recreation and similar uses.		see note 3.	Five years
A	Special amusement buildings or portions thereof.		see note 3.	One year
E	Educational, day care		see note 3.	One year
I-1	Group home		see note 3.	One year
I-2	Residents incapable of self-preservation: hospitals, nursing home, mental hospitals, certain day care facilities.		see note 3.	Two years <sup>2</sup>
I-3	Residents restrained: prisons, jails, detention centers, etc.		see note 3.	Two years
I-4	Adult and/or child day care facilities.		see note 3.	One year
R-1	Hotels, motels, boarding houses, etc.		see note 3.	One year
R-1	Detoxification facilities		see note 3.	Two years
R-2	Multi-family		see note 3.	Five years
R-2	Dormitories and R-2 Congregate Living		see note 3	One year
R-2	Summer Camps for children.		Annual	One year
R-3	Residential facilities licensed by DDS or DMH		Annual	One year
R-4	Residential care/assisted living facilities (≤ 16 persons)		Annual	One year
Any	Facilities licensed by the Alcohol Beverage Control Commission where alcoholic beverages are served and consumed.		Annual <sup>4</sup> as per M.G.L. c. 10, § 74	One year as per M.G.L. c. 10, § 74
Any	House museums (as recognized by Massachusetts Historical Commission)		Annual	One year
Any	Fire escapes, etc. per 780 CMR 10.00: <i>Means of Egress</i>		Five years	Five years

NOTES:

1. When appropriate for A-2 uses, the inspection for the Certificate of Inspection should include and be timed to satisfy the requirements of M.G.L. c. 10, § 74.
2. One year for facilities licensed or operated by the Department of Mental Health (“DMH”).
3. Prior to issuance of new certificate.
4. Certificates of inspection for establishments intending to sell alcoholic beverages to be consumed on the premises shall be governed by M.G.L. c. 10, § 74 and the inspection schedule in section 110.7. The building official may issue a temporary inspection certificate, once co-signed by the building official and by the head of the fire department, effective to a date certain for the establishment.
5. It is the responsibility of building owner to meet the inspection requirements in this table for continued use and occupancy. The maximum certification period specified in the table is intended to provide administrative flexibility. For uses allowing more than one year maximum certification period, the permit may determine the certificate validity term. For example, an R-2 building could be certified for one, two, three, four or five years.

**SECTION 111 CERTIFICATE OF OCCUPANCY**

**111.1 Use and Occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building commissioner, inspector of buildings, or when applicable, the state inspector, has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of 780 CMR or of other laws or ordinances. Conformance to all applicable specialized codes of M.G.L. c. 143, § 96, and submittal of a certificate of compliance for Title V, if applicable in accordance with 310 CMR 15.00, are requirements of the issuance of the certificate of use and occupancy.

EXCEPTION: Certificates of occupancy are not required for work exempt from permits under section 105.2.

**111.1.1 Buildings or Structures Hereafter Altered.** A building or structure, in whole or in part, altered to change from one use group to another, to a different use within the same use group, the maximum live load capacity, or the occupancy load capacity shall not be occupied or used until the certificate shall have been issued certifying that the work has been completed in accordance with the provisions of the approved permits and of the applicable codes for which permit is required.

**111.1.2 Massachusetts Licensed Care Facilities.** Certificate of occupancy inspections for Massachusetts licensed care facilities, including, inspection of special building features required by the licensing agency, shall be limited to verifying compliance with the provisions of 780 CMR.

**111.2 Certificate Issued.** After the building official inspects the building or structure and finds no violations of the provisions of 780 CMR or other laws that are enforced by the building official, the building commissioner/inspector of buildings or state building inspector shall issue a certificate of occupancy within ten days that contains the following:

1. The building permit number.
2. The address of the structure.
3. (Reserved).
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of 780 CMR for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building commissioner or inspector of buildings or state inspector.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of 780 CMR 3.00: *Use and Occupancy Classification*.
9. The type of construction as defined in 780 CMR 6.00: *Types of Construction*.
10. The design occupant load.

11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.
13. If the facility is licensed by a state agency, the name of the agency and the name and number of any relevant Code of Massachusetts Regulations that apply regarding building features.

**111.3 Temporary Occupancy.** The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period, not to exceed 180 days, during which the temporary certificate of occupancy is valid. Upon written request from the permit holder, the building official may extend the temporary occupancy permit for additional 30 day periods or a period at the discretion of the building official.

**111.4 Revocation.** The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of 780 CMR wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of 780 CMR.

**111.5 Posting.** Buildings and structures shall be posted for occupancy as noted in this section.

**111.5.1 Posting of Use and Occupancy.** A copy of the certificate of occupancy shall be posted at the main entry or be made readily available for inspection.

**111.5.2 Required Egress Posting.** A suitably designed placard, approved by the building official shall be posted by the owner on all floors of every building and structure, except High Hazard, Factory, and 1-3 use occupancies, as defined in 780 CMR 3.00: *Use and Occupancy Classification*. In addition to the per floor requirement, all rooms used as a place of assembly or as an R-1 sleeping space shall have the required egress posting. Said placard shall be securely fastened to the building or structure in a readily visible place, showing exiting paths per floor.

**111.5.3 Place of Assembly Posting.** A placard suitably designed in contrasting colors and approved by the building official, shall be posted by the owner in every room where practicable of every building and structure and part thereof designed for use as a place of public assembly (A-Use Groups). Said placard shall designate all of the occupant loads approved for each configuration within each room or space.

**111.5.4 Replacement of Posted Signs.** All posting signs shall be furnished by the owner and shall be of permanent design; they shall not be removed or defaced, and if lost, removed or defaced, shall be immediately replaced.

**111.5.5 Periodic Posting Inspection.** The building official may periodically inspect all existing buildings and structures except one- and two-family dwellings for compliance with 780 CMR in respect to posting; or may accept the report of such inspections from a registered design professional or others certified by the BBRS; and such inspections and reports shall specify any violation of the posting requirements of 780 CMR.

## **SECTION 112 SERVICE UTILITIES - Reserved**

## **SECTION 113 APPEALS**

**113.1 General.** Appeals of orders, decisions, determinations and failures to act made by any state or local agency or any person or state or local agency charged with the administration or enforcement of the state building code or any of its rules and regulations, except the specialized codes of M.G.L. c. 143, § 96, relative to the application and interpretation of 780 CMR shall be addressed by the Building Code Appeals Board in accordance with M.G.L. c. 143, § 100. An application to file an appeal may be found at <http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/opsi/>

**113.2 Limitations on Authority.** Reserved

**113.3 Qualifications.** Reserved

**113.4 Local and Regional Boards of Appeals.** If a city, region or town had not duly established by ordinance or bylaw or otherwise a local or regional building code board of appeals prior to January 1, 1975, said city, region or town may establish a local or regional board of appeals in accordance with section 113, referred to as the local board of appeals, consisting of not less than three nor more than five members appointed by the chief administrative officer of the city, region or town. Any appeal originating in a city or town that has a local board shall be heard by the local board before being heard by the state Building Code Appeals Board.

**113.4.1 Review.** Any person, including the Building Code Appeals Board, aggrieved by a decision of the local board of appeals, whether or not a previous party to the decision, or any municipal officer or official board of the municipality, may, not later than 45 days after the mailing of the decision of the local board, apply to the Building Code Appeals Board for a hearing de novo, in accordance with section 113. All local appeal decisions are to be reviewed by the BBRS and are to be summarized in a manner acceptable to the BBRS. Forms and other information pertaining to this review process are found at <http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/opsi/>.

**113.4.2 Qualifications of Local Board Members.** Each member of a local board of appeals established under M.G.L. c. 143, § 100 shall have had at least five years' experience in the construction, alteration, repair and maintenance of

building and building codes. At least one member shall be a registered structural or civil professional engineer and one member a licensed registered architect.

**113.4.3 Chairman of Local or Regional Board.** The board shall select one of its members to serve as chairman and a detailed record of all proceedings shall be kept on file in the building department.

**113.4.4 Absence of Members.** During the absence of a member of a local board of appeals for reason of disability or disqualification, the chief administrative officer of the city, region or town shall designate a substitute who shall meet the qualifications as outlined in section 113.

## **SECTION 114 VIOLATIONS**

**114.1 Unlawful Acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish, occupy or change the use or occupancy of any building, structure or equipment regulated by 780 CMR, or cause same to be done, in conflict with or in violation of any of the provisions of 780 CMR.

**114.2 Notice of Violation.** The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of 780 CMR, or in violation of a permit or certificate issued under the provisions of 780 CMR. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**114.2.1 Notice Service and Content.** Every notice or order authorized pursuant to 114.2 shall be in writing and shall be served on the person responsible:

1. Personally, by any person authorized by the building official; or
2. By any person authorized to serve civil process by leaving a copy of the order or notice at the responsible party's last and usual place of business or abode; or
3. By sending the party responsible or his or her agent authorized to accept service of process in the Commonwealth a copy of the order by registered or certified mail return receipt requested, if he or she is within the Commonwealth; or
4. If the responsible party's last and usual place of business or abode is unknown, by posting a copy of this order or notice in a conspicuous place on or about the premises in violation and by publishing it for at least three out of five consecutive days in one or more newspapers of general circulation wherein the building or premises affected is situated.

**114.3 Enforcement.** Violations to 780 CMR shall be enforced in accordance with the applicable provisions of M.G.L. c. 143, M.G.L. c. 148, and M.G.L. c. 148A.

**114.4 Violation Penalties.** Any person who violates a provision of 780 CMR or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure, or makes a change of use in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of 780 CMR, shall be subject to penalties as prescribed by M.G.L. c. 143, § 94(a).

## **SECTION 115 STOP WORK ORDER**

**115.1 Authority.** Whenever the building official finds any work regulated by 780 CMR being performed in a manner either contrary to the provisions of 780 CMR or dangerous or unsafe, the building official is authorized to issue a stop work order.

**115.2 Issuance.** The initial stop work order may be verbal, but shall be in writing within 48 hours and shall cite the time and date of the verbal order and be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

**115.3 Unlawful Continuance.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by M.G.L. c. 143, § 94(a). Each day during which a violation exists shall constitute a separate offense.

## **SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT**

**116.1 General.** The provisions of this section are established by and work in conjunction with the requirements of M.G.L. c. 143, §§ 6 through 12.

**116.2 Standards for Making Buildings Safe or Secure.** Any owner of a building who has been notified that said building shall be made safe or secure under section 116, shall:

1. Remove all materials determined by the head of the fire department or building official to be dangerous in case of fire.
2. Secure all floors accessible from grade utilizing one of the following methods so long as such method is approved by the head of the fire department and building official in writing:
  - a. Secure all window and door openings in accordance with the U.S. Fire Administration, National Arson Prevention Initiative Board Up Procedures found here: <http://www.interfire.org/pdf/USFA%20Board%20Up.pdf> continuously until such time as the building is reoccupied; or
  - b. Provide 24 hour watchman services, continuously until such time as the building is reoccupied; or

- c. Provide a monitored intruder alarm system at the perimeter of all floors accessible from grade, continuously until such time as the building is reoccupied.

Said owner, as the case may be, shall notify the building official that the approved method chosen to secure the building has been incorporated. Said owner shall allow the building official to enter the building for an inspection to ascertain that the building is secured and made safe. Said owner shall allow the head of the fire department to enter the building. The building official shall be supplied with records of maintenance and operation if the provisions of section 116.2 items 2b. or 2c. are used.

3. Maintain any existing fire alarms or sprinkler systems unless written permission is obtained from the head of the fire department in accordance with M.G.L. c. 148, § 27A to shut off or disconnect said alarms or systems.
4. Maintain utilities unless written permission is obtained from the building official to disconnect said utilities. Permission to disconnect utilities shall not be granted if it will result in inadequate heat to prevent freezing of an automatic sprinkler system or inadequate utilities to maintain any other protection systems.
5. The requirements of section 116.2 items 1. through 4. do not prevent a building official from ordering or taking expeditious, temporary security measures in emergency situations pending the completion of the requirements of section 116.2 items 1. through 4.

For the purposes of section 116, an “emergency situation” shall be defined as: an unexpected incident, which by its very nature may present a threat to public safety personnel who may be required to affect a rescue effort or conduct fire extinguishment operations.

Upon refusal or neglect of said owner to comply with such notice, any building official acting under the authority of M.G.L. c. 143, §§ 6 through 12, shall enforce section 116.2 item 2a. or other equivalent procedure approved by the head of the fire department, continuously until such time as the building is reoccupied.

Any building which has been made to conform to the provisions of section 116.2 during vacancy may be reoccupied under its last permitted use and occupancy classification, provided that any systems which were disconnected or shut down during the period of vacancy are restored to fully functional condition and subject to section 105 and M.G.L. c. 40A. The local building official shall be notified in writing prior to re-occupancy. If said building is changed in use or occupancy or otherwise renovated or altered it shall be subject to the applicable provisions of 780 CMR 34.00: *Existing Building Code*.

**116.3 Marking or Identifying Certain Buildings That Are Especially Unsafe in the Case of Fire.** Any building official who determines that a building is especially unsafe in case of fire under section 116 shall notify the head of the fire department about the existence of said building. The building official, in cooperation with the head of the fire

department, shall cause said building to be marked in accordance with the marking requirements in 527 CMR.

## CHAPTER 2: DEFINITIONS

202 Add and/or revise definitions to read as follows:

**AGRICULTURE.** Defined by M.G.L. c. 128, § 1A. Specifically, “farming” or “agriculture” shall include farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

**AGRICULTURAL, BUILDING.** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation.

**BASE FLOOD ELEVATION.** The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (“NGVD”), North American Vertical Datum (“NAVD”) or other datum specified on the Flood Insurance Rate Map (“FIRM”). For AO zones the base flood elevation shall be the elevation of the highest adjacent grade plus the depth specified on the FIRM or the elevation of the highest adjacent grade plus two feet if no depth is specified.

**BOARDING HOUSE.** A building arranged or used for lodging for compensation, with or without meals.

**BUILDING OFFICIAL.** The building commissioner/inspector of buildings, local inspector or state building inspector charged with the administration and enforcement of 780 CMR in accordance with M.G.L. c. 143, §§ 3 and 3A.

**COMBUSTIBLE LIQUID.** A liquid having a closed cup flash point at or above 100°F (38°C). Combustible liquids shall be subdivided as follows:

**Class II.** Liquids having a closed cup flash point at or above 100°F (38°C) and below 140°F (60°C).

**Class IIIA.** Liquids having a closed cup flash point at or above 140°F (60°C) and below 200°F (93°C).

**Class IIIB.** Liquids having a closed cup flash point at or above 200°F (93°C).

**EXCEPTIONS:** The category of combustible liquids shall not apply to:

1. Compressed gases or cryogenic fluids.

2. Class II and III liquids that are not heated to or above their flash points and:
  - a. that have no fire point when tested in accordance with ASTM D92, up to the boiling point of the liquid or up to a temperature at which the sample being tested shows an obvious physical change; or
  - b. that are in a water-miscible solution or in a dispersion with a water and inert (non-combustible) solids content of more than 80% by weight, which do not sustain combustion when tested using 49 CFR 173 Appendix H or the UN Recommendation on the Transport of Dangerous Goods.

**COASTAL DUNE.** Any natural hill, mound or ridge of sediment landward of a coastal beach deposited by wind action or storm overwash. Coastal dune also means sediment deposited by artificial means and serving the purpose of storm damage prevention or flood control. For purposes of 780 CMR, a coastal dune is one that has been determined to be significant to the interests of flood control and/or storm damage prevention as defined in the Wetlands Protection Act, M.G.L. c. 131, § 40. Coastal Dunes are subject to the construction requirements of Appendix G.

**COASTAL WETLAND RESOURCE AREA.** Any coastal wetland resource area subject to protection under the Wetlands Protection Act, M.G.L. c. 131, § 40, and the Wetlands Protection Act Regulations, 310 CMR 10.00. Coastal Wetland Resource Areas include barrier beaches, coastal beaches, coastal dunes, rocky intertidal shores, tidal flats, land subject to coastal storm flowage, coastal banks, land containing shellfish, lands subject to tidal action, and lands under an estuary, salt pond or certain streams, ponds, rivers, lakes or creeks within the coastal zone that are anadromous/catadromous fish runs. See Appendix G for all construction requirements in these areas.

**DESIGN FLOOD.** See Base Flood.

**DESIGN FLOOD ELEVATION.** See Base Flood Elevation.

**ELECTRIC VEHICLE SERVICE EQUIPMENT (EVSE) Level -2 (220 - 240V).** Equipment expressly designed for the safe charging of battery electric and plug-in hybrid electric vehicles.

**FIRE AREA.** The aggregate area of a building, regardless of subdivisions by fire barriers, fire walls, or horizontal assemblies.

**FLOOD HAZARD AREA.** The greater of the following two areas:

1. The area within a flood plain subject to a 1-percent or greater chance of flooding in any year as identified on a community's current effective Flood Insurance Rate Map ("FIRM") or Flood Hazard Boundary Map ("FHBM"), whichever is applicable.

2. If a community has received preliminary FIRM and Flood Insurance Study (“FIS”) from FEMA, and has been issued a Letter of Final Determination (“LFD”) from FEMA, the area designated as a flood hazard area on the community’s preliminary FIRM, and FIS as of the date of the LFD.

**HIGH-RISE BUILDING.** A building more than 70 feet in height above grade plane.

**JURISDICTION.** The Board of Building Regulations and Standards.

**LODGING HOUSE.** A one-family dwelling with five or fewer guest rooms where one or more occupants are primarily permanent in nature and compensation is provided for the guest rooms. A building licensed as a “lodging house” in accordance with M.G.L. c. 140, §§ 22 through 31 shall comply with 780 CMR requirements according to its appropriate use and occupancy classification.

**NATIVE LUMBER.** Native lumber is wood processed in the Commonwealth of Massachusetts by a mill registered in accordance with 780 CMR 110.R4. Such wood may be ungraded but is stamped or certified in accordance with 780 CMR 110.R4.

**NIGHT CLUB.** An assembly occupancy with a high occupant load density that is generally characterized by at least two of the following: low lighting levels; music generating above-normal sound levels; nighttime operating hours; tables and seating that create ill-defined aisles; a specific area designated for dancing; or service facilities for beverages with limited food service. For night club construction requirements see section 430.

**OFFICE.** The Office of Public Safety and Inspections.

**OFFICIAL INTERPRETATION.** A written interpretation made by the BBRS, under authority of M.G.L. c. 143, § 94(e), or by the Building Code Appeals Board under authority of M.G.L. c. 143, § 100 of any provision of 780 CMR, or its referenced standards, except the specialized codes.

**OWNER.** Every person who alone or jointly or severally with others (a) has legal title to any building or structure; or (b) has care charge or control of any building or structure in any capacity including but not limited to agent, executor, executrix, administrator, administration, trustee or guardian of the estate of the holder of legal title; or (c) lessee under a written letter agreement; or (d) mortgagee in possession; or (e) agent, trustee or other person appointed by the courts. Each such person is bound to comply with the provisions of 780 CMR.

**REGISTERED DESIGN PROFESSIONAL.** An individual who is licensed or otherwise authorized to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the Commonwealth.

**REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE.** See registered design professional.

**SPECIALIZED CODES.** Codes, rules or regulations pertaining to building construction, reconstruction, alteration, repair or demolition promulgated by and under the authority of various boards authorized by the general court. See M.G.L. c. 143, § 96.

**STATE BUILDING INSPECTOR.** An “inspector” as described in M.G.L. c. 143, § 3A.

**SUBSTANTIAL REPAIR OF A FOUNDATION.** When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of section 1612.

**SUMMER CAMPS FOR CHILDREN.** Premises with residential facilities operated solely between April and October for recreational and other purposes. For requirements see section 429.

**TEMPORARY EMERGENCY USES.** A building or space within a building that is used for purposes other than originally designed or intended. A temporary emergency use may only be used pursuant to the provisions of section 108. A Temporary Emergency Use building or space within a building shall be approved for such use by the municipal or state building official in consultation with the other appropriate municipal and state officials in accordance with section 3113.

**TEMPORARY OVERNIGHT SHELTER.** See section 3112.

**TRANSFORMER VAULT.** An underground structure or room in which power transformers, network protectors, voltage regulators, circuit breakers, and meters are housed.

## CHAPTER 3: USE AND OCCUPANCY CLASSIFICATION

### 307.1.1 Replace item 8 as follows:

8. See Appendix C for the storage or utilization of materials for agricultural purposes on the premises.

### 308.3.4 Revise subsection as follows:

**308.3.4 Five or fewer persons receiving custodial care.** A facility with five or fewer persons receiving custodial care shall be classified as Group R-3 or shall comply with the International Residential Code provided an automatic sprinkler system is installed in accordance with section 903.3.1.3.

EXCEPTION: DDS group home facilities of five or fewer persons receiving custodial care. See section 310.5.

### 308.6 Add the following exception:

EXCEPTION: Day care licensed as Family Child Care Homes and Large Family Child Care Homes under M.G.L. c. 15D shall be classified as ancillary to the main use of the building.

### 308.6.1 Change “2½ years” to “2.9 years”

### 310.5 Revise section as follows:

**310.5 Residential Group R-3.** Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

1. Buildings that do not contain more than two dwelling units;
2. Boarding houses (nontransient) with 16 or fewer occupants;
3. Boarding houses (transient) with ten or fewer occupants;
4. Care facilities that provide accommodations for five or fewer persons receiving care;
5. Congregate living facilities (nontransient) with 16 or fewer occupants;
6. Congregate living facilities (transient) with ten or fewer occupants;
7. Lodging houses; and
8. DDS facilities in conformance with the occupant safety requirements of 115 CMR 7.00: *Standards for All Services and Supports*.

**310.5.1 Care facilities within a single family dwelling.** Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code provided an automatic sprinkler system is installed in accordance with section 903.3.1.3.

**310.6 Residential Group R-4.** Residential Group R-4 occupancy shall include buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care. Buildings of Group R-4 shall be classified as one of the occupancy conditions specified in section 310.6.1 or 310.6.2. The persons receiving care are capable of self-preservation. This group shall include, but not be limited to, the following:

1. Alcohol and drug centers;
2. Assisted living facilities; (see also M.G.L. c. 19D for provisions related to certain assisted living facilities administered by the Executive Office of Elder Affairs).
3. Congregate care facilities;
4. Group homes;
5. Halfway houses;
6. Residential board and care facilities including facilities pursuant to 104 CMR 28.00: *Licensing and Operational Standards for Community Programs* and housing no more than 12 people; and
7. Social rehabilitation facilities

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in 780 CMR.

**312.1 General.** Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of 780 CMR commensurate with the fire and life hazard incidental to their occupancy. Group U shall include, but not be limited to, the following:

1. Agricultural buildings (see Appendix C for applicable requirements);
2. Aircraft hangers, accessory to one- or two-family residence (see section 412.5);
3. Barns;
4. Carports;
5. Fences more than sixfeet (1,829 mm) in height;
6. Grain silos, accessory to a residential occupancy;
7. Greenhouses;
8. Livestock shelters;
9. Private garages;
10. Retaining walls;
11. Sheds;
12. Stables;
13. Tanks; and
14. Towers

## CHAPTER 4: SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY

**407.1.1** Add subsection as follows:

**407.1.1 M.G.L. requirements.** Hospitals, nursing homes, and convalescent homes shall be constructed of at least Type IB construction in accordance with M.G.L. c. 111, §§ 51 and 71.

**Sections 427.1 through 430.5.1.** Add sections as follows:

### SECTION 427 BULK MERCHANDISING RETAIL BUILDINGS

**427.1 General.** Bulk merchandising retail buildings have different fire and life safety risks than traditional retail buildings. This section provides standards to adequately deal with these differences, and to reduce the risk of life loss, injury, and excessive property damage from fire.

**427.2 Scope.** The provisions of this section shall apply to buildings or structures defined as bulk merchandising retail buildings or portions thereof containing high piled combustible storage.

Unless otherwise noted in this section, the requirements for bulk merchandising retail buildings shall be in accordance with the requirements set forth for Group M and section 414.

**427.3 Definitions.** The following words and terms shall, for the purposes of this section and as used elsewhere in 780 CMR, have the meanings shown below (see 780 CMR 2.00 for terms not defined below):

**BULK MERCHANDISING RETAIL BUILDING.** A building where sales areas contain high piled combustible commodities, or high piled, high hazard commodities as defined in 780 CMR 3.00 and 4.00.

**GROUP A PLASTICS.** Products that utilize plastic, or non-plastic products that utilize significant plastic packaging materials, that have a high BTU content:

ABS (acrylonitrile-butadienestyrene copolymer)

Acetal (polyformaldehyde)

Acrylic (polymethyl methacrylate)

Butyl rubber

EPDM (ethylene-propylene rubber)

FRP (fiberglass reinforced polyester)

Natural rubber (expanded)

Nitrile rubber (acrylonitrilebutadiene rubber)

PET or PETE (polyethylenerephthalate)

Polybutadiene  
 Polycarbonate  
 Polyester elastomer  
 Polyethylene  
 Polypropylene  
 Polystyrene (expanded and unexpanded)  
 Polyurethane (expanded and unexpanded)  
 PVC (polyvinyl chloride greater than 15% plasticized, e.g., coated fabric unsupported film)  
 SAN (styrene acrylonitrile)  
 SBR (styrene-butadiene rubber)

**HIGH PILED COMBUSTIBLE COMMODITY.** Storage of combustible materials in piles greater than 12 feet (3.658 m) in height or combustible materials on pallets, in racks or on shelves where the top of storage is greater than 12 feet (3.658 m) in height.

**HIGH PILED, HIGH HAZARD COMMODITY.** Storage of combustible materials such as rubber tires, Group A plastics, flammable liquids, idle pallets and commodities with similar heat release characteristics where the top of storage is greater than six feet (1.829 m) in height.

**RACK STORAGE.** Combination of vertical, horizontal and diagonal members that support stored materials in fixed or portable racks.

**SHELF STORAGE.** Storage on structures less than 30 in. (76.2 cm) deep with shelves usually two feet (0.6 m) apart vertically and separated by approximately 30 in. (76.2 cm) aisles.

**427.3.1 Commodity Classification.** Commodities in storage and display shall be classified in accordance with the following NFPA standards:

- 13: Installation of Sprinkler Systems
- 30: Flammable and Combustible Liquids Code
- 30B: Aerosol Products, Manufacture and Storage
- 231: General Storage
- 400: Hazardous Materials Code

**427.4 Fire Protection Requirements.** Fire protection requirements shall be in accordance with Table 427.4.

**TABLE 427.4 FIRE PROTECTION REQUIREMENTS**

Commodit	Size of High-	Fire Protection Requirements
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Class <sup>1</sup>	Piled Display Area <sup>2</sup> (sq. ft.)	Fire Suppression System (427.5)	Fire Alarm/Notification (427.14)	Fire Department Access Doors (427.8)	Hose Connections (427.7)	Manual Smoke and Heat Vents (427.16)
I-IV	0 to 2,500	NR	NR	NR	NR	NR
	2,501 to 12,000	Yes	NR	NR	NR	NR
	Over 12,000	Yes	Yes	Yes	Yes	Yes
High Hazard	0 to 500	NR	NR	NR	NR	NR
	501 to 2,500	Yes	NR	NR	NR	NR
	2,501 to 12,000	Yes	NR	Yes	Yes	NR
	Over 12,000	Yes	Yes	Yes	Yes	Yes

NR = Not required.

1. For commodity classifications definitions, see subsection 427.3.
2. Areas that are separated by 60 ft. of display area with such areas not used for high piled storage, or that are separated with a one-hour fire resistance-rated separation barrier, can be considered as separated high piled areas.
3. If the building is required to be sprinklered under 780 CMR, then the sprinkler system protecting the high piled storage area and 15 ft. beyond shall be designed in accordance with the appropriate NFPA standard(s).

**427.5 Fire Suppression Systems.** Fire sprinkler design and installation shall be provided in accordance with the applicable requirements set forth by NFPA 13, 30, 30B, 231, 430 or other nationally recognized codes and standards, or tests conducted in test laboratories as defined in 527 CMR.

**427.6 Storage Arrangement.** Storage arrangements for fire protection purposes shall comply with requirements set forth by NFPA 13, 30, 30B, 231, 400, as listed in Appendix A, or other nationally recognized codes and standards, or tests conducted in test laboratories as defined in 527 CMR.

**427.7 Hose Connections.** A Class I automatic, wet standpipe system shall be provided in accordance with NFPA 14. Hose connections shall be located around the interior perimeter of the building within five feet of all required fire department access doors, adjacent to the latch side of the door. Hose connections shall be installed to accommodate 200 feet of travel distance to any point in the building.

Where the most remote portion of the building exceeds 200 feet of travel distance from the required access doors, additional hose connections shall be provided in locations approved by the head of the fire department. Hose connections shall be readily accessible and marked for fire department use only.

When approved by the head of the fire department the following exceptions shall be permitted:

EXCEPTION 1: Hose connections may be omitted when the following fire department building access and fire hydrant coverage is provided: minimum 20 feet wide, unobstructed access roadways located within 20 feet of the building on at least three sides, compliant with applicable provisions of 527 CMR; minimum ten feet wide, unobstructed access route between the access roadway and the fire department access doors; and, fire hydrants in locations approved by the head of the fire department.

EXCEPTION 2: In lieu of a Class I standpipe system, a Class II automatic, wet-standpipe system in accordance with NFPA 14 shall be permitted when the following fire department building access and fire hydrant coverage is provided: minimum 20 feet wide, unobstructed access roadways located within 50 feet of the building on at least three sides, compliant with applicable provisions of 527 CMR; minimum ten feet wide, unobstructed access route between the access roadway and the fire department access doors; and, fire hydrants in locations approved by the head of the fire department. The hose connections shall be located as described above for the Class I standpipe system. Occupant hose shall not be required, and the hose connections shall be marked for fire department use only.

**427.8 Fire Department Access Door.** Fire department access doors shall be provided for fire department emergency access. Access doors shall be:

1. located adjacent to fire department access roadways,
2. provided with an approved exterior fire department accessible key cylinder operable lock device,
3. provided with approved fire department identification signs, and
4. provided such that all points of the floor area are accessible within 200 feet of travel distance.

Fire department access doors may be used as occupant egress doors.

**427.9 Fire Department Access Roadways.** Fire department access roadways shall be provided on at least two sides of the building with such access to be approved by the head of the fire department prior to any construction. Fire hydrants shall be provided in locations approved by the head of the fire department.

**427.10 Means of Egress.** Means of egress shall be in accordance with 780 CMR 10.00 for Group M unless otherwise modified in section 427.

EXCEPTION: Exit access travel distance shall be limited to 200 feet. If the only means of customer entrance is through one exterior wall of the building, two thirds of the required egress width shall be located in this wall. At least one half of the required exits shall be located so as to be reached without passing through checkout stands. In no case shall checkout stands or associated railings or barriers obstruct exits, required aisles, or approaches thereto.

**427.11 Flammable/Combustible Liquids.** The display, storage, protection, and maximum allowable quantities of flammable and combustible liquids permitted in mercantile display areas shall be in accordance with NFPA 30.

**427.12 Aerosols.** The display, storage, protection, and maximum allowable quantities of aerosols permitted in mercantile occupancies shall be in accordance with of NFPA 30B.

**427.13 Non-flammable and Non-combustible Hazardous Materials.** Non-flammable and non-combustible hazardous materials, such as: Oxidizers, Unstables(reactives), Toxics, Highly Toxics, Corrosives, and Water Reactives shall comply with Table 427.13 and applicable provisions of 527 CMR.

**TABLE 427.13 MAXIMUM ALLOWABLE QUANTITY (MAQ) FOR HAZARDOUS MATERIALS EXEMPTIONS, PER CONTROL AREA**

Material	Class	Solids in lb. (kg) <sup>1</sup>	Liquid in gallons (L) <sup>1</sup>	Gas in cubic feet <sup>1</sup>
Oxidizers	4	NP <sup>2</sup>	NP <sup>2</sup>	NP <sup>2</sup>
	3	1,150 (522)	115 (435)	168,750
	2	2,250 (1,022)	225 (852)	13,500
	1	18,000 (8,172)	1,800 (6,813)	6,750
Unstable (reactive)	4	NP <sup>2</sup>	NP <sup>2</sup>	NP <sup>2</sup>
	3	550 (250)	55 (208)	6,625
	2	1,150 (522)	115 (435)	2,250
	1	Unlimited	Unlimited	3,375
Toxics	All	1,000 (454) <sup>3</sup>	100 (379) <sup>3</sup>	1,580
Corrosives	All	10,000 (4,540)	1,000 (3,785)	1,580

Highly Toxic	All	20 (9) <sup>3</sup>	2 (8) <sup>3</sup>	39
Water Reactive	3	550 (250)	55 (208)	Not applicable
	2	1,150 (522)	115 (435)	
	1	Unlimited	Unlimited	

1. Quantities may be increased by 100% in sprinklered buildings.
2. Not permitted.
3. If displayed in original packaging in M or S occupancies, and intended for maintenance, operation of equipment, or sanitation; when contained in individual packaging not exceeding 100 lb. (45.4 kg) shall be limited to an aggregate of 1,200 lbs. (544.3 kg) or 220 gal (832.8 L).

**427.14 Fire Alarm or Notification Systems.** Either a fire alarm system or emergency notification system, as described below and approved by the head of the fire department, shall be provided:

1. **Fire Alarm System.** The fire alarm system shall include the following:
  - a. A fire alarm system required for life safety shall be installed, tested, and maintained in accordance with applicable requirements of 527 CMR and NFPA 72.
  - b. All systems and components shall be approved for the purpose for which installed, and all installation wiring or other transmission paths shall be monitored for integrity in accordance with NFPA 72.
  - c. Manual fire alarm stations shall be provided in the natural path of escape near each required exit from an area. Each manual fire alarm station shall be accessible, unobstructed, visible, and of the same general type.
  - d. Notification signals for occupants to evacuate shall be by audible and visible signals in accordance with NFPA 72 and 527 CMR. The general evacuation alarm signal shall operate throughout the entire building.
  - e. The fire alarm system shall be arranged to transmit the alarm automatically via any of the following means acceptable to head of the fire department and in accordance with NFPA 72:
    - i. Auxiliary Alarm System;
    - ii. Central Station Connection;
    - iii. Proprietary System; or
    - iv. Remote Station Connection.
  - f. The fire alarm control panel location shall be located in an area acceptable to the head of the fire department. Where required, a

remote annunciator shall be located in an area acceptable to the head of the fire department.

- g. Other control systems intended to make the protected premises safer for building occupants including, but not limited to, duct smoke detectors, fire/smoke dampers, smoke management systems, fire door controls, shall be installed and monitored for integrity in accordance with NFPA 72, and a distinctive supervisory signal shall be provided to indicate a condition that would impair the satisfactory operation of the equipment.
- h. Supervisory attachments including, but not limited to, control valves, fire pump running conditions, float valves, shall be installed and monitored for integrity in accordance with NFPA 72 and a distinctive supervisory signal shall be provided to indicate a condition that would impair the satisfactory operation of the equipment.
- i. All building HVAC fans shall be arranged to automatically shut down on any general alarm condition. Duct smoke detectors shall not be required
- j. Water flow initiating devices shall be arranged to initiate an alarm condition within one minute of being activated. In addition, provisions shall be made to control and prevent false alarms due to water surges.

- 2. **Emergency Notification System.** During a fire emergency, the emergency notification system shall sound an audible alarm in a continuously attended location for the purpose of initiating the evacuation plan required under this section.

**427.15 Evacuation Planning and Training.** An evacuation plan shall be submitted at the time of application for a building permit as part of the required. The certificate of use and occupancy shall not be issued until the evacuation plan has been reviewed and approved by the head of the fire department. Any changes to the evacuation plan shall not be effected until a revised plan has been submitted to and approved by the head of the fire department. The evacuation plan shall detail procedures, define roles and responsibilities of employees, and shall include an egress plan indicating routes of travel to all exits. The evacuation plan shall be used to ensure the safe evacuation of all customers and employees. All employees shall be instructed and periodically trained with respect to their duties, as required by 527 CMR.

**427.16 Smoke and Heat Venting.** Adequate methods of manual heat and smoke venting shall be provided. The method of operation, vent area, spacing layout, construction of vents and curtain boards or other acceptable means of addressing methods of heat and smoke venting shall be determined by an engineering evaluation and analysis. The analysis shall be reviewed and approved by the head of the fire department and shall contain sufficient detail to evaluate the hazard and effectiveness of the venting system.

## **SECTION 428 MOTION PICTURE AND TELEVISION PRODUCTION FACILITIES**

**428.1 Scope.** This section addresses building code regulations for motion picture and television industry soundstages, production facilities, and approved production locations. All requirements not specified in this section shall conform to 780 CMR.

**428.2 Referenced Standard.** Except as otherwise noted in section 428.0, the buildings, structures and sites associated with motion picture and television industry soundstages, production facilities, and approved production locations shall be in accordance with NFPA 140 except NFPA101 does not apply. In addition, these facilities, shall meet 527 CMR and any other applicable Massachusetts specialized codes, see section 101.4.

**428.3 Definitions.** Definitions in NFPA 140 shall apply along with any additional terms that are defined by other reference standards.

#### **428.4 Sound Stages and Approved Production Facilities.**

**428.4.1 Fire Protection.** See NFPA 140, section 5.11.

**428.4.2 Fire Department Building Access.** See 527 CMR.

**428.4.3 Fire Hydrants.** At least one fire hydrant shall be located on each side of the building. The head of the fire department shall determine fire hydrant locations. See 527 CMR.

**428.4.4 Portable Fire Extinguishers.** Portable fire extinguishers shall be provided installed in accordance with NFPA 10 as listed in 780 CMR 35.00.

**428.4.5 Automatic Sprinkler System.** An automatic sprinkler system shall be designed and installed in accordance with the Extra Hazard, Group 2 requirements of NFPA 13 throughout all buildings having a soundstage, production studio or approved production facility. The automatic sprinkler system shall additionally meet the provisions of section 903, as applicable.

#### **428.4.6 Fire Alarm Systems.**

**428.4.6.1 Manual Fire Alarm System.** A manual fire alarm system meeting the requirements of subsection 907.3 shall be installed in all buildings having a soundstage, production studio, or which are approved production facilities.

**428.4.6.2 Alarm Notification Appliances.** Alarm notification appliances shall be provided in accordance with 780 CMR 9.00. With the approval of the head of the local fire department, the alarm notification appliances may be deactivated during videotaping, filming or broadcasting of programs as long as the building is equipped with a fully operating, approved and supervised automatic sprinkler system in accordance with NFPA 13.

**428.4.6.3 Supervision.** The automatic sprinkler system and fire alarm system shall be supervised in accordance with 780 CMR 9.00.

**428.5 Means of Egress.** Means of egress shall be in accordance with 780 CMR 10.00 except NFPA 140, sections 4.10.2 and 4.10.3, shall govern where there is conflict with 780 CMR 10.00. Means of egress shall be appropriate for the intended use and subject to the approval of the building official in consultation with the head of the fire department.

#### **428.6 Approved Production Locations.**

**428.6.1 Permits.** A building permit is required for structures undergoing construction, reconstruction, and modification. Other permits may be required from the local fire department or as applicable to any specialized code.

**428.6.2 Foamed Plastic Materials.** Foamed plastic materials affixed to the building or structure and used for decorative purposes shall meet the requirements of NFPA140, Chapter 5.

**428.6.3 Structural Loads.** Buildings or structures shall be evaluated for increased loading caused by sets, scenery, and other equipment in accordance with 780 CMR.

**428.6.4 Fire Department Access.** See 527 CMR.

**428.6.5 Means of Egress.** See 780 CMR 10.00.

#### **428.7 Operating Features.**

**428.7.1 Audience Life Safety.** When a live audience is present for a production, the provisions for life safety and means of egress shall be subject to the approval of the local building official in consultation with the head of the local fire department.

**428.7.2 Notification in Event of Emergency.** The production company shall provide the head of the local fire department an emergency notification procedure for the production location activities for review and approval. See 527 CMR.

### **SECTION 429 SUMMER CAMPS FOR CHILDREN**

**429.1 New and Existing Occupancies.** This section shall apply to existing and new summer camps for children. The use of such accommodations for purposes of inspection and certification shall be considered as being similar to a dormitory in Use Group R-2.

**429.2 Means of Egress.** All one-story, one-room buildings having 1,000 ft.<sup>2</sup> or fewer and having 25 occupants or fewer shall require only one means of egress provided that:

1. the length of travel does not exceed 50 feet from any point in the building to the outside at grade; and
2. the minimum width for aisles and corridors shall be three feet.

**429.2.1 Emergency Escape.** Every sleeping room shall have at least one exterior door or openable window to permit emergency exit or rescue; the windows shall conform to the following requirements:

1. shall be openable from the inside without the use of separate tools;
2. the sill height shall not be more than 36 inches above the finish floor and with a maximum six foot drop from the window sill to grade below the window; and
3. provide a minimum net clear opening area 5.7 ft.<sup>2</sup>. The minimum net clear opening dimensions shall be 20 X 24 inches in either direction.

**429.3 Fire Protection.** Smoke detectors shall be required for existing and new residential units in accordance with section 907. When applicable, carbon monoxide (“CO”) detectors shall be required in summer camps for children. In new construction of summer camps for children, and where applicable, CO detectors shall be hard-wired and interconnected or otherwise be of an acceptable wireless type and conform to location requirements and listing requirements as set forth in 780 CMR, 527 CMR or 248 CMR, as applicable. For existing summer camps for children undergoing alterations, additions, etc., refer to 780 CMR34.00.

For existing day care centers, located on the premises of summer camps for children, CO detectors shall conform to the requirements of 780 CMR, 527 CMR or 248 CMR, as applicable.

EXCEPTION: Tents and other temporary shelters which are designed to sleep less than eight persons and which have an open side consisting of greater than 1/6 of the perimeter of the shelter or which have built-in provisions for emergency escape.

**429.4 Mechanical.** If camps are heated, then the building shall conform to all applicable code sections and specialized codes.

**429.5 Enforcement and Inspections.** Enforcement shall be by the building official who shall inspect and certify the summer camps yearly, prior to season opening.

## **430 NIGHTCLUBS**

**430.1 General.** All buildings containing a nightclub with an occupant load 50 or greater shall comply with the provisions of this section and other applicable provisions of 780 CMR.

**430.2 Sprinkler Protection.**An approved automatic sprinkler system shall be provided throughout buildings containing a nightclub in accordance with section 903.3.1.1.

**430.3 Foam Plastics and Interior Finishes.** Foam plastics shall not be used in nightclubs as interior finish except as provided in section 803.4 and shall not be used as interior trim except as provided in sections 806.5 or 2604.2. This section shall apply both to exposed foam plastics and to foam plastics used in conjunction with a textile or vinyl facing or cover.

**430.4 Entertainment System Response.** The activation of any fire protection system element (signaling system, detection, sprinklering, etc.) shall automatically cause immediate:

1. illumination of all areas and components of the required means of egress, and additionally;
2. full activation of all other house lighting; and
3. stopping of any and all sounds and visual distractions (public address systems, entertainment and dance lighting, music, etc.) that conflict/compete with the fire protective signaling system.

**430.5 Main Exit.** The main entrance egress system shall be sized such that the width of all required means of egress elements is a minimum of 72 inches (nominal) or as determined by section 1029.2, whichever is greater. The main entrance/exit door system shall consist of a pair of side-hinged swinging type doors without a center mullion and shall be equipped with panic hardware.

**430.5.1 Alternative Egress.** The building official may allow an alternative means of compliance where conditions exist which would preclude the installation of a 72-inch egress system. This approval is contingent upon the submission of an egress analysis from a registered design professional which determines that there is adequate means of egress. As a condition of an alternative egress approach, low level exit pathway marking shall be provided in accordance with sections 1024.2 through 1024.5.

## **CHAPTER 5: GENERAL BUILDING HEIGHTS AND AREAS**

### **501.1** Add three notes, as follows:

NOTE1: Site plans may be required to contain fire lanes in accordance with 527 CMR. Any building fireprotection system is governed by 780 CMR with the exception of M.G.L. c. 148, § 26-series laws.

NOTE 2: In 780 CMR 5.00, requirements for unsprinklered buildings may be overridden by the sprinkler requirements of M.G.L. c. 148.

NOTE3: M.G.L. c. 111, § 51 requires hospitals and nursing homes of at least Type IB construction.

**CHAPTER 6: TYPES OF CONSTRUCTION (no amendments)**

**CHAPTER 7: FIRE AND SMOKE PROTECTION FEATURES (no amendments)**

## **CHAPTER 8: INTERIOR FINISHES**

**806.3** Revise section, as follows:

**806.3 Combustible Decorative Materials.** In all occupancies, curtains, draperies, fabric hangings and similar combustible decorative materials suspended from walls or ceilings shall comply with 527 CMR.

## CHAPTER 9: FIRE PROTECTION SYSTEMS

### 901.1 Add four notes, as follows:

NOTE 1: In subsections 904.2, 907.1.1, 909.7, 909.8, 909.9, 909.10, 909.19 the term “fire official” or “building official” is to be substituted with the terms “building official in consultation with the fire official.” The fire official may appeal a building official action in accordance with 780 CMR 1.00.

NOTE 2: In subsection 903.1.1, the term “fire code official” is to be substituted with the term “building official and fire official.”

NOTE3: In subsections 916.1 through 916.6.3, the term “fire code official” is to be substituted with the term “fire official.”

NOTE4: Reference to the IFC shall be applied in accordance with subsection 101.4.5 of 780 CMR.

### 901.2 Replace the exception as follows:

#### EXCEPTIONS:

1. Any fire protection system or portion thereof not required by 780 CMR shall be permitted to be installed for partial or complete protection provided that such system meets the requirements of 780 CMR.
2. Where alternative fire protection designs, which vary from any prescriptive requirements of 780 CMR 9.00, are to be utilized, the owner shall engage an independent registered design professional, to review said alternative design. The scope of the review shall include, but not be limited to:
  - a. Design assumptions, methodologies, and resulting proposed system designs, to determine whether or not:
    - i. the proposed fire protection systems and any other systems which are affected by the alternative design, are consistent with the general objectives and prescriptive provisions of 780 CMR 9.00;
    - ii. they all conform to accepted engineering practice.
  - b. Preparation of a written report to the building official as to the appropriateness of the proposed design specifically listing any variances from the prescriptive provisions of 780 CMR 9.00 and describing, in detail, the design provisions used to achieve compliance. If the reviewing engineer concurs with the proposed design, the owner shall make application for a variance, to the Appeals Board in accordance with 780 CMR 1.00. In addition to all supporting information and materials, the reviewing engineering’s report required in accordance with this exception shall be included in the application for variance. A permit shall not be issued until the variance, if required, has been granted, or unless the permit is issued in part in accordance with 780 CMR 1.00.

When a variance is granted in accordance with this exception for a bulk merchandising retail building as defined in 780 CMR 4.00 and when the condition is common to future buildings of the owner, the BBRs, upon request of the owner, may provide that the variance shall be applicable to such future buildings. If such request is made, a quorum of the BBRs shall hear the appeal. Each such application to a future building will be subject to determination as prescribed in 780 CMR 1.00 by the building official in consultation with the fire official that its use is in conformity with the terms of the variance.

**901.2.1** Revise subsection as follows:

**901.2.1 Document Submittal Process.** This process includes the three tiers of the minimum document submittal requirements. This process does not preclude the permit applicant from submitting additional documents; for example shop drawings along with the construction documents at time of permit application.

1. **Tier One, Construction Documents.** Prior to issuance of a permit, construction documents for the fire protection system shall be submitted in accordance with section 107.1.2 and a permit obtained prior to the installation of fire protection systems or modifications, alterations, additions or deletions to an existing fire protection system. The construction documents shall contain sufficient information to completely describe each of the fire protection system(s) for which a permit is to be issued. The construction documents shall include the following:
  - a. Each system shall be described in a narrative report, which contains:
    - i. design methodology for the protection of the occupancy and hazards in accordance with 780 CMR and applicable NFPA standards;
    - ii. sequence of operation of all fire protection systems and operations; and
    - iii. testing criteria to be used for final system acceptance.
  - b. Building and site access for fire-fighting or rescue vehicle(s) and personnel or both.
  - c. Fire hydrant(s) location and water supply information.
  - d. Type/description and design layout of the automatic sprinkler system(s).
  - e. Automatic sprinkler system(s) control equipment location.
  - f. Type/description and design layout of the automatic standpipe system(s).
  - g. Standpipe system hose valve(s) type and location.
  - h. Fire department connection type(s) and location.

- i. Type/description and design layout of the fire protective signaling system(s).
  - j. Fire protective signaling system(s) control equipment and remote annunciator.
  - k. Type/description and design layout of the smoke control or exhaust system(s).
  - l. Smoke control or exhaust system(s) control equipment location.
  - m. Building life safety system features (auxiliary functions) required to be integrated as part of the fire protective signaling system(s).
  - n. Type/description and design layout of the fire extinguishing system(s).
  - o. Fire extinguishing system(s) control equipment location.
  - p. Fire protection system(s) equipment room location.
  - q. Fire protection system(s) equipment identification and operation signs.
  - r. Fire protection system(s) alarm/ supervisory signal transmission method and location.
  - s. Fire command center location.
  - t. Type/description and location of any emergency alarm system.
  - u. Type/description and location of any alternative fire suppression system or protection.
  - v. Type/description and location of any carbon monoxide protection.
  - w. Emergency responder radio coverage type/location.
2. **Tier Two, Shop Drawings.** Prior to installation of fire protection systems, shop drawings, where applicable, shall be submitted in accordance with section 107.1.2 and shall contain, but not be limited to; detailed design layout, equipment specifications, system sequence of operation, and analysis to substantiate the design. Shop drawings shall note the name(s), license number(s) and license expiration date(s) of the contractor(s) installing the fire protection systems.

EXCEPTION: For shop drawings of Fire Alarm and Detection Systems see section 907.1.2 for applicable requirements.

3. **Tier Three, Record Drawings.** As built plans shall be provided to the owner for all fire protection and life safety systems that are sealed as reviewed and approved by the registered design professional or legally recognized professional performing construction control. Where changes to original shop drawings are minor, a list of as-built changes shall be permitted to be submitted where sealed and reviewed and approved by the registered design professional or legally recognized

professional performing construction control in accordance with 780 CMR 1.00.

**901.3** Revise section as follows:

**901.3 Maintenance.** All fire protection systems shall be maintained in accordance with applicable provisions of 527 CMR. The owner of every building or structure shall be responsible for the care and maintenance of all fire protection systems, including equipment and devices, to ensure the safety and welfare of the occupants. No person shall shut off, disconnect, obstruct, remove or destroy, or cause or permit to be shut off, disconnected, obstructed, removed or destroyed, any part of any sprinkler system, water main, hydrant or other device used for fire protection or carbon monoxide detection and alarm in any building owned, leased or occupied by such person or under his or her control or supervision, without first procuring a written permit so to do from the head of the fire department of the city or town wherein such building is situated in accordance with M.G.L. c. 148, § 27A.

When installations of fire protection systems are interrupted for repairs or other necessary reasons, the owner shall immediately advise the local fire department and shall diligently prosecute the restoration of the protection.

**901.5** Revise section as follows:

**901.5 Acceptance Tests.** Fire protection systems shall be tested in accordance with the requirements of 780 CMR and NFPA standards and approved testing criteria and operational sequence as submitted in section 901.2.1(1)(a). When required, the tests shall be conducted in the presence of the building official and fire official or their designee. The building official may authorize the fire official as designee. The fire official may authorize the building official as designee.

**901.5.1** Add subsection as follows:

**901.5.1 Certificate of Occupancy.** Prior to the issuance of a certificate of occupancy and prior to witness of acceptance testing the following documents shall be submitted to the building and fire officials, or designees:

1. Certification from the registered design professional, or other legally recognized professional, responsible for the construction documents in accordance with section 107.6, stating that the fire protection systems have been installed in accordance with applicable codes and standards, in accordance with the approved construction documents and that the record drawings indicate any deviations, if any.
2. Confirmation by the owner that they have received the as-built record drawings.
3. Material, test, performance, and completion certificates, properly executed by the installing contractor in accordance with the applicable NFPA standards.

NOTE: In lieu of witnessing a satisfactory functional test, the building official and fire official or designees, may accept a final performance test report from a registered design professional, or other legally recognized professional, as an acceptance test. Said report shall certify that complete and satisfactory functional tests of all fire protection systems, in accordance with the applicable codes and standards, and that the approved testing criteria and operational sequence, have been witnessed.

**901.6.2** Revise section as follows:

**901.6.2 Fire Alarm Systems.** Fire alarm systems required by the provisions of section 907.2 of 780 CMR shall be monitored by an approved supervising station in accordance with section 907.6.6.

**EXCEPTIONS:**

1. Single- and multiple-station smoke alarms required by section 907.2.11.
2. Smoke detectors in Group I-3 occupancies.
3. Supervisory service is not required for automatic sprinkler systems in one- and two-family dwellings.
4. Smoke detectors in patient sleeping rooms in occupancies in Group I-2.

**901.7** Revise section as follows:

**901.7 Fire Areas.** For the purpose of 780 CMR 9.00, the term fire area shall be defined as: “The aggregate area of a building, regardless of subdivisions by fire barriers, fire walls, or horizontal assemblies.”

**901.9** through **901.9.1** Add sections as follows:

**901.9 Signs.** All signs required to identify fire protection equipment, equipment rooms and equipment locations shall be constructed of durable materials, be permanently installed and be readily visible. Letters and numbers shall contrast with the sign background, shall be at least two inches in height and shall have an appropriate width-to-height ratio to permit the sign to be read easily from a distance of ten feet. The sign and location shall be approved by the local fire department.

**901.9.1 Sprinkler Control Valve Room Signs.** Where sprinkler control valves are located in a separate room or building, a sign shall be provided on the entrance door. The lettering shall be at least 2½ inches (63.5 mm) in height and shall otherwise conform to section 901.7 and shall read “Sprinkler Control Valves.”

**903.2** Delete sections 903.2 through 903.2.10.1, and replace with the following:

**[F] 903.2 Where required.** Approved automatic sprinkler systems in all new, and some existing, buildings and structures shall be provided in accordance with items 1 and 2, below:

1. In accordance with the following enhanced sprinkler provisions, as required by the respectively-referenced statute:
  - a. The following statutes are enforced by the head of the fire department, and shall be appealed through the automatic sprinkler appeals board:
    - i. **M.G.L. c. 148, § 26A1/2:** certain high-rise buildings constructed prior to 01/01/1975;
    - ii. **M.G.L. c. 148, § 26G:** certain non-residential structures that exceed 7,500 square feet;
    - iii. **M.G.L. c. 148, § 26G1/2:** bars, nightclubs, dance halls, and discotheques with a capacity of 100 or more persons; and
    - iv. **M.G.L. c. 148, § 26H** (if adopted through local option): lodging or boarding houses with six or more persons boarding or lodging.
  - b. The following statute is enforced by the head of the fire department, and shall be appealed through the Building Code Appeals Board:
    - i. **M.G.L. c. 148, § 26A:** certain high-rise buildings.
  - c. The following statute is enforced by the head of the fire department, and shall be appealed through a court of competent jurisdiction:
    - i. **M.G.L. c. 148, § 26I (if adopted through local option):** certain multiple dwelling units.
  - d. **M.G.L. c. 272, §§ 86 through 86D.** Certain stables, as required by law. This provision is enforced by the head of the fire department, or his or her designee, and shall be appealed through a court of competent jurisdiction.
2. As required by Table 903.2.

**EXCEPTIONS:** Automatic sprinkler systems shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic smoke detection system and notification in accordance with section 907 that will respond to visible or invisible particles of combustion.

1. Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic smoke detection and notification system in accordance with section 907.2 and are separated from the remainder of the building by not less than one-hour fire barriers constructed in accordance with section 707 or not less than two-hour horizontal assemblies constructed in accordance with section 712, or both.

2. Machine rooms of traction/drum hydraulic elevators, elevator hoistways, or elevator pits. Such elevator machine rooms, hoistways, or pits shall be constructed to meet the fire-resistance rating specified in Table 601 and otherwise as required by the applicable sections of 780 CMR 7.00. Where Table 601 requires a higher fire-resistance rating for elevator machine rooms, hoistways, or pits, such rating shall be provided unless such ratings are governed by other sections of 780 CMR. For elevator installation within atriums also see 780 CMR 4.00 for additional fire-resistance rating guidance. Where the elevator machine room is determined to be a true penthouse roof structure, also refer to section 1509.0 for additional fire-resistance rating requirements.
3. Non-combustible and limited combustible concealed spaces and plenums that contain electrical, data, communications and other cables that are of the types and in the configurations permitted in such spaces by 527 CMR.
4. Transformer vaults where all the following conditions are satisfied:
  - a. The cable within the vault is flame retardant or limited combustible.
  - b. The dielectric fluid is a limited combustible fluid.
  - c. The vault is enclosed in three hour fire resistance rated construction.
  - d. The vault is at grade or no more than one level below grade. Access to the vault is directly from the exterior or via a dedicated two hour passageway.
  - e. The vault is protected with automatic smoke detection connected to the building fire alarm system which notifies the fire department upon activation.
  - f. The room is limited to the sole use of the transformer equipment and is limited in size to accommodate said equipment only. Storage is prohibited in the vault enclosure.
  - g. The vault is provided with spill containment.
  - h. An emergency fire plan has been developed with and approved by the fire department.
  - i. Continuous ventilation is provided for the vault enclosure in accordance with the ventilation requirements of NFPA 30.
  - j. The ventilation equipment is dedicated to serve the vault only.
  - k. Standby emergency power, in addition to the normal power source, is provided for the ventilation equipment.
  - l. The vault is no larger in area than 2,400 sq. ft.
5. Transformer vaults where an alternative suppression system is provided for the vault in accordance with section 904 and section 903.2 exception 4. conditions i., j., and k. are met.

NOTE: Also see Subsections 903.3.1.1.1, 903.3.1.2.1, and 903.3.1.2.2

<b>TABLE 903.2 OCCUPANCY AUTOMATIC SPRINKLER REQUIREMENTS</b>	
Building having occupancy	Provide automatic fire sprinkler system throughout

	building if one of the following conditions will exist (see Note a)		
	Fire Area	Building occupant load	Occupancy location
A-1	>0 ft <sup>2</sup>	> 0	Any level
A-2 [Nightclub]	>5,000 ft <sup>2</sup>	≥ 50	Any floor other than the level of exit discharge for A-2 Use
A-2 [all others]	>5,000 ft <sup>2</sup>	≥ 100	Any floor other than the level of exit discharge for A-2 Use
A-3	>5,000 ft <sup>2</sup>	≥ 300	Any floor other than the level of exit discharge for A-3 Use
A-4	>7,500 ft <sup>2</sup>	≥ 300	Any floor other than the level of exit discharge for A-5 Use
A-5	See Note b		
Assembly occupancies on roofs	See Note c		
Multiple fire areas of Group A-1, A-2, A-3, or A-4	See Note d		
B [Ambulatory Health Care]	See Note e		
B	>12,000 ft <sup>2</sup>	---	---
E [below level of exit discharge]	See Note f		
E [all others]	>12,000 ft <sup>2</sup>	---	---
F-1 [Woodworking Operations]	See Note g		
F-1 [all others]	>12,000 ft <sup>2</sup>	---	More than three (3) stories above grade plane
F-1 [all types]	>24,000 ft <sup>2</sup>	---	Combined area of all Group F-1 fire areas on all floors, including mezzanines.
H [Pyroxylin Plastics]	See Note h		
H-5	See Note i		
H [all others]	>0 ft <sup>2</sup>	> 0	Any level
I <sup>a</sup>	>0 ft <sup>2</sup>	> 0	Any level
M [bulk merchandising]	>0 ft <sup>2</sup>	> 0	Any level
M [upholstered furniture display/sale]	>0 ft <sup>2</sup>	> 0	Any level
M [storage of merchandise in high-piled or rack storage arrays]	See Note j		
M [all others]	>12,000 ft <sup>2</sup>	---	More than three stories above grade plane

M [all types]	>24,000 ft <sup>2</sup>	---	Combined area of all Group M fire areas on all floors, including mezzanines.
R <sup>a</sup>	>0 ft <sup>2</sup>	> 0	Any level
S-1 [upholstered furniture or mattresses/storage]	>2,500 ft <sup>2</sup>	--	More than three stories above grade plane
S-1 [with commercial motor vehicles]	>5,000 ft <sup>2</sup>	---	More than three stories above grade plane
S-1 [with repair garage, building two or more stories above grade]	>10,000 ft <sup>2</sup>	---	1.In basement; or 2.More than three stories above grade plane
S-1 [with repair garage, building one story above grade]	>12,000 ft <sup>2</sup>	---	In basement
S-1 [with commercial motor vehicles]	>5,000 ft <sup>2</sup>	---	1.In basement; or 2.More than three stories above grade plane
S-1 [with tire storage]	See Note k		
S-1 [all others]	>12,000 ft <sup>2</sup>	---	More than three stories above grade plane
S-1 [all types]	>24,000 ft <sup>2</sup>	---	Combined area of all Group M fire areas on all floors, including mezzanines.
S-2	See Notes l & m		

Note a:

1. For Use Group R and I-1 buildings with an aggregate building area of 12,000 ft<sup>2</sup> or more, and mixed use buildings containing R-Uses, the sprinkler system shall be designed and installed throughout the structure in accordance with NFPA 13.
2. Buildings of entire R-Use, other than R-1 Occupancies and R-2 Dormitories, having no more than three dwelling units and also less than a 12,000 ft<sup>2</sup> Fire Area shall be permitted to have an automatic fire suppression system installed in accordance with section 903.3.1.3; provided that every automatic sprinkler system shall have at least one automatic water supply, or a stored water supply source, in accordance with NFPA 13D where the minimum quantity of stored water shall equal the water demand rate times 20 minutes.
3. An automatic sprinkler system installed in accordance with section 903.3.1.3 shall be permitted in Group R-3 occupancies.
4. An automatic sprinkler system installed in accordance with section 903.3.1.3 shall be permitted in Group R-4 Condition 1 occupancies.
5. An automatic sprinkler system installed in accordance with section 903.3.1.2 shall be permitted in Group R-4 Condition 2 occupancies. Attics shall be protected as follows:
  - a. Attics used for living purposes, storage or fuel-fired equipment shall be protected

with an automatic sprinkler system installed in accordance with section 903.3.1.2.

- b. Attics not used for living purposes, storage or fuel-fired equipment shall comply with one of the following requirements:
  - i. It shall be protected throughout by a heat detector system arranged to activate the building fire alarm system in accordance with section 907.2.10.
  - ii. It shall be constructed of non-combustible materials.
  - iii. It shall be constructed of fire-retardant-treated wood framing complying with section 2303.2.
  - iv. The automatic sprinkler system shall be extended to provide protection throughout the attic space.
- 6. An automatic sprinkler system installed in accordance with section 903.3.1.3 shall be permitted in care facilities with five or fewer individuals in a single-family dwelling.
- 7. Townhouses are required to be protected by automatic sprinkler systems.

Note b: Group A-5. An automatic sprinkler system shall be provided in concession stands, retail areas, press boxes, and other accessory use areas in excess of 1,000 ft<sup>2</sup> (93m<sup>2</sup>).

Note c: Assembly occupancies on roofs. Where an occupied roof has an Assembly Occupancy with an occupancy load exceeding:

- 1. 100 for Group A-2; and
- 2. 300 for all other Group A occupancies,

all floors between the occupied roof and the level of exit discharge shall be equipped with an automatic sprinkler system in accordance with sections 903.3.1.1 or 903.3.1.2, when applicable.

EXCEPTION: Open parking garages in Type I or Type II construction.

Note d: Multiple fire areas. An automatic sprinkler system shall be provided where multiple fire areas of Group A-1, A-2, A-3 or A-4 occupancies share exit or exit access components and the combined occupant load of these fire areas is 300 or more.

Note e: Group B ambulatory health care facilities. An automatic sprinkler system shall be installed throughout all fire areas containing a Group B ambulatory health care facility occupancy when either one of the following conditions exists at any time:

- 1. Four or more care recipients are incapable of self-preservation.
- 2. One or more care recipients who are incapable of self-preservation are located at other than the level of exit discharge serving such an occupancy.

In buildings where ambulatory care is provided on levels other than the level of exit discharge, and automatic sprinkler system shall be installed throughout the entire floor where such care is provided as well as all floors below, and all floors between the level of ambulatory care and the nearest level of exit discharge, including the level of exit discharge.

Note f: Group E. An automatic sprinkler system shall be provided as follows:

- 1. Throughout all Group E fire areas greater than 12,000 ft<sup>2</sup> in area.
- 2. Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.

Note g: Group F-1 (Woodworking Operations). An automatic sprinkler system shall be installed throughout buildings that contain woodworking operation(s) in excess of 2,500 ft <sup>2</sup> (232 m <sup>2</sup> ) in area that generate(s) finely divided combustible waste or use(s) finely divided combustible materials.
Note h: Pyroxylin Plastics. An automatic sprinkler system shall be provided in buildings, or portions thereof, where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled in quantities exceeding 100 pounds.
Note i: Group H-5. An automatic sprinkler system shall be installed throughout buildings containing Group H-5 occupancies. The design of the sprinkler system shall be not less than that required by 780 CMR for the occupancy hazard classifications in accordance with Table 903.2.1. Where the design area of the sprinkler system consists of a corridor protected by one row of sprinklers, the maximum number of sprinklers required to be calculated is 13.
Note j: High-piled storage. An automatic sprinkler system shall be provided in accordance with the IFC, and applicable provisions of 527 CMR, in all buildings of Group M where storage of merchandise is in high-piled or rack storage arrays.
Note k: Bulk storage of tires. An automatic sprinkler system shall be provided throughout buildings and structures where the area for the storage of tires exceeds 20,000 ft <sup>3</sup> (566 m <sup>3</sup> ), in accordance with section 903.3.1.1.
Note l: Group S-2. An automatic sprinkler system shall be provided for Group S-2 occupancies as follow: <ol style="list-style-type: none"> <li>1. Throughout buildings classified as Group S-2 Enclosed Parking.</li> <li>2. Throughout Group S-2 Enclosed Parking located beneath other groups.</li> </ol> EXCEPTION: Enclosed parking garages located beneath R-3 occupancies.
Note m: Commercial Parking Garages. An automatic sprinkler system shall be provided throughout buildings having storage of commercial motor vehicles where the aggregate area used for parking exceeds 5,000 ft <sup>2</sup> (464m <sup>2</sup> ).

**903.3.1.1.1**Add the following note:

Also see section 903.2 Exceptions

**903.3.1.2.1and 903.3.1.2.2**Add the following note:

Also see section 903.2 Exceptions

**903.3.1.3** Revise subsection as follows:

**903.3.1.3 NFPA 13D Sprinkler Systems.** Automatic sprinkler systems installed in one- and two-family dwellings, townhouses, Group R-3, Group R-4 Condition 1, buildings containing only R-Uses of three units or less shall be permitted to be installed throughout in accordance with NFPA 13D.

**903.3.5.2** Revise subsection as follows:

**903.3.5.2 Combination Services.** A single combination water supply shall be permitted provided that the domestic and/or commercial demand is added to the sprinkler demand as required by NFPA 13, NFPA 13D or NFPA 13R as applicable.

**903.4.1** Revise subsection as follows:

**903.4.1 Monitoring.** Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to one of the following NFPA 72 locations. The owner has the choice of which single option to employ.

1. UL listed or FM approved central supervising station, or
2. Approved proprietary supervising station or approved remote supervising station, or
3. Alarm signals to an approved Auxiliary Fire Alarm System in accordance with NFPA 72, with supervisory signals supervised by method a or b identified above, or at a constantly attended location approved by the local fire department, having personnel on duty trained to recognize the type of signal received and to take prescribed action. This shall be permitted to be a location different from that at which alarm signals are received.

**903.4.2** Revise subsection as follows:

**903.4.2 Alarms.** An approved audible device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler waterflow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Activation of the sprinkler waterflow alarm devices shall activate a fire alarm system installed throughout the building in accordance with section 907.

EXCEPTION: Buildings sprinklered throughout in accordance with 903.3.1.3.

**903.4.4** Add subsection as follows:

**903.4.4 Re-transmission of Alarm Signals.** In all cases, alarm signals received by those operating approved remote/proprietary station fire alarm system supervising stations shall re transmit alarm signals within 90 seconds of receipt, to the fire department having jurisdiction.

**903.5** Add the following note:

NOTE: See section 901.3.

**904.5.1** Add subsection as follows:

**904.5.1 Discharge Test.** All systems shall be tested by a discharge of expellant gas through the piping and nozzles with observations being made of the flow of expellant gas through all nozzles as well as observing for leakage and continuity of piping with free unobstructed flow.

**904.6.1** Add subsection as follows:

**904.6.1 Discharge Test.** All systems shall be tested by a discharge of expellant gas through the piping and nozzles with observations being made of the flow of expellant gas through all nozzles as well as observing for leakage and continuity of piping with free unobstructed flow.

**904.14** Add section as follows:

**904.14 Water Spray Fixed Systems.** Water spray fixed systems shall be installed, maintained, periodically inspected and tested in accordance with NFPA 15 and the listings contained therein.

**904.15** Add section as follows:

**904.15 Aerosol Systems.** Aerosol systems shall be installed, maintained, periodically inspected and tested in accordance with NFPA 2010 and the listings contained therein.

**905.3.9** Add subsection as follows:

**905.3.9 High-piled Combustible Storage.** A class I automatic wet or manual standpipe system shall be provided in all exit passageways of areas containing high-piled combustible storage.

**905.10** Revise section as follows:

**905.10 During Construction.** Standpipes systems required during construction and demolition operations shall be provided in accordance with section 3311 and NFPA 241.

**907.2.8.3.1** Add subsection as follows:

**907.2.8.3.1 Annunciation.** In buildings that are not equipped throughout with an automatic sprinkler system installed in accordance with section 903.3.1.1 or section 903.3.1.2, the smoke detectors in guestrooms shall be connected to the buildings fire alarm systems for the purpose of notifying the guestroom occupants and shall be annunciated by guestroom at a constantly attended location from which the fire alarm system is capable of being manually activated.

**907.2.9.1 Exception 2** Revise to read as follows:

2. Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with sections 903.3.1.1, 903.3.1.2, or 903.3.1.3 and the occupant notification appliances will automatically activate throughout the notification zones upon a sprinkler water flow.

**907.2.11** Revise subsection as follows:

**907.2.11 Single- and Multiple-station Smoke Alarms.** Listed single- and multiple-station photoelectric type smoke alarms shall be installed in accordance with the provisions of 780 CMR and the household fire warning equipment provisions of NFPA 72, as applicable. Section 907.2.8 shall not preclude the installation of a fully addressable fire alarm system where system detectors and alarm notification devices can perform the functions as required in section 907.2.11.

**907.2.15** Add exception as follows:

EXCEPTION: Buildings sprinklered throughout with an automatic sprinkler system.

**907.5.2.2.6** Add subsection as follows:

**907.5.2.2.6 Evacuation.** Where the head of the fire department or his or her designee determines that partial or selective evacuation is not desired but rather total evacuation is required, then a distinctive signal in lieu of a voice alarm is permitted.

**907.5.2.3** Add a second sentence as follows:

Also refer to 521 CMR for visible alarm requirements in buildings, or portions thereof, open to the public.

**907.6.6** Revise subsection as follows:

**907.6.6 Monitoring.** Fire alarm systems required by 780 CMR 9.00 shall be monitored by an approved supervising station in accordance with NFPA 72 and section 901.6.

EXCEPTION: Monitoring by a supervising station is not required for:

1. Single- and multiple-station smoke alarms required by section 907.2.11.
2. Smoke detectors in Group I-3 occupancies.
3. Automatic sprinkler systems in one- and two family dwellings.
4. Smoke detectors in patient sleeping rooms in occupancies in Group I-2.

**909.2** Revise section as follows:

**909.2 General Design Requirements.** Buildings, structures or parts thereof required by 780 CMR to have a smoke control system or systems shall have such systems designed in accordance with the applicable requirements of section 909 and the generally accepted and well-established principles of engineering relevant to the design. The construction

documents shall include sufficient information and detail to adequately describe the elements of the design necessary for the proper implementation of the smoke control systems. These documents shall be accompanied by sufficient information and analysis to demonstrate compliance with these provisions.

An independent third party review is required for smoke control system designs incorporating performance analysis under section 909 (design fire analysis, rational analysis, timed egress analysis), or the smoke control methods of sections 909.6, 909.7, or 909.8 or other alternative design method selected by the registered design professional. The independent third party reviewer shall prepare a written report documenting the review, and submit it to the registered design professional and the building and fire officials. If all parties concur that the analyses are appropriate, the design may be approved pursuant to section 104.11.

**909.6** Revise section as follows:

**909.6 Pressurization Method.** When approved by the fire official, the primary mechanical means of controlling smoke shall be by pressure differences across smoke barriers. Maintenance of a tenable environment is not required in the smoke control zone of fire origin.

**909.15** Revise section as follows:

**909.15 Control Diagrams.** Identical control diagrams showing all devices in the system and identifying their location and function shall be maintained current and kept on file with the fire official and shall be kept on site adjacent to the fire alarm panel in a format and manner approved by the fire chief.

**909.16** Add exception as follow:

EXCEPTION: Existing buildings with an existing dedicated function smoke control panel.

**909.18.8.3.1** Add subsection as follows:

**909.18.8.3.1 Report Filing.** A copy of the final report shall be filed with the fire code official and building official and an identical copy shall be maintained in an approved location at the building.

**909.20.6.1.1** Add subsection as follows:

**909.20.6.1.1 Intake Duct Detection.** An intake duct smoke detector shall be installed just downstream of the fresh air fan. Activation of this detector shall annunciate at the control panel and shall shut down the fan for that particular smoke proof enclosure.

**909.20.6.3** Revise section as follows:

**909.20.6.3 Acceptance and Testing.** Before the mechanical equipment is approved, the system shall be tested in the presence of the building official and fire official or their designee, to confirm that the system is operating in compliance with these requirements. The building official may authorize the fire official as designee. The fire official may authorize the building official as designee.

**909.22 through 909.22.5** Add section and subsections as follows:

**909.22 Maintenance.** Smoke control systems shall be maintained to ensure to a reasonable degree that the system is capable of controlling smoke for the duration required. The system shall be maintained in accordance with the manufacturer's instructions and sections 909.22.1 through 909.22.5.

**909.22.1 Schedule.** A routine maintenance and operational testing program shall be initiated immediately after the smoke control system has passed the acceptance tests. A written schedule for routine maintenance and operational testing shall be established.

**909.22.2 Written Record.** A written record of smoke control system testing and maintenance shall be maintained on the premises. The written record shall include the date of the maintenance, identification of servicing personnel, and notification of any unsatisfactory condition and the corrective action taken, including parts replaced.

**909.22.3 Testing.** Operational testing of the smoke control system shall include all equipment such as initiating devices, fans, dampers, controls, doors and windows.

**909.22.4 Dedicated Smoke Control Systems.** Dedicated smoke control systems shall be operated for each control sequence semiannually. The system shall also be tested under standby power conditions.

**909.22.5 Nondedicated Smoke Control Systems.** Dedicated smoke control systems shall be operated for each control sequence annually. The system shall also be tested under standby power conditions.

**912.7** Add section as follows:

**912.7 Connections.** Fire department connections shall be such that attachment to any one water sprinkler connection will serve all sprinklers, and attachment to any one standpipe connection will serve all standpipes within the building.

**913.6** Add section as follows:

**913.6 Second Power Source.** All electric driven fire pumps shall be provided with emergency power from an on-site emergency generator system set when the fire pump is installed as protection for a building or structure with any one of the following characteristics:

1. High-rise building.
2. Use Group H.
3. Use Group I having surgery or treatment areas.

**915.2** Revise section as follows:

**915.2 Locations.** Where required by section 915.1.1, carbon monoxide detection shall be installed in the locations specified in sections 915.2.1 through 915.2.3 or in accordance with the technical portions listed in applicable sections of 527 CMR, as well as all applicable provisions of 527 CMR and 248 CMR.

**915.3.1** Add subsection as follows:

**915.3.1 Interconnection.** Where more than one listed carbon monoxide alarm or combination smoke/carbon monoxide detector is required to be installed within a dwelling unit, or E- or I-use area, they shall be interconnected in such a manner that the activation of the carbon monoxide alarm or combination smoke/carbon monoxide detector shall activate the carbon monoxide audible notification devices throughout the individual dwelling unit, or affected area, by detector or separate notification device.

## **SECTION 916 EMERGENCY RESPONDER RADIO COVERAGE**

**916.1** Revise section as follows:

**916.1 General.** Emergency responder radio coverage shall be provided in all new buildings in accordance with sections 916.2 through 916.6.3 and section 24.5 of NFPA 72: Two-way, in-building Emergency Communications Systems.

EXCEPTION: Existing buildings which contain fire fighter communication systems.

**916.2 through 916.6.3** Add sections and subsections as follows:

**916.2 Emergency Responder Radio Coverage in New Buildings.** All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

EXCEPTIONS:

1. Where approved by the building official and the fire code official, a wired communication system in accordance with section 907.2.13.2 shall be permitted to be installed or maintained instead of an approved radio coverage system.
2. Where it is determined by the fire code official that the radio coverage system is not needed.
3. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the fire code official shall have the authority to accept an automatically activated emergency responder radio coverage system.

**916.3 Permit Required.** A construction permit for the installation of or modification to emergency responder radio coverage systems and related equipment is required as specified in section 105.1. Maintenance performed in accordance with 780 CMR is not considered a modification and does not require a permit.

**916.4 Technical Requirements.** Systems, components and equipment required to provide the emergency responder radio coverage system shall comply with sections 916.4.1 through 916.4.2.5.

**916.4.1 Radio Signal Strength.** The building shall be considered to have acceptable emergency responder radio coverage when signal strength measurements in 95% of all areas on each floor of the building meet the signal strength requirements in sections 916.4.1.1 and 916.4.1.2.

**916.4.1.1 Minimum Signal Strength into the Building.** A minimum signal strength of -95 dBm shall be receivable within the building.

**916.4.1.2 Minimum Signal Strength out of the Building.** A minimum signal strength of -95 dBm shall be received by the agency's radio system when transmitted from within the building.

**916.4.2 System Design.** The emergency responder radio coverage system shall be designed in accordance with sections 916.4.2.1 through 916.4.2.5.

**916.4.2.1 Amplification Systems Allowed.** Buildings and structures that cannot support the required level of radio coverage shall be equipped with a radiating cable system, a distributed antenna system with Federal Communications Commission ("FCC")-certified signal boosters, or other system approved by the fire code official in order to achieve the required adequate radio coverage.

**916.4.2.2 Technical Criteria.** The fire code official shall maintain a document providing the specific technical information and requirements for the emergency responder radio coverage system. This document shall

contain, but not be limited to, the various frequencies required, the location of radio sites, effective radiated power of radio sites, and other supporting technical information.

**916.4.2.3 Standby Power.** Emergency responder radio coverage systems shall be provided with standby power in accordance with section 2702. The standby power supply shall be capable of operating the emergency responder radio coverage system for a duration of not less than 24 hours.

**916.4.2.4 Signal Booster Requirements.** If used, signal boosters shall meet the following requirements:

1. All signal booster components shall be contained in a National Electrical Manufacturer's Association ("NEMA") 4-type waterproof cabinet.
2. Battery systems used for the emergency power source shall be contained in a NEMA 4-type waterproof cabinet.
3. The signal booster system and battery system shall be electrically supervised and monitored by a supervisory service, or when approved by the fire code official, shall sound an audible signal at a constantly attended location
4. Equipment shall have FCC certification prior to installation.

**916.4.2.5 Additional Frequencies and Change of Frequencies.** The emergency responder radio coverage system shall be capable of modification or expansion in the event frequency changes are required by the FCC or additional frequencies are made available by the FCC.

**916.5 Installation Requirements.** The installation of the public safety radio coverage system shall be in accordance with sections 916.5.1 through 916.5.4.

**916.5.1 Approval Prior to Installation.** Amplification systems capable of operating on frequencies licensed to any public safety agency by the FCC shall not be installed without prior coordination and approval of the fire code official.

**916.5.2 Minimum Qualifications of Personnel.** The minimum qualifications of the system designer and lead installation personnel shall include both of the following:

1. A valid FCC-issued general radio operator's license.
2. Certification of in-building system training issued by a nationally recognized organization, school or a certificate issued by the manufacturer of the equipment being installed.

These qualifications shall not be required where demonstration of adequate skills and experience satisfactory to the fire code official is provided.

**916.5.3 Acceptance Test Procedure.** Where an emergency responder radio coverage system is required, and upon completion of installation, the building owner shall have the radio system tested to verify that two-way coverage on each floor of the building is not less than 90%. The test procedure shall be conducted as follows:

1. Each floor of the building shall be divided into a grid of 20 approximately equal test areas.
2. The test shall be conducted using a calibrated portable radio of the latest brand and model used by the agency talking through the agency's radio communications system.
3. Failure of not more than two nonadjacent test areas shall not result in failure of the test.
4. In the event that three of the test areas fail the test, in order to be more statistically accurate, the floor shall be permitted to be divided into 40 equal test areas. Failure of not more than four nonadjacent test areas shall not result in failure of the test. If the system fails the 40-area test, the system shall be altered to meet the 90% coverage requirement.
5. A test location approximately in the center of each test area shall be selected for the test, with the radio enabled to verify two-way communications to and from the outside of the building through the public agency's radio communications system. Once the test location has been selected, that location shall represent the entire test area. Failure in the selected test location shall be considered failure of that test area. Additional test locations shall not be permitted.
6. The gain values of all amplifiers shall be measured and the test measurement results shall be kept on file with the building owner so that the measurements can be verified during annual tests. In the event that the measurement results become lost, the building owner shall be required to rerun the acceptance test to reestablish the gain values.
7. As part of the installation a spectrum analyzer or other suitable test equipment shall be utilized to ensure spurious oscillations are not being generated by the subject signal booster. This test shall be conducted at the time of installation and subsequent annual inspections.

**916.5.4 FCC Compliance.** The emergency responder radio coverage system installation and components shall also comply with all applicable federal regulations including, but not limited to, FCC 47 CFR Part 90.219.

**916.6 Maintenance.** The emergency responder radio coverage system shall be maintained operational at all times in accordance with sections 916.6.1 through 916.6.3.

**916.6.1 Testing and Proof of Compliance.** The emergency responder radio coverage system shall be inspected and tested annually or where structural

changes occur including additions or remodels that could materially change the original field performance tests.

Testing shall consist of the following:

1. In-building coverage test as described in section 916.5.3.
2. Signal boosters shall be tested to verify that the gain is the same as it was upon initial installation and acceptance.
3. Backup batteries and power supplies shall be tested under load of a period of one hour to verify that they will properly operate during an actual power outage. If within the one-hour test period the battery exhibits symptoms of failure, the test shall be extended for additional one-hour periods until the integrity of the battery can be determined.
4. Other active components shall be checked to verify operation within the manufacturer's specifications.
5. At the conclusion of the testing, a report, which shall verify compliance with section 916.5.3, shall be submitted to the fire code official.

**916.6.2 Additional Frequencies.** The building owner shall modify or expand the emergency responder radio coverage system at his or her expense in the event frequency changes are required by the FCC or additional frequencies are made available by the FCC. Prior approval of a public safety radio coverage system on previous frequencies does not exempt this section.

**916.6.3 Field Testing.** Agency personnel shall have the right to enter onto the property at any reasonable time to conduct field testing to verify the required level of radio coverage.

## **917 PRIVATE UNDERGROUND FIRE MAINS AND YARD HYDRANTS**

**917.1** Add section as follows:

**917.1 Private Underground Fire Mains and Yard Hydrants.** Fire hydrants and underground fire mains installed on private property shall be located and installed as approved by the head of the fire department. Hydrants shall conform to the standards of the administrative authority of the jurisdiction and the fire department. Hydrants shall not be installed on a water main less than six inches in diameter. Standards of construction shall be in accordance with NFPA 24.

## CHAPTER 10: MEANS OF EGRESS

**1001.3.1 and 1001.3.2** Add subsections as follows:

**1001.3.1 Maintenance of Exterior Stairs and Fire Escapes.** Exterior stairways and fireescapes shall be kept free of snow and ice and those constructed of materials requiring the application of weather protecting products, shall have these products applied in an approved manner and shall be applied as often as necessary to maintain the stairways and fire escapes in safe condition. Weather resistant structural fasteners and connections shall tie the stairways and fire escapes directly into the building structural system.

**1001.3.2 Testing and Certification.** All exterior bridges, steel or wooden stairways, fire escapes and egress balconies shall be examined and/or tested, and certified for structural adequacy and safety every five years, by a registered design professional, or others qualified and acceptable to the building official; said professional or others shall then submit an affidavit to the building official.

**1010.1.9.7, Item 4** Add second exception as follows:

EXCEPTION 2:. In Use Group B buildings where one tenant occupies the entire floor and the building has a security station staffed 24 hours each day, the installation of a door release device may be omitted on egress doors in elevator lobbies provided that all other items in this section are met, and in addition, the following items are met:

- a. The building is equipped throughout with both a supervised automatic fire sprinkler system and a supervised automatic fire alarm system.
- b. The supervised automatic fire sprinkler system and the supervised fire alarm system shall interface with the access control system to unlock the doors automatically upon activation of either system.
- c. The elevator lobby shall be equipped with a telephone connected directly to the staffed security station and a sign having block letters one inch in height shall be provided directly above the telephone and shall state: "In case of emergency, pick up telephone. You will be connected directly to security personnel."

**1010.1.9.11 Exception 3.** Add the following sentence to the end of the exception:

For Group R-2 and R-3 structures that contain three or fewer dwelling units, doors are permitted to be locked from the stairway side, provided they are openable from the egress side, but do not need to comply with the aforementioned simultaneous unlocking provisions.

**1010.1.9.12** Add subsection as follows:

**1010.1.9.12 Exterior Doors and Locks to Apartment Houses.** In accordance with M.G.L. c. 143, § 3R, at least one of the doors of the main common entryway into every

apartment house having more than three apartments shall be designed or equipped as to close automatically and lock automatically with a lock, including a lock with an electrically-operated striker mechanism, a self-closing door and associated equipment. Such associated equipment shall include an intercom system tied independently to each apartment and where from each apartment the electrically operated striker mechanism can be released; additionally, where the number of apartments in a given building, irrespective of fire/party wall separation, is ten or more apartments, a closed circuit security camera system shall also be incorporated in such manner that from each apartment, apartment occupants can utilize their personal television sets to observe who is seeking entrance to the building. The intercom and closed circuit security camera systems shall be designed and listed for the weather and temperature conditions to which they will be exposed.

**EXCEPTIONS:**

1. Buildings exempted as noted in M.G.L. c. 143, § 3R.
2. The required intercom and TV connections can be supplanted with other audio and visual technology that serves the same purpose, provided such information is readily available for all dwelling units.
3. If all audio and visual information is sent to a constantly attended station occupied by staff trained in what parties are allowed into the building then providing such audio and visual information to each dwelling unit is not required.

**1010.1.10** Revise subsection as follows:

Insert the words “Transformer vaults and” before the word “Electrical” in the second paragraph of section 1010.10.

**1013.1.1** Add subsection as follows:

**1013.1.1 Transformer Vaults.** In addition to having exit signage complying with section 1013, generally, transformer vaults shall have installed:

1. additional exit signage such that the top of the sign is within 18 inches of the floor and adjacent to the opening side of the door; and
2. a means for illuminating the egress path to the exit door(s) of the transformer vault, by means of one of the following:
  - a. emergency lighting, in accordance with section 1008; or
  - b. luminous egress path markings, in accordance with sections 1025.2 through 1025.5.

## **CHAPTER 11: ACCESSIBILITY**

**1101.1** Revise as follows:

**1101.1 Scope.** In accordance with M.G.L. c. 22, § 13A all public buildings shall be designed to be accessible to, and functional and safe for the use by, physically disabled persons, and conform to the requirements of 521 CMR. In accordance with M.G.L. c. 143, § 3, 521 CMR shall be enforced by the building official or the state inspector, as applicable.

**1101.2** through **1111.4.2** Delete these sections.

## CHAPTER 12: INTERIOR ENVIRONMENT

### 1201.1 Revise as follows:

**1201.1 Scope.** The provisions of 780 CMR 12.00 shall govern ventilation, temperature control, lighting, yards and courts, sound transmission, room dimensions, surrounding materials and rodent-proofing associated with the interior spaces of buildings.

NOTE 1: Where any of the following codes or standards, terms or equipment are referenced in 780 CMR 12.00, please refer to section 101.4, inclusive and as applicable: NFPA 70; plumbing standards; the International Mechanical Code; or the International Fire Code.

NOTE 2: In 780 CMR 12.00, where mechanical ventilation rates are referenced to the International Mechanical Code, such ventilation rates shall conform to the requirements of the International Mechanical Code and 780 CMR 13.00, as applicable.

### 1203.5.2.1 Revise as follows:

**1203.5.2.1 Bathrooms.** Rooms containing bathtubs, showers, spas and similar bathing fixtures shall be mechanically ventilated in accordance with the International Mechanical Code. Natural ventilation methods such as openable windows shall not substitute for mechanical ventilation. Such bathroom exhaust shall vent directly to the outside and no exhaust vent shall terminate in attics or other interior portions of the building. See also 248 CMR.

### 1209.4 Add section as follows:

**1209.4 Air Sealing.** Doors, trap doors, scuttles, and other openings separating conditioned space from unconditioned space shall be fitted with gaskets or weather strips or other and such openings shall close tight to minimize air transfer between these spaces. See also 780 CMR 13.00.

## CHAPTER 13: ENERGY EFFICIENCY

**1301.1.1** Revise subsection as follows:

[E] **1301.1.1 Criteria.** Buildings shall be designed and constructed in accordance with the *International Energy Conservation Code-2015* (“IECC”) as amended by 780 CMR 13.00. These amendments are intended to expressly apply to the IECC, and are also to applicable, in intent, to ANSI/ASHRAE/IESNA 90.1.

EXCEPTION: Temporary structures, as regulated by section 3103, do not need to comply with the building envelope requirements of 780 CMR 13.00.

**C401.2** Revise section as follows:

**C401.2 Application.** Commercial buildings shall comply with one of the following:

1. The requirements of ANSI/ASHRAE/IESNA 90.1-2013, as modified by C401.2.2 and C406.1 if following Appendix G.
2. The requirements of sections C402 through C405. In addition, commercial buildings shall comply with section C406 and tenant spaces shall comply with section C406.1.1.
3. The requirements of sections C402.5, C403.2, C404, C405.2, C405.3, C405.4, C405.6 and C407. The building energy cost, or the total annual energy use on either a site or source energy basis, shall be equal to or less than 85% of the standard reference design building. Source energy calculations shall comply with C401.2.2.1
4. Residential use buildings up to fivestories may elect to comply with the energy provisions of section N1106 (R406) found in 780 CMR 51.00: *Massachusetts Residential Code*, provided all units are separately rated, separately metered, individually heated and cooled, and have kitchens.

**C401.2.2 through C401.2.2.2** Add subsection as follows:

**C401.2.2 Performance Rating Method for Source Energy.** Add exception to ANSI/ASHRAE/IESNA 90.1 APPENDIX G PERFORMANCE RATING METHOD, section G1.1

EXCEPTION:When Appendix G is used for the comparison of building energy consumption only, the comparison may be performed on site energy and/or on a source energy basis.

**C401.2.2.1 Source Energy Method.** For the purpose of quantifying the projected Source Energy consumption of a building, the Site to Source Fuel Conversion factors in Table 401.2.2 shall apply.

**Table 401.2.2 Site to Source Fuel Conversion Factors**

Load Type	Factor
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Electric power use at the utility meter	3.01
Natural Gas	1.09
Fuel Oil	1.13
LPG	1.12
Purchased District Heating	
Hot Water	1.35
Steam	1.45
Purchased District Cooling	0.99
Fossil fuels not listed	1.1
Purchased Combined Heat and Power District Heat	*

NOTE: A source fuel conversion for purchased district heat supplied by a combined heat and power central utility will be published by the Massachusetts Department of Energy Resources on a per district system basis.

**C401.2.2.2 Approved Software for Source Energy Calculation with Combined Heat and Power.**

1. Determination of the source energy consumption and usage intensity when using purchased combined heat and power district heat shall be performed as an exceptional calculation using the Department of Energy Resources (“DOER”) approved Excel worksheet.
2. Determination of the source energy consumption and usage intensity for heat generated by a combined heat and power system located on-site shall be performed using software meeting the requirements of ASHRAE 90.1 Normative Appendix G Performance Rating Method, section G 2.2 Simulation Program, and has an explicitly stated capability to determine both the site and source energy use intensity for combined heat and power systems without the requirement for exceptional calculations as defined in ASHRAE 90.1 Appendix G section G2.5.

**C402.2.5** Delete the exception.

**C402.3 through C402.3.1** Delete the section and subsection, and replace with the following sections C402.3 through C402.3.6:

**C402.3 Rooftop Solar Readiness.** New low-rise commercial buildings and additions of less than 4 stories above grade, with not less than 2,400 square feet of roof area that is either flat or oriented between 110 degrees and 270 degrees of true north, shall comply with sections C402.3.1 through C402.3.6.

**EXCEPTIONS:**

1. Assembly Group A-2 and A-3, and High Hazard Group H buildings.
2. Buildings with a permanently installed on-site renewable energy system.
3. Flat roof areas designed for rooftop vehicle parking facilities.

4. Buildings with a solar-ready zone that is shaded for more than 50% of daylight hours annually.
5. Buildings and structures as designed and shown in construction documents that do not meet the conditions for a solar-ready zone area are exempt from the requirements of C402.3.

**C402.3.1 Construction Document Requirements for Solar-ready Zone.** Construction documents shall indicate the solar readyzone where applicable.

**C402.3.2 Solar-ready Zone Area.** The total solar-ready zone area shall consist of an area not less than 1,600 square feet, or 50% of the roof area that is either flat or oriented between 110 degrees and 270 degrees of true north, exclusive of mandatory access or set back areas as required by 527 CMR: *Board of Fire Prevention Regulations* (also known as the Massachusetts Fire Code).

**C402.3.3 Obstructions.** Solar-ready zones shall consist of an area free from obstructions, including but not limited to vents, chimneys, and roof-mounted equipment.

NOTE: Nothing in C402.3.3 shall require any construction documents to be redesigned or reconfigured so as to create a solar-ready zone area.

**C402.3.4 Roof Load Documentation.** The structural design loads for roof dead load and roof live load shall be clearly indicated on the construction documents.

**C402.3.5 Interconnection Pathway.** Construction documents shall indicate pathways for routing of conduit or plumbing from the solar-ready zone to the electrical service panel or service hot water system.

**C402.3.6 Electrical Service Reserved Space.** The main electrical service panel shall have a reserved space to allow installation of a dual pole circuit breaker for future solar electric installation and shall be labeled "For Future Solar Electric."

**C402.5.1.2** Delete clay or shale masonry as a prescribed air barrier material or assembly as follows:

**C402.5.1.2** Air barrier compliance options. A continuous air barrier for the opaque building envelope shall comply with section C402.5.1.2.1 or C402.5.1.2.2.

**C402.5.1.2.1 Materials.** Materials with an air permeability not greater than 0.0004 cfm/ft<sup>2</sup> under a pressure differential of 0.3 inch water guage (75 Pa) when tested in accordance with ASTM E 2178 shall comply with this section. Materials in Items 1 through 4615 shall be deemed to comply with this section, provided joints are sealed and materials are installed as air barriers in accordance with the manufacturer's instructions.

~~16. Solid or hollow masonry constructed of clay or shale masonry units.~~

**C402.5.1.2.2 Assemblies.** Assemblies of materials and components with an average air leakage not greater than 0.04 cfm/ft<sup>2</sup> under a pressure differential of 0.3 inch of water gauge (75 Pa) when tested in accordance with ASTM E 2357, ASTM E 1677 or ASTM E 283 shall comply with this section. Assemblies listed in Items 1 through 32 shall be deemed to comply, provided joints are sealed and the requirements of section C402.5.1.1 are met.

- ~~2. Masonry walls constructed of clay or shale masonry units with a nominal width of 4 inches (102 mm) or more.~~

**C402.6** Add section as follows:

**C402.6 Approved Calculation Software Tools.** The following software tools are sufficient to demonstrate compliance with section C401.2 options 1 or 2:

- COMcheck:** Version 4.0.6, or later, which can be accessed at: <https://www.energycodes.gov/>
- Any other software tool approved by the BBRB.

**C405.1** Revise section as follows:

**C405.1 General (Mandatory).** This section covers lighting systems controls, the maximum lighting power for interior and exterior applications and electrical energy consumption.

EXCEPTION: Dwelling units within commercial buildings shall not be required to comply with sections 405.2 through 405.5, provided that they comply with sections R404.1 and R404.2.

Walk-in coolers, walk-in freezers, refrigerated warehouse coolers and refrigerated warehouse freezers shall comply with section C403.2.15 or C403.2.16.

**C405.10** Reserved

**C406.1** Revise section as follows:

**C406.1 Requirements.** Buildings shall comply with at least two of the following:

- More efficient HVAC performance in accordance with section C406.2.
- Reduced lighting power density system in accordance with section C406.3.
- Enhanced lighting controls in accordance with section C406.4.
- On-site supply of renewable energy in accordance with section C406.5.
- Provision of a dedicated outdoor air system for certain HVAC equipment in accordance with section C406.6.

6. High-efficiency service water heating in accordance with section C406.7.

EXCEPTION 1: Buildings in municipalities not served by a participating Mass Save investor-owned gas or electric utility provider shall comply with at least one of the requirements in section C406.1.

EXCEPTION 2: Buildings being designed utilizing ANSI/ASHRAE/IESNA 90.1-2013 shall comply with Item 2 of C406.1 as well as at least one of the remaining items listed in C406.1.

**C406.5** Revise section as follows:

**C406.5 On-site Renewable Energy.** Total minimum ratings of on-site renewable energy systems shall comply with one of the following:

1. Provide not less than 0.50 watts per square foot (5.4 W/m<sup>2</sup>) of conditioned floor area.
2. Provide not less than threepercent of the design energy used within the building for building mechanical and service water heating equipment and lighting regulated in Chapter 4.
3. Provide not less than 65%of the total annual energy used within the building for building space and service water heating with biomass fuel using direct vented combustion mechanical equipment rated at a minimum of 80 AFUE. The biomass fuel shall meet the eligible fuel and emission criteria under M.G.L. c. 25A, §11F 1/2 (Massachusetts alternative energy portfolio standard).
4. Provide not less than 65%of the total annual energy used within the building for building space and service water heating using a geothermal heat pump system with a coefficient of performance of not less than 4.

**C407.6.1.1 through C407.6.1.5** Add subsections as follows:

**C407.6.1.1 Approved Alternative Energy Performance Methods.** The requirements of this section are approved performance methods to demonstrate compliance with section C407 without calculation of a standard reference design:

1. **RESNET Approved Software for Home Energy Rating System (“HERS”).** For residential units within a building up to fivestories above grade plane, and with independent unit-level heating and cooling systems, a HERS rater verified index score of 55 or less for the finished units together with a completed and HERS rater verified ENERGY STAR Thermal Enclosure Checklist may be used. Compliance with this section requires that the criteria of C402.4, C403.2, C404 and C405 are met.
2. **Passive House Institute US (“PHIUS”) or Passive House Institute (“PHI”) Approved Software.** PHIUS+ 2015: Passive Building Standard – North America, or another approved software by PHIUS or PHI, where Specific Space Heat Demand, as modeled by a Certified Passive House Consultant, is less than or

equal to tenkBTU/ft<sup>2</sup>/year. Compliance with this section requires that the criteria of C402.4, C403.2, C404 and C405 are met.

3. **ENERGY STAR Homes 3.1 path.** New residential structures, or additions to existing residential structures, or portions thereof, as certified to conform with the ENERGY STAR Certified Homes standard, Version 3.1.
4. Any other software approved by the BBRs.

**C407.6.1.2 Documentation.** The following documentation is required for energy code compliance under subsection C407.6.1.1, Item 1:

1. If using the HERS software:
  - a. Prior to the issuance of a building permit, the following items shall be provided to the building official:
    - i. a HERS compliance report which includes a proposed HERS index score of 55 or lower;
    - ii. a description of the unit's energy features; and
    - iii. a statement that the rating index score is "based on plans."
  - b. Prior to the issuance of a certificate of occupancy, the following items shall be provided to the building official:
    - i. a copy of the final certificate indicating that the HERS rating index score for each unit is verified to be 55 or less, with a completed HERS rater verified ENERGY STAR Thermal Enclosure Checklist is to be submitted to the building official. The HERS rating compliance shall be determined before electrical renewable energy systems are credited.
    - ii. a certificate, as required by section R401.3 is required for each unit, and will list the HERS index score of the dwelling unit.
2. If using the PHIUS or PHI software:
  - a. Prior to the issuance of a building permit, the following items shall be provided to the Building Official:
    - i. A list of compliance features; and
    - ii. A statement that the estimated Specific Space Heat Demand is "based on plans"
  - b. Prior to the issuance of a certificate of occupancy, the following item shall be provided to the building official:
    - i. A copy of the final report, submitted on a form that is approved to document compliance with PHIUS+ 2015 standards. Said report shall indicate that the finished building achieves a Certified Passive House Consultant-verified Specific Space Heat Demand of less than or equal to 10kBTU/ft<sup>2</sup>/year.
3. If using ENERGY STAR Homes, Version 3.1 path:
  - a. Prior to the issuance of a building permit, the following items(s) shall be provided to the Building Official:
    - i. A copy of the preliminary HERS rating, based on plans.
  - b. Prior to the issuance of a certificate of occupancy, the following items shall be provided to the Building Official:
    - i. A copy of the final ENERGY STAR Homes certificate;

- ii. A copy of the certified HERS rating; and
- iii. A copy of the signed ENERGY STAR Thermal Enclosure System Checklist.

**C407.6.1.3 Energy Rating Index.** The Energy Rating Index (“ERI”) shall be a numerical integer value that is based on a linear scale constructed such that the ERI reference design has an Index value of 100 and a residential building that uses no net purchased energy has an Index value of zero (0). Each integer value on the scale shall represent a one percent change in the total energy use of the rated design relative to the total energy use of the ERI reference design. The ERI shall consider all energy used in the residential building. The RESNET HERS index is the approved ERI approach in the Commonwealth.

**C407.6.1.4 ERI-based Compliance.** Compliance based on an ERI analysis requires that the rated design be shown to have an ERI less than, or equal to, the appropriate value listed in Table C407.6.1.4, when compared to the ERI reference design prior to issuance of any credit for onsite renewable electric generation.

**C407.6.1.4.1 Trade-off for Onsite Renewable Energy Systems.** New construction following C407.6.1.3, and existing buildings and additions following C501.4 may use any combination of the following renewable trade-offs to increase the maximum allowable HERS index score for each unit separately served by any combination of the following:

1. Solar photovoltaic array, rated at 2.5kW or higher, shall offset fiveHERS points;
2. Clean Biomass Heating System, solar thermal array, or geothermal heat pump, or a combination of these systems, operating as the primary heating system shall offset fiveHERS points; and
3. Solar thermal array for primary domestic hot water heating or Clean Biomass Stove shall offset twoHERS points.

NOTE: a Clean Biomass Stove offset may not be combined with a primary heating system offset.

**Table C407.6.1.4 Maximum HERS Ratings with Onsite Renewable Energy Systems.**

Renewable Energy Source	Maximum HERS IndexScore <sup>a</sup>	
	New construction	Whole house renovations; additions
None	55	65
Solar PV > 2.5kW; Renewable primary heating system	60	70
Solar PV; Renewable primary	62	72

heating & solar thermal DHW		
Solar PV & Renewable primary heating & solar thermal DHW	67	77

<sup>a</sup> Maximum HERS index score prior to onsite electric renewable generation in accordance with C407.6.1.4

**C407.6.1.5 Verification by Approved Agency.** Verification for compliance with section C407.6.1 through C407.6.1.4.1 shall be completed by an approved third party. For compliance using a HERS Index Score or ENERGY STAR for Homes 3.1 certification, verification of compliance shall be completed by a certified HERS rater. For compliance with PHIUS+ 2015 or PHI, compliance shall be completed by a certified Passive House consultant.

## CHAPTER 14: EXTERIOR WALLS

**1403.5** Revise section as follows:

**1403.5 Vertical and Lateral Flame Propagation.** Exterior walls on buildings of Type I, II, III or IV construction that are greater than 40 feet (12,192 mm) in height above grade plane and contain a combustible water-resistive barrier shall be tested in accordance with and comply with the acceptance criteria of NFPA 285. For the purposes of this section, fenestration products, and flashing of fenestration products, and flashing of other openings and penetrations shall not be considered part of the water resistive barrier.

### EXCEPTIONS:

1. Walls in which the water-resistive barrier is the only combustible component and the exterior wall has a wall covering of brick, concrete, stone, terra cotta, stucco or steel with minimum thicknesses in accordance with Table 1405.2.
2. Walls in which the water-resistive barrier is the only combustible component and the water-resistive barrier has a peak heat release rate of less than  $150 \text{ kW/m}^2$ , a total heat release of less than  $20 \text{ MJ/m}^2$  and an effective heat of combustion of less than  $18 \text{ MJ/kg}$  as determined in accordance with ASTM E 1354 and has a flame spread index of 25 or less and a smoke-developed index of 450 or less as determined in accordance with ASTM E 84 or UL 723. The ASTM E 1354 test shall be conducted on specimens at the thickness intended for use, in the horizontal orientation and at an incident radiant heat flux of  $50 \text{ kW/m}^2$ .

**CHAPTER 15: ROOF ASSEMBLIES AND ROOFTOP STRUCTURES (no amendments)**

## CHAPTER 16: STRUCTURAL DESIGN

**1603.1.7** Revise subsection as follows:

**1603.1.7 Flood Design Data.** For buildings located in whole or in part in flood hazard areas as established in section 1612.3, the documentation pertaining to design, if required in section 1612.5, shall be included and the following information, referenced to the datum of the base flood elevation, shall be shown, regardless of whether flood loads govern the design of the building:

1. Flood design class assigned according to ASCE 24.
2. In flood hazard areas other than coastal high hazard areas or the elevation of the proposed lowest floor, including the basement.
3. In flood hazard areas other than coastal high hazard areas or the elevation to which any nonresidential building will be dry floodproofed.
4. In coastal high hazard areas the proposed elevation of the bottom of the lowest horizontal structural member of the lowest floor, including the basement.

**1604.11 and Table 1604.11** Add section and table as follows:

**1604.11 Snow, Wind and Earthquake Design Factors.** Ground snow load,  $p_g$ , ultimate design wind speed (three second gust),  $V_{ult}$ , and earthquake response accelerations for the maximum considered earthquake,  $S_s$  and  $S_1$ , for each city and town in the Commonwealth shall be as given in Table 1604.11.

**TABLE 1604.11 SNOW LOADS, WIND SPEEDS, AND SEISMIC PARAMETERS**

City/Town	SNOW LOADS		BASIC WIND SPEED, $V_{ult}$ (mph)			SEISMIC PARAMETERS (g)	
	Ground Snow Load, $P_g$ (psf)	Minimum Flat Roof Snow Load, $P_r^1$ (psf)	Risk Category I	Risk Category II	Risk Category III or IV	$S_s$	$S_1$
Abington	35	30	122	132	143	0.196	0.065
Acton	50	35	114	124	134	0.213	0.070
Acushnet	30	30	129	138	149	0.172	0.059
Adams <sup>2</sup>	60	40	105	115	120	0.172	0.069
Agawam	35	35	109	120	128	0.174	0.065
Alford <sup>2</sup>	40	40	105	115	120	0.169	0.066
Amesbury	50	30	113	123	134	0.267	0.078
Amherst	40	35	106	118	125	0.172	0.066
Andover	50	30	114	124	135	0.247	0.075
Aquinnah (Gay)	25	25	133	140	154	0.141	0.052

City/Town	SNOW LOADS		BASIC WIND SPEED, $V_{ult}$ (mph)			SEISMIC PARAMETERS (g)	
	Ground Snow Load, $P_g$ (psf)	Minimum Flat Roof Snow Load, $P_f^1$ (psf)	Risk Category I	Risk Category II	Risk Category III or IV	$S_s$	$S_1$
Head)							
Arlington	40	30	117	127	138	0.219	0.070
Ashburnham	60	35	108	118	128	0.200	0.071
Ashby	60	35	108	119	128	0.210	0.072
Ashfield	50	40	105	115	120	0.170	0.067
Ashland	40	35	116	127	137	0.190	0.066
Athol	60	35	106	117	125	0.183	0.069
Attleboro	35	30	122	132	143	0.181	0.063
Auburn	50	35	114	125	135	0.177	0.065
Avon	35	35	121	131	142	0.196	0.065
Ayer	50	35	111	122	132	0.212	0.071
Barnstable	30	25	132	140	152	0.152	0.055
Barre	50	35	109	120	130	0.180	0.067
Becket <sup>2</sup>	60	40	105	115	120	0.168	0.066
Bedford	50	30	115	125	136	0.221	0.071
Belchertown	40	35	109	119	129	0.173	0.066
Bellingham	40	35	118	129	139	0.181	0.064
Belmont	40	30	117	127	138	0.215	0.070
Berkley	30	30	125	135	146	0.181	0.061
Berlin	50	35	113	124	134	0.193	0.068
Bernardston	60	35	105	115	120	0.176	0.069
Beverly	50	30	117	127	138	0.245	0.073
Billerica	50	30	114	124	135	0.229	0.073
Blackstone	40	35	119	129	140	0.177	0.063
Blandford	50	40	105	116	122	0.171	0.065
Bolton	50	35	113	123	134	0.199	0.069
Boston	40	30	118	128	139	0.217	0.069
Bourne	30	25	130	139	150	0.168	0.058
Boxborough	50	35	113	123	134	0.208	0.070
Boxford	50	30	115	125	136	0.252	0.075
Boylston	50	35	113	123	134	0.191	0.068
Braintree	35	30	120	131	142	0.203	0.066

City/Town	SNOW LOADS		BASIC WIND SPEED, $V_{ult}$ (mph)			SEISMIC PARAMETERS (g)	
	Ground Snow Load, $P_g$ (psf)	Minimum Flat Roof Snow Load, $P_f^1$ (psf)	Risk Category I	Risk Category II	Risk Category III or IV	$S_s$	$S_1$
Brewster	25	25	132	140	152	0.147	0.054
Bridgewater	30	30	124	134	145	0.188	0.063
Brimfield	40	35	112	123	133	0.173	0.065
Brockton	35	30	122	132	143	0.193	0.064
Brookfield	50	35	112	122	132	0.174	0.065
Brookline	40	30	118	128	139	0.211	0.068
Buckland <sup>2</sup>	60	40	105	115	120	0.171	0.068
Burlington	50	30	115	125	136	0.227	0.072
Cambridge	40	30	117	128	139	0.216	0.069
Canton	40	35	120	130	141	0.195	0.065
Carlisle	50	30	114	124	135	0.222	0.072
Carver	30	30	127	136	147	0.182	0.061
Charlemont <sup>2</sup>	60	40	105	115	120	0.172	0.068
Charlton	50	35	114	124	135	0.174	0.064
Chatham	25	25	134	140	154	0.135	0.051
Chelmsford	50	30	113	123	134	0.229	0.073
Chelsea	40	30	118	128	139	0.221	0.070
Cheshire <sup>2</sup>	60	40	105	115	120	0.171	0.068
Chester	60	40	105	115	120	0.169	0.066
Chesterfield	50	40	105	115	120	0.169	0.067
Chicopee	35	35	108	119	127	0.172	0.065
Chilmark	25	25	134	140	154	0.140	0.052
Clarksburg <sup>2</sup>	60	40	105	115	120	0.175	0.069
Clinton	50	35	113	123	133	0.194	0.068
Cohasset	35	30	122	131	142	0.211	0.067
Colrain <sup>2</sup>	60	40	105	115	120	0.174	0.069
Concord	50	35	114	125	136	0.214	0.070
Conway	50	40	105	115	120	0.171	0.067
Cummington <sup>2</sup>	60	40	105	115	120	0.169	0.067
Dalton <sup>2</sup>	60	40	105	115	120	0.169	0.067
Danvers	50	30	116	126	137	0.245	0.074
Dartmouth	30	30	129	139	150	0.169	0.058

City/Town	SNOW LOADS		BASIC WIND SPEED, $V_{ult}$ (mph)			SEISMIC PARAMETERS (g)	
	Ground Snow Load, $P_g$ (psf)	Minimum Flat Roof Snow Load, $P_f^1$ (psf)	Risk Category I	Risk Category II	Risk Category III or IV	$S_s$	$S_1$
Dedham	40	35	119	129	140	0.201	0.067
Deerfield	50	35	105	115	120	0.172	0.068
Dennis	30	25	132	140	152	0.150	0.054
Dighton	30	30	125	135	146	0.180	0.061
Douglas	40	35	117	127	138	0.175	0.064
Dover	40	35	118	128	139	0.196	0.067
Dracut	50	30	112	122	133	0.240	0.075
Dudley	50	35	116	126	136	0.173	0.064
Dunstable	50	35	111	121	132	0.231	0.074
Duxbury	30	30	125	135	146	0.192	0.063
E. Bridgewater	35	30	123	133	144	0.191	0.064
E. Brookfield	50	35	112	122	133	0.175	0.065
E. Longmeadow	35	35	110	121	130	0.174	0.065
Eastham	25	25	132	140	152	0.146	0.054
Easthampton	40	35	106	117	124	0.171	0.066
Easton	35	30	122	132	143	0.187	0.064
Edgartown	25	25	135	140	155	0.136	0.051
Egremont <sup>2</sup>	40	40	105	115	120	0.169	0.065
Erving	50	35	105	116	122	0.178	0.069
Essex	50	30	117	127	138	0.253	0.075
Everett	40	30	117	128	139	0.222	0.070
Fairhaven	30	30	129	139	150	0.169	0.058
Fall River	30	30	126	137	148	0.176	0.060
Falmouth	30	25	132	140	152	0.154	0.055
Fitchburg	60	35	110	120	130	0.202	0.071
Florida <sup>2</sup>	60	40	105	115	120	0.173	0.069
Foxborough	35	35	120	131	142	0.186	0.064
Framingham	40	35	116	127	137	0.194	0.067
Franklin	40	35	119	129	140	0.183	0.064
Freetown	30	30	126	137	147	0.178	0.060
Gardner	60	35	108	119	128	0.191	0.070
Georgetown	50	30	114	124	135	0.258	0.076

City/Town	SNOW LOADS		BASIC WIND SPEED, $V_{ult}$ (mph)			SEISMIC PARAMETERS (g)	
	Ground Snow Load, $P_g$ (psf)	Minimum Flat Roof Snow Load, $P_f^1$ (psf)	Risk Category I	Risk Category II	Risk Category III or IV	$S_s$	$S_1$
Gill	50	35	105	115	120	0.177	0.069
Gloucester	50	30	118	128	139	0.252	0.074
Goshen	50	40	105	115	120	0.169	0.067
Gosnold	30	25	132	140	152	0.153	0.055
Grafton	50	35	115	126	136	0.180	0.065
Granby	35	35	108	119	127	0.172	0.066
Granville	50	40	106	117	125	0.173	0.065
Great Barrington <sup>2</sup>	50	40	105	115	120	0.169	0.066
Greenfield	50	35	105	115	120	0.173	0.068
Groton	60	35	111	121	132	0.218	0.072
Groveland	50	30	113	123	134	0.259	0.077
Hadley	40	35	106	117	124	0.171	0.066
Halifax	30	30	124	134	145	0.189	0.063
Hamilton	50	30	116	126	137	0.253	0.075
Hampden	35	35	111	122	131	0.173	0.065
Hancock <sup>2</sup>	50	40	105	115	120	0.172	0.068
Hanover	35	30	123	133	144	0.198	0.065
Hanson	35	30	123	133	144	0.195	0.064
Hardwick	50	35	110	120	130	0.176	0.066
Harvard	50	35	112	123	133	0.206	0.070
Harwich	25	25	133	140	153	0.141	0.053
Hatfield	40	35	106	117	124	0.171	0.066
Haverhill	50	30	112	123	134	0.260	0.077
Hawley <sup>2</sup>	60	40	105	115	120	0.171	0.068
Heath <sup>2</sup>	60	40	105	115	120	0.173	0.069
Hingham	35	30	121	131	142	0.210	0.067
Hinsdale <sup>2</sup>	60	40	105	115	120	0.169	0.067
Holbrook	35	30	121	131	142	0.198	0.065
Holden	50	35	112	122	133	0.183	0.067
Holland	40	35	114	124	134	0.173	0.064
Holliston	40	35	117	128	138	0.188	0.066

City/Town	SNOW LOADS		BASIC WIND SPEED, $V_{ult}$ (mph)			SEISMIC PARAMETERS (g)	
	Ground Snow Load, $P_g$ (psf)	Minimum Flat Roof Snow Load, $P_f^1$ (psf)	Risk Category I	Risk Category II	Risk Category III or IV	$S_s$	$S_1$
Holyoke	35	35	107	118	126	0.172	0.065
Hopedale	40	35	117	128	138	0.181	0.065
Hopkinton	40	35	116	127	137	0.186	0.066
Hubbardston	50	35	109	120	130	0.185	0.068
Hudson	50	35	114	124	135	0.197	0.068
Hull	35	30	120	130	141	0.215	0.068
Huntington	50	40	105	116	122	0.170	0.066
Ipswich	50	30	116	126	137	0.257	0.076
Kingston	30	30	125	135	146	0.188	0.062
Lakeville	30	30	126	136	147	0.181	0.061
Lancaster	50	35	112	122	133	0.197	0.069
Lanesborough <sup>2</sup>	50	40	105	115	120	0.171	0.068
Lawrence	50	30	113	123	134	0.250	0.076
Lee <sup>2</sup>	50	40	105	115	120	0.169	0.066
Leicester	50	35	113	123	134	0.178	0.066
Lenox <sup>2</sup>	50	40	105	115	120	0.169	0.066
Leominster	60	35	111	121	131	0.199	0.070
Leverett	40	35	105	117	124	0.173	0.067
Lexington	40	30	116	126	137	0.218	0.070
Leyden <sup>2</sup>	60	40	105	115	120	0.176	0.069
Lincoln	40	35	115	126	136	0.213	0.070
Littleton	50	35	112	123	133	0.214	0.071
Longmeadow	35	35	109	120	129	0.174	0.065
Lowell	50	30	112	123	134	0.235	0.074
Ludlow	35	35	109	120	129	0.173	0.065
Lunenburg	60	35	110	120	131	0.207	0.071
Lynn	40	30	117	128	139	0.233	0.071
Lynnfield	50	30	116	126	137	0.237	0.073
Malden	40	30	117	127	138	0.224	0.070
Manchester	50	30	117	128	139	0.249	0.074
Mansfield	35	30	121	131	142	0.186	0.064
Marblehead	40	30	118	128	139	0.239	0.072

City/Town	SNOW LOADS		BASIC WIND SPEED, $V_{ult}$ (mph)			SEISMIC PARAMETERS (g)	
	Ground Snow Load, $P_g$ (psf)	Minimum Flat Roof Snow Load, $P_f^1$ (psf)	Risk Category I	Risk Category II	Risk Category III or IV	$S_s$	$S_1$
Marion	30	30	129	139	150	0.170	0.058
Marlborough	50	35	114	125	135	0.194	0.068
Marshfield	35	30	124	134	145	0.196	0.064
Mashpee	30	25	131	140	152	0.156	0.055
Mattapoisett	30	30	129	139	150	0.169	0.058
Maynard	50	35	114	124	135	0.206	0.069
Medfield	40	35	118	129	139	0.191	0.066
Medford	40	30	117	127	138	0.221	0.070
Medway	40	35	118	129	139	0.185	0.065
Melrose	40	30	117	127	138	0.227	0.071
Mendon	40	35	118	128	138	0.179	0.064
Merrimac	50	30	112	123	133	0.265	0.078
Methuen	50	30	112	122	133	0.251	0.076
Middleborough	30	30	125	135	146	0.183	0.062
Middlefield	60	40	105	115	120	0.169	0.066
Middleton	50	30	115	125	136	0.245	0.074
Milford	40	35	117	128	138	0.182	0.065
Millbury	50	35	115	125	136	0.178	0.065
Millis	40	35	118	129	139	0.188	0.065
Millville	40	35	118	129	139	0.177	0.063
Milton	40	30	119	130	141	0.205	0.067
Monroe <sup>2</sup>	60	40	105	115	120	0.174	0.069
Monson	40	35	111	122	132	0.173	0.065
Montague	50	35	105	116	122	0.173	0.068
Monterey	50	40	105	116	122	0.170	0.065
Montgomery	40	40	105	117	123	0.171	0.066
Mount Washington <sup>2</sup>	40	40	105	115	120	0.171	0.065
Nahant	40	30	118	128	139	0.229	0.071
Nantucket	25	25	139	140	158	0.113	0.047
Natick	40	35	117	127	138	0.197	0.067
Needham	40	35	118	128	139	0.201	0.067

City/Town	SNOW LOADS		BASIC WIND SPEED, $V_{ult}$ (mph)			SEISMIC PARAMETERS (g)	
	Ground Snow Load, $P_g$ (psf)	Minimum Flat Roof Snow Load, $P_f^1$ (psf)	Risk Category I	Risk Category II	Risk Category III or IV	$S_s$	$S_1$
New Ashford <sup>2</sup>	50	40	105	115	120	0.173	0.068
New Bedford	30	30	129	139	150	0.170	0.058
New Braintree	50	35	111	121	131	0.176	0.066
New Marlborough	50	40	105	115	120	0.171	0.065
New Salem	50	35	106	117	125	0.177	0.068
Newbury	50	30	114	125	136	0.263	0.077
Newburyport	50	30	114	124	135	0.265	0.078
Newton	40	30	117	127	138	0.208	0.068
Norfolk	40	35	119	129	140	0.186	0.065
North Adams <sup>2</sup>	60	40	105	115	120	0.175	0.069
North Andover	50	30	113	123	134	0.251	0.076
North Attleborough	35	30	121	131	142	0.180	0.063
North Brookfield	50	35	112	122	132	0.176	0.066
North Reading	50	30	115	125	136	0.240	0.073
Northampton	40	35	106	117	124	0.171	0.066
Northborough	50	35	114	124	135	0.188	0.067
Northbridge	40	35	116	127	137	0.179	0.065
Northfield	60	35	105	115	120	0.179	0.069
Norton	35	30	122	133	144	0.184	0.063
Norwell	35	30	123	133	144	0.203	0.065
Norwood	40	35	119	129	140	0.195	0.066
Oak Bluffs	25	25	133	140	154	0.144	0.053
Oakham	50	35	111	121	131	0.179	0.067
Orange	60	35	106	117	124	0.180	0.069
Orleans	25	25	132	140	152	0.144	0.053
Otis	50	40	105	115	120	0.170	0.066
Oxford	50	35	115	125	136	0.174	0.064
Palmer	40	35	111	121	131	0.173	0.065
Paxton	50	35	112	122	133	0.180	0.066
Peabody	50	30	117	127	138	0.240	0.073

City/Town	SNOW LOADS		BASIC WIND SPEED, $V_{ult}$ (mph)			SEISMIC PARAMETERS (g)	
	Ground Snow Load, $P_g$ (psf)	Minimum Flat Roof Snow Load, $P_f^1$ (psf)	Risk Category I	Risk Category II	Risk Category III or IV	$S_s$	$S_1$
Pelham	40	35	107	118	126	0.173	0.067
Pembroke	30	30	124	134	145	0.195	0.064
Pepperell	60	35	110	120	131	0.223	0.073
Peru <sup>2</sup>	60	40	105	115	120	0.169	0.067
Petersham	50	35	108	118	127	0.180	0.068
Phillipston	60	35	108	118	127	0.185	0.069
Pittsfield <sup>2</sup>	50	40	105	115	120	0.170	0.067
Plainfield <sup>2</sup>	60	40	105	115	120	0.170	0.067
Plainville	40	35	121	131	142	0.182	0.063
Plymouth	30	30	126	136	147	0.185	0.061
Plympton	30	30	125	135	146	0.187	0.062
Princeton	50	35	111	121	131	0.188	0.068
Provincetown	25	25	128	138	148	0.177	0.060
Quincy	40	30	120	130	141	0.208	0.067
Randolph	35	30	121	131	142	0.198	0.066
Raynham	35	30	123	134	145	0.185	0.063
Reading	50	30	116	126	137	0.234	0.072
Rehoboth	35	30	124	134	145	0.179	0.062
Revere	40	30	118	128	139	0.224	0.070
Richmond <sup>2</sup>	50	40	105	115	120	0.169	0.067
Rochester	30	30	128	138	149	0.176	0.059
Rockland	35	30	122	132	143	0.198	0.065
Rockport	50	30	118	128	139	0.255	0.074
Rowe <sup>2</sup>	60	40	105	115	120	0.173	0.069
Rowley	50	30	115	125	136	0.259	0.076
Royalston	60	35	106	116	123	0.188	0.070
Russell	40	40	105	116	123	0.171	0.065
Rutland	50	35	111	121	132	0.182	0.067
Salem	50	30	117	127	138	0.240	0.073
Salisbury	50	30	113	124	134	0.266	0.078
Sandisfield	50	40	105	115	120	0.171	0.065
Sandwich	30	25	130	139	150	0.165	0.057

City/Town	SNOW LOADS		BASIC WIND SPEED, $V_{ult}$ (mph)			SEISMIC PARAMETERS (g)	
	Ground Snow Load, $P_g$ (psf)	Minimum Flat Roof Snow Load, $P_f^1$ (psf)	Risk Category I	Risk Category II	Risk Category III or IV	$S_s$	$S_1$
Saugus	40	30	117	127	138	0.230	0.071
Savoy <sup>2</sup>	60	40	105	115	120	0.170	0.068
Scituate	35	30	123	133	144	0.207	0.066
Seekonk	35	30	123	134	145	0.177	0.061
Sharon	35	35	120	130	141	0.191	0.065
Sheffield <sup>2</sup>	40	40	105	115	120	0.171	0.065
Shelburne	50	40	105	115	120	0.172	0.068
Sherborn	40	35	117	127	138	0.192	0.066
Shirley	60	35	111	121	132	0.207	0.071
Shrewsbury	50	35	114	124	135	0.184	0.066
Shutesbury	40	35	106	117	125	0.174	0.067
Somerset	30	30	126	136	147	0.178	0.061
Somerville	40	30	117	127	139	0.218	0.070
South Hadley	35	35	107	118	126	0.171	0.066
Southampton	40	35	106	117	124	0.171	0.066
Southborough	40	35	115	125	136	0.191	0.067
Southbridge	40	35	114	125	135	0.173	0.064
Southwick	40	35	107	118	126	0.174	0.065
Spencer	50	35	113	123	133	0.176	0.066
Springfield	35	35	109	120	128	0.173	0.065
Sterling	50	35	112	122	132	0.192	0.068
Stockbridge <sup>2</sup>	50	40	105	115	120	0.169	0.066
Stoneham	40	30	116	126	137	0.229	0.071
Stoughton	35	35	121	131	142	0.194	0.065
Stow	50	35	114	124	135	0.204	0.069
Sturbridge	40	35	114	124	134	0.173	0.064
Sudbury	40	35	115	125	136	0.203	0.069
Sunderland	40	35	105	116	122	0.172	0.067
Sutton	50	35	115	126	136	0.177	0.065
Swampscott	40	30	118	128	139	0.234	0.072
Swansea	30	30	126	136	147	0.177	0.061
Taunton	35	30	124	134	145	0.183	0.062

City/Town	SNOW LOADS		BASIC WIND SPEED, $V_{ult}$ (mph)			SEISMIC PARAMETERS (g)	
	Ground Snow Load, $P_g$ (psf)	Minimum Flat Roof Snow Load, $P_f^1$ (psf)	Risk Category I	Risk Category II	Risk Category III or IV	$S_s$	$S_1$
Templeton	60	35	108	118	127	0.187	0.069
Tewksbury	50	30	113	124	135	0.237	0.074
Tisbury	25	25	133	140	153	0.146	0.053
Tolland	50	40	105	115	122	0.172	0.065
Topsfield	50	30	115	125	136	0.251	0.075
Townsend	60	35	109	119	130	0.216	0.073
Truro	25	25	129	139	149	0.164	0.057
Tyngsborough	50	30	111	121	132	0.234	0.074
Tyringham <sup>2</sup>	50	40	105	115	120	0.169	0.066
Upton	40	35	116	127	137	0.181	0.065
Uxbridge	40	35	117	128	138	0.177	0.064
Wakefield	50	30	116	126	137	0.232	0.072
Wales	40	35	113	123	133	0.173	0.064
Walpole	40	35	119	130	141	0.190	0.065
Waltham	40	30	116	127	138	0.211	0.069
Ware	40	35	110	120	131	0.174	0.066
Wareham	30	30	129	138	149	0.173	0.059
Warren	40	35	111	121	132	0.173	0.065
Warwick	60	35	105	115	121	0.183	0.070
Washington <sup>2</sup>	60	40	105	115	120	0.168	0.066
Watertown	40	30	117	127	138	0.213	0.069
Wayland	40	35	116	126	137	0.203	0.068
Webster	50	35	116	126	136	0.173	0.064
Wellesley	40	35	117	127	138	0.200	0.067
Wellfleet	25	25	130	140	150	0.157	0.056
Wendell	50	35	105	117	123	0.177	0.068
Wenham	50	30	116	126	137	0.249	0.074
W. Boylston	50	35	112	123	133	0.186	0.067
W. Bridgewater	35	30	123	133	144	0.189	0.063
W. Brookfield	40	35	112	122	132	0.174	0.065
W. Newbury	50	30	113	123	134	0.263	0.078
W. Springfield	35	35	108	119	128	0.173	0.065

City/Town	SNOW LOADS		BASIC WIND SPEED, $V_{ult}$ (mph)			SEISMIC PARAMETERS (g)	
	Ground Snow Load, $P_g$ (psf)	Minimum Flat Roof Snow Load, $P_f^1$ (psf)	Risk Category I	Risk Category II	Risk Category III or IV	$S_s$	$S_1$
W. Stockbridge <sup>2</sup>	40	40	105	115	120	0.169	0.066
W. Tisbury	25	25	134	140	154	0.141	0.052
Westborough	50	35	115	125	136	0.186	0.066
Westfield	40	35	107	118	125	0.172	0.065
Westford	50	35	112	123	133	0.223	0.072
Westhampton	50	40	105	116	122	0.170	0.066
Westminster	60	35	109	120	130	0.194	0.069
Weston	40	35	116	126	137	0.207	0.069
Westport	30	30	128	139	149	0.172	0.059
Westwood	40	35	119	129	140	0.196	0.066
Weymouth	35	30	121	131	142	0.206	0.067
Whately	50	35	105	116	122	0.171	0.067
Whitman	35	30	123	133	144	0.194	0.064
Wilbraham	35	35	110	121	130	0.173	0.065
Williamsburg	50	40	105	116	121	0.170	0.067
Williamstown <sup>2</sup>	50	40	105	115	120	0.176	0.070
Wilmington	50	30	115	125	136	0.233	0.073
Winchendon	60	35	107	117	125	0.197	0.071
Winchester	40	30	116	126	137	0.224	0.071
Windsor <sup>2</sup>	60	40	105	115	120	0.169	0.067
Winthrop	40	30	118	129	140	0.222	0.070
Woburn	50	30	116	126	137	0.226	0.071
Worcester	50	35	114	124	134	0.180	0.066
Worthington	60	40	105	115	120	0.169	0.067
Wrentham	40	35	120	130	141	0.184	0.064
Yarmouth	30	25	132	140	152	0.149	0.054

NOTES:

1. The design flat roof snow load shall be the larger of the calculated flat roof snow load using  $P_g$  or the value of  $P_f$  listed in this table.
2. Special Wind Region. Local conditions may cause higher wind speeds than the tabulated values. See ASCE/SEI 7.

**1604.12** Add section as follows:

**1604.12 Revisions to AISC 341-10.**

**F1.1 Scope.** Add last sentence as follows:

Eccentricities less than the beam depth are permitted if they are accounted for in the member design by determination of eccentric moments using the amplified seismic load.

**1605.3.2** Delete subsection.

**1607.10.2** Delete subsection.

**1608.2** Revise section as follows:

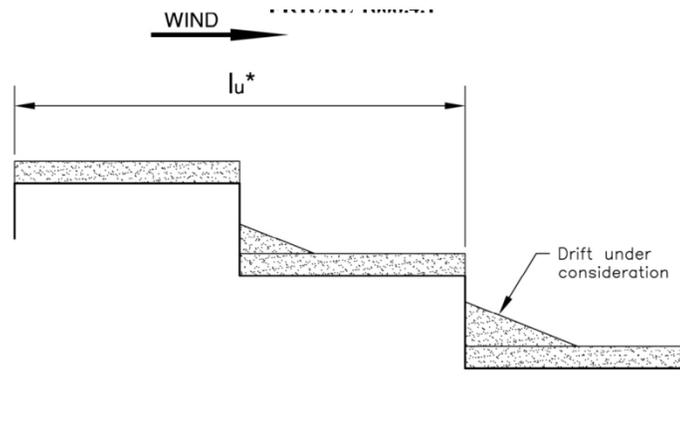
**1608.2 Ground Snow Loads.** The ground snow loads to be used in determining the design snow loads for roofs shall be determined in accordance with Table 1604.11. Ground snow loads for sites at elevations above the limits indicated in Table 1604.11 and for all sites within the CS areas shall be approved. Ground snow load determination for such sites shall be based on an extreme value statistical analysis of data available in the vicinity of the site using a value with a two percent annual probability of being exceeded (50-year mean recurrence interval).

**1608.4 through 1608.11** Add sections as follows:

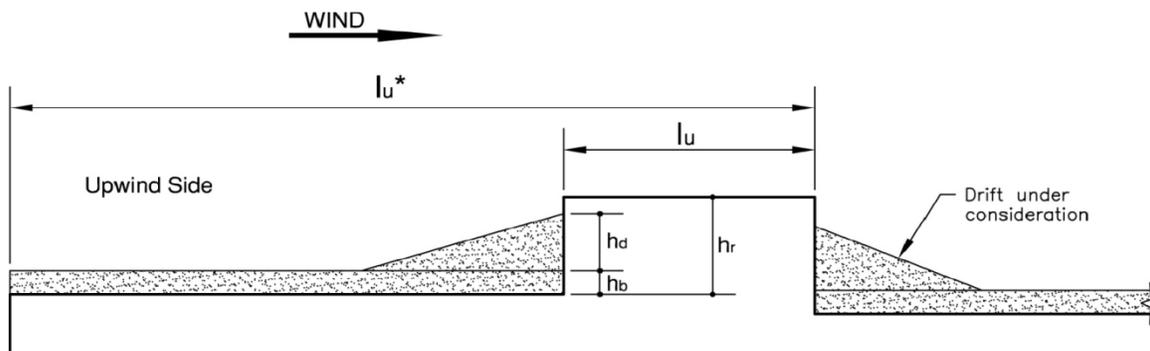
**1608.4 Concave Curved Roofs.** Section 7.4.3 of ASCE 7 applies to convex curved roofs only. The effective loaded area of a concave curved roof shall be that area of the surface of the roof where the tangents to the surface have a slope of  $50^\circ$  or less. The total uniform snow load for concave curved roofs shall be  $P_f$  multiplied by the total horizontal projected area of the roof. This total load shall be applied uniformly over the effective loaded area of the roof.

**1608.5 Drifts on Multiple Level Roofs.** For multiple stepped roofs similar to that shown in Figure 1608.5.1, the sum of all the roof lengths upwind above the drift under consideration,  $l_u^*$ , in Figure 1608.5.1, shall replace  $l_u$  in Figure 7-8 of ASCE 7. For multiple level roofs similar to that shown in Figure 1608.5.2, if the total calculated height of a drift and the underlying uniform snow layer on the upwind side of a higher roof ( $h_d + h_b$ ) is equal to or greater than  $0.7(h_b + h_c)$ , then the length,  $l_u^*$ , as shown in Figure 1608.5.2, shall be used in place of  $l_u$  in Figure 7-8 of ASCE 7.

**FIGURE 1608.5.1**



**FIGURE 1608.5.2**



**1608.6 Very High Roof Separations.** When the ratio  $h_r/L_T$  is greater than 1.0, where  $L_T$  is the dimension in feet of the upper roof perpendicular to the wind flow (perpendicular to  $l_u$  in Figure 7-8 of ASCE 7) and  $h_r = h_b + h_c$ , the drift surcharge load on the lower roof due to drifting of snow from the upper roof may be reduced. The reduced height of the drift surcharge,  $h_{dr}$ , shall be not less than:  $h_{dr} = h_r (2 - h_r/L_T)$ , except that when  $h_r/L_T$  is greater than 2.0,  $h_{dr}$  shall be equal to zero.

**1608.7 Snow Pockets or Wells.** Account shall be taken of the load effects of potentially excessive snow accumulation in pockets or wells of roofs or decks.

**1608.8 Roof Projections.** The term roof projections used herein and in section 7.8 of ASCE 7 shall be interpreted to include screen walls, parapets, fire wall projections, and mechanical equipment. Drift loads at roof projections shall be in accordance with section 7.8 of ASCE 7.

**1608.9 Sliding Snow.** In addition to the sliding snow load on a lower roof as required in section 7.9 of ASCE 7, the lower roof shall be designed for a windward drift surcharge at the wall separating the upper and lower roofs in accordance with Figure 1608.5.1 and section 7.8 of ASCE 7. The sliding snow load and the windward drift surcharge need not be considered to act concurrently.

**1608.10 Snow Guards.** Sliding snow from an adjacent sloping high roof need not be considered on the low roof if snow guards, as specified herein, are provided on the high roof. In this case, the sloping roof with snow guards shall be designed for the unit snow loads required for a flat roof. The roof area(s) requiring snow guards shall be indicated on the construction documents.

Snow guards shall be designed by a registered design professional. The registered design professional shall insure that there are adequate load paths from the snow guards into the supporting members and from the supporting members into the primary structure. The structural design of snow guards shall account for the impact of the sliding snow. The effectiveness in preventing the sliding of snow of proprietary snow guard systems shall be demonstrated by tests.

**1608.11 Snow Storage and Collection Areas.** Consideration of potentially excessive snow accumulation shall be given to portions of structures designated or used as snow collection or storage areas during and after snow removal operations (e.g., temporary snow collection areas when mechanically removing snow from a roof; snow storage areas for parking structures).

**1609.3** Replace the first paragraph with the following:

**1609.3 Ultimate Wind Speed.** The ultimate design wind speed,  $V_{ult}$  in mph, shall be determined in accordance with Table 1604.11.

**1610** Replace section as follows:

## **SECTION 1610 LATERAL SOIL AND HYDROSTATIC LOADS**

**1610.1 General.** Basement, foundation, and retaining walls shall be designed to resist lateral loads due to soil and water pressure. Lateral soil pressure on said walls shall be determined in accordance with the principles of soil mechanics and as provided in 780 CMR 18.00. Floors or similar elements below the water table shall be designed to resist the upward pressure of the water.

EXCEPTION: Uninhabitable spaces with concrete floors on the ground with an under-slab drainage system, including sump pits and sump pumps, designed to keep the water level a minimum of one foot below the bottom of the floor slab need not be designed to resist water pressure.

**1610.2 Seismic Loads on Foundation Walls and Retaining Walls.** Exterior foundation walls and retaining walls shall be designed to resist an earthquake force,  $F_w$ , for horizontal backfill surface, equal to:

$$F_w = 0.100(S_s)(F_a)(\gamma_t)(H)^2$$

where  $S_s$  is the maximum considered earthquake spectral response acceleration from Table 1604.11,  $F_a$  is the site coefficient from Table

1613.3.3(1),  $\gamma_t$  is the total unit weight of the soil, and H is the height of the wall measured as the difference in elevation of finished ground surface or floor in front of and behind the wall. The earthquake force from the backfill shall be distributed as an inverted triangle over the height of the wall.

Surcharges that are applied over extended periods of time shall be included in the total static lateral soil pressure and their earthquake lateral force shall be computed and added to the force determined above. The point of application of the earthquake force from extended duration surcharge shall be determined on an individual case basis.

If the backfill or the existing soil behind the backfill consists of loose saturated granular soil, the potential for liquefaction of the backfill or existing soil adjacent to the wall during seismic loading shall be evaluated in accordance with the requirements of section 1806.4.

If the backfill or existing soil beyond the backfill is potentially subject to liquefaction, the increase in design lateral load on the foundation wall or retaining wall shall be determined by a registered design professional.

For wall strength design, a load factor of 1.43 shall be applied to the earthquake force calculated above.

**1612.1** Revise as follows:

**1612.1 General.** Within flood hazard areas as established in section 1612.3, all new construction of buildings, structures and portions of buildings and structures, including substantial improvement and restoration of substantial damage to buildings and structures, and substantial repair of a foundation shall be designed and constructed to resist the effects of flood hazards and flood loads. For buildings that are located in more than one flood hazard area, the provisions associated with the most restrictive flood hazard area shall apply.

**1612.2** Revise as follows:

**1612.2 Definitions.** The following terms are defined in 780 CMR 2.00 and are in addition to those shown in the IBC:

COASTAL DUNE  
COASTAL WETLAND RESOURCE AREA  
SUBSTANTIAL REPAIR OF A FOUNDATION

**1612.3** Revise section as follows:

**1612.3 Establishment of Flood Hazard Areas.** See 780 CMR 2.00 for definition of flood hazard areas.

**1612.3.2** Revise subsection as follows:

**1612.3.2 Determination of Impacts.** Reserved

**1612.4** Revise section as follows:

**1612.4 Design and Construction.** The design and construction of buildings and structures located in flood hazard areas, including coastal high hazard areas shall be in accordance with Chapter 5 of ASCE 7 and ASCE 24. In using ASCE 24-14, delete all references to coastal A zone standards. For minimum elevation requirements for lowest floor, bottom of lowest horizontal structural member, utilities, flood-resistant materials and wet and dry flood-proofing refer to tables in ASCE 24 which are to be amended as shown below. The design and construction of buildings and structures located in coastal dunes shall be in accordance with Appendix G.

ASCE 24 Tables for flood-resistant materials and wet and dry flood-proofing - Revised

		Flood Design Class 1	Flood Design Class 2	Flood Design Class 3	Flood Design Class 4
Minimum Elevation* of Lowest Floor (Zone A: ASCE 24-14 Table 2-1)	Zone A	BFE + 1 ft	BFE + 1 ft	BFE + 1 ft	BFE + 2 ft or 500-year flood elevation, whichever is higher
Minimum Elevation of Bottom of Lowest Horizontal Structural Member (Zone V: ASCE 24-14 Table 4-1)	Zone V	BFE + 2 ft	BFE + 2 ft	BFE + 2 ft	BFE + 2 ft or 500-year flood elevation, whichever is higher
Minimum Elevation Below Which Flood-Damage-Resistant Materials Shall be Used (Table ASCE 24-14 5-1)	Zone A	BFE + 1 ft	BFE + 1 ft	BFE + 1 ft	BFE + 2 ft or 500-year flood elevation, whichever is higher
	Zone V	BFE + 2 ft	BFE + 2 ft	BFE + 2 ft	BFE + 2 ft or 500-year flood elevation, whichever is higher
Minimum Elevation** of Utilities and Equipment (ASCE 24-14 Table 7-1)	Zone A	BFE + 1 ft	BFE + 1 ft	BFE + 1 ft	BFE + 2 ft or 500-year flood elevation, whichever is higher
	Zone V	BFE + 2 ft	BFE + 2 ft	BFE + 2 ft	BFE + 2 ft or 500-year flood elevation, whichever is higher
Minimum Elevation of Dry Floodproofing of non-residential structures and non-residential portions of mixed-use buildings (ASCE 24-14 Table 6-1)	Zone A	BFE + 1 ft	BFE + 1 ft	BFE + 1 ft	BFE + 2 ft or 500-year flood elevation, whichever is higher
	Zone V	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Minimum Elevation of Wet Floodproofing*** (ASCE 24-14 Table 6-1)	Zone A	BFE + 1 ft	BFE + 1 ft	BFE + 1 ft	BFE + 2 ft or 500-year flood elevation, whichever is higher
	Zone V	Not Permitted	Not Permitted	Not Permitted	Not Permitted
<p>*Flood Design Class 1 structures shall be allowed below the minimum elevation if the structure meets the wet floodproofing requirements of ASCE 24-14 Section 6.3.</p> <p>** Unless otherwise permitted by ASCE 24-14 Chapter 7.</p> <p>*** Only if permitted by ASCE 24-14 Section 6.3.1.</p>					

Note: In V zones location of utilities and equipment to the indicated level is required. Protection of utilities and equipment below the indicated level is not accepted.

**1613.1** Revise section as follows:

**1613.1Scope.** Every structure, and portion thereof, including nonstructural components that are permanently attached to structures and their supports and attachments, shall be designed and constructed to resist the effects of earthquake motions in accordance with ASCE 7, excluding Chapter 14 and Appendix 11A, but including Massachusetts Amendments to Tables 12.2-1 and 12.14-1. The seismic design category for a structure is permitted to be determined in accordance with section 1613 or ASCE 7, but seismic design category A shall not be used in the Commonwealth. Any structure that could satisfy the requirements of seismic design category A in section 1613 or ASCE 7 shall be assigned to seismic design category B for purposes of implementing 780 CMR.

**1613.1**Add the following text, after the exceptions:

Section 1613 presents criteria for the design and construction of buildings and nonbuilding structures subject to earthquake ground motion. The specified earthquake loads rely on post-elastic energy dissipation in the structure, and because of this fact, the provisions for design, detailing and construction shall be satisfied even for structures and members for which load combinations containing earthquake load produce lesser effects than other load combinations.

The purpose of section 1613 is to minimize the hazard to life of occupants of all buildings and nonbuilding structures, to increase the expected performance of high occupancy assembly and education buildings as compared to ordinary buildings, and to improve the capability of essential facilities to function during and after an earthquake. Because of the complexity of and the great number of variables involved in seismic design (e.g. variability in ground motion, soil types, dynamic characteristics of the structure, material strength properties, and construction practice), section 1613 presents only minimum criteria in general terms. These minimum criteria are considered to be prudent and economically justified for the protection of life safety in buildings subject to earthquakes and for improved capability of essential facilities to function immediately following an earthquake.

Absolute safety and prevention of damage, even in an earthquake event with a reasonable probability of occurrence, cannot be achieved economically in most buildings. The “design earthquake” ground motion specified in section 1613 may result in both structural and non- structural damage. For most buildings designed and constructed according to the minimum requirements of section 1613, it is expected that structural damage from a major earthquake may be repairable, but the repair may not be economically feasible. For ground motions larger than the design earthquake, the intent of section 1613 is that there will be a low likelihood of building collapse.

**1613.3.1** Revise subsection as follows:

**1613.3.1 Mapped Acceleration Parameters.** The parameters  $S_s$  and  $S_1$  shall be determined from Table 1604.11.

NOTE: The following amendments pertain to ASCE 7.

**ASCE 7, TABLE 12.2-1** Revise as follows:

**Note f.** Replace “ordinary moment frame” with “ordinary steel moment frame.”

**Limitations:** Amend as follows:

Seismic Force-Resisting System	Seismic Design Category
A.3	B is NP
A.4	B is NP
A.9	B and C are NP
A.10	B is NP.
A.11	B is NP
A.13	B and C are NP
A.14	B is NP
A.17	B and C are limited to 35 ft. and note 1.
B.3	B and C are NP for K-type configuration only.
B.6	B is NP
B.7	B is NP
B.18	B and C are NP
B.19	B is NP
B.20	B is NP
B.24	B and C are limited to 35 ft. and note 1.
C.7	B is NP
E.3	B and C are NP
F	B is NP
H	B and C are limited to 100 ft. and 65 ft., respectively and note 2

NOTE 1: Permitted only at exterior walls and fire-rated walls and not permitted for buildings in Risk Category IV and not permitted for buildings where the seismic weight of any laterally supported level (floor or roof) exceeds 25 psf.

NOTE 2: Connections shall be designed for two times the computed forces and moments resulting from seismic loads, in combination with other loads, as applicable, but need not be designed for forces greater than the expected nominal yield strength ( $R_y F_y A_g$ ) of diagonal braces in braced frames or 1.1 times the expected flexural capacity of beams ( $1.1 R_y M_p$ ) in moment frames. Columns that are part of the seismic force-resisting system shall satisfy the requirements of section D1.4a of ANSI/AISC 341 Seismic Provisions for Structural Steel Buildings. K-Braced Frames shall not be permitted. Beams in V-Type and Inverted V-Type Braced Frames shall meet the following additional requirements:

- A beam that is intersected by braces shall be continuous between columns.
- A beam that is intersected by braces shall be designed to support the effects of all tributary dead and live loads from load combinations stipulated by 780 CMR16.00 assuming that braces are not present.
- Top and bottom flanges of the beam at the point of intersection of braces shall be designed to support a horizontal force perpendicular to the longitudinal axis of the beam that is equal to two percent of the nominal beam flange strength:  $F_y b_{tbf}$ .

**ASCE 7, TABLE 12.14-1** Revise as follows:

**Limitations:** Amend as follows:

Seismic Force-Resisting System	Seismic Design Category
A.3	B is NP
A.4	B is NP
A.9	B is NP
A.10	B is NP.
A.11	B is NP
A.15	See note 1.
B.3	B and C are NP for K-type configuration only.
B.6	B is NP
B.7	B is NP
B.18	B is NP
B.19	B is NP
B.20	B is NP
B.24	See note 1.

NOTE 1: Permitted only at exterior walls and fire-rated walls and not permitted for buildings in Risk Category IV and not permitted for buildings where the seismic weight of any laterally supported level (floor or roof) exceeds 25 psf.

**CHAPTER 17: SPECIAL INSPECTIONS AND TESTS (no amendments)**

## CHAPTER 18: SOILS AND FOUNDATIONS

**1801.3** Add section as follows:

**1801.3 Foundation Types Not Covered by the Code.** Types of foundations not specifically covered by the provisions of 780 CMR 18.00, and ground modification treatments to improve soils with inadequate load bearing capacity or settlement characteristics, may be permitted subject to approval by the building official. A report shall be submitted to the building official that identifies the foundation as a type not covered by existing code provisions, and contains sufficient data and analyses to substantiate the adequacy of the proposed foundation. The report shall be prepared by a registered design professional knowledgeable in the design of the proposed type of foundation or ground modification. The building official may require that an independent peer review be performed to evaluate the adequacy of the proposed design.

**1803.1** Revise section as follows:

**1803.1 General.** Geotechnical investigations shall be conducted in accordance with section 1803.2 and reported in accordance with section 1803.6. Where required, such investigations shall be conducted by a registered design professional.

**1803.2** Revise section as follows:

**1803.2 Investigations Required.** Geotechnical investigations shall be conducted in accordance with sections 1803.3 through 1803.5.

EXCEPTIONS: The building official shall be permitted to waive the requirement for a geotechnical investigation:

1. Where satisfactory data from adjacent areas is available that demonstrates an investigation is not necessary to meet the requirements of 780 CMR 18.00;
2. For unoccupied structures that do not pose a significant risk to public safety in the event of failure; or
3. For structures used for agricultural purposes.

**1803.5.4** Delete the exception.

**1803.5.11** In two locations replace “C” with “B, C.”

**1803.5.12** In two locations replace “D” with “B, C, D.”

**1803.6** Add item 11 as follows:

11. Magnitude and distribution of lateral soil and ground water pressures, including seismic loads, on foundation and retaining walls.

**1805.1.2.1** Delete the exception.

**1805.4.2** Add exception as follows:

EXCEPTION: The foundation drain may be omitted if determined not to be necessary by a registered design professional.

**1805.5** Add section as follows:

**1805.5 Impacts on Groundwater Levels.** Below-grade structures, their appurtenances and foundation drains shall be designed and constructed so as not to cause changes to the temporary or permanent groundwater level if such changes could adversely impact nearby structures or facilities including deterioration of timber piles, settlement, flooding or other impacts.

**1806.2** Replace the text “Table 1806.2” with “Table 1806.2 or Table 1806.2a,” and add Table 1806.2a as follows:

**TABLE 1806.2a PRESUMPTIVE ALLOWABLE VERTICAL BEARING PRESSURES**

<b>Material Class</b>	<b>Description</b>	<b>Notes</b>	<b>Consistency in Place</b>	<b>Net Bearing Pressure (tons/ft<sup>2</sup>)<sup>1,2,3</sup></b>
1a	Massive bedrock: Granite, diorite, gabbro, basalt, gneiss	4	Hard, sound rock, minor jointing	100
1b	Quartzite, well-cemented conglomerate	4	Hard, sound rock moderate jointing	60
2	Foliated bedrock: slate, schist	4	Medium hard rock, minor jointing	40
3	Sedimentary bedrock: cementation shale, siltstone, sandstone, limestone, dolomite, conglomerate	4	Soft rock, moderate jointing	20
4	Weakly-cemented sedimentary bedrock: compaction shale or other similar rock in sound condition	4	Very soft rock	10
5	Weathered bedrock: any of the above except shale.	5	Very soft rock, weathered and/or major jointing and fracturing	8
6	Slightly-cemented sand and/or gravel, glacial till (basal or lodgement), hardpan	6	Very dense	10
7	Gravel, widely-graded sand and gravel; and granular ablation till	6	Very dense Dense Medium dense Loose Very loose	8 6 4 2 NOTE9

<b>Material Class</b>	<b>Description</b>	<b>Notes</b>	<b>Consistency in Place</b>	<b>Net Bearing Pressure (tons/ft<sup>2</sup>)<sup>1,2,3</sup></b>
8	Sands and non-plastic silty sands with little or no gravel (except for Class 9 materials)	6, 7	Dense Medium dense Loose Very loose	4 3 1 NOTE 9
9	Fine sand, silty fine sand, and non-plastic inorganic silt	6, 7	Dense Medium dense Loose Very loose	3 2 1 NOTE 9
10	Inorganic sandy or silty clay, clayey sand, clayey silt, clay, or varved clay; low to high plasticity	8	Hard Stiff Medium Soft	4 2 1 NOTE 9
11	Organic soils: peat, organic silt, organic clay	8,9		NOTE 9

**NOTES:**

1. Net bearing pressure shall consist of the bearing pressure applied at the bottom of the foundation, including the weight of the foundation and any soil immediately overlying the foundation, minus the pressure calculated for a height of soil extending from the bottom of the foundation to the lowest ground surface level immediately adjacent to the foundation.
2. Where the load-bearing layer directly below the foundation is underlain by a weaker layer, the bearing pressure on the weaker layer shall be checked by assuming that the load is spread uniformly at an angle of 30° with the vertical, or by using another suitable method to determine the bearing pressure on the weaker layer.
3. The bearing strata shall be adequately protected against disturbance. If the bearing materials are disturbed from any cause, for example, by flow of water, freezing or construction activities, the extent of the disturbance shall be evaluated by a registered design professional to determine appropriate remedial measures or reduced allowable bearing pressures.
4. The allowable bearing pressures may be increased by an amount equal to ten percent for each foot of depth below the surface of sound rock; however, the increase shall not exceed two times the value given in the table.
5. Weathered shale and/or weathered compaction shale shall be included in Material Class 10. Other highly weathered rocks and/or residual soils shall be treated as soil under the appropriate description in Material Classes 6 to 10. Where the transition between residual soil and bedrock is gradual, a registered design professional shall make a judgment as to the appropriate bearing pressure.
6. Allowable bearing pressures may be increased by an amount equal to five percent for each foot of depth of the bearing area below the minimum required in section 1806.0; however, the bearing pressure shall not exceed two times the value given in the table. For foundation bearing areas having a least lateral dimension smaller than three feet, the

allowable bearing pressure shall be 1/3 of the tabulated value times the least dimension in feet.

7. Evaluate susceptibility to liquefaction in accordance with section 1806.4.
8. Evaluate long-term settlement due to consolidation for these materials.
9. A registered design professional shall be engaged to provide recommendations for these special cases.

**1806.3** Revise section as follows:

**1806.3 Lateral Load.** Where foundations are required to resist lateral loads, the allowable values of sliding friction, adhesion and passive pressure for design shall be determined by a registered design professional.

**1806.3.1 through 1806.3.4** Delete subsections and replace with subsection 1806.3.1 as follows:

**1806.3.1 Increase for Poles.** Isolated poles for uses such as flagpoles or signs and poles used to support buildings that are not adversely affected by a 1/2-inch (12.7 mm) motion at the ground surface due to short-term lateral loads shall be permitted to be designed using lateral bearing pressures equal to two times the tabular values of Table 1806.2.

**1806.4** Add sections 1806.4 through 1806.4.4 as follows:

**1806.4 Liquefaction.** The potential for liquefaction induced by the design earthquake in saturated clean to silty sands and non-plastic silts (Soil Classes 8 and 9 in Table 1806.2a) shall be evaluated as indicated in sections 1806.4.1 through 1806.4.4.

**1806.4.1 Standard Penetration Test.** For cases where lateral sliding cannot occur, the susceptibility to liquefaction can be evaluated on the basis of Standard Penetration Test (“SPT”) blow counts,  $N$  (blows per foot), using Figures 1806.4(a) through (c). Figure 1806.4(a) shall be used if the  $N$ -values were determined using the standard 140-lb. donut drop weight, or if the type of hammer is not known. Figures 1806.4(b) and (c) shall be used only for cases where the specific type of hammer (safety hammer or automatic hammer) is known to have been used. Figures 1806.4(b) and (c) reflect the greater energy efficiency with these two specific types of hammer. Hammer type shall be as described in ASTM Standard Method D6066.  $N$ -values to be used with Figures 1806.4(a) through (c) are uncorrected field values.

Figures 1806.4(a) through (c) are intended to be a screening tool for Site Classes A through D, determined in accordance with section 1613.5.2. The figures are based on a rock spectral acceleration of  $SS = 0.35g$ , a soil amplification factor of  $Fa = 1.52$  for Site Class D, and a factor of safety of 1.1. These figures are based on observed behavior of clean fine to medium sand, and are conservative for other (more silty) materials in Soil Classes 8 and 9.

If the SPT  $N$ -values plot above or to the right of the applicable curve in Figures 1806.4(a) through (c), the soil shall be considered not susceptible to liquefaction. Liquefaction for soils below a depth of 60 feet (18 m) from final

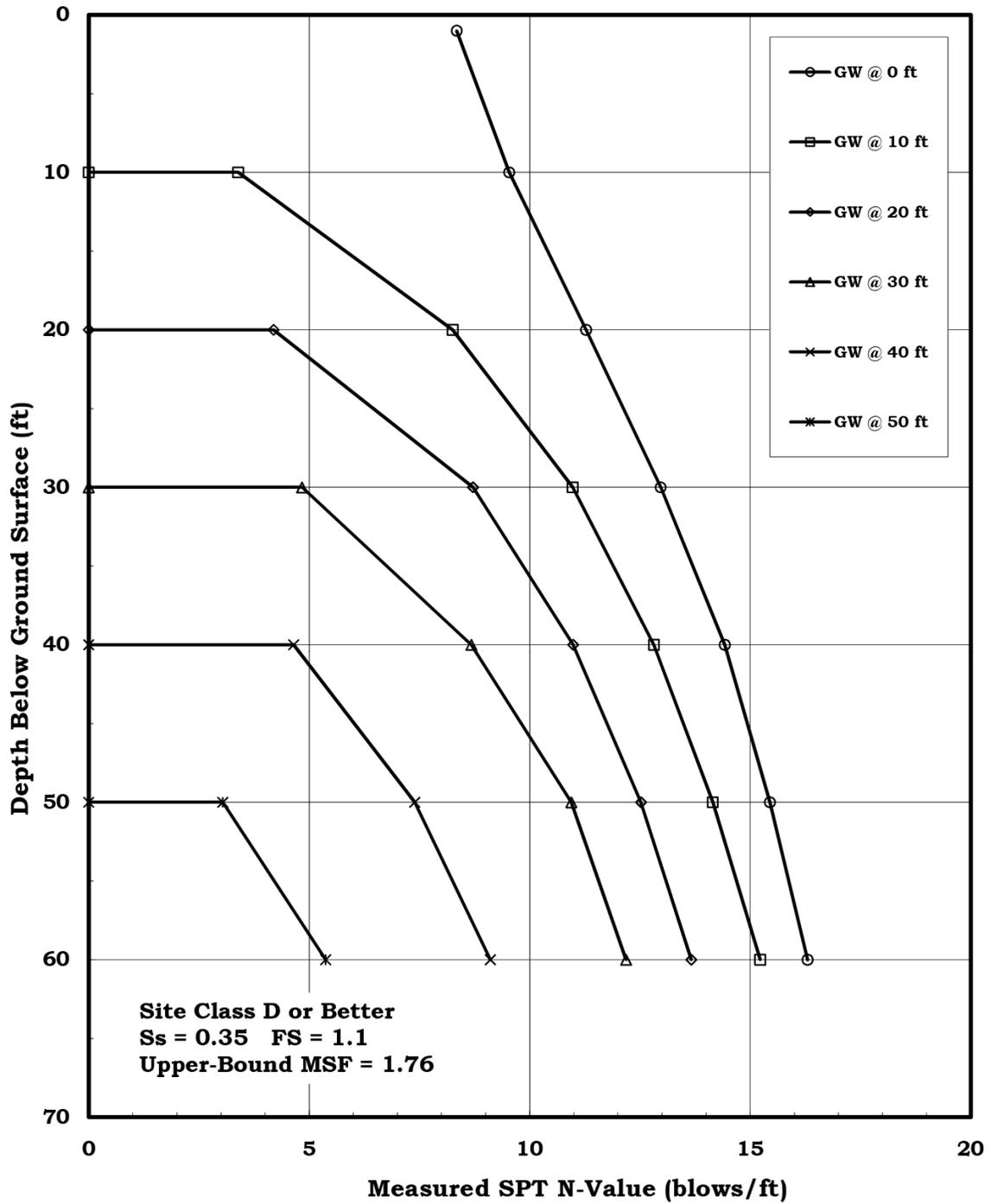
grade need not be considered for level ground. For pressure-injected footings, the ten-foot (3-m) thickness of soil immediately below the bottom of the driven shaft shall be considered not susceptible to liquefaction.

**1806.4.2 Compacted Fills.** Compacted granular fills shall be considered not susceptible to liquefaction provided that they are systematically compacted to at least 93% of the maximum dry density determined in accordance with ASTM Standard Method D1557.

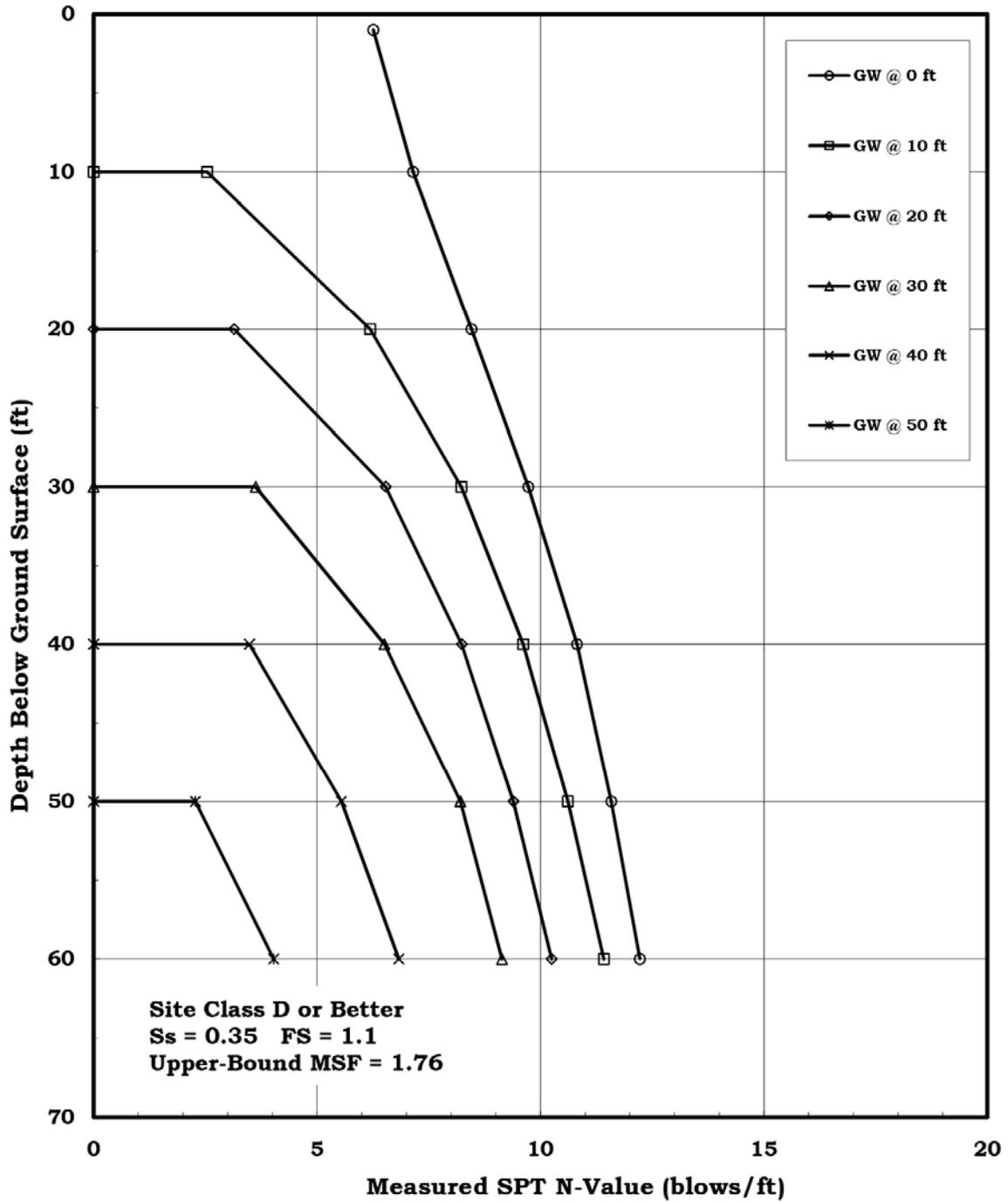
**1806.4.3 Evaluation by a Registered Design Professional.** Soils that do not meet the criteria in section 1806.4.1 or 1806.4.2 shall be considered potentially susceptible to liquefaction. For these cases, studies shall be performed by a registered design professional in accordance with section 1803.5.12.

**1806.4.4 Lateral Sliding.** For sites underlain by the saturated soils identified in section 1806.4, and where the ground surface at the site or adjacent to the site is sloping such that lateral sliding (slope instability) may occur, studies by a registered design professional shall be made to establish the safety against sliding and lateral deformations as a result of the design earthquake.

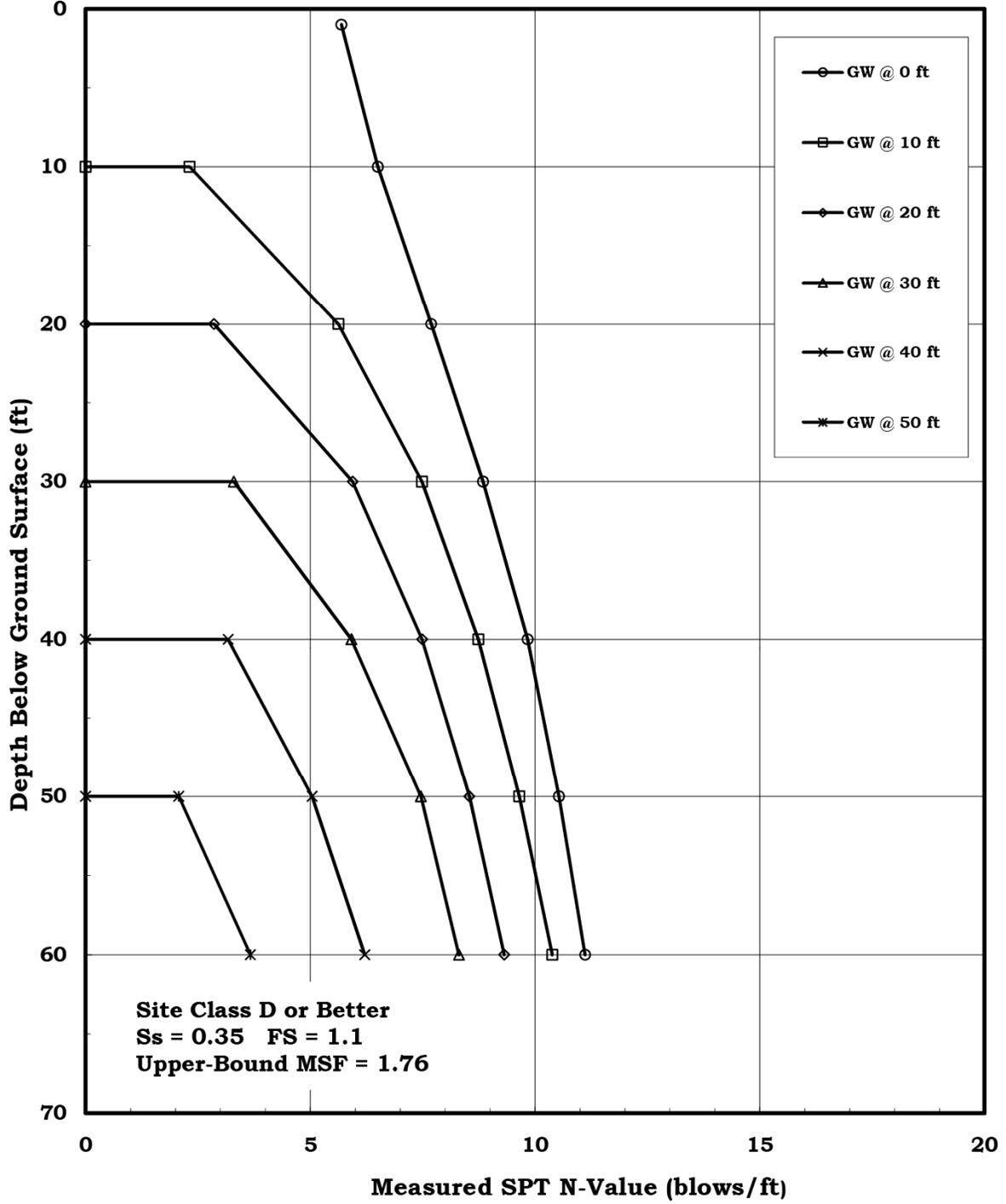
**Figure 1804.6a**  
**Liquefaction Susceptibility - Donut Hammer Blow Counts**



**Figure 1804.6b**  
**Liquefaction Susceptibility - Safety Hammer Blow Counts**



**Figure 1804.6c**  
**Liquefaction Susceptibility - Automatic Hammer Blow Counts**



**1807.1.6** Revise subsection as follows:

**1807.1.6 Prescriptive Design of Concrete and Masonry Foundation Walls.** Concrete and masonry foundation walls shall be permitted to be designed and constructed in accordance with this section, provided that they are laterally supported at the top and bottom, not subject to net hydrostatic pressures or surcharge loadings, and the backfill adjacent to the walls is not subjected to heavy compaction loads.

**1807.2 through 1807.2.3** Replace section and subsections with 1807.2 through 1807.2.6 as follows:

**1807.2 Retaining Walls.** Retaining walls shall be designed in accordance with sections 1807.2.1 through 1807.2.6. The requirements of this section shall apply to any type of retaining structure or system that has any portion of its exposed face inclined steeper than one horizontal to one vertical, including conventional retaining walls, crib and bin wall systems, reinforced or mechanically stabilized earth systems, anchored walls, soil nail walls, multi-tiered systems, boulder walls or other types of retaining structures. The requirements of this section do not apply to slope facings, armor or riprap placed for the sole purpose of protection against surface erosion.

**1807.2.1 Design.** Retaining walls shall be designed to resist the static and seismic pressures of the retained materials, water pressures, and dead and live load surcharges to which such walls are subjected, and to ensure stability against excessive movements, overturning, sliding, excessive foundation pressure, and water uplift. Retaining walls that support an unbalanced height of retained material greater than six feet (1.83 m), and any retaining system or slope that could impact public safety or the stability of an adjacent structure shall be designed by a registered design professional.

**1807.2.2 Design Lateral Soil Loads.** Retaining walls shall be designed for the lateral soil loads set forth in section 1610, including seismic lateral pressure, or the lateral loads determined by a registered design professional based on a geotechnical investigation performed in accordance with section 1803.

**1807.2.3 Safety Factor.** Retaining walls shall be designed to resist the lateral action of soil to produce sliding and overturning with a minimum factor of safety of 1.5 in each case. The load combinations of section 1605 shall not apply to this requirement. Instead, design shall be based on 0.7 times nominal earthquake loads, 1.0 times other nominal loads, and investigation with one or more of the variable loads set to zero. The safety factor against lateral sliding shall be taken as the available soil resistance at the base of the retaining wall foundation divided by the net lateral force applied to the retaining wall.

**EXCEPTION:** Where earthquake loads are included, the minimum factor of safety for retaining wall sliding and overturning shall be 1.1.

**1807.2.4 Overall Stability.** The overall global stability of a retaining wall, considering potential failure surfaces extending through the materials located below, in front of and behind the wall shall be evaluated.

**1807.2.5 Discrete Elements.** For retaining walls constructed of discrete elements, such as unmortared masonry, rock, boulders, or stacked modular units, the elements shall be bonded or fastened together to prevent dislodgement under static and seismic loading conditions where dislodgement of the elements could pose a risk to public safety.

**1807.2.6 Wall Drainage.** Retaining walls shall be designed to support a hydrostatic head of water pressure equal to the full height of the wall, unless a drainage system is provided to reduce or eliminate hydrostatic pressure on the wall. Drainage systems shall be designed with sufficient permeability and discharge capacity, and shall be provided with appropriate filters and other design features to prevent blockage due to siltation, clogging, or freezing.

**1808.2** Revise section as follows:

**1808.2 Design for Capacity and Settlement.** Foundations shall be designed to provide adequate load bearing capacity while limiting settlement, heave and lateral movement to tolerable levels. Foundations in areas with expansive soils shall be designed in accordance with the provisions of section 1808.6.

**1810.1.2** Revise subsection as follows:

**1810.1.2 Use of Existing Deep Foundation Elements.** Deep foundation elements left in place that have previously supported a partially or fully demolished structure may be used for support of new construction if satisfactory evidence is submitted by a registered design professional to the building official which indicates that the foundation elements have not been adversely impacted by the demolition, are structurally sound, have adequate load-bearing capacity to support the new design loads, and meet all of the requirements of 780 CMR. The load-bearing capacities of the deep foundation elements shall be determined by one of the following methods:

1. Analyses to determine the actual sustained load that the foundations supported satisfactorily in the previous structure.
2. Analyses based on documented foundation geometry and presumptive bearing value of the supporting soil, where applicable to the foundation type.
3. Load testing or re-driving performed on representative foundation elements. Records of previous pile-driving and load testing may be utilized where such records are deemed adequate by the registered design professional.

**1810.3.2.6** Insert the following exceptions:

EXCEPTIONS:

1. Maximum allowable stress for concrete or grout in compression for elements that are cast in place without a permanent casing shall be  $0.33 f'_c$ .
2. Maximum allowable stresses for timber foundation elements shall be 80% of the values determined in accordance with the AWC NDS.

**1810.3.3.1** Replace subsection as follows:

**1810.3.3.1 Allowable Axial Load.** The allowable axial load on a deep foundation element shall be determined in accordance with sections 1810.3.3.1.1 through 1810.3.3.1.11. Where the allowable load capacity is not determined by using one of the formulas or analysis methods provided in sections 1810.3.3.1.1 through 1810.3.3.1.11, or the presumptive load-bearing values in section 1806, the allowable load capacity shall be verified by load tests. Dynamic load testing of instrumented driven piles performed in accordance with ASTM D4945 may be used in lieu of static load testing, where the testing program consists of a minimum of three instrumented piles tested to a minimum factor of safety of 2.5 using an analysis procedure that matches the force and velocity traces measured at the top of the pile. Load testing may be waived by the building official based upon submittal of substantiating data prepared by a registered design professional which include load test data or performance records for the proposed deep foundation elements under similar soil and loading conditions.

EXCEPTION: The allowable frictional resistance of cast-in-place elements greater than or equal to 12 inches in diameter obtaining capacity in Material Classes 1 through 6 in Table 1806.2a may be determined by a registered design professional based on analyses incorporating results of testing in similar bearing materials.

**1810.3.3.1.1 through 1810.3.3.1.3** Replace as follows:

**1810.3.3.1.1 Driving Criteria.** For driven piles with a design load capacity not exceeding 50 tons (445 kN), the allowable load capacity may be determined based on final driving criteria (net displacement per hammer blow) obtained from an appropriate pile driving formula using a factor of safety not less than 3.5, or from wave equation analysis using a factor of safety not less than 2.75. The use of followers shall be allowed only as directed by a registered design professional.

The introduction of fresh hammer cushion material just prior to final penetration is not permitted.

**1810.3.3.1.2 Load Tests.** Where static load testing is required to determine the allowable load bearing capacity of deep foundation elements in vertical compression, the load tests shall be performed in accordance with ASTM D1143 and the following requirements:

1. **Load in Bearing Stratum.** The load reaching the top of the bearing stratum under the maximum test load shall not be less than the following:
  - a. For end-bearing elements: 100% of the allowable design load.
  - b. For friction elements: 150% of the allowable design load.

- c. For foundation elements designed for a combination of end-bearing and friction, the required test load reaching the bearing stratum shall be based on the predominant support mode.
2. **Instrumentation.** The test element shall be instrumented using strain gauges, tell-tales, or similar methods to enable measurement or computation of the load in the element where it enters the bearing stratum. For foundation elements containing concrete, instrumentation shall be installed to permit direct measurement of the elastic modulus of the element during the test.

Instrumentation of the test element is not required for the following cases:

  - a. The test element is installed within a casing that extends to within ten feet above the bearing stratum.
  - b. Load testing is performed on an existing foundation element, and appropriate consideration is given to potential frictional resistance developed above the bearing stratum during the load test.
  - c. The foundation element length does not exceed 30 feet and no appreciable load will be supported above the bearing stratum.
3. **Loading Procedure.** The loading procedure shall be as follows:
  - a. Apply 25% of the proposed allowable design load every 0.5 hour. Longer time increments may be used, but each time increment should be the same. In no case shall a load be changed if the rate of settlement is not decreasing with time.
  - b. At 200% of the proposed allowable design load maintain the load for a minimum of one hour and until the settlement (measured at the lowest point on the element at which measurements are made) over a one-hour period is not greater than 0.01 in.
  - c. Remove 50% of the design load every 15 minutes until zero load is reached. Longer time increments may be used, but each should be the same.
  - d. Measure rebound at zero load for a minimum of one hour.
  - e. For each load increment or decrement, take readings at the top of the element and on the instrumentation at one, two, four, eight and 15 minutes and at 15-minute intervals thereafter.
  - f. A load greater than 200% of the proposed allowable design load may be applied at the top of the test element, using the above loading procedure, to ensure that the requirement for minimum load reaching the bearing stratum is fulfilled. Other optional methods listed in ASTM D1143 may be approved by the building official upon submittal in advance of satisfactory justification prepared by a registered design professional.

**1810.3.3.1.3 Load Test Evaluation Methods.** Provided that the requirement for minimum load reaching the bearing stratum is satisfied, the allowable design load is permitted to be the greater of the following:

1. Allowable design load based on settlement during loading: 50% of the applied test load which causes a gross settlement at the top equal to the sum of: a) the theoretical elastic compression of the element in inches assuming all the load at

the top is transmitted to the tip, plus b) 0.15 inch (3.8 mm), plus c) 1% of the tip diameter or width in inches.

2. Allowable design load based on the net settlement after rebound: 50% of the applied test load which results in a net settlement at the top of 0.5 inch (13 mm) after rebound at zero load.

If the allowable design load is not governed by one of the above criteria, the allowable design load shall be equal to 50% of the maximum test load.

If the requirement for minimum test load reaching the bearing stratum is not satisfied, the allowable design load shall not exceed: a) the load reaching the bearing stratum for end-bearing elements and b) two-thirds of the load reaching the bearing stratum for friction elements.

The allowable design load capacity determined from load tests can be applied to other foundation elements of the same type and size that are installed in similar subsurface conditions using the same installation methods and equipment. Where the design is based on a minimum embedment length, minimum penetration resistance, or friction over a minimum surface area, the applicable design value for the production elements shall equal or exceed the value used for the test element.

#### **1810.3.3.1.10** Add subsection as follows:

**1810.3.3.1.10 Enlarged Base Piles.** For enlarged base piles with compacted concrete bases and design capacities up to 120 tons, that are formed on or in bearing materials of Classes 1 to 9 inclusive in Table 1806.2a, the allowable load may be computed by the following formula.

The Class 9 material (fine sand) shall have a maximum of 15% by weight finer than the No. 200 mesh sieve and the fines shall be non-plastic.

$$R = [(B \times E)/C] V^{2/3} \quad \text{(Equation 18-12)}$$

Where:

R = allowable load in pounds.

B = average number of blows required to inject one cubic foot of concrete, during injection of the last batch.

E = energy per blow in foot-pounds.

C = constant.

V = total volume of base concrete in cubic feet.

The values of R, E, and C shall conform to Table 1810.3.3.1 unless other values are determined by load test, in which case the latter values shall control. The value of V shall include an allowance of one standard batch volume of concrete, if concrete is used in the tube during the driving process, plus the additional volume of concrete injected during formation of the base.

During injection of the last batch of concrete in the base, the height of concrete within the drive tube shall not be more than 1/3 of the drive-tube inside diameter.

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**TABLE 1810.3.3.1**

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R (tons)	Energy, E (foot-pounds)	C	Standard Batch Volume (ft <sup>3</sup> )
over 100	140,000	18	5
51 to 100	100,000	18	5
25 to 50	60,000	30	2

**1810.3.3.1.11** Add subsection as follows:

**1810.3.3.1.11 Alternate Load Test Procedure for Micropiles.** For micropiles designed as friction piles, the friction capacity in compression may be verified by load testing in tension in accordance with ASTM D3689 and the following requirements:

1. The test pile shall be cased or left un-grouted down to the top of the bearing stratum in a manner which will ensure that no friction resistance is developed above the bearing stratum.
2. The maximum design load shall be taken as 50% of the applied test load which results in a movement under load of 0.5 inch (13 mm) at the pile tip. The movement at the pile tip shall be:
  - a. measured directly by a tell-tale; or
  - b. computed by deducting the theoretical elastic elongation of the pile from the displacement measured at the top of the pile.

**1810.3.9.4.1** Insert, after the first sentence of the second paragraph, the following text:

Where the actual cross-section area is greater than the minimum area required by design, the minimum reinforcement ratio can be applied to the minimum design area.

**1810.3.9.4.2** Insert, after the first sentence of the second paragraph, the following text:

Where the actual cross-section area is greater than the minimum area required by design, the minimum reinforcement ratio can be applied to the minimum design area.

**1810.3.9.5** Revise subsection as follows:

**1810.3.9.5 Belled Drilled Shafts.** Where drilled shafts are belled at the bottom, the edge thickness of the bell shall not be less than four inches (102 mm). Where the sides of the bell slope at an angle less than 60° (1 rad) from the horizontal, the effects of vertical shear shall be considered.

**1810.3.14** Add subsection as follows:

**1810.3.14 Spacing.** The minimum center-to-center spacing of piles shall be not less than twice the average diameter of a round pile, nor less than 1.75 times the diagonal dimension of a rectangular pile. When driven to or penetrating into rock, the spacing shall be not less than 24 inches (610 mm). When receiving principal support from end-bearing

on materials other than rock or through frictional resistance, pile spacing shall be not less than 30 inches (762 mm). For enlarged base piles, the center-to-center spacing with uncased shafts shall be not less than 2.5 times the outside diameter of the drive tube and not less than 42 inches (1,067 mm). The center- to-center spacing of enlarged base piles with cased shafts shall be not less than three times the shaft diameter. For auger-cast piles, the minimum center-to-center spacing between adjacent piles shall not be less than 30 inches (760 mm) or two times the pile diameter, whichever is greater. The minimum center-to-center spacing between adjacent piers designed for friction support shall be not less than two times the shaft diameter.

**1810.4.6** Revisesubsection as follows:

**1810.4.6 Heaved Elements.** Deep foundation elements in the vicinity of piles being driven shall be monitored to observe heave of the elements. Accurate reference points shall be established on each element immediately after its installation; for cast-in-place piles with unfilled casings or shells, the reference point shall be at the bottom of the pile. If, following the installation of piles in the vicinity, heaving of ½ inch (13 mm) or more occurs, the heaved element shall be re-driven to develop the required capacity and penetration, or the capacity of the element shall be verified by load testing in accordance with section 1810.3.3.1.2 or by analyses performed by a registered design professional.

**1810.4.8** Replace as follows:

**1810.4.8 Hollow-stem Augered, Cast-in-place Elements.** Where concrete or grout is placed by pumping through a hollow-stem auger, the element shall be formed by advancing a closed-end continuous-flight hollow-stem auger of uniform diameter into a satisfactory bearing material followed by removal of the tip closure and pumping cement grout or concrete through the hollow-stem while the hollow-stem auger is extracted. The installation shall conform to the following requirements:

1. During advancement, the hollow-stem auger shall be rotated at a higher rate than required for advancement, so that the material through which the auger is being advanced is removed by the auger flights and is not displaced laterally by the auger. During withdrawal, if the hollow stem auger is rotated, it shall be rotated in a positive (advancing) direction.
2. The grout or concrete shall be pumped under continuous pressure and in one continuous operation. Grout or concrete pump pressures shall be measured and maintained at all times sufficiently high to offset hydrostatic and lateral earth pressures. The rate of withdrawal of the auger shall be carefully controlled to exclude all foreign matter and ensure that the augered hole is completely filled with grout or concrete as the auger is withdrawn. The actual volume of grout or concrete pumped into each hole shall be equal to, or greater than, the theoretical volume of the augered hole.
3. If the grouting or concreting process of any element is interrupted, or a loss of concreting or grouting pressure occurs, the element shall be re-drilled to five feet (1,524 mm) below the elevation of the tip of the auger when the installation was

interrupted or concreting or grouting pressure was lost, or to the bottom of the element if less than five feet, and the installation shall resume from this point.

4. Elements shall not be installed within six diameters (center-to-center) of an element filled with grout or concrete less than 24-hours old except where approved by the registered design professional.
5. The continuous flight auger rig utilized to install augered uncased elements shall be equipped with data logging equipment that automatically monitors and produces a real-time printout of depth, grout or concrete pressure, grout or concrete flow, and rate of auger withdrawal. The automatic monitoring equipment shall immediately indicate to the equipment operator, and record on the printed record, any instance during the withdrawal of the hollow-stem auger where the rate of auger withdrawal times the theoretical element cross-sectional area exceeds the rate of grout or concrete placement. Printed instrumentation readout for each element shall be provided to the registered design professional's representative upon completion of each element.

## **CHAPTER 19: CONCRETE**

**1905.1.7** Revise items 14.1.4 and 14.1.4.1 by adding Seismic Design Category B, in addition to C, D, E, and F.

**1905.1.7** Add the following items at the end of item 14.1.4.1:

- (d) Pedestals. Plain concrete pedestals shall not be used to resist lateral seismic forces.
- (e) Dowels. Reinforcing steel dowels shall extend from the plain concrete footing into the supported pedestals, columns or walls.

**CHAPTER 20: ALUMINUM** (no amendments)

## CHAPTER 21: MASONRY

Add a section as follows:

### SECTION 2106.2 Amendments to Chapter 7 of TMS 402/ACI 530/ASCE 5

NOTE: Numbers that follow are section numbers of TMS 402/ACI 530/ASCE 5.

**7.3.2.5** At the end of the last sentence, add the following:

or one third the length of the wall, whichever is less.

**7.3.2.5.1** Add subsection:

**7.3.2.5.1 Vertical Reinforcement at Openings.** Two adjacent cells shall be grouted solid at each side of each opening and continuous vertical reinforcement shall be located in either of these two cells. Bars in a grouted cell may be offset horizontally by one cell to mitigate interference due to lintels.

**7.3.2.5.2** Add subsection:

**7.3.2.5.2 Horizontal Shear Reinforcement.** Horizontal shear reinforcement shall be provided by horizontal deformed bars in grouted bond beams at a maximum vertical spacing of 48 inches on center. The vertical spacing of horizontal deformed bars in grouted bond beams may be increased to a maximum of 104 inches on center if all of the following conditions are met:

- a. Welded wire reinforcement (ladder or truss configuration) shall be provided at a maximum vertical spacing of eight inches on center and placed in a bed joint not less than 3/8 inches thick.
- b. The longitudinal side wires of the horizontal shear reinforcement shall be a minimum of 3/16-inch diameter with #9 cross or diagonal wire. Additional joint reinforcement or reinforcing bars in grouted bond courses shall be added to meet the design requirements.
- c. Joint reinforcement shall be lapped to develop the full capacity of the reinforcing in the plane of the wall, at corners, and at intersecting shear walls.
- d. Joint reinforcement wires shall be anchored with hooks or bends around the vertical jamb reinforcement at openings and ends of walls.

**7.3.2.11** Revise note (a) to read as follows:

- (a) Reinforcement shall be provided in accordance with sections 7.3.2.6(a) and 7.3.2.6(b), and (f), except where prestressing tendons are located.

**7.5** Add section as follows:

**7.5 Nonparticipating Elements.** Notwithstanding the requirements of section 7.4 to the contrary, non-participating elements (i.e., those isolated from in-plane force) shall be reinforced in accordance with section 7.4.3, except as follows:

1. Reinforcement shall be provided in both the horizontal and vertical directions, and spacing of vertical bars shall not exceed 72 inches for Seismic Design Categories B and C, and 48 inches for Seismic Design Category D.
2. For exterior walls, and for walls enclosing exits, exit discharges, and elevator shafts, the minimum cross-sectional area of reinforcement in the direction of the span shall be 0.0007 times the gross cross-sectional area of the wall, and shall consist of reinforcing steel bars in grouted cells, grouted bond courses, or grouted collar joints. The maximum spacing of the bars shall be the lesser of  $1/3$  of the span or 48 inches.

## CHAPTER 22: STEEL

**2205.1.1** Add subsection as follows:

**2205.1.1 Shop Drawings.** Complete shop drawings shall be prepared in a manner consistent with industry practice and in advance of the actual fabrication. Such drawings shall clearly distinguish between shop and field connections for bolts and welds, and shall also clearly identify steel grades, bolt types and sizes, weld types and sizes, locations and dimensions and all information necessary for proper fabrication and installation of the steel members.

**2211.6.1** Add subsection as follows:

**2211.6.1 Limitations on Cold-formed Steel Framed Shear Walls.** The only sheathing materials permitted for cold-formed framed shear walls are steel sheets, wood structural panels, gypsum board panels, and fiberboard panels.

**2211.6.1.1 Limitations on Gypsum Board Panel and Fiberboard Panel Sheathed Cold Formed Steel Framed Shear Walls.** Gypsum board and fiberboard sheathed cold-formed steel framed shear walls are limited as follows:

1. The building shall not be more than 35 feet in height as measured from mean grade plane to mean roof plane.
2. The location of the shear walls shall be limited to exterior walls, fire walls, fire barriers, or fire partitions.
3. The building is not in Risk Category IV.
4. The seismic weight of each level (floor or roof), supported laterally by the shear walls, shall not be more than 25 psf. Where attics are not habitable, the seismic weight of a pitched roof shall include the dead load of the attic floor.

## CHAPTER 23: WOOD

**2303.1.14** Add subsection and table as follows:

**2303.1.14 Native Lumber.** Native lumber shall be acceptable for use in one- and two-family dwellings, barns, sheds, and agricultural and accessory structures. Native lumber shall also be acceptable for use in one- or two-story structures as columns when the design loads are 25% greater than required in 780 CMR 16.00; as joists, principal beams, and girders in floor constructions when the design loads are 15% greater than required in 780 CMR 16.00; and as other elements when the design loads are as required in 780 CMR 16.00.

When native lumber is used, it shall be subject to the following requirements:

1. Sizing Criteria: For lumber, sized in accordance with the DOC PS-20, figures for maximum fiber stress and modulus of elasticity for framing grade No. 2 shall be used in establishing span and spacing characteristics for all structural members.
2. Stress Criteria: Lumber which is sized in excess of the dimensions established by the DOC PS-20 for the given nominal size referenced shall be allowed to have a maximum fiber stress increase above that provided in section 2303.1.14 item 1 in proportion to the increased bearing capacity of the cross section as provided in Table 2303.1.14.

**TABLE 2303.1.14 NATIVE LUMBER - ALLOWABLE STRESSES**

Nominal size	Actual lumber size (closest size which does not exceed the size shown) width (in.) x height (in.)	Multiplier factor based on lumber width	Value to be added to multiplier factor for lumber with larger widths than those shown in column two for width increases:	
			> ¼ and ≤ ½ in.	> ½ and ≤ 1 in.
3 x 8	2 ½ x 7 ½	1.0 x F <sub>s</sub>	0.10	0.20
	2 ½ x 7 ¾	1.07		
	2 ½ x 8	1.14		
3 x 10	2 ½ x 9 ½	1.0	0.10	0.20
	2 ½ x 9 ¾	1.05		
	2 ½ x 10	1.11		
3 x 12	2 ½ x 11 ½	1.0	0.10	0.20
	2 ½ x 11 ¾	1.04		
	2 ½ x 12	1.09		
3 x 14	2 ½ x 13 ½	1.0	0.10	0.20
	2 ½ x 13 ¾	1.04		
	2 ½ x 14	1.07		
4 x 10	3 ½ x 9 ½	1.0	0.07	0.14
	3 ½ x 9 ¾	1.05		
	3 ½ x 10	1.11		

4 x 12	$3\frac{1}{2} \times 11\frac{1}{2}$ $3\frac{1}{2} \times 11\frac{3}{4}$ $3\frac{1}{2} \times 12$	1.0 1.04 1.09	0.07	0.14
4 x 14	$3\frac{1}{2} \times 13\frac{1}{2}$ $3\frac{1}{2} \times 13\frac{3}{4}$ $3\frac{1}{2} \times 14$	1.0 1.04 1.08	0.07	0.14

## **CHAPTER 24: GLASS AND GLAZING**

**2406.1** Revise section as follows:

**2406.1 Human Impact Loads.** Individual glazed areas, including glass mirrors, in hazardous locations as defined in section 2406.4 shall comply with sections 2406.1.1 through 2406.1.4. See also M.G.L. c. 143, §§ 3T, 3U, and 3V.

**CHAPTER 25: GYPSUM BOARD, GYPSUM PANEL PRODUCTS AND PLASTER (no amendments)**

## CHAPTER 26: PLASTIC

**2603.5.5** Revise subsection as follows:

### **2603.5.5 Vertical and Lateral Fire Propagation.**

The exterior wall assembly shall be tested in accordance with and comply with the acceptance criteria of NFPA 285.

#### EXCEPTIONS:

1. Wall assemblies where the foam plastic insulation is covered on each face by not less than one-inch (25 mm) thickness of masonry, concrete, terracotta, stucco or ½-inch-thick Type X gypsum board and meeting one of the following:
  - 2.1 There is no airspace between the insulation and the masonry, concrete, terracotta, stucco, or ½-inch thick type X gypsum board.
  - 2.2 The insulation has a flame spread index of not more than 25 as determined in accordance with ASTM E 84 or UL 723 and the maximum airspace between the insulation and the concrete or masonry is not more than 1 inch (25 mm).
2. In other than high rise buildings, walls in buildings equipped throughout with an automatic sprinkler system, with the following conditions: 1) only where a NFPA 13 sprinkler system is provided and 2) where fire flow analysis has been performed without sprinkler decrease allowance that shows adequate water is available.

## CHAPTER 27: ELECTRICAL

**2701.1** Revise section as follows:

**2701.1 Scope.** 780 CMR 27.00 governs the electrical components, equipment and systems used in buildings and structures covered by 780 CMR. Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of 527 CMR 12.00.

**2701.1** Revise subsection as follows:

[F] **2702.1.1 Stationary Generators.** Stationary emergency and standby power generators required by 780 CMR shall be listed in accordance with UL 2200. For air quality control for point source generation see 310 CMR 7:00 *Air Pollution Control*.

**2702.2.2** Revise subsection as follows:

[F] **2702.2.2 Elevators and Platform Lifts.** Standby power shall be provided for elevators and platform lifts as required by 780 CMR and 524 CMR.

## CHAPTER 28: MECHANICAL SYSTEMS

**2801.1** Revise section as follows:

**[M] 2801.1 Scope.** Mechanical appliances, equipment and systems shall be constructed, installed and maintained in accordance with the International Mechanical Code and 248 CMR. Masonry chimneys, fireplaces and barbecues shall comply with the *International Mechanical Code* 2015 and 780 CMR 21.00.

## CHAPTER 29: PLUMBING SYSTEMS

**2901.1** Revise section as follows:

[P] **2901.1 Scope.** The provisions of 248 CMR shall govern the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing equipment and systems. Toilet and bathing rooms shall be constructed in accordance with 248 CMR or if applicable, section 1210. Plumbing systems and equipment shall be constructed, installed and maintained in accordance with 248 CMR. Private sewage disposal systems shall conform to 310 CMR 15.00: *The State Environmental Code Regulating Septic Systems (Title 5)*.

## **CHAPTER 30: ELEVATORS AND CONVEYING SYSTEMS**

**3001.1** Revise section as follows:

**3001.1 Scope.** 780 CMR 30.00 governs the design, construction, installation, alteration and repair of elevators and conveying systems and their components.

**3001.2** Revise section as follows:

**3001.2 Referenced Standards.** Except as otherwise provided for in 780 CMR, the design, construction, installation, alteration, repair and maintenance of elevators and conveying systems and their components shall conform to 780 CMR and 524 CMR.

**3001.3** Revise section as follows:

**3001.3 Accessibility.** Passenger elevators required to be accessible or to serve as part of an accessible means of egress shall comply with 780 CMR and 521 CMR.

**3001.4** Revise section as follows:

**3001.4 Change in Use.** A change in use of an elevator from freight to passenger, passenger to freight, or from one freight class to another freight class shall comply with 780 CMR and 524 CMR.

**3001.5** Add section as follows:

**3001.5 Applicable Requirements.** 780 CMR or 524 CMR or the specialized codes may govern requirements associated with elevators and conveying systems. Where there is conflict or duplication of 780 CMR with 524 CMR then the requirement in 524 CMR shall apply. Where construction requirements including but not limited to fire rated construction and egress, are found in 780 CMR 30.00 and are not found in 524 CMR then the requirements of 780 CMR 30.00 shall apply.

**3008** Revise section as follows:

**SECTION 3008 OCCUPANT EVACUATION ELEVATORS** (reserved)

## CHAPTER 31: SPECIAL CONSTRUCTION

**3104.4** Revise section as follows:

**3104.4 Contents.** Only materials and decorations conforming to 780 CMR 8.00 and 527 CMR, and approved by the building official in consultation with the fire official shall be located in the pedestrian walkway.

**3109.1** Revise section as follows:

**3109.1 General.** The design and construction of swimming pools, spas and hot tubs shall comply with the *International Swimming Pool and Spa Code*. Swimming pools shall comply with the requirements of this section and other applicable sections of 780 CMR. See M.G.L. c. 140, § 206 for enclosures to public and semi-public outdoor in-ground swimming pools.

See also:

1. 521 CMR 19.00: *Recreational Facilities*;
2. 105 CMR 430.00: *Minimum Standards for Recreational Camps for Children* (State Sanitary Code: Chapter IV) and 105 CMR 435.00: *Minimum Standards for Swimming Pools* (State Sanitary Code: Chapter V).

## SECTION 3112 TEMPORARY OVERNIGHT SHELTERS

**3112.1 through 3112.14** Add sections as follows:

**3112.1 Scope and Purpose.** The purpose of section 3112 is to establish reasonable standards for the use of facilities designed for other purposes to be safely occupied temporarily as places of overnight accommodation. In this regard, 780 CMR is not intended to serve as a barrier to those seeking to assist individuals in need, but instead to offer a means to ensure that a reasonable degree of life safety is provided.

**3112.2 Temporary Overnight Shelters - Defined.** For purposes of section 3112, a temporary overnight shelter shall be defined as any building, facility, or space therein designed and used primarily as a church or house of worship for religious services or instruction or related activities which is owned or operated by a religious organization and qualified for exemption under 26 U.S.C. § 501(c)(3) (the Internal Revenue Code). The primary use of the building, facility, or space therein is for religious services or instruction but may, on occasion, provide temporary overnight accommodation to a limited number of individuals for a limited period of time as provided for section 3112. Other groups or organizations wishing to offer overnight accommodations in buildings designed and constructed for other purposes shall file an application for change of use in accordance with section 105.

Temporary overnight shelters, as addressed in section 3112, shall be classified as R-1 Use. Express administrative and technical requirements found in section 3112 shall override more general requirements found elsewhere in 780 CMR.

**3112.3 Approval and Temporary Certificate of Occupancy.** In order to operate a temporary overnight shelter, a temporary certificate of occupancy shall first be issued by the building official. Application for a certificate shall be made as follows:

1. The application shall contain information demonstrating that the structure meets the following requirements:
  - a. It has been issued a valid certificate of occupancy for its current use.
  - b. It is or will be equipped with a functioning sprinkler system or is suitably protected by a hard-wired smoke and/or heat detection and alarm system, and a carbon monoxide detection system in accordance with section 3112.6, Table 3112.6; and sections 3112.7 through 3112.14.
  - c. It contains adequate means of egress relative to the number of approved overnight occupants.
  - d. It contains adequate emergency lighting and egress signage.
  - e. It contains the necessary facilities in accordance with the applicable guidelines promulgated by the Massachusetts Department of Public Health.
  - f. Attestation that the structure meets the requirements of 521 CMR: *Architectural Access Board*.
  - g. Attestation that the location is equipped with a hard-wired land line phone or voice over internet protocol (“VOIP”) device for use in the event of an emergency.
2. The application shall include the following:
  - a. Zoning approval (if applicable).
  - b. A plot plan (internet accessed satellite maps may be sufficient if properly labeled).
  - c. A plan for compliance with the applicable guidelines promulgated by the Massachusetts Department of Public Health.
  - d. A fire safety and evacuation plan. The plan shall include, but not be limited to:
    - i. The identification of the anticipated nightly occupant load.
    - ii. A diagram of the bed and personal space layout.
    - iii. The identification of exits and aisles leading thereto.
    - iv. Outline of procedures for accounting for employees and occupants after evacuation.
    - v. Outline of procedures for the evacuation of occupants with special needs.
    - vi. At time of activation, the head of the fire department shall be provided with the identification of the preferred and any alternative person responsible for reporting fires and other emergencies to the fire department.

- vii. At time of activation, the head of the fire department shall be provided with a plan for assignment of personnel responsible for oversight of evacuation.
        - viii. A plan for training of employees relative to emergency evacuation.
      - e. Identification of an on-site individual responsible for ensuring compliance with section 3112.
- 3. Upon receipt of a completed application, the building official shall forward the application to the municipal fire chief and health official for their review. A site visit shall then be undertaken collectively by the building official, fire official, health official, the owner, and the applicant, or their respective designees. Said officials shall assess the suitability of the structure for issuance of a temporary certificate of occupancy and ensure the accuracy and efficiency of the documentation submitted in accordance with section 3112.3 items 1. and 2. Promptly after the site visit is completed, the building official shall either approve the application and issue the temporary certificate of occupancy, or deny the application, or approve the application and issue the temporary certificate of occupancy with conditions. The building official may condition the issuance of a certificate upon anything that he or she determines is necessary to ensure the safety of the occupants of the shelter and consistent with section 3112.1. Prior to taking action, the building official shall review the application with the fire chief and health official. The building official shall consider any recommendations made by the fire chief or health official with due regard for their concerns. However, the building official shall not issue any temporary certificate over the objection of the head of the fire department or the local board of health.
- 4. Temporary certificates of occupancy shall not be issued for a period to exceed one year. Applications for renewal shall be reviewed in accordance with section 3112.3 items 1. through 3.
- 5. If issued, the temporary certificate shall reflect the name of the organization it was issued to, the name of the party responsible for the operation of the shelter, the address, the issuance date, the expiration date, any conditions of issuance ordered pursuant to section 3112.3 item 3., and the maximum allowed occupant load.
- 6. A temporary certificate of occupancy may be revoked by the building official at any time for a violation of any provision of section 3112, any violation of the applicable General Laws, or for any reason necessary to ensure the safety of the occupants of the structure. The terms of issuance of the certificate may similarly be modified. Any such action may be appealed to the Building Code Appeals Board in accordance with M.G.L. c. 143, § 100.

#### **3112.4 Shelter Operation.**

1. The party responsible for the operation of the temporary overnight shelter shall notify the municipal building official and fire chief in writing at least 48 hours prior to each period of operation. The notification shall include a statement as to the anticipated

number of days the shelter will be in operation and an estimate as to the number of individuals who will be in occupancy per night. Notification shall similarly be made within 24 hours after use of the shelter has ended.

2. The temporary certificate of occupancy issued pursuant to section 3112.3 shall be conspicuously posted at the main entrance to the shelter.
3. A document shall be posted, in a location approved by the municipal building official and the head of the fire department, containing an accurate number and names of occupants on a nightly basis and a copy of the evacuation plan referenced section 3112.3 item 2.d. Such document shall also contain the names of all workers and volunteers who are overseeing or assisting in the usage on a nightly basis. The shelter shall be set up and operated in accordance with the documentation submitted pursuant to section 3112.3 item 2. and any conditions mandated under section 3112.3 item 3.

**3112.5 Access by Public Officials.** Access to the shelter for purposes of ensuring compliance with section 3112 shall be granted upon request by the building official, fire chief, health official, police chief or their respective designees.

**3112.6 Limitations of Use.** Use shall be limited as described in this section and Table 3112.6.

1. A temporary overnight shelter identified with a “P” in Table 3112.6 equipped with an interconnected, monitored smoke and carbon monoxide detection and notification system as required by 780 CMR 9.00 may operate year-round for the following periods only:
  - a. Not more than 52 days during a calendar year.
  - b. Not more than seven consecutive days.

Where the subject church/house of worship proper possesses a NFPA 13 fire sprinkler system throughout the building pursuant to the governing edition of NFPA 13 in effect when such system was installed, the temporary overnight shelter can be located anywhere in the church/house of worship, providing all other requirements of section 3112, inclusive are met. If the church/house of worship does not have an NFPA 13 fire sprinkler system installed throughout the building then the location of the temporary overnight shelter shall conform to the requirements set forth in Table 3112.6 (partial fire sprinklering of the temporary overnight shelter is required under certain circumstances addressed in Table 3112.6).

**TABLE 3112.6 LIMITATIONS OF USE**

Use Limitations for Temporary Overnight Shelters									
Location in Building	Building Construction Type								
	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
Basement (without direct access to outside)	PS	PS	PS	PS	NP	NP	PS	NP	NP

Basement (with direct access to outside)	P	P	P	P	P	P	P	P	PS
1 <sup>st</sup> Floor	P	P	P	P	P	P	P	P	P
2 <sup>nd</sup> Floor	P	P	P	P	P	P	P	P	P
3 <sup>rd</sup> Floor	P	P	P	P	PS	PS	PS	PS	PS
4 <sup>th</sup> Floor and above	PS	NP							

P= Permitted, see section 3112.6. PS= Permitted with sprinklers, see section 3112.6. NP = Not Permitted.

2. Alternatively, a temporary overnight shelter identified with a “P” in Table 3112.6 may operate year-round for the following periods only:
  - a. not more than 52 days during a calendar year,
  - b. not more than 14 consecutive days.

NOTE: In order to achieve compliance with section 3112 a temporary overnight shelter shall be equipped with an interconnected, monitored smoke and carbon monoxide detection and notification alarm system as required by 780 CMR 9.00.

3. A temporary overnight shelter identified with a “PS” in Table 3112.6 may operate year-round for the following periods only:
  - a. not more than 104 days during a calendar year,
  - b. not more than 30 consecutive days.

NOTE: In order to achieve compliance with section 3112 a temporary overnight shelter shall be equipped with a full NFPA 13 sprinkler system, interconnected and monitored smoke and carbon monoxide detection and notification alarm system as required by 780 CMR 9.00.

4. The operating period limitations set forth in section 3112.6 may be exceeded in the event that a state of emergency is declared by the governor in accordance with St. 1950, c. 639 or due to an emergency deemed detrimental to the public health pursuant to M.G.L. c. 17, § 2A.

### **3112.7 Reserved.**

**3112.8 Fire and CO Detection, Occupant Notification and Life Safety System Supervision.** All temporary overnight shelters are required to install and have operational, an interconnected, monitored smoke and carbon monoxide detection and notification alarm system.

**3112.9 Monitoring Requirements.** Off-premise monitoring of the interconnected smoke and carbon monoxide detection and notification alarm system is required and shall conform to the requirements in 780 CMR 9.00 and NFPA 72 and NFPA 720, as applicable.

**3112.10 General Installation Requirements and Alarm Signal Precedence.** Installation requirements for the interconnected, monitored smoke and carbon monoxide detection and notification alarm systems shall be in accordance with 780 CMR; 527 CMR; the smoke alarm/detector and carbon monoxide alarm/detector manufacturers' requirements; NFPA 72 and NFPA 720, all as applicable. For alarm signal precedence, see section 916.5.

**3112.11 Location of Fire and CO Detection and Occupant Notification Appliances.** Buildings, facilities or spaces therein intended used as a temporary overnight shelters as defined in section 3112.2 shall incorporate, as applicable, smoke and carbon monoxide detection and notification alarm systems in:

1. All shelter sleeping areas;
2. All egress routes directly serving the shelter areas; and
3. All common areas directly associated with the shelter areas.

**3112.12 Listing.** Smoke detectors/alarms shall be listed to UL 268; carbon monoxide detectors/alarms shall be listed to IAS/CSA 6.19 or UL 2075 as applicable.

**3112.13 Power Source.** The primary and secondary power sources for the low voltage or wireless, interconnected, monitored smoke detection system shall conform to the applicable requirements of NFPA 72; primary and secondary power requirements for CO detectors shall conform to the applicable requirements of NFPA 720.

**3112.14 Fire Sprinkler Locations When Utilized.** Where fire sprinklers are intended employed, as a minimum, such fire sprinkler system(s), complying w/applicable portions of NFPA 13, shall protect:

1. All shelter sleeping areas;
2. All egress routes directly serving the shelter areas; and
3. All common areas directly associated with the shelter areas.

## **SECTION 3113 TEMPORARY EMERGENCY USE**

**3113.1 through 3113.4** Add subsections as follows:

**3113.1 General.** Except as noted herein, the provisions of section 3113 shall apply to temporary emergency uses.

**3113.1.1 Permit Required.** Temporary emergency uses shall not be operated or maintained for any purpose without first obtaining a permit from the municipal official having jurisdiction.

**3113.2 Construction Documents.** A written request for the temporary emergency use change, identifying the address-specific property is required.

**3113.3 Certification.** A temporary emergency use shall be so identified by a special certificate of use and occupancy as established for such purpose by the municipal or state building official in consultation with other appropriate municipal and state officials in accordance with procedures established for such purposes. See the Division of Professional Licensure website <http://www.mass.gov/ocabr/government/ocagencies/dpl-lp/opsi/> for an example of this special certificate of use and occupancy.

**3113.4 Means of Egress.** All temporary emergency uses shall conform to the means of egress requirements of 780 CMR 10.00 to the degree practicable.

**CHAPTER 32: ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY (no amendments)**

**CHAPTER 33: SAFEGUARDS DURING CONSTRUCTION (no amendments)**

## CHAPTER 34: EXISTING BUILDING CODE

**780 CMR 34.00** adopts the *International Existing Building Code-2015* with sections or text modified or added as follows:

**101.1** Revise section as follows:

[A] **101.1 Title.** These regulations shall be known as the Existing Building Code of Massachusetts, hereinafter referred to as 780 CMR 34.00.

**101.2** Revise section as follows:

[A] **101.2 Scope.** The provisions of the *International Existing Building Code-2015* shall apply to the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

### NOTES:

1. If requirements in 780 CMR 34.00 conflict with similar requirements in 780 CMR 1.00, then 780 CMR 1.00 controls.
2. When 780 CMR 34.00 references requirements in other I-Codes, see 780 CMR 1.00 for guidance on how to use those I-Codes.
3. Requirements in 780 CMR 34.00 for plumbing, fuel gas, electrical, elevators, fire, or accessibility shall be replaced by the requirements of the Massachusetts specialty codes, as indicated in 780 CMR 1.00.

**104.2.2.1** Revise subsection as follows:

**104.2.2.1 Building Investigation and Evaluation.** For any proposed work regulated by 780 CMR 34.00 and subject to section 107 of 780 CMR, as a condition of the issuance of a permit the building owner shall cause the existing building (or portion thereof) to be investigated and evaluated in accordance with the provisions of 780 CMR 34.00. The investigation and evaluation shall be in sufficient detail to ascertain the effects of the proposed work on at least these systems: structural, means of egress, fire protection, energy conservation, lighting, hazardous materials, accessibility, and ventilation for the space under consideration and, where necessary, the entire building or structure and its foundation if impacted by the proposed work. The results of the investigation and evaluation, along with any proposed compliance alternatives, shall be submitted to the building official in written report form.

**104.11** Revise section as follows:

**104.11 Compliance Alternative.** Where compliance with the provisions of the code for new construction, required by 780 CMR 34.00, is impractical because of construction difficulties or regulatory conflicts, compliance alternatives may be accepted by the building official. The building official may accept these compliance alternatives, archaic materials and assemblies in Resource A of 780 CMR 34.00, or other alternatives

proposed. If the compliance alternative involves fire protection systems the building official shall consult with the fire official. Compliance alternatives, if any are proposed, shall be included with the application for a permit and shall identify all items of noncompliance or partial compliance with the requirements of 780 CMR 34.00, and for approval by the building official. The building official shall respond to the acceptability of any proposed compliance alternatives within 30 days of the filing of the permit application. Where proposed compliance alternatives are, in the opinion of the building official, unacceptable, or where issues of noncompliance remain, the permit applicant shall have the remedies prescribed by section 113 of 780 CMR.

**202** Revise definitions, and add definitions, as follows:

**CODE OFFICIAL.** See 780 CMR 2.00, building official.

**COMPLIANCE ALTERNATIVE.** An alternative life-safety construction feature which meets or exceeds the requirements or intent of a specific provision of 780 CMR. The building official is authorized to approve or disapprove compliance alternatives. Compliance alternatives are allowed only for existing buildings.

**REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE.** See 780 CMR 2.00, registered design professional.

**ROOF RECOVER.** The process of installing an additional roof covering over a prepared existing roof covering.

**301.1** Add the following to the end of the section:

Automatic sprinkler systems may be required by M.G.L. c. 148, §§ 26A, 26A1/2, 26G, 26G1/2, 26H, or 26I; or by M.G.L. c. 272, §§ 86 through 86D. See sections 101.4.5 and 903.2 of 780 CMR for additional guidance.

**301.1.4.2** Add the following exceptions to Item 1.

**EXCEPTIONS:**

1. 780 CMR using 50% of prescribed forces when directed here by section 807.5, provided there is no substantial structural alteration, as defined by 907.4.2.
2. 780 CMR using either:
  - a. 50% of prescribed forces when directed here by section 1103.3.1 and when the vertical addition increases the building area less than or equal to 30%; or,
  - b. 75% of prescribed forces when directed here by section 1103.3.1 and when the vertical addition increases the building area more than 30% but less than 50%.

**302.6 through 302.10.1.3** Add the following sections and subsections, as follows:

**302.6 Masonry Parapets.** The following exception applies to requirements in 780 CMR 34.00 for masonry parapets:

EXCEPTION: If the height-to-thickness ratio of an unbraced unreinforced masonry parapet does not exceed 2.5, then bracing is not required. For the purpose of this exception the height shall be measured from either the level of tension anchors or the roof sheathing, whichever is lower.

### **302.7 Structural Requirements Pertaining to Roofing Work.**

1. Structural requirements of parapets of unreinforced masonry required by sections 403.5 and 707.3.1 of 780 CMR 34.00 shall only apply when the intended alteration requires a permit for reroofing and when roof covering is removed from the entire roof diaphragm and not by the 25% roof area trigger found in these sections.
2. Structural requirements of roof diaphragms resisting wind loads in high-wind regions required by sections 403.8 and 707.3.2 of 780 CMR 34.00 when the intended alteration requires a permit for reroofing shall only apply when roof covering is removed from the entire roof diaphragm and the building is located where the ultimate design wind speed is greater than 150 mph and the building is Risk Category IV in accordance with Table 1604.5 of 780 CMR.

### **302.8 Structural Requirements Pertaining to Major Alterations.**

1. Structural requirements required by sections 403.6 and 907.4.5 of 780 CMR 34.00 for unreinforced masonry walls shall apply to buildings in seismic design category B in addition to categories C, D, E, and F found in these sections and shall require roof and floor levels to be anchored to the walls.
2. Structural requirements required by sections 403.7 and 907.4.6 of 780 CMR 34.00 for unreinforced masonry parapets shall apply to buildings in seismic design category B in addition to categories C, D, E, and F found in these sections.

**302.9 Provisions for Change in Occupancy Classification to R, I, or E-Use.** Notwithstanding other requirements in 780 CMR 34.00, see 780 CMR 9.00 and applicable provisions of 527 CMR for certain carbon monoxide detection requirements when a change of occupancy classification to R, I, or E-Use occurs.

**302.10 Fire Detection Systems in R-2 Uses Which are not Currently Equipped with Sprinklers.** When 780 CMR 34.00 requires a smoke detection system in an R-2 Use and does not additionally require an NFPA 13, 13R, or 13D system installed throughout the building, then subsections 302.10.1 through 302.10.3 shall apply.

**302.10.1 Heat Detection.** If a building fire alarm system is provided, a heat detector shall be provided inside each dwelling unit within six feet of the entrance door. The heat detectors shall be connected to the building fire alarm system and

cause a general alarm throughout the building upon activation. This shall also apply to the R-2 Use of a mixed use building.

EXCEPTION: Buildings containing three units or fewer and not provided with a building fire alarm system that comply with 302.10.3.1.

**302.10.2 Common Area Detection.** If a building fire alarm system is provided, smoke detectors shall be provided in the common areas of the building. The common area detectors shall be connected to the building fire alarm system and cause a general alarm throughout the building upon activation. This shall also apply to the R-2 Use of a mixed use building.

EXCEPTION: Buildings containing three units or fewer and not provided with a building fire alarm system that comply with 302.10.3.1.

**302.10.3 Dwelling Unit Detection.** Interconnected dwelling unit smoke detection shall sound within that dwelling unit only.

EXCEPTION: For buildings of three stories or fewer used exclusively as R-2 Use with six or fewer dwelling units and with at least two means of egress serving each dwelling unit, the fire detection system may comply with the all of the following requirements:

1. Interconnected dwelling unit smoke detection shall sound within that dwelling unit only.
2. Area smoke detection shall be provided throughout common uses spaces including shared means of egress.
3. A heat detector shall be provided inside each dwelling unit within six feet of doors serving common areas.

Upon activation of either the common area smoke detection or the heat detection, a general alarm shall be sounded throughout the building.

**302.10.3.1 Buildings with Three Dwelling Units or Fewer.** In buildings containing 3 units or fewer which are not protected with sprinklers and which are not provided with a building fire alarm system, each dwelling unit shall have additional interconnected smoke detectors on the stairway side of all doors leading to common interior stairways. If there is a common basement, a separate interconnected system of smoke detectors, including smoke detectors on the stairway side of all doors leading to interior stairways, shall be provided to serve the basement level only.

**404.4.1** Add subsection as follows:

**404.4.1 Repairs for Less than Substantial Damage due to Snow Load Effects.** Damaged roof framing components that have sustained less than substantial structural damage caused by or related to snow load effects shall be rehabilitated to

comply with the applicable provisions for dead and snow loads in 780 CMR 16.00. Undamaged roof framing components that receive dead or snow loads from rehabilitated components shall also be rehabilitated to comply with the design loads of the rehabilitated design.

**606.2.1.1** Add subsection as follows:

**606.2.1.1 Repairs for Less than Substantial Damage due to Snow Load Effects.** Damaged roof framing components that have sustained less than substantial structural damage caused by or related to snow load effects shall be rehabilitated to comply with the applicable provisions for dead and snow loads in 780 CMR 16.00. Undamaged roof framing components that receive dead or snow loads from rehabilitated components shall also be rehabilitated to comply with the design loads of the rehabilitated design.

**706.3** Add exceptions 5 and 6 as follows:

5. For roof replacement and roof recover projects, where the existing roof assembly includes a built-up roof that is adhered to the roof deck, the existing built up roof shall be permitted to remain in place and be restored to good condition to serve as a sound substrate for the new roof covering, in accordance with the roof manufacturer's requirements.
6. For roof recover projects where there is only one layer of existing roofing present, existing continuous insulation shall be permitted to remain in place, provided all wet or otherwise deteriorated portions of the insulation is removed and replaced.

**804.2** Add exception as follows:

EXCEPTION: R-2 structures, of three units undergoing Level 2 alterations, are exempt from the requirements of this section provided that:

1. The work area is for a single unit; and
2. No other permits for Level 2 work have been issued for the building in the previous two years.

**804.2.2** Add "R-3" between "R-2" and "R-4" in the title and text of the subsection.

**804.2.2** Delete the word "municipal" from the exception.

**804.2.3** Delete the word "municipal" from the text of the subsection.

**804.2.4, item 2** Delete the word "municipal" from the exception.

**804.2.5** Replace the subsection as follows:

**804.2.5 Supervision.** Fire sprinkler systems required by this section shall be supervised by the method required in section 903.4.1 (code for new construction) of 780 CMR.

**805.4.4** Amend the subsection as follows:

**805.4.4 Panic Hardware.** In an work area, and in the egress path from any work area to the exit discharge, in buildings or portions thereof of Group A assembly occupancies with an occupant load greater than 100, and nightclubs with an occupant load of 50 or greater, all required exit doors equipped with latching devices shall be equipped with approved panic hardware.

**904.1.1** Delete the word “municipal” from the text of the subsection.

**1002.1** Delete items 1 through 11, and revise the section as follows:

**1002.1 Compliance with the Building Code.** Where the character or use of an existing building or part of an existing building is changed to a special use or occupancy as found in 780 CMR 4.00, the special use or occupancy shall comply with the applicable requirements of that chapter. Areas changed to incidental uses shall comply with 780 CMR Table 509.

**1401.1.2** Add subsection as follows:

**1401.1.2 Compliance Alternatives Notification.** The building official shall ensure that the BBRS is provided with information regarding any and all compliance alternatives accepted by the building official within two weeks of acceptance.

**1401.2** Revise the section as follows:

**1401.2 Applicability.** The provisions of sections 1401.2.1 through 1401.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, I-2, M, R and S. These provisions shall not apply to buildings with occupancies in Group H or I-1, I-3 or I-4.

**1401.3.4** Add subsection as follows:

**1401.3.4 Peer Review.** At the discretion of the building official, the owner shall engage a registered design professional to review the performance compliance evaluation and methodologies proposed to determine compliance with this section. The registered design professional shall prepare a written report to the building official summarizing the results of their review. Items identified by the registered design professional as needing modification in order to be in compliance with this section shall be addressed to the satisfaction of the building official prior to the issuance of a building permit.

**1401.4.1** Add exception as follows:

EXCEPTION: Residential buildings three stories or less above grade plane and comprised of light frame construction and of six units or fewer shall not need to demonstrate compliance to the loads specified in 780 CMR 16.00. Any structural alterations made to the building shall comply with the code for new construction as practicable or 780 CMR 4.00.

**1401.6.17** Add note as follows:

NOTE: Automatic sprinklers required by M.G.L. c. 148, § 26G need not be considered “required sprinklers” for the purposes of section 1401 of 780 CMR 34.00.

**1501.1** Add the following not to the section:

NOTE: As applicable, 527 CMR, in conjunction with applicable provisions of M.G.L. c. 148, § 27A, shall be satisfied if fire protection systems are to be dismantled, shut-off, or modified.

## CHAPTER 35: REFERENCED STANDARDS

Replace introductory paragraph with the following paragraph:

780 CMR 35.00 lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in section 102.4. Where a section of 780 CMR has been amended to cite a different standard (i.e., other than the one listed in 780 CMR 35.00), the referenced standard identified that section of 780 CMR shall prevail, and the referenced standard identified in 780 CMR 35.00 is no longer applicable or enforceable as a part of that section. Where a section of 780 CMR has been deleted or modified to remove a reference to a specific standard, the referenced standard listed in 780 CMR 35.00 is no longer applicable or enforceable as part of 780 CMR. Buildings, structures, or conditions not addressed in 780 CMR shall comply with section 104.10.2.

Insert 10 referenced standards as follows:

NFPA 15 – 2012	<i>Standard for Water Spray Fixed Systems for Fire Protection</i>
NFPA 24 – 2010	<i>Standard for the Installation of Private Fire Service Mains and their Appurtenances</i>
NFPA 25 – 2014	<i>Standard for the Inspection, Testing, and Maintenance of Water-based Fire Protection Systems</i>
NFPA 92B – 2009	<i>Standard for Smoke Management Systems in Malls, Atria and Large Spaces</i>
NFPA 140 – 2013	<i>Standard on Motion Picture and Television Production Studio Soundstages, Approved Production Facilities, and Production Locations</i>
NFPA 130 – 2014	<i>Standard for Fixed Guideway Transit and Passenger Rail Systems</i>
NFPA 241 – 2009	<i>Standard for Safeguarding Construction, Alteration, and Demolition Operations</i>
NFPA 400 – 2010	<i>Hazardous Materials Code</i>
NFPA 2010 – 2015	<i>Standard for Fixed Aerosol Fire-Extinguishing Systems</i>
NFPA 70 – 2017	<i>National Electrical Code</i>

## **CHAPTER 110: SPECIAL REGULATIONS**

### **110.R1: CONCRETE TESTING LABORATORIES**

NOTE:780 CMR 110.R1 is unique to Massachusetts.

**110.R1.1 Title.** The BBRS adopts the rules and regulations for concrete testing laboratories contained herein as 780 CMR 110.R1.

**110.R1.2 Scope.** The provisions of 780 CMR 110.R1 shall govern the registration of laboratories that test concrete and concrete aggregates utilized in the construction of buildings and structures falling under construction control.

**110.R1.3 Definitions.** The following words and terms shall, for the purpose of 780 CMR 110.R1, have the meanings shown:

**ACCREDITATION AUTHORITY.** An entity such as the National Institute of Standards and Technology, the Cement and Concrete Reference Laboratory (“CCRL”), AASHTO Materials Reference Laboratory (“AMRL”), registered design professional, or another agency designated by the BBRS that field examines and evaluates concrete testing laboratories. Some accreditation authority such as AMRL may have limited evaluation and testing authority relative to 780 CMR 110.R1.

**BRANCH LABORATORY.** A concrete testing laboratory physically removed from the principal laboratory. A branch laboratory may have project laboratories.

**CONCRETE TESTING LABORATORY.** A proprietorship, corporation, partnership or agency which conforms to the requirements of ASTM E 329 as modified by 780 CMR 110.R1. A concrete testing laboratory shall mean the principal laboratory, branch laboratory or project laboratory unless otherwise specified, and shall be capable of testing as a minimum concrete and concrete aggregate.

**DPL.** The Massachusetts Division of Professional Licensure.

**LABORATORY.** A concrete testing laboratory.

**OFFICE.** The Office of Public Safety and Inspections.

**PRINCIPAL LABORATORY.** A concrete testing laboratory that may have branch and project laboratories.

**PROJECT LABORATORY.** A temporary onsite concrete testing laboratory for a specific project under the direction of a principal or branch laboratory.

**REPORT.** A field examination and evaluation of a laboratory which indicates compliance with 780 CMR 110.R1. All findings of noncompliance shall be resolved as

indicated by either the seal of a registered design professional or approval by an accreditation authority.

**110.R1.4 Registration.** A laboratory shall each be registered by the BBRS in accordance with 780 CMR 110.R1. An entity seeking to register as a new laboratory or seeking to renew a registration shall submit a standard application to the Office for approval demonstrating that its facilities, equipment, personnel and procedures meet the requirements of 780 CMR 110.R1. The application will include but not be limited to: a report(s) not older than three years and a fee. A registration and laboratory classification (principal, branch or project) shall be issued for an application that meets the requirements of 780 CMR 110.R1, or the Office shall notify the applicant of the reasons of refusal. Registrations first issued shall be valid for a period of one, but not to exceed two years and shall expire on December 31. Renewals periods of registrations shall be one year and shall expire on December 31.

**110.R1.4.1 Project Submittals.** A laboratory involved with projects having structures subject to construction control as required in 780 CMR 1.00 shall submit notice of proof of registration to the project owner for submittal to the building official at the time of the building permit application. Proof of registration shall also be submitted by any new or successor laboratory prior to engaging in work during the course of a project. A laboratory that plans to terminate services on a project shall notify the building official and project owner in writing three days prior to terminating services.

**110.R1.5 Qualifications.** Principal laboratory and branch laboratories shall be evaluated by an accreditation authority prior to applying for a registration and at least every three years to ensure the laboratory equipment, personnel and procedures meet the requirement of 780 CMR 110.R1. The accreditation authority shall notify the laboratory of the evaluation date. The accreditation authority will issue a report to the laboratory with all audit findings. Reports received by laboratories shall be submitted to BBRS through its designee the Office within ten days of receipt. Audit findings shall be corrected and approved by an accreditation authority within 30 days and evidence of same submitted to the Office.

**110.R1.5.1 Standards.** Laboratory equipment, personnel and procedures shall conform to the standards of ASTM E 329 and 780 CMR 110.R1, narrow to the testing of concrete and its constituent materials only.

**110.R1.5.2 Equipment.** Compression testing machines shall be calibrated and verified, with equipment traceable to the National Institute of Standards and Technology, at least annually and also when a laboratory changes location or as required by the BBRS, and the calibration results submitted to the BBRS.

**110.R1.5.3 Personnel.** Each principal and branch laboratory shall have a director of testing services, lab supervisor and field supervisor. An individual that meets all three qualifications may fill more than one position at a laboratory, but may not fill positions concurrently at a separate laboratory. A project laboratory shall have a full time lab supervisor. Each individual shall submit credentials and qualifications under penalty of perjury with signature notarized. Individuals applying for registration in more than one

category shall file separate applications for each category. Credentials shall be filed within 30 days of employment. The director of testing shall notify the BBRS within seven days of any vacancy of any position. Any vacant position shall be filled within 30 days.

A director of testing shall be a fulltime employee of a laboratory, shall be able to interpret the results of tests on concrete and concrete aggregates as stated in ASTM E 329, and shall be qualified in accordance with one of the following requirements:

1. A professional engineer registered in the Commonwealth with at least five years of experience in responsible charge of work related to structural engineering, construction engineering or construction materials testing;
2. A bachelor's degree in engineering from an accredited institution and an additional total of three years' experience performing tests on concrete and concrete materials which shall include two years as a laboratory technician or supervisor; or
3. At least eight years' experience including five years as a lab technician or supervisor.

A lab supervisor shall have at least five years of experience performing tests on construction materials including concrete and concrete aggregates and be ACI-certified as a Concrete Laboratory Testing Technician-Level 2 and ACI-certified Aggregate Testing Technician – Level 2, and shall maintain such certification.

A field supervisor shall have at least five years of experience performing tests on construction materials including concrete and be ACI-certified as a Concrete Field Testing Technician-Grade 1 and shall maintain such certification.

**110.R1.6 Deficiencies.** Any laboratory that does not meet the requirements of 780 CMR 110.R1.4 to 110.R1.5 shall notify the Office within ten days of said deficiency. Deficiencies shall be corrected within 30 days as proven by a laboratory affidavit sent to the Office on the standard affidavit form. Failure to notify the Office or to correct said deficiencies in the specified time frames shall deem the laboratory as noncompliant and it shall immediately cease testing of concrete and concrete materials subject to construction control.

**110.R1.7 Revocation and Suspension.** The BBRS may suspend or revoke the registration of any laboratory found to be in non-compliance with 780 CMR, or the standard of good practice.

Notice of suspension, revocation or refusal to renew a registration shall be in writing with the reasons clearly stated, and served in accordance 780 CMR 1.00. Prior to issuance of a suspension, revocation or refusal to renew a registration, written notice of such intent shall be served by the BBRS through its designee the Office, in accordance 780 CMR 1.00. Upon registration, suspension, or revocation, the laboratory shall immediately cease testing of concrete and concrete materials for structures subject to construction control.

**110.R1.8 Appeals.** Any laboratory or individual aggrieved by the suspension or revocation of a registration or by an interpretation, order, requirement, direction or failure to act under 780 CMR 110.R1 may appeal to the Building Code Appeals Board as provided in 780 CMR 1.00. However, entry of an appeal shall not stay such revocation or suspension unless so ordered by

the Building Code Appeals Board in a preliminary hearing conducted expressly for the purpose of a stay.

## **110.R2: CONCRETE FIELD TESTING TECHNICIAN LICENSING**

NOTE: 780 CMR 110.R2 is unique to Massachusetts.

**110.R2.1 Scope.** The provisions of 780 CMR 110.R2 shall govern concrete field testing technician licensing.

**110.R2.2 Definitions.** Unless otherwise expressly stated in 780 CMR, the following terms, for the purpose of 780 CMR 110.R2, shall have the meaning indicated in 780 CMR 110.R2.1.2.

**CONCRETE FIELD TESTING TECHNICIAN.** A person issued a Grade 1 license by the American Concrete Institute (“ACI”) authorizing such person to test/inspect concrete.

**TESTING AGENCY.** An official Local Sponsoring Group of ACI.

**110.R2.3 Licensing.** All personnel engaged in field testing/inspection of concrete for use in buildings and structures subject to the construction control provisions of 780 CMR 1.00 shall be licensed by ACI as a Concrete Field Testing Technician - Grade 1 in accordance with ACI’s “Certification Policies for Concrete Field Testing Technician - Grade 1” and 780 CMR 110.R2.

**110.R2.4 Application for Licensing.** Applicants shall contact and follow the policies and procedures of the Testing Agency and ACI to be licensed in accordance with 780 CMR 110.R2.

**110.R2.5 Examination.** Applicants shall contact the Testing Agency regarding applications, fees and exam schedules. The exam includes a written and practical “hands-on” component.

**110.R2.6 Notification of Examination and Examination Results.** The Testing Agency provides the time and place for the examination. ACI provides exam results directly to the applicant.

**110.R2.7 Fees.** Application, testing and license fees are paid to the Testing Agency and/or ACI.

**110.R2.8 Renewals.** Licenses shall be renewed according to the policies of ACI.

## **110.R3: MANUFACTURED BUILDINGS**

NOTE: 780 CMR 110.R3 is unique to Massachusetts.

### **110.R3.1: ADMINISTRATION**

**110.R3.1.1 Title.** The BBRS adopts the rules and regulations for manufactured buildings, manufactured building components and manufactured homes contained herein as 780 CMR 110.R3.

**110.R3.1.2 Scope.** 780 CMR 110.R3 shall govern the design, manufacture, handling, storage, transportation, relocation, and installation of manufactured buildings, manufactured building components, and modular homes, and hereinafter referred to as product, intended for installation in the Commonwealth and/or manufactured in the Commonwealth for shipment to any other state in which such product and the labels thereon are accepted. Subject to local zoning ordinances and by-laws, product may be sold for, delivered to, or installed on, building sites located in any location in the Commonwealth if such products have been approved and certified pursuant to 780 CMR 110.R3.

**110.R3.1.3 Administration and Enforcement.** The BBRS, through its designee the Office, shall administer and enforce the state requirements of 780 CMR 110.R3 and building officials shall administer and enforce the local requirements of 780 CMR 110.R3. The boards which regulate the specialized codes shall have enforcement authority of product specific to its specialized code. No person, firm or corporation shall offer for sale or rental, or sell or rent, any product subject to any provisions of 780 CMR 110.R3 unless it conforms with the applicable provisions of 780 CMR 110.R3.

Where an uncertified building was constructed under a manufactured building program of another state and approved under such program, a TPIA shall prepare a report based on review of the plans and specifications and inspection of the building to assure that said plans and specifications meet the requirements of 780 CMR 13.00 and submit such to the Office for review and approval.

When the occupancy classification of a relocated manufactured building is proposed to be changed, a TPIA shall inspect the building, including any disassembly necessary, to determine whether compliance may be achieved for a change of occupancy classification in accordance with the requirements of Chapter 10 of 780 CMR 34.00. If factory plans are available, then disassembly is not required to the extent that the factory plans can be reasonably verified to reflect the actual construction.

#### **EXCEPTIONS:**

Relocatable buildings previously approved with a prior Massachusetts insignia may be relocated into or within the state, subject to local approval for the design loads for the location, provided that no plan, specification, reconfiguration, occupancy type or use group changes are made. The insignia numbers, design loads, and plans based on time of manufacture shall be provided to the building official at time of permit application and prior to installation.

**110.R3.1.4 Authorization of Third-party Inspections Agencies.** The BBRS may register TPIAs based on recommendations by the Office.

## **110.R3.2: DEFINITIONS**

**110.R3.2.1 General.** Unless otherwise expressly stated in 780 CMR the following terms shall, for the purpose of 780 CMR 110.R3, have the meaning as follows:

**ALTERATION.** Any construction, other than ordinary repairs of product that deviate from the approved product.

**APPLICABLE CODES.** 780 CMR and specialized codes if applicable.

**CERTIFICATION.** Any manufacturer or product which meets the provisions of 780 CMR 110.R3 is deemed to be certified.

**CSL.** A construction supervisor license. See also construction supervisor.

**DEALER.** Any individual, organization or firm engaged in the retail selling, or offering for sale, brokering, or distribution of product, primarily to a person who in good faith, purchases or leases such product for purposes other than resale.

**DPL.** The Massachusetts Division of Professional Licensure.

**INSTALLATION.** The process of affixing, or assembling product on the building site, and connecting it to utilities, and/or to an existing building. Installation may also mean the connecting of two or more manufactured building or housing units designed and approved to be so connected.

**INSTALLER.** An individual who, on the basis of training and experience, has been certified by a manufacturer, as competent to supervise the placement and connection required to install product of that manufacturer. Said certification by the manufacturer shall be in writing; additionally, the certified installer shall possess picture identification in the form of a driver's license or other picture identification acceptable to the building official.

**LABEL.** An approved device or seal evidencing certification of product in accordance with 780 CMR 110.R3.

**LOCAL ENFORCEMENT AGENCY.** A department or agency in a municipality charged with the enforcement of 780 CMR and appropriate specialized codes.

**MANUFACTURED BUILDING.** Any manufactured building which has concealed elements, such as electrical, mechanical, plumbing, fire protection, insulation, and other systems affecting health and safety, and which is manufactured, constructed, relocated,

reconfigured, and/or assembled in accordance with 780 CMR and pertinent regulations, in manufacturing facilities, on or off the building site. Also, any manufactured building as defined above which does not have concealed elements, but which has been approved by the BBRS at the request of the manufacturer.

**MANUFACTURED BUILDING COMPONENT.** Any manufactured subsystem, manufactured subassembly, or other system designed for use in or as part of a structure having concealed elements such as electrical, mechanical, plumbing and fire protection systems and other systems affecting health and safety.

**MANUFACTURER.** A business entity approved to manufacture product.

**MANUFACTURED HOMES.** Manufactured homes regulated under the federal Housing and Urban Development standards as defined in 24 CFR Part 3280.2, which are not within the scope of 780 CMR 110.R3.

**MODULAR HOME.** Any R-Use manufactured building.

**OFFICE.** The Office of Public Safety and Inspections.

**PLANS.** Building plans, specifications and documentation of product, which may include structural, electrical, mechanical, plumbing and fire protection systems and other systems affecting health and safety, including variations which are submitted as part of the building system.

**PRODUCT.** A manufactured building, manufactured building component, modular home or relocatable building.

**QUALITY ASSURANCE MANUAL.** The manual as outlined in section 3 of 780 CMR 110.R3 which contains the quality assurance process specific to a manufacturer and approved by a TPIA.

**RELOCATABLE BUILDING.** A partially or completely assembled building constructed and designed to be reused multiple times and transported to different building sites.

**SPECIALIZED CODES.** See 780 CMR 1.00.

**THIRD PARTY INSPECTION AGENCY (“TPIA”).** A TPIA registered in accordance with the requirements of 780 CMR 110.R3 and retained by the manufacturer and approved by the Office to perform inspection, evaluation, and certification of manufacturers and product.

### **110.R3.3: CERTIFICATION OF MANUFACTURER**

**110.R3.3.1 General.** An entity which maintains a quality assurance program in conformance with a quality assurance manual in accordance with this section may apply to the Office for certification as a manufacturer. An entity seeking to become a manufacturer or a manufacturer seeking to renew a certification shall submit an application to the Office for approval. These applications will include but not be limited to: a quality assurance manual and a fee. A certification shall be issued for an application that meets the requirements of 780 CMR 110.R3, or the Office shall notify the applicant of the reasons for refusal. Certifications first issued and renewals of certifications shall be valid for a period of one year.

**110.R3.3.2 Quality Assurance Manual.** The quality assurance manual of a manufacturer shall consist of the requirements contained in this section. It is the responsibility of the manufacturer to execute every aspect of this manual. The manufacturer shall continue to be responsible for all corrective actions required and the contractual relationship between the manufacturer and the TPIA shall not diminish such responsibility. The manufacturer shall cooperate with the TPIA by providing all necessary reports, information, documents, records, facilities, equipment, samples and other assistance for assuring compliance with 780 CMR 110.R3. The manual shall be comprehensively indexed, and shall treat the material listed here in detail, as follows:

1. A procedure for periodic revision of the quality assurance manual;
2. An organizational structure for implementing and maintaining the quality assurance program and its functional relationship to other elements of the organization structure of the manufacturer, which structure shall provide for independence from the production department; company officers and employees in charge of the quality assurance program shall be identified, and their training and qualifications specified;
3. A uniform system of audit (in-depth analysis of program effectiveness and means to identify deficiencies) to monitor the quality assurance program periodically;
4. Complete and reliable records of manufacturing and site operations, if any (suitable means of storage, preservation and accessibility of copies of forms to be utilized shall be included);
5. A system to control changes in production or inspection procedures within the manufacturing facility;
6. A system to assure that working drawings and specifications, working instructions and standards, procurement documents, etc. conform to the approved building system;
7. A serial number system for buildings or building components; and
8. The method of safekeeping, handling and attaching labels and identification of those employees responsible therefore.
9. Materials Control.
  - a. Procedure to assure effective control over procurement sources to ensure that materials, supplies and other items used in production and site operations, if any, conform to the approved plans, specifications and quality requirements;
  - b. Procedures for inspection of materials, supplies and other items at the point of receipt;

- c. Method of protection of materials, supplies and other items against deterioration prior to their incorporation in the certified buildings or building component; and
  - d. Provision for disposal of rejected materials, supplies and other items.
10. Product Control.
- a. Procedures for timely remedial and preventive measures to assure product quality;
  - b. Provision, maintenance and use of testing and inspection;
  - c. Provision for frequency of sampling inspections;
  - d. Provision of necessary authority to reject defective work and carry out compliance assurance functions, notwithstanding any conflict with production department goals and needs;
  - e. A schematic of the manufacturing operation showing the location of inspection stations or areas, and “hold” points for mandatory inspection characteristics;
  - f. Inspection and test procedures, including accept/reject criteria and mandatory inspection characteristics;
  - g. Standards of workmanship; and
  - h. Provision of disposal of rejects.
11. Finished Product Control.
- a. Procedure for final inspection of all product before shipment to the site or storage point, including identification and labels;
  - b. Procedures for handling and storing all finished product both at the manufacturing plant or other storage point and after delivery to the building site;
  - c. Procedures for packing, packaging and shipping operations and related inspections; and
  - d. Procedures for transportation, including all measures to protect product against damage while in transit, and setting forth the modes of transportation to be utilized and the carrying equipment and procedures.
12. Installation Control.
- a. Installation procedures including component placement or set, equipment and procedures, field erection and finishing work, utility connection instructions and all appropriate on-site inspection criteria and test descriptions; and
  - b. Organizational provisions for field repair and disposal of rejects.
13. Permission for Inspection. The manufacturer shall provide the Office with written permission, signed and notarized, for the Office to inspect manufacturing facilities, products, and building sites under his or her control at any reasonable time without prior announcement.
14. Shall contain detailed plans for inspections by the Office or the TPIA.

#### **110.R3.4: REGISTRATION OF TPIA**

**110.R3.4.1 General.** An entity which seeks to register as a TPIA or to renew a registration as a TIPA shall submit an application and a fee to the Office for approval. Applications will include but not be limited to the requirements of this section. A

registration shall be issued for an application that meets the requirements of 780 CMR 110.R3, or the Office shall notify the applicant of the reasons for refusal. Registrations first issued and renewals of registrations shall be valid for a period of one year.

**110.R3.4.2 Registration Requirements.** Applications shall contain, but not be limited to, information on the following; corporate structure, employees, inspection programs, test reports and data sheets, insurance, responsibility and liability, and certification, labels and product. The TPIA applicant shall attest that:

1. All submissions are a true and accurate statement of the personnel, equipment, and procedures that will be followed to certify product;
2. The agency's board of directors, as a body, and its technical personnel as individuals, shall exercise independent judgment;
3. The agency's activities shall not result in financial benefit to the agency through stock ownership, or other financial interests in any producer, suppliers, or vendor of products involved, other than through standard published fees for services rendered;
4. The agency shall not perform architectural, mechanical, electrical, plumbing, sprinkler, or structural design or quality assurance program approvals for any manufacturer who uses the same agency in whole or in part by members of the agency or any affiliated organization for in-facility inspections or other TPIA services;
5. All inspectors, evaluators, and other technicians are adequately trained and qualified to perform each job assigned to them; and
6. The agency is able to evaluate product for compliance with all applicable codes, standards, laws, and rules.

### **110.R3.5: DEALERS**

**110.R3.5.1 General.** Any dealer who contracts for product that is installed or intended to be installed in the Commonwealth shall, as a minimum, be registered with the Secretary of State and the Massachusetts Better Business Bureau. Complaints against a dealer received by the Office may be forwarded to the Massachusetts Better Business Bureau, the Office of the Attorney General of Massachusetts, the Office of Consumer Affairs and Business Regulations, or other entity for appropriate action.

#### **EXCEPTIONS:**

- a. Individuals licensed or certified under other state or federal law, when the law provides for specific authority to provide this particular service, or preempts the requirement for such a registration.
- b. Holders of an active license issued by the Massachusetts Real Estate Commission.
- c. Any licensed construction supervisor who contracts directly with the owner or dealer.

### **110.R3.6: CERTIFICATION OF PLANS**

**110.R3.6.1 General.** Plans for newly constructed or recertified product shall meet the requirements set forth in this section and are to be evaluated for compliance with 780 CMR 110.R3 and certified accordingly by the TPIA. Certified plans along with a fee are to be submitted to the Office for review and approval.

**110.R3.6.2 Construction Documents.** All documents submitted with the application shall be identified to indicate the manufacturer's name, office address and address of the manufacturing facility and shall contain as a minimum the following information:

1. Plans shall be submitted showing all elements relating to specific details on properly identifiable sheets.
2. Each plan application shall bear the signature and seal of a registered design professional certifying that the plans comply with the applicable codes and standards, where applicable.
3. All work to be performed on-site, including connection of all systems, equipment and appliances, shall be identified and distinguished from work to be performed in the manufacturing facility.
4. Grade, quality and identification of all material shall be specified.
5. Design calculations and test reports shall be specified.
6. Drawings shall be drawn to scale and be legible and indicate the location of the data plate and shall be dated and identified. The number of sheets in each set shall be indicated.
7. Plans for product shall provide or show, but not be limited to, the details listed below including the method of their testing or evaluation, or both. These requirements shall apply to the plans for building components only to the extent deemed necessary to permit a proper evaluation of the building component.
  - a. General.
    - i. Details and methods of installation of product on foundations and/or to each other.
    - ii. All exterior elevations.
    - iii. Cross sections as necessary to identify major building components.
    - iv. Details of flashing, such as at openings and at penetrations through roofs and subcomponent connections. Indicate flashing material and gauge to be used.
    - v. Attic access and attic ventilation.
    - vi. Exterior wall, roof and soffit material as well as finish.
    - vii. Interior wall and ceiling finish material.
    - viii. Fire separation walls.
    - ix. Sizes, locations and types of doors, windows and fire/smoke detectors.
    - x. Recommended foundation plans, vents and underfloor access.
  - b. Building Classification.
    - i. Occupancy or use group
    - ii. Area, height, and number of stories.
    - iii. Type of construction.
    - iv. Fire resistance ratings.
  - c. Space and Fire Safety.

- i. Details of fire resistance rated assemblies for all stairway enclosures, doors, walls, floors, ceilings, partitions, columns, roof and shaft enclosures and how continuity will be maintained at all horizontal and vertical junctions.
- ii. Detail of fire protection systems.
- iii. Details as to width of all aisles, exits, corridors, passageways and stairway enclosures.
- iv. Toxicity and flame spread classification of finished materials.
- d. Structural Detail Requirements.
  - i. Engineer's calculations of structural members, where appropriate.
  - ii. Structural and framing details of all floors, roof and walls.
  - iii. Details and stress diagrams of roof trusses.
  - iv. Details of reinforcing steel.
  - v. Complete loading schedule.
  - vi. Column loads and column schedule.
  - vii. Lintel schedule.
  - viii. Size, spacing and details of all structural elements.
  - ix. Grade or quality of all structural elements (lumber, steel, etc.).
  - x. Elevation of structural elements, walls or sections thereof, providing resistance to vertical loads or lateral forces.
  - xi. Complete details of all structural connections.
- e. Mechanical Detail Requirements.
  - i. Location of all equipment and appliances. Indicate equipment and appliances listed or labeled by approved agencies.
  - ii. Heat loss and heat gain calculations or approved prescriptive method.
  - iii. Manufacturer's name, make, model, number, BTU, input and output rating of all equipment and appliances, as appropriate, or the equal thereof.
  - iv. Duct and register locations, sizes, and materials.
  - v. Clearances from combustible material or surfaces for all ducts, flues and chimneys.
  - vi. Method of providing required combustion air and return air.
  - vii. Location of flues, vents and chimneys and clearances from air intakes and other vents and flues.
  - viii. Details regarding dampers in ducts penetrating fire separations.
  - ix. Complete drawings of fire sprinkler system, standpipe system or smoke/fire alarm system as required.
  - x. Detail of elevator or escalator system, including method of emergency operation.
  - xi. Duct and piping insulation thickness.
  - xii. Ventilation air calculations.
- f. Plumbing Detail Requirements.
  - i. Plan or schematic drawing of the plumbing layout, including but not limited to, size of piping, fitting, traps and vents, cleanouts and valves, gas, water, and drainage system.

- ii. Plumbing materials, and location of all equipment and appliances to be used. Indicate fixture unit capacity of system(s) and the make, model, and rating/capacity of equipment and appliances. Indicate equipment and appliances listed or labeled by approved agencies.
- iii. Make and model of safety controls (such as for water heaters), their location, and whether listed or labeled by approved agencies.
- iv. How piping is to be supported and intervals of support.
- v. Location of vents above roofs and required clearances, including but not limited to clearances from air intakes, other vents and flues.
- vi. Methods of testing.
- g. Electrical Detail Requirements.
  - i. Plan of service equipment, including service entrance, conductors, service raceway and clearances above ground and above structures.
  - ii. Method and detail for grounding service equipment.
  - iii. Single line diagram of the entire electrical system.
  - iv. Load calculations for service and feeders.
  - v. Sizes of all feeders and branch circuits.
  - vi. Size, rating and location of main disconnect/overcurrent protective devices.
  - vii. Method of interconnection between product and location of connections.
  - viii. Location of all outlets and junction boxes.
  - ix. Method of mounting fixtures and wiring installations.
  - x. Lighting power calculations.

## **110.R3.7:THE OFFICEINSPECTIONS**

**110.R3.7.1 General.** The Officeas it deems necessary may conduct a review of processes a manufacturer's processes and/or TPIA inspection practices or any other requirement governed by 780 CMR 110.R3. This may include any part of the entire process of manufacturing, certifying, handling, storing and transporting of product pursuant to approved plans. No inspection entailing disassembly, damage to or destruction of certified product shall be conducted except to implement 780 CMR 110.R3.

**110.R3.7.2 Damaged Product.** Any finding of damage to product shall cause immediate notification to be made to the Office, TPIA and the manufacturer.Prior to the issuance of a certificate of occupancy the Officeshall inspect, or cause to be inspected product which it determines to have been sufficiently damaged after certification to warrant such inspection and to take such action with regard to such product as is authorized hereof, or as is otherwise necessary to eliminate dangerous conditions. The local enforcement agencies may designate the Officeas the inspection agency.

**110.R3.7.2.1 Repairing Damaged Components.**The Officeor a TPIA shall require product which are so damaged as to no longer comply with the applicable codes and 780 CMR 110.R3 to be repaired and made to comply within 14 days of discovery and after proper written notice to the manufacturer, installer and owner; or if they are so

damaged that they cannot be brought into compliance, the Office or a TPIA shall order that the labels be removed and voided from such product. A report shall be filed with the TPIA and the Office. Irreparably damaged product shall be disposed of by the manufacturer, the CSL and/or owner.

**110.R3.7.3 TPIA Review.** The Office or their designated agents shall audit a TPIA, at any reasonable time, and without prior announcement, in order to monitor the reliability of each TPIA and of its monitoring of quality assurance manuals. Each such audit shall investigate the adequacy of all procedures used by the agency in monitoring compliance assurance programs including inspection, tests, production methods, process controls, operator performance, materials, receipts, storage and handling, workmanship standards, records and all other activities which implement the quality assurance program in the manufacturing facility, during transport, or on-site (as applicable), and at subcontractors' facilities. The results of such audit shall be filed with the Office and sent to the TPIA in writing, within 14 days of discovery. The TPIA shall be notified of any deficiencies and of the manner and time by which such deficiencies shall be eliminated. If deemed necessary by the Office, a TPIA registration may be suspended or revoked. An audit may also be conducted by the Office before approving an inspection agency for first issuance of a registration.

## **110.R3.8: LOCAL AGENCY ENFORCEMENT**

**110.R3.8.1 Permits.** Upon application and in conformity with the provisions of 780 CMR and 780 CMR 110.R3, the building official shall issue building permits for installation of product.

**110.R3.8.1.1 Owner's Agent.** A CSL, duly licensed in accordance with 780 CMR 110.R5, shall, in accordance with 780 CMR 1.00, be hired by and act as the agent for the owner for the purpose of applying for and obtaining any and all permits required for the field installation of all product. The CSL shall be responsible for the construction of the foundation system, the attachment to the foundation, and completion of the product, and all pertinent site work required by section 105 of 780 CMR and shall provide at least 48 hours' notice to the Office and the building official before the placement and connection of such units shall begin.

**110.R3.8.1.2 Submittal Documents.** As part of the permit application process, the CSL shall submit to the building official, in writing:

- a. The name of the installer, who shall be duly certified by the manufacturer to install said manufacturer's product, and is identified as an installer of product. The installer shall be responsible for the safe and proper placement and connection of the product in accordance with 780 CMR, 780 CMR 110.R3, and the specialized codes.
- b. A statement that the work to be performed under such permit is to include the installation of the specific type of product in accordance with the provisions of

the applicable codes, the statement is to be signed by the applicant or his or her agent, with the appropriate address.

- c. A true copy of the approved product and where it was manufactured or is to be manufactured, where one has not previously been furnished to that local enforcement agency.
- d. Site specific plans and specifications.
- e. Plan Identification Number Assignment Form for newly constructed or recertified units with BBRs number. This is to confirm plans have been approved by the state and shall include a stamp approval and signature.
- f. Plans shall be stamped on every page by a TPIA.
- g. Every page showing calculations by a registered design professional shall be provided with their stamp and signature.
- h. Energy compliance certificate.
- i. Set manuals are required to be on site at time of project set.  
EXCEPTION: If all connection details are provided on the plans then the set manual is not required.
- j. Set crew information shall accompany the plan submittal package with approved certification from manufacturer.

**110.R3.8.2 Inspection of Site Preparation and Service Connections.** Appropriate local enforcement agencies shall inspect site preparation work including foundations, not within the scope of the approval and certification, and the structural, mechanical, plumbing, sprinkler, and electrical connections among units or components, for compliance with applicable law, rules and regulations.

**110.R3.8.3 Compliance with Instructions.** Appropriate local enforcement agencies shall inspect all product upon, or promptly after, installation at the building site to determine whether all instructions in the set connection details report or conditions listed on the manufacturer's data plate have been followed. This may include inspections for exterior weather-tightness and protection, tests for tightness of plumbing and mechanical systems, and for malfunctions in the electrical system and a visual inspection for obvious nonconformity with the approved building plans.

**110.R3.8.3.1 Disassembly Prohibited.** Destructive disassembly of product shall not be performed in order to conduct such tests or inspections, nor shall there be imposed standards or test criteria different from those adopted by the Office or specified in the approved plans.

**110.R3.8.3.2 Opening Panels.** Nondestructive disassembly may be performed only to the extent of opening access panels and cover plates.

**110.R3.8.4 Non-complying New or Recertified Units.** Local enforcement agencies shall report to the BBRs in accordance with 780 CMR 110.R3 any non-complying product.

**110.R3.8.5 Certificates of Occupancy.** Building officials shall issue certificates of occupancy for product as applicable if such product has been installed and inspected

pursuant to the applicable codes and 780 CMR 110.R3 and complies with the approved building specifications and plans. Any noncompliant items shall be brought into compliance before such certificate of occupancy shall be issued.

**110.R3.8.6 Reporting of Violations to Division of Professional Licensure.** When any local enforcement agency is making an inspection and finds violations or suspected violations, it shall report the details of the violations in writing to the BBRs. Where violations are hazardous to occupants, a certificate of occupancy shall not be issued and the building shall not be occupied before such hazards are corrected.

If the violations are not hazardous, a temporary certificate of occupancy may be issued.

## **110.R3.9 COMPLIANCE ASSURANCE**

**110.R3.9.1 Grounds.** The BBRs may suspend or revoke the registration of any TPIA or certification of any manufacturer, if the approval was issued in error; was issued on the basis of incorrect information; was issued in violation of any of the applicable codes or 780 CMR 110.R3; if examination discloses that the entity failed to perform properly; or for such other cause as may be deemed sufficient by the Office to warrant such action. If there is a violation of the specialized codes the Office shall notify the authority having jurisdiction.

**110.R3.9.2 Notice.** If the BBRs suspend or revoke the registration of a TPIA, the TPIA shall be given notice in writing from the Office of the suspension or revocation with the reasons therefore set forth therein. Manufacturers being evaluated or inspected by such agencies and all local enforcement agencies within the Commonwealth shall also be notified in writing of such suspension or revocation. Such notices shall contain instructions to the manufacturer and to the local enforcement agency as to the procedures to be followed regarding product previously certified by the TPIA whose approval has been suspended or revoked. If the BBRs suspend or revoke the certification of a manufacturer, the manufacturer shall be given notice in writing from the Office of the suspension or revocation with the reasons therefore set forth therein. Such notices shall contain instructions to the TPIA and to the local enforcement agency as to the procedures to be followed regarding product produced by the manufacturer whose certification has been suspended or revoked.

**110.R3.9.3 Records.** If an entity whose registration or certification has been suspended or revoked shall within 90 days of the suspension or revocation deliver to the custody of the Office the originals of all records required to be maintained during the course of its operations pursuant to the applicable codes and 780 CMR 110.R3.

**110.R3.9.4 Appeal.** Any entity aggrieved by a revocation or suspension stemming from a violation of 780 CMR 110.R3 or any other section or provision of 780 CMR may appeal to the BBRs as allowed by 780 CMR 1.00. For appeals to specialized code requirements the authority having jurisdiction shall administer the appeal.

## **110.R4: REGISTRATION OF NATIVE LUMBER PRODUCERS**

NOTE: 780 CMR 110.R4 is unique to Massachusetts.

### **110.R4.1: ADMINISTRATION**

**110.R4.1.1 Scope.** The provisions of 780 CMR 110.R4 shall govern the licensing of native lumber producers.

**110.R4.1.2 Definitions.** The following words and terms shall, for the purposes of 780 CMR 110.R4 and as used elsewhere in 780 CMR, have the meaning indicated in 780 CMR 110.R4.1.2.

**NATIVE LUMBER.** Native lumber is wood processed in the Commonwealth by a mill registered in accordance with 780 CMR. Such wood is ungraded but is stamped or certified in accordance with 780 CMR 23.00. Native lumber shall be restricted to use in one- and two-story dwellings, barns, sheds, agricultural and accessory buildings and structures and other uses as permitted by 780 CMR 23.00.

**NATIVE LUMBER PRODUCERS.** Persons or corporations in the business of milling wood into native lumber within the Commonwealth.

**PERSON.** Individual, partnership, corporation, trust, joint venture, etc.

**110.R4.1.3 Registration.** No person shall produce native lumber for use in buildings or structures within the Commonwealth unless registered by the BBRS.

**110.R4.1.4 Application.** Native lumber producers shall apply and furnish qualifications satisfactory to the BBRS in accordance with 780 CMR 110.R4 and qualification requirements provided by the BBRS with the application form.

**110.R4.1.5 Registration Fee.** Applications shall be accompanied by a registration fee in accordance with 801 CMR 4.02: *Fees for Licenses, Permits, and Services to be Charged by State Agencies*. This initial registration shall be valid for two years.

**110.R4.1.6 Renewals.** Registration shall be renewed every two years. Within 30 days before the registration expiration date, the BBRS shall forward to each registrant a renewal form. Upon receipt of the completed form and fee in accordance with 801 CMR 4.02: *Fees for Licenses, Permits, and Services to be Charged by State Agencies*, the BBRS shall renew the registration for a period of two years or notify the applicant of reasons for refusal. Any application for renewal of a registration which has expired shall require the payment of a new registration fee.

**110.R4.1.7 Prequalifying Agent.** State inspectors of the Division of Professional Licensure shall act as agents of the BBRS to inspect native lumber producing facilities.

Upon receipt of a completed application, the state inspector shall inspect the facility for compliance with the required qualifications and make recommendation to the BBRs.

**110.R4.1.8 Penalties.** Any person who fails to comply with the requirements of 780 CMR 110.R4 or who falsifies an application shall be subject to the penalties and actions as prescribed in section 114.0 of 780 CMR.

## **110.R4.2: REGISTRATION STAMP**

**110.R4.2.1 Issuance.** Each person registered by the BBRs shall be issued a specific name and number for use in stamping or certifying the native lumber produced at a specific mill.

**110.R4.2.2 Contents.** Each stamp shall be a minimum of two inches by four inches with a minimum of 36 pt. letters and shall contain the following information:

1. Name of native lumber producer;
2. Registration number; and
3. Species of wood.

Each producer shall be responsible for obtaining stamps made for their use in accordance with the requirements of the BBRs and 780 CMR 110.R4.

**110.R4.2.3 Use.** Each piece of native lumber shall be stamped with the name and registration number of the producer in accordance with 780 CMR 110.R4 and bear an approved mark identifying the species of wood. In lieu of stamping, a certification bearing the same stamped information may be provided by the producer for precut or re-manufactured lumber in accordance with 780 CMR 110.R4.

**110.R4.2.4 Unlawful Use.** It shall be unlawful to use a stamp registered for a specific mill at any other mill.

## **110.R4.3: REVOCATION AND SUSPENSION**

**110.R4.3.1 Revocation and Suspension.** The BBRs may suspend or revoke the registration of any native lumber producer found to be in noncompliance with 780 CMR or the standard of good practice. Notice of suspension, revocation or refusal to renew a registration shall be in writing with the reasons clearly stated, and served in accordance 780 CMR 1.00. Prior to issuance of a suspension, revocation or refusal to renew a registration, written notice of such intent shall be served by the BBRs through its designee the Office in accordance 780 CMR 1.00. Upon registration suspension or revocation the native lumber producer shall immediately cease production of native lumber.

**110.R4.3.2 Appeals.** Any native lumber producer or individual aggrieved by the suspension or revocation of a registration or by an interpretation, order, requirement,

direction or failure to act under 780 CMR 110.R4 may appeal to the Building Code Appeals Board as provided in 780 CMR 1.00. However, entry of an appeal shall not stay such revocation or suspension unless so ordered by the Building Code Appeals Board in a preliminary hearing conducted expressly for the purpose of a stay.

## 110.R5: LICENSING OF CONSTRUCTION SUPERVISORS

NOTE: 780 CMR 110.R5 is unique to Massachusetts.

### 110.R5.1 GENERAL

**110.R5.1.1 Scope.** The provisions of 780 CMR 110.R5 shall govern the licensing of construction supervisors.

**110.R5.1.2 Definitions.** Unless otherwise expressly stated in 780 CMR the following terms shall, for the purpose of 780 CMR 110.R5, have the meaning indicated in 780 CMR 110.R5.1.2.

**BBRS.** State Board of Building Regulations and Standards.

**CSL.** A construction supervisor license. See also construction supervisor.

**CONSTRUCTION SUPERVISOR.** A person of good moral character who is deemed qualified by the BBRS to directly supervise persons engaged in the scope of work shown in Table 110.R5.1. Such term shall also apply to persons supervising themselves.

Code	Designation	Note 1	Table 110.R5.1 Construction Supervisor License (CSL) Scope of Work
none <sup>a</sup>	CSL <sup>a</sup>	a, b, c, d	Construction, reconstruction, alteration, repair, removal, or demolition
none	CSL 1&2 Family Dwellings	b	Construction, reconstruction, alteration, repair, removal, or demolition
1A	CSL Masonry <sup>b</sup>	a, b, c, d	Construction, reconstruction, alteration, repair, removal, or demolition of masonry structures that require a permit. Not applicable for construction of masonry buildings
RF	CSL Roof Covering <sup>a</sup>	a, b, c	Construction, reconstruction, alteration, repair, or removal of roof covering, including repair and replacement of 25% of sheathing and 25% of sistering roof rafters
WS	CSL Window and Siding <sup>b</sup>	a, b, c	Construction, reconstruction, alteration, repair, or removal of doors, windows and siding including repair and replacement of damaged window or door framing < 4' wide and up to 25% of sheathing
SF	CSL Solid Fuel-Burning Appliance <sup>b</sup>	a, b, c	Installation of solid fuel burning appliances but does not allow work on any structural elements, including sheathing, with the exception of that required for the installation of either the inlet or exhaust elements
DM	CSL Demolition <sup>b</sup>	a, b, c, d	Demolition only.
IC	CSL Insulation <sup>b</sup>	a, b, c	Installation of insulation including repair and replacement of sheathing and siding necessary to access wall cavities
	b. Specialty License	a. formerly known as "00, Unrestricted" CSL	
Note 1: Building Types and Structures			
a	Buildings of any use group which contain less than 35,000 cubic feet (991m <sup>3</sup> ) of enclosed space.		
b	One- and two-family dwellings or any accessory building thereto, irrespective of size.		
c	Building or structures for agricultural use.		
d	Retaining walls less than ten feet in height at all points along the wall as measured from the base of the footing to the top of the wall.		

**HEARINGS OFFICER.**The hearings officer is the person selected by the Division of Professional Licensure and approved by the chair of the BBRS to carry out the disposition of complaints against licensed construction supervisors.

**HOMEOWNER.**Person(s) who owns a parcel of land on which he or she resides or intends to reside, on which there is, or is intended to be, a one- or two-family dwelling, attached or detached structures accessory to such use and/or farm structures. A person who constructs more than one home in a two-year period shall not be considered a homeowner.

**LICENSED DESIGNEE.** Any individual designated by the license holder to be present, in the absence of said license holder, during any of the periods stated in 780 CMR 110.R5.2.12. Such designee shall also hold a construction supervisor's license in the appropriate category (or better), but his or her name or license number need not be contained on the building permit application.

**RECOGNITION.**The approval by the BBRS of an application and related documents by one desirous of being licensed as a construction supervisor.

**110.R5.1.3 Scope.** 780 CMR 110.R5 shall govern the testing and licensing of individuals who are found to possess the requisite qualifications to be licensed as a construction supervisor and to have charge or control of construction, reconstruction, alteration, repair, removal or demolition of certain buildings or structures or parts thereof, as identified.

**110.R5.1.3.1** Individuals supervising persons engaged in construction, reconstruction, alteration, repair, removal or demolition involving any activity regulated by any provision of 780 CMR, shall be licensed in accordance with 780 CMR 110.R5. Individuals engaged in the supervision of the field erection of manufactured buildings in accordance with 780 CMR 110.R3, shall be licensed as construction supervisors.

**EXCEPTION:** Any homeowner performing work for which a building permit is required shall be exempt from the licensing provisions of 780 CMR 110.R5, provided that if a homeowner engages a person(s) for hire to do such work, then such homeowner shall act as supervisor. This exception shall not apply to the field erection of a manufactured buildings constructed pursuant to 780 CMR 110.R3.

**NOTE:** Any licensed construction supervisor who contracts to do work for a homeowner shall be responsible for performing said work in accordance with 780 CMR and manufacture's recommendations, as applicable, whether or not the licensed contractor secured the permit for said work.

**110.R5.1.3.2 Exemptions.** A construction supervisor's license is not required for:

1. construction of swimming pools, the erection of signs, the erection of tents;
2. projects which are subject to construction control pursuant to 780 CMR 1.00;

3. agricultural buildings which are not open to the public or otherwise made available for public use;
4. registered design professionals provided such comply with the construction supervisor oversight requirements set forth in 780 CMR 110.R5 generally and 780 CMR 110.R5.2.12, as applicable;
5. Massachusetts certified building officials, provided such certification is current and they comply with the oversight requirements of 780 CMR 110.R5 generally and 780 CMR 110.R5.2.12, as applicable; or
6. the practice of any trade licensed by agencies of the Commonwealth, provided that any such work is within the scope of said license including, but not limited to wiring, plumbing gas fitting, fire protection systems, pipefitting, HVAC and refrigeration equipment. See M.G.L. c. 112, § 81R.

**110.R5.1.3.3 Municipal Requirements.** No municipality shall be prohibited from requiring a license for those individuals engaged in directly supervising persons engaged in construction, reconstruction, alteration, repair, removal or demolition in those categories of building and structures for which 780 CMR 110.R5 does not require a license.

**110.R5.1.4 Administration and Enforcement.** The BBRS shall administer and enforce the provisions of 780 CMR 110.R5. The BBRS or those designated by it shall administer examinations, under 780 CMR 110.R5, of persons desirous of being registered as qualified to receive a license as a construction supervisor.

## **110.R5.2: REGISTRATION AND LICENSING**

**110.R5.2.1 Qualifications.** A construction supervisor license candidate shall demonstrate that he or she has had at least three years of experience in their field. This experience shall have been completed within the ten-year period prior to the date of application. Successful completion of certain educational programs may satisfy one to two years of required experience. In addition, all applicants are required to successfully pass an examination in order to receive a license. For a list of the pre exam qualifications access the examination application noted in 780 CMR 110.R5.2.2.

**EXCEPTION:**An individual holding a current certification in accordance with the requirements of 780 CMR 110.R7 shall be allowed to submit an application for an unrestricted construction supervisor license without the need for examination.

**110.R5.2.1.1 Evaluation of Exam Scores.** The authorized testing agent of the BBRS shall determine a successful exam score. BBRS may evaluate multiple unsuccessful exam scores of an applicant if the applicant has:

- a. received and utilized testing accommodation through the authorized testing agent;
- b. taken the exam at least three times in the past five years and not received a successful score on any one exam;

- c. received an exam score five percent greater than the successful exam score authorized by the testing agent using a weighted average of the highest scores from each section of any two of the three exams; and
- d. provided a letter of recommendation from any two of the following individuals:
  - i. a building official;
  - ii. a registered design professional; and/or
  - iii. a construction supervisor licensee.

If the requirements of this section are met then the exam applicant has successfully passed an examination in accordance with 780 CMR 110.R5.

**110.R5.2.2 Examinations.** Examinations shall be held only by appointment. All exam applications shall be filed in accordance with the construction supervisor license examination application found at <http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/opsi/>.

**110.R5.2.3 License Approval.** A majority vote of the members of the BBRS shall be required to grant a license.

**110.R5.2.4 Expiration.** Licenses issued pursuant to these rules and regulations shall expire three years from the date of issuance, which shall be noted on said license and may be renewed. A renewal of an original license shall be for periods of two years and a renewal license shall expire two years from the date of issuance, which shall be noted on said license and may be renewed. A renewal license shall not be issued unless application therefore is made within one year of the date of expiration of the most recently issued license. If a licensee fails to renew his or her license within one year of the expiration date, such license may thereafter be renewed within two years of its expiration date upon the payment of a fee in accordance with 780 CMR.

**EXCEPTIONS:** For applications meeting any of these four exception requirements, where applicable the license shall be renewed for a minimum of one year to a maximum of three years.

1. **Medical Reactivation.** Applicants who seek license reactivation and a waiver of the retesting and/or continuing education requirements shall:
  - a. notify the Office in writing via email or US mail, within four years of expiration date of the license;
  - b. have evidence of personal illness defined as one of the internationally recognized causes of mortality or one of the recognized mental health related illnesses, or illness or death of a parent, sibling, spouse, or child in a four-year window from date of the Office's written notification;
  - c. not have DOR tax, child support, Home Improvement Contractor or Construction Supervisor complaint, or civil fine issues with the Office; and
  - d. submit the following:
    - i. an application form from the Office;

- ii. a form letter from the Office stating how illness or death contributed to loss of focus on personal or business affairs;
- iii. medical evidence of illness or death; and
- iv. a fee.

2. **Military Reactivation.** Applicants who seek license reactivation and a waiver of the retesting and/or continuing education requirements shall:
- a. notify the Office in writing via email or US Mail, within four years of expiration date of the license;
  - b. have evidence of personal military service or of military service of spouse;
  - c. not have DOR tax, child support, Home Improvement Contractor or Construction Supervisor complaint, or civil fine issues with the Office; and
  - d. submit the following:
    - i. an application form from the Office;
    - ii. evidence of honorable military service within the expiration period; and
    - iii. a fee.
3. **Valor Act.** If a license holder is on active duty with the armed forces of the United States, as defined in M.G.L. c. 4, § 7, clause 43, the certificate shall remain valid until the license holder is released from active duty and for a period of not less than 90 days following that release. For this exception to apply, the license holder shall be given an Honorable Discharge, a General Discharge, or an Under Other than Honorable Conditions (“UOTHC”) Discharge, as noted on their discharge and separation papers.

The BBRS may accept education, training, or service completed by an individual as a member of the armed forces, as defined in M.G.L. c. 4, § 7, clause 43, or the United States military reserves as an alternative or in addition to submission of required documentation pursuant to continuing education requirements. The applicant shall submit a license renewal application along with a Verification of Military Experience and Training form and any other supporting documentation. The education, training, or service submitted to the BBRS shall have been completed within 24 months of submission.

4. **Age Reactivation.** Applicants who seek license reactivation and a waiver of the retesting requirement shall:
- a. Notify the Office in writing via email or US Mail a desire to reactivate the license and be at least 62 years of age on the date of notification from the Office;
  - b. not have DOR tax, child support, Home Improvement Contractor or Construction Supervisor complaint, or civil fine issues with the Office; and
  - c. submit the following:
    - i. a renewal application from the Office;
    - ii. certificates of continuing education from expiration date of the license to date of notification from the Office; and
    - iii. a fee.

NOTE: The continuing education waiver shall be utilized only once per licensee.

**110.R5.2.5 Expired License.** The practice of construction supervision is prohibited with an expired license.

**110.R5.2.6 Procedure for Obtaining a License.**

**110.R5.2.6.1 Application.** License applicants meeting the qualifications of 780 CMR 110.R5.2.1 may submit an examination application in accordance with 780 CMR 110.R5.2.2 to the authorized testing agent of BBRS.

**110.R5.2.6.2 Forms.** It shall be the responsibility of the applicant to assure that the required forms are received by the testing agency. All forms shall be accompanied by the required license fee.

**110.R5.2.6.3 Records.** The BBRS shall keep a copy of the application and a computer file listing all licensed construction supervisors.

**110.R5.2.6.4 Examination Date.** Upon receipt of a fully completed application, an examination date shall be set by the authorized testing agency and the applicant so notified.

**110.R5.2.7 False Statements.** Any false statement on the application or references shall be sufficient reason to refuse to issue a license, or to suspend or revoke a license if issued.

**110.R5.2.8 Cause for Suspension or Revocation.** The following shall be grounds for reprimand, suspension, or revocation of a license:

1. the applicant made a false statement to the BBRS;
2. a licensee made a false statement to the BBRS;
3. any violation of 780 CMR;
4. work was performed without a building permit;
5. failure to fully cooperate with a BBRS investigation into a complaint;
6. failure to turn over a suspended or revoked license to the BBRS;
7. failure to abide by a mandate or order of the BBRS;
8. failure to properly supervise a project or be present at a work site as required by 780 CMR 110.R5;
9. failure to meet the requirements of 780 CMR 110.R5.4;
10. revocation of the CSL holder's Home Improvement Contractor Registration by the Office of Consumer Affairs and Business Regulations (HIC revocations that are not personal to the CSL holder shall not be grounds for discipline);
11. violations of state or federal law relevant to CSL work, including violations of the Occupational Safety and Health Act or Occupational Safety and Health Administration regulations, as formally decided by the courts or relevant state or federal agency; and

12. conduct showing a lack of good moral character.

### **110.R5.2.9 Procedure for Suspension or Revocation of License.**

**110.R5.2.9.1 Complaints.** All complaints relative to a license shall be in writing on a form provided by the BBRs. Any person, including a building official, staff of the Massachusetts Office of Consumer Affairs and Business Regulation, or the BBRs itself, may file a complaint. All complaints shall be received by the BBRs within three years of the date the parties entered into an agreement to perform work requiring licensure pursuant to 780 CMR 110.R5.

**110.R5.2.9.1.1 Basis of Complaint.** Work related to a specific building permit that is deemed to not comply with 780 CMR or a consistent pattern of abuse relating to contractual arrangements between license holder and client shall be the basis of such complaint. Any work requiring a building permit which is performed without such permit shall be considered cause for suspension or revocation.

**110.R5.2.9.1.2 Review and Investigation of Complaints.** The BBRs or its designee shall review every complaint filed. If the reviewer determined that the complaint alleges plausible potential violations of 780 CMR by the licensee, a hearing shall be convened. The BBRs may, if it elects, investigate a complaint prior to scheduling a hearing. Failure of a complainant to cooperate in the investigation shall be grounds for dismissal of a complaint.

Upon receipt of a complaint, the BBRs or its designee shall send a letter acknowledging receipt to the complainant, the licensee being complained of, and the appropriate municipal building official. A copy of the complaint and all attachment shall be mailed to the license holder with the acknowledgment letter.

### **110.R5.2.9.2 Reserved**

**110.R5.2.9.3 Notice of Hearing.** If the hearings officer or the BBRs determined that a hearing shall be held to resolve a complaint, reasonable notice shall be provided to the complainant and the license holder. Mailing of the notice to the address on record with BBRs shall be deemed satisfactory notice to the license holder. The notice of hearing shall contain:

1. The name of the complainant.
2. The date, time and place of said hearing.
3. The location of the incident giving rise to the complaint.
4. Notice that either party may view the BBRs's complaint file by appointment.

**110.R5.2.9.4 Hearings.** Hearings convened pursuant to 780 CMR 110.R5 shall be conducted pursuant to 801 CMR 1.02: *Informal/Fair Hearing Rules*. Any party may be represented by legal counsel. All parties shall be permitted to present an opening

statement, testify on their own behalf, cross-examine all witnesses, present any relevant witness testimony, present any relevant documentary evidence, and offer a closing argument. The hearings officer may question any witness and include any records kept by the BBRs as exhibits. The hearings officer may conclude the hearing at any time and issue a decision based on the evidence presented. If a licensee does not appear for the hearing, the hearings officer may conduct a hearing in their absence and render a decision based upon the evidence presented, but only after making a finding that the licensee was provided notice as required by 780 CMR 110.R5.2.9.3.

**110.R5.2.9.5 Decisions and Discipline of License Holders.** The hearings officer shall issue a written decision after the hearing. Decisions shall be issued in a reasonably prompt manner. The hearings officer may suspend a license for a fixed period of time, revoke a license permanently, or reprimand the licensee. In conjunction with these disciplinary measures, the hearings officer may order the license holder to retake the CSL examination. Any license that is suspended or revoked shall be forwarded to the BBRs immediately. A person whose license is revoked may apply in writing to the BBRs for reinstatement no sooner than two years from the date of the revocation.

**110.R5.2.10 Discretionary Appeal.** Any person aggrieved by a decision of the hearings officer may, in writing, request review of said decision by the BBRs. The filing of such a petition shall not serve to stay any disciplinary action taken by the hearings officer.

The BBRs may review such decision at its discretion. Such review is an administrative review that shall be based solely on the administrative record and is not to be construed as a second hearing on the same complaint(s). After review, the BBRs may deny the petition, grant the petition but affirm the decision of the hearings officer, or grant the petition and remand the matter to the hearings officer for further proceedings as directed. An order of remand may include instructions that the hearing officer's decision imposing a reprimand, period of suspension, or revocation be increased, decreased, waived, or rescinded, and any other penalty substituted, including but not limited to, decreasing or increasing a period of suspension, rescinding a suspension and issuing a reprimand, or rescinding a suspension and ordering revocation. The filing of an appeal with the BBRs shall serve to toll the timing provisions of M.G.L. c. 30A, § 14 until such time as the BBRs issues its order on review.

**110.R5.2.10.1 Appeal to a Court.** Any person aggrieved by a decision of the hearings officer or the BBRs may appeal such decision in conformance with M.G.L. c. 30A, § 14.

**110.R5.2.11 Change of Address.** The license holder shall have the responsibility of reporting any change of address and/or change of circumstance to the BBRs. The information on file at the BBRs shall be deemed accurate unless changed by the license holder.

**110.R5.2.12 On-site Presence of Supervisor.** A licensed construction supervisor or a licensed designee as defined shall be present on the site at some point to approve

construction, reconstruction, alterations, removal or demolition involving the following work:

NOTE: Any licensed construction supervisor who contracts to do work for a homeowner shall be responsible for performing said work in accordance with 780 CMR whether or not the licensed contractor secured the permit for said work.

1. Foundation:
  - a. Preparation of bearing material;
  - b. Location of foundation;
  - c. Placement of forms and reinforcing materials (if applicable);
  - d. Placing of concrete (or setting of other foundation materials);
  - e. Setting weather protection methods (if required);
  - f. Installation of waterproofing and/or damp proofing materials; and
  - g. Placement of backfill.

NOTE: If groundwater is encountered in excavating for foundation placement, the licensed construction supervisor shall report its presence to the building official and shall submit a report detailing methods of remediation.

2. Structural frame:
  - a. Installation of joists, trusses and other structural members and sheathing materials to verify size, species and grade, spacing and attachment\fastening methods. The licensed construction supervisor shall ensure that any cutting or notching of structural members is performed in accordance with requirements of 780 CMR.
  - b. Setting of masonry or other structural systems (if used).
3. Energy conservation: Installation of insulation materials, vapor and air infiltration barriers.
4. Fire protection: Installation of smoke, heat and carbon monoxide (“CO”) detectors and/or systems.
5. Special construction, including, but not limited to:
  - a. Chimneys.
  - b. Retaining walls over four feet in height above grade.

The building official may require a licensed construction supervisor or his or her licensed designee to be present on the building site at other points during the construction, reconstruction, alterations, removal or demolition work as he or she deems appropriate.

**110.R5.2.13 Lost/Stolen Licenses.** License holders are required to keep the license in their possession at all times during the course of construction work at any and all building sites. If said license is lost, stolen or mutilated, it shall be the responsibility of the license holder to notify the BBRs.

**110.R5.2.14 Requirement to Show License.** A building official may require the license holder to produce the license at any time on a job site.

**110.R5.2.15 Responsibility of Each License Holder.**

**110.R5.2.15.1 Responsibility for Work.** The license holder shall be fully and completely responsible for all work for which he or she is supervising. He or she shall be responsible for seeing that all work is done pursuant to 780 CMR and the drawings as approved by the building official.

**110.R5.2.15.2 Responsibility to Supervise Work.** The license holder shall be responsible to supervise the construction, reconstruction, installation, alteration, repair, removal or demolition for the category of license held involving any activity regulated by any provision of 780 CMR and all other applicable Laws of the Commonwealth even though he or she, the license holder, is not the permit holder but only a subcontractor or contractor to the permit holder.

**110.R5.2.15.3 Notification of Violations.** The license holder shall immediately notify the building official in writing of the discovery of any violations which are covered by the building permit.

**110.R5.2.15.4 Willful Violation.** Any licensee who shall willfully violate 780 CMR shall be subject to revocation or suspension of license by the hearings officer.

**110.R5.2.16 Permit Applications.** All building permit applications shall contain the name, signature and license number and the category of license so held of the construction supervisor who is to supervise those persons engaged in the work as defined in the building permit. In the event that such licensee is no longer supervising said persons, the work shall immediately cease until a successor license holder is substituted on the records of the building department.

**110.R5.3: ADMINISTRATION**

**110.R5.3.1 Identification.** The BBRs shall issue a card or a certificate or other form of license identification.

**110.R5.3.2 Records of Licensees.** The BBRs shall maintain a computer listing (<http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/opsi/>) which will be available to the public at the office of the BBRs containing all licenses issued by the BBRs.

**110.R5.3.3 Examination.** The BBRs shall determine whether an examination shall be required, or shall be oral or written and shall determine the content of the examination, if applicable.

EXCEPTION: An individual holding a current certification in accordance with the requirements of 780 CMR 110.R7 shall be allowed to submit an application for the construction supervisor license without the need for examination.

**110.R5.3.4 Subject to Rules, Regulations and Procedures.** All persons licensed shall be subject to 780 CMR 110.R5, as well as other rules, regulations, and procedures promulgated by the BBRB.

**110.R5.3.5 Fees.** Any and all fees charged for licenses, examinations, renewals, and registrations shall be determined by the Commonwealth and enforced by the BBRB. Fees shall be established from time to time as necessary, and shall be paid in accordance with 801 CMR 4.02:*Fees for Licenses, Permits, and Services to be Charged by State Agencies.*

**110.R5.3.5.1 Building Official Fees.** The BBRB shall grant a construction supervisor license without examination to an individual holding a current certification in accordance with the requirements of 780 CMR 110.R7. An individual seeking such license shall file an application to the BBRB and pay all appropriate license fees.

## 5.4 CONTINUING EDUCATION

**110.R5.4.1 Standards.** The BBRB may by rule adopt standards for continuing education requirements and course and instructor approval. The standards shall include requirements for continuing education as applicable to buildings and building codes and referenced standards.

**110.R5.4.2 Hours.** A qualifying licensee shall provide proof of completion of required hours of continuing education per two year license cycle in the appropriate category in which the licensee is licensed. Credit may not be earned if the licensee has previously obtained credit for the same course as either a student or instructor during the same licensing period.

1. Construction Supervisors License	12 Hours
2. Construction Supervisors License (One- and Two-Family Dwellings)	10Hours
3. Construction Supervisors Specialty License	6Hours

EXCEPTION:Building officials who are certified and in good standing in accordance with 780 CMR 110. R7 are exempt from 780 CMR 110.R5.4.

**110.R5.4.3 Education Topics.** Construction Supervisor License holders are required to complete the appropriate minimum number of continuing education hours each two-year renewal cycle as described in 780 CMR 110.R5.4.2. The following hour(s) of continuing education topics are required for 12 and ten hour trainings as identified above:

1.Code Review	four hours
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NOTE: Code review courses shall include specific concentration to requirements of the license category. For instance, One- and Two-Family license courses shall focus, but not be limited to, residential code requirements.

- |   |          |
|---|----------|
| 2. Workplace Safety                               | one hour |
| 3. Business Practices / Workers' Compensation     | one hour |
| 4. Energy (except Demolition Specialty License)   | one hour |
| 5. Lead Safe Practices (only first renewal cycle) | one hour |

The remainder of credit hours are to be completed by approved electives.

Specialty CSL holders are required to complete the appropriate number of continuing education each two-year renewal cycle as described in 780 CMR 110.R5.4.2. The following hour(s) of continuing education topics are required for six-hour trainings as identified above:

- |                |           |
|----------------|-----------|
| 1. Code Review | two hours |
|----------------|-----------|

NOTE: Code review courses shall include a specific concentration to requirements of the license category. For instance, Residential Roof Covering license courses shall focus, but not be limited to: roof covering, underlayment and similar code requirements.

- |   |          |
|---|----------|
| 2. Workplace Safety                               | one hour |
| 3. Business Practices/Workers' Compensation       | one hour |
| 4. Energy (except Demolition Specialty License)   | one hour |
| 5. Lead Safe Practices (only first renewal cycle) | one hour |

Qualified licensees may acquire up to a maximum of six hours of continuing education via on-line training. Remaining hours shall be acquired through in-person, classroom training.

Those offering on-line courses in accordance with 780 CMR 110.R5.4.1 shall take measures to ensure a meaningful learning experience for the licensee, including, at a minimum:

1. At the start of each on-line training, a licensee shall be required to affirm to the statement: "Under the pains and penalties of perjury, I attest that, as the licensed construction supervisor requiring continuing education credit, I will personally view all portions of this on-line educational session and will personally answer all questions required of this training."
2. A licensee shall be required to answer a minimum of five questions relating to the material covered each 30-minute period (or more frequently if determined appropriate on-line education provider).
3. A candidate shall answer all questions correctly at the end of each session.
4. If the licensee answers all questions correctly, he or she may advance to the next section.

5. If the licensee answers a question or questions incorrectly, he or she shall be so notified and directed back to the portion of the presentation from which the question is derived.
6. The licensee shall be afforded an opportunity to, again, review the section and answer a similar question\questions as appropriate.
7. Once the licensee answers all questions correctly, he or she shall be allowed to advance to the next portion of the training.
8. In no case shall a licensee be allowed to advance through a section without successfully answering questions relevant to material covered.
9. At the conclusion of a complete on-line training session, a licensee shall be required to successfully complete a final examination comprised of 20 questions, answering at least 16 correctly, and shall again affirm to the statement: “Under the pains and penalties of perjury, I attest that, as the licensed construction supervisor requiring continuing education credit, I have personally viewed all portions and answered all questions required of this training.”

Additionally, providers of on-line educational sessions shall take measures to ensure a meaningful learning experience for the licensee by:

1. Allowing the student to log-out of the session (and back in) without penalty.
2. Providing closed-captioning assistance.
3. Revising on-line training subject matter to reflect changes in code requirements each renewal period.
4. Issuing certificates to students reflecting successful completion of the on-line training, including successful completion of training review questions as herein described.

**110.R5.4.4 Accessibility.** To the extent possible, the BBRS shall ensure that continuing education courses are offered throughout the state and are accessible to all licensees.

**110.R5.4.5 Renewal of Approval.** The BBRS is authorized to establish a procedure for renewal of course approval.

**110.R5.4.6 Content.** Continuing education consists of approved courses that impart appropriate and related knowledge in the regulated industries. Courses may include relevant materials that are included in licensing exams subject to the limitations imposed in 780 CMR 110.R5.4.6, item 1. The burden of demonstrating that courses impart appropriate and related knowledge is upon the person seeking approval or credit.

Course examinations will not be required for continuing education courses unless they are required by the instructor.

Unless determined by the coordinator, textbooks are not required to be used for continuing education courses. The coordinator shall provide students with a syllabus containing, at a minimum, the course title, the times and dates of the course offering, the names and addresses or telephone numbers and email address of the course coordinator and instructor, and a detailed outline of the subject materials to be covered. Any written

or printed material given to students shall be of readable quality and contain accurate and current information.

Upon completion of an approved course, licensees shall earn one hour of continuing education credit for each hour approved by the BBRS. Each continuing education course shall be attended in its entirety in order to receive credit for the number of approved hours. Courses may be approved for full or partial credit, and for more than one regulated industry.

Continuing education credit in an approved course shall be awarded to presenting instructors on the basis of one credit for each hour of preparation for the initial presentation, which may not exceed three hours total credit for each approved course. Continuing education credit may not be earned if the licensee has previously obtained credit for the same course as a licensee or as an instructor within the Current licensing cycle.

The following courses will not be approved for credit:

1. courses designed solely to prepare students for a license examination in a discipline other than CSL;
2. courses in mechanical office skills, including typing, speed reading, or other machines or equipment. Computer or business skills courses are allowed, if appropriate and related to the regulated industry of the licensee;
3. courses in motivation, psychology, or any other course not related to the building industry; and
4. courses that are primarily intended to impart knowledge of specific products of specific companies, if the use of the product or products relates to the sales promotion or marketing of one or more of the products discussed.

**110.R5.4.7 Course Approval.** Courses shall be approved by the BBRS in advance and will be approved on the basis of the applicant's compliance with the provisions of this section relating to continuing education in the regulated industries. The BBRS shall make the final determination as to the approval and assignment of credit hours for courses. Courses shall be at least one hour in length.

Approval shall not be granted for time spent on meals or other unrelated activities. Breaks shall not be accumulated in order to dismiss the class early. Classes shall not be offered to any one student for longer than six hours in one day, excluding meal breaks.

Application for course approval shall be submitted 120 days before the course offering.

Approval is granted for a subsequent offering of identical continuing education courses without requiring a new application if the course is offered within the approved 24-month cycle. The BBRS shall deny future offerings of courses if they are found not to be in compliance with the laws relating to course approval. Courses shall be updated subject to periodic review by the BBRS to ensure currency with technological changes in 780 CMR.

**110.R5.4.8 Course Coordinator.** Each course of study shall have at least one coordinator, which is a person who is registered with the BBRS, who is responsible for

supervising the program and ensuring compliance with all relevant law. Each coordinator shall oversee no more than 12 courses of study.

**110.R5.4.9 Responsibilities of a Course Coordinator:**

1. ensuring compliance with all laws and rules relating to continuing educational offerings governed by the BBRS;
2. ensuring that instructors are qualified to teach the course offering as defined in 780 CMR 110.R5.4.10;
3. maintaining accurate records relating to course offerings, instructors, tests taken by students if required, and student attendance for a period of three years from the date on which the course was completed. These records shall be made available to the BBRS upon request. In the event that a coordinator ceases operation for any reason, the coordinator is responsible for maintaining the records or providing a custodian for the records acceptable to the BBRS. The coordinator shall notify the BBRS of the name and address of that custodian. Under no circumstances shall the BBRS act as custodian of the records;
4. supervising and evaluating courses and instructors. Supervision includes ensuring that all areas of the curriculum are addressed without redundancy and that continuity is present throughout the entire course;
5. providing course completion certificates within ten days of, but not before, completion of the entire course. Course completion certificates shall be completed in their entirety. Course completion certificates shall contain the following statement: "If you have any comments about this course offering, please mail them to the Board of Building Regulations and Standards attn: Education Coordinator." The current address of the Office shall be included. A coordinator may require payment of the course tuition as a condition for receiving the course completion certificate;
6. investigating complaints related to course offerings or instructors. A copy of the written, signed complaint shall be sent to the BBRS within ten working days of course completion. An acknowledgment will be sent upon receipt of complaint via email;
7. to be available to instructors and students throughout course offerings and provide to the students and instructor the mailing address, telephone number and email address at which the coordinator can be reached;
8. participate in workshops or instructional programs as reasonably required by the BBRS;
9. furnishing the BBRS, upon request, with copies of course and instructor evaluations and qualifications of instructors. Evaluations shall be completed by students at the time the course is offered and evaluations shall be reviewed by coordinators within five days after the course offering; and
10. notifying the BBRS in writing within ten days of any change in the information in an application for approval on file with the BBRS.

**110.R5.4.10 Instructors.** Each continuing education course shall have an instructor who is qualified by education, training, or experience to ensure competent instruction. Failure to have only qualified instructors teach at an approved course offering will result in loss

of course approval. Coordinators are responsible to ensure that an instructor is qualified to teach the course offering.

1. Continuing education instructors shall have one of the following:
  - a. a four-year degree (bachelor's or equivalent) in any discipline plus two years of practical experience within the previous five years in the subject area being taught;
  - b. a four-year college degree (bachelor's) or graduate degree in the subject area being taught;
  - c. a CSL holder or certified building official with at least three years' experience in the subject area being taught; provided the instructor demonstrates proficiency in the subject matter
  - d. five years' practical experience within the previous ten years in the subject area being taught;

NOTE: A contractor whose construction license is currently suspended or revoked shall not teach or serve as a continuing education course instructor.

6. Approved instructors are responsible for:
  - a. compliance with all laws and rules relating to continuing education;
  - b. providing students with current and accurate information;
  - c. maintaining an atmosphere conducive to learning in the classroom;
  - d. verifying attendance of students, submission of completed course evaluations and certifying course completion;
  - e. providing assistance to students and responding to questions relating to course materials; and
  - f. attending the workshops or instructional programs that are required by the BBRs.

**110.R5.4.11 Prohibited Practices for Coordinators and Instructors.** In connection with an approved continuing education course, coordinators and instructors shall not:

1. recommend or promote the services or practices of a particular business;
2. encourage or recruit individuals to engage the services of, or become associated with, a particular business;
3. require students to participate in other programs or services offered by the instructor or coordinator;
4. attempt, either directly or indirectly, to discover questions or answers on an examination for a license;
5. disseminate to any other person specific questions, problems, or information known or believed to be included in licensing examinations;
6. misrepresent any information submitted to the BBRs;
7. fail to cover, or ensure coverage of, major points, issues, and concepts contained in the course outline approved by the BBRs during the approved instruction; or
8. issue inaccurate course completion certificates.

Coordinators shall notify the BBRS within ten days of a felony or gross misdemeanor conviction or of disciplinary action taken against an occupational or professional license held by the coordinator or an instructor teaching an approved course. The notification shall be grounds for the BBRS to withdraw the approval of the coordinator and to disallow the use of the instructor.

**110.R5.4.12 Fees.** Fees for an approved course of study and related materials shall be clearly identified to students. In the event that a course is canceled for any reason, all fees shall be returned within 15 days from the date of cancellation. In the event that a course is postponed for any reason, students shall be given the choice of attending the course at a later date or having their fees refunded in full within 15 days from the date of postponement. If a student is unable to attend a course or cancels the registration in a course coordinator policies regarding refunds shall govern.

**110.R5.4.13 Facilities.** Each course of study shall be conducted in a classroom or other appropriate facility that is accessible and adequate to comfortably accommodate the instructors and the number of students enrolled.

**110.R5.4.14 Supplementary Materials.** An adequate supply of supplementary materials to be used or distributed in connection with an approved course shall be available at the time and place of the course offering in order to ensure that each student receives all of the necessary materials. Outlines and any other materials that are reproduced shall be of readable quality.

**110.R5.4.15 Advertisement.** 780 CMR 110.R.4.15 governs the advertising of continuing education courses.

1. Advertising shall be truthful and not deceptive or misleading. Courses shall not be advertised in any manner as approved unless approval has been granted in writing by the BBRS.
2. No advertisement, pamphlet, circular, or other similar materials pertaining to an approved offering shall be circulated or distributed in the Commonwealth unless the following statement is prominently displayed: "This course has been approved by the Massachusetts Board of Building Regulations and Standards for [approved number of hours] hours of continuing [relevant industry] education."
3. Advertising of approved courses shall be clearly distinguishable from the advertisement of other non-approved courses and services.
4. The number of hours for which a course has been approved shall be prominently displayed on an advertisement for the course. If the course offering is longer than the number of hours of credit to be given, it shall be clear that credit is not earned for the entire course.
5. Advertising shall comply with regulations for advertisement of private occupational schools, 603 CMR 3.14, and all advertising, including but not limited to false advertising, is governed by 940 CMR 3.10, violations of which are enforceable under the provisions of M.G.L. c. 93A, the Consumer Protection Act.

**110.R5.4.16 Notice to Students.** At the beginning of each approved offering, the following notice shall be handed out in printed form or shall be read to students: “This educational offering is recognized by the Massachusetts Board of Building Regulations and Standards as satisfying [approved number of hours] hours of continuing [relevant industry] education.”

**110.R5.4.17 Audits.** The BBRS reserves the right to audit subject offerings with or without notice to the coordinator.

**110.R5.4.18 Falsification of Reports.** The BBRS may penalize anyone found to have falsified an education report through imposition of: limitations or conditions on, suspension or revocation of, a license, course coordinator approval or instructor approval, or a fine up to \$1,000.00, or both. The BBRS reserves the right to audit a licensee’s continuing education records.

**110.R5.4.19 Waivers and Extensions.** If a licensee provides documentation to the BBRS that the licensee or its qualifying person is unable, and will continue to be unable, to attend actual classroom course work because of a physical disability, medical condition, military service or similar reason, attendance at continuing education courses shall be waived for a period not to exceed one two-year cycle. The licensee shall make up delinquent credit hours and pay appropriate fees.

The BBRS may request documentation of the condition upon which the request for waiver is based as is necessary to satisfy the BBRS of the existence of the condition and that the condition does preclude attendance at continuing education courses.

**110.R5.4.20 Reporting Requirements.** Required continuing education shall be reported in a manner prescribed by the BBRS. Licensees are responsible for maintaining copies of course completion certificates.

**110.R5.4.21 Continuing Education Fees.** See 801 CMR 4.02: *Fees for Licenses, Permits, and Services to be Charged by State Agencies* for the following fees:

1. Course Approval:
  - a. initial course application fee for each continuing education course approval sought;
  - b. initial course approval fee for each hour or fraction of one hour. Initial course approval expires on the last day of the 24<sup>th</sup> month after the course is approved; and
  - c. renewal of course approval fee for each hour or fraction of one hour. Renewal of course approval expires on the last day of the 24<sup>th</sup> month after the course is renewed.
2. Course Coordinator:
  - a. initial coordinator approval fee. Coordinator may only oversee 12 courses. Initial coordinator approval expires on the last day of the 24<sup>th</sup> month after the coordinator is approved; and

- b. renewal of coordinator approval fee. Renewal of coordinator approval expires on the last day of the 24<sup>th</sup> month after the coordinator is renewed.

**110.R6: RESERVED**

**110.R7: CERTIFICATION  
OF INSPECTORS OF BUILDINGS, BUILDING COMMISSIONERS AND  
INSPECTORS**

**LOCAL**

NOTE: 780 CMR 110.R7 is unique to Massachusetts.

**110.R7.1 GENERAL PROVISIONS**

**110.R7.1.1 Title.** 780 CMR 110.R7.

**110.R7.1.2 Definitions.** Any terms not defined in 780 CMR 110.R7 shall assume the definition of the term as used elsewhere in 780 CMR.

**REGISTRANT.** Any individual registered with the BBRS as a building official in the capacity of an inspector of buildings/building commissioner or local inspector.

**110.R7.1.3 Scope.** 780 CMR 110.R7 shall control all matters relating to qualifications and certification of all building officials engaged in or to be engaged in the administration and enforcement of 780 CMR; categories of certified building officials; procedures for application, issuance, denial and revocation of certifications; approval of training and/or educational programs offered to meet the requirements for certification; maintenance of certification through continuing education; application fees for certification; and enforcement of 780 CMR 110.R7. 780 CMR 110.R7 establishes standards and procedures for certification and requires all persons performing duties with respect to the inspection of building construction for any political subdivision within the Commonwealth to be certified as provided in 780 CMR 110.R7.

**110.R7.1.4 Powers and Duties.** The BBRS, working through its administrator and other staff, shall have the following responsibilities in addition to all others provided in 780 CMR and 780 CMR 110.R7.

**110.R7.1.4.1.** Upon recommendations from the Building Official Certification Committee (“BOCC”), established under 780 CMR 110.R7.1.5, to issue certifications to individuals deemed qualified as provided for in 780 CMR 110.R7.

**110.R7.1.4.2.** To maintain accurate records of all applications for certification and any official action thereon and to make such records available for inspection by the public at all reasonable times.

**110.R7.1.4.3.** To suspend or revoke a certification upon the establishment of grounds for discipline pursuant to 780 CMR 110.R7.4.1.5.

**110.R7.1.4.4.** Any person aggrieved by any notice, action, ruling or order of the BBRS, or the BOCC, with respect to 780 CMR 110.R7, may have a right to a hearing as provided for by law.

**110.R7.1.5 Inspector Certification Advisory Committee.** The BBRS has established the Inspector Certification Advisory Committee, known as the BOCC. The BOCC shall be supported by such staff of the BBRS as may be required for the effective operation of 780 CMR 110.R7.

**110.R7.1.5.1 Powers and Duties.** The BOCC shall have the responsibility to advise and to recommend to the BBRS on all items relating to the certification of building officials, including, but not limited to:

1. Issuing certificates.
2. Reviewing applicant credentials.
3. Maintaining applicant and certified inspector records.
4. Hearing complaints and appeals pertaining to inspector certification.
5. Reviewing and approving all courses of study, seminars, and other educational programs as deemed necessary, for continuing education requirements.
6. Monitoring all appointments to assure compliance with 780 CMR 110.R7.
7. Considering reciprocity with other states (upon petition of the BOCC on forms provided for such purpose).

**110.R7.1.5.2 Make-up of the Committee.** The BOCC shall consist of 11 members appointed by the BBRS as follows:

1. One member of the BBRS or his or her designee.
2. Nine members who are active building officials consisting of:
  - a. One member from each of the four Municipal Building Officials Associations (Southeastern Building Officials Association, Building Officials of Western Massachusetts, Massachusetts Building Commissioners and Inspectors Association, and MetroWest Building Officials Association).
  - b. Four members at large to be appointed by the BBRS, all of whom shall be recommended by the Board of Directors of the Massachusetts Federation of Building Officials.
3. One member from academia who is an educator of construction at the college level (e.g., architectural, civil, structural) to be appointed by the BBRS.
4. One member of the Massachusetts Municipal Association.

**110.R7.1.6 Categories of Certification.** Categories of certification for building officials are as follows:

**110.R7.1.6.1 Inspector of Buildings or Building Commissioner.** An individual certified as an inspector of buildings/building commissioner shall perform the duties as defined in 780 CMR and M.G.L. c. 143, as applicable.

**110.R7.1.6.2 Local Inspector.** An individual certified as a local inspector shall perform the duties as defined in 780 CMR and M.G.L. c. 143, as applicable.

**110.R7.1.6.3 Alternate Inspector of Buildings/Building Commissioner.** An alternate inspector of buildings/building commissioner shall be certified prior to appointment.

**110.R7.1.7 Building Official Appointments.**

**110.R7.1.7.1. Permanent Appointments.** No individual shall be permanently appointed to the position of inspector of buildings, building commissioner or local inspector in a municipal enforcing agency for which a certification requirement has been established by 780 CMR 110.R7, unless that individual has been deemed qualified and certified in that category by the BOCC.

EXCEPTION: Conditional appointments may be made pursuant to 780 CMR 110.R7.1.7.4.

**110.R7.1.7.2 Reporting by Appointing Authority.** Immediately following appointment, the clerk of each city or town shall report to the BBRS, the name, title and status of each new employee who is appointed as an inspector of buildings, building commissioner or local inspector. Said report shall be provided on forms as prescribed by the BBRS for said purpose and shall be submitted in attestation under the pains and penalties of perjury that said new employee meets or exceeds the minimum qualifications as defined by M.G.L. c. 143, § 3 and 780 CMR, as applicable.

**110.R7.1.7.3 Historical Note.** Any individual employed as inspector of buildings, building commissioner or local inspector and who was in office on November 12, 1992 and who was qualified in accordance with M.G.L. c. 143, § 3 to be in office at time of hire, and who presented acceptable evidence of these facts to the BBRS, shall be deemed certified in the category held on said date, and shall be provided with a certificate by the BBRS.

**110.R7.1.7.4 Conditional Appointments.** Individuals who meet or exceed the experience requirements pursuant to M.G.L. c. 143, § 3 and 780 CMR, but who are not certified under the provisions of 780 CMR 110.R7 may be appointed on a conditional basis only. If so appointed these requirements shall be met:

1. Immediately upon appointment, the city or town clerk shall report the conditional appointment to the BBRS in accordance with 780 CMR 110.R7.1.7.2.
2. Within the first six months of employment the conditional appointee shall make application to take the examination(s) required for the appropriate category of certification.
3. Within one year following the first six months of employment a conditional appointee who is appointed as an inspector of buildings/building commissioner shall attain a passing score on all of the examinations required for that category of certification.

4. Within six months following the first six months of employment a conditional appointee who is appointed as a local inspector shall attain a passing score on all of the examinations required for that category of certification.
5. In accordance with 780 CMR 110.R7.1.7.4.1, a conditional appointee may petition the BOCC in writing for an extension of time to comply with the examination schedule of 780 CMR 110.R7. Upon establishment of cause, the BOCC may grant an extension as it may consider appropriate.
6. Conditional appointees shall notify the BBRS of any change in the status of their employment, within one month of such change.
7. Any individual conditionally appointed as an inspector of buildings/building commissioner shall first be certified as a local inspector.

**110.R7.1.7.4.1 Requests for Exam Schedule Extension.** Upon written petition to the BOCC, any conditional appointee unable to comply with the examination schedule as cited in 780 CMR 110.R7.1.7.4 may for cause, be granted an extension of time in order to comply. Petitions shall be forwarded to the clerk of the BOCC on forms for such purpose, and addressed to the office of the BBRS. The conditional appointee shall state all reasons to substantiate the request for an extension of time. Conditional appointees who have not attempted the examination schedule as herein defined during the prescribed period shall not be granted an extension, and no conditional appointee shall be afforded more than three extensions of time beyond the prescribed period for the level of certification sought.

**110.R7.1.7.4.2 Notification.** The BOCC shall, within ten days of any action taken by the committee pursuant to 780 CMR 110.R7, notify the appointing authority in writing of such action.

**110.R7.1.7.4.3 Notice of Noncompliance.** Any conditional appointee who has not attained passing scores in all examinations required for certification as an inspector of buildings/building commissioner and/or local inspector and who exhausted extension time as afforded by 780 CMR 110.R7.1.7.4.1 shall be deemed to be in non-compliance with M.G.L. c. 143, § 3 and unauthorized to serve as a conditional appointee in the position for which they are not yet certified.

## **110.R7.2 REQUIREMENTS FOR INITIAL CERTIFICATION**

**110.R7.2.1 Application.** Any candidate for certification in any category of building official issued pursuant to 780 CMR 110.R7 shall submit an application to the BBRS, accompanied by the required application fee (if any), on forms provided for this purpose by the BBRS. The application shall include such information and documentation as the BBRS may require pursuant to 780 CMR 110.R7.

**110.R7.2.2 Requirements for Certification as a Local Inspector:**

**110.R7.2.2.1 Pre-exam Approval.** All candidates shall meet or exceed the qualifications for the position of local inspector pursuant to M.G.L. c. 143, § 3 and 780 CMR prior to taking any examinations. The BOCC shall approve all candidates prior to taking any examinations and shall maintain a list of all qualified candidates for any and all city and towns appointing building officials.

**110.R7.2.2.2 Successful Examination.** All candidates shall attain a passing score in all examinations required for certification as either a Building Plans Examiner (identified as Exams 1B, 1C, 3B and 3C) or Building Inspector (identified as Exams 1A, 1B and 3B) as defined by the National Certification Program for Construction Code Inspectors (“NCPCCI”) or equivalent exam categories as approved by the BBRs for such purpose and as offered by the International Code Council (“ICC”).

**110.R7.2.2.3 Prior Approval for Examination as a Local Inspector.** No candidates shall be allowed to take said examinations without prior approval of the BBRs or the BOCC at the discretion of the BBRs.

### **110.R7.2.3 Requirements for Certification as an Inspector of Buildings/Building Commissioner.**

**110.R7.2.3.1 Pre-exam Approval.** All candidates shall meet or exceed the qualifications for the position of inspector of buildings/building commissioner pursuant to M.G.L. c. 143, § 3 and 780 CMR prior to taking any examinations. All candidates shall meet the examination requirements for certification as a local inspector pursuant to 780 CMR 110.R7.2.2.2, or hold a certification as a local inspector pursuant to 780 CMR 110.R7.2.2. The BOCC shall approve all candidates prior to taking any examinations and shall maintain a list of all qualified candidates for any and all city and towns appointing building officials.

**110.R7.2.3.2 Successful Examination.** All candidates shall attain a passing score in all examinations required for certification as a Certified Building Official as defined by the International Code Council (“ICC”) or equivalent exam categories as approved by the BBRs for such purpose and as offered by the ICC.

EXCEPTION: Candidates may choose to attend on-boarding training as approved by the BBRs and as periodically offered. Successful completion of all on-boarding training requirements, including attaining a passing score on any and all requisite examinations, may be substituted for completion of the Codes and Standards Module of the ICC certification examinations as identified above. Candidates who utilize this exception shall also attain passing scores on the ICC Legal and Management Module examinations as identified above and shall satisfy all Local Inspector certification requirements as established by 780 CMR. Candidates who utilize this exception will be issued a Massachusetts Inspector of Buildings/Building Commissioner certification (“MCBO”).

**110.R7.2.3.3 Prior Approval for Examination as an Inspector of Buildings/Building Commissioner.** No candidates shall be allowed to take said

examinations without prior approval of the BBRs, or the BOCC at the discretion of the BBRs.

**110.R7.2.4 Retired Persons.** Any person who has been duly certified in accordance with 780 CMR 110.R7 and who retires from service in good standing, may petition the committee to receive “retired status” certification. Upon approval said certification shall be denoted “retired” and shall not be deemed revoked. Revocation shall only be invoked for cause. Any person who has been approved for retired status certification and who wishes to reactivate said certification shall comply with the examination schedule as defined in 780 CMR 110.R7 for the level of certification sought.

### **110.R7.3 REQUIREMENTS FOR MAINTENANCE OF CERTIFICATION STATUS**

**110.R7.3.1 Continuing Education Requirements.** Within each three-year period following initial certification, the registrant to maintain certification shall complete 45 hours of continuing education credit acceptable to the BOCC. Conditional appointees as defined by 780 CMR 110.R7 shall attain at least one contact hour of education credit for each month of employment until such time as the conditional appointee has successfully completed the required examination schedule and is certified as prescribed.

**110.R7.3.1.1 Requirements for Energy Code Training.** Building officials shall be trained in the energy provisions of the 780 CMR every three years, corresponding with the adoption of the latest edition of the International Energy Conservation Code pursuant to M.G.L. c. 143, § 94 and policy of the BBRs.

**110.R7.3.2 Course Curriculum.** The BOCC may publish a list of acceptable educational programs, courses, seminars, and the like and may also accept educational activities in which registrants have participated after the fact, upon application and review of the course information. The BOCC shall assign credits to each educational/training event and shall issue policies and procedures, separate from 780 CMR 110.R7, relative to continuing education requirements.

**110.R7.3.3 Course Log.** Each certified individual shall maintain a record of his or her continuing education. Credit hours shall be reported to the BBRs or other approved agencies as prescribed by the policies and procedures of the BOCC, relative to continuing education. The BBRs shall maintain a record of each inspector’s progress towards completion of the 45-hour requirement. At the end of each three-year period, each inspector who has successfully attained his or her continuing education requirement shall be duly notified by the BBRs.

**110.R7.3.4 Rights and Privileges.** In accordance with M.G.L. c. 143, § 99, no building official attending BBRs required educational programs shall lose any rights relative to compensation or vacation.

### **110.R7.4 PROCEDURES FOR COMPLAINTS**

**110.R7.4.1 Complaints.**

**110.R7.4.1.1 Complaint Intake.** A complaint about a certified building official shall be in writing and shall be received and reviewed by the administrator, or his or her designee. The administrator may cause the complaint to be investigated further, dismissed for failure to assert a cognizable or actionable claim, or referred to the BOCC for a hearing on the merits. Actions taken pursuant to this section shall be left to the sound discretion of the administrator.

**110.R7.4.1.2 Notice of Hearing.** If the administrator refers a matter to the BOCC for hearing, reasonable notice of the hearing shall be provided to the certification holder. Mailing of the notice via first class mail to the address on record with the BBRS shall be deemed satisfactory notice to the holder. The notice of hearing shall contain:

1. The name of the complainant.
2. The date, time and place of said hearing.
3. The basis of the complaint.
4. Notice that the holder may review the Board's complaint file by appointment.

**110.R7.4.1.3 Hearing.** Hearings held pursuant to 780 CMR 110.R7.4.1 shall be conducted in accordance with M.G.L. c. 30A and 801 CMR 1.02:*Informal/Fair Hearing Rules*. Any party may be represented by legal counsel at such a hearing. At the hearing, the certification holder shall be permitted to present an opening statement, testify on their own behalf, cross-examine all witnesses, present any relevant witness testimony, present any relevant documentary evidence, and offer a closing argument. Any person offering testimony at the hearing shall be sworn under oath. The BOCC may question any witness and include any records on file with the BBRS as exhibits. The BOCC may, at their discretion, conclude the hearing at any time and issue a recommended decision based on the evidence presented.

If a certification holder does not appear for the hearing, the BOCC may conduct a hearing and render a recommended decision based upon the evidence presented only after making a finding that the certification holder was provided reasonable and proper notice of the hearing as required by 780 CMR 110.R7.4.1.2.

**110.R7.4.1.4 Decisions and Discipline of Certification Holders.** The BOCC shall issue a written decision after the hearing. Decisions shall be issued in a reasonably prompt manner. The decision of the BOCC shall serve as a recommendation to the BBRS and shall be promptly forwarded by the administrator to the full board for review. If after a hearing the BOCC finds that the holder has violated any provision of 780 CMR 110.R7.4.1.5, it may recommend suspension of a certification for a fixed period of time, revocation of a certification permanently, or a reprimand of the certification holder. Further, the BOCC may recommend that any order include appropriate remedial or disciplinary conditions.

Once forwarded to the BBRS, the board shall either adopt the recommendation in its entirety, adopt the recommendation with amendment, reject the recommendation in its entirety, or remand the matter to the BOCC further proceedings. A certificate

holder whose certification is revoked may apply in writing to the Board for reinstatement no sooner than one year from the date of the revocation.

**110.R7.4.1.5 Grounds for Discipline.** The following shall be grounds for discipline of a certification holder:

1. The holder has obtained a certification by fraud or misrepresentation;
2. The holder has aided or abetted in practice as a certified building official any person not authorized to practice as a certified building official under the provisions of 780 CMR 110.R7;
3. The holder has fraudulently or deceitfully practiced as a certified building official;
4. The holder has been grossly negligent or has engaged in misconduct in the performance of any of his or her duties;
5. The holder has failed to maintain continuing education requirements as specified in 780 CMR 110.R7;
6. The holder has been found to have failed to report an offer, or bribe, or other favor in a proceeding under 780 CMR 110.R7;
7. The holder has made a false or misleading statement to the BBRS, or has made a material omission in any submission to the BBRS;
8. The holder has failed to appropriately enforce the provisions of 780 CMR as prescribed by M.G.L. c. 143, § 3;
9. The holder has engaged in any conduct in violation of 780 CMR or any state or federal law rendering them unsuitable to be certified as a building official.
10. The holder has been found to have violated state ethics laws by the State Ethics Commission.
11. The holder failed to cooperate in an investigation being conducted by the BBRS or its administrator.

**110.R7.4.1.6 Appeal.** A decision made after a hearing shall be considered final when it is issued by the BBRS. Any party aggrieved by a final decision of the BBRS may appeal to superior court within 30 days of receipt thereof pursuant to M.G.L. c. 30A, § 14.

**110.R7.4.1.7 Employment of an Uncertified Individual.** In accordance with M.G.L. c. 143, § 3, no municipality may offer employment to, retain for employment or permanently appoint any individual who is not certified in accordance with 780 CMR 110.R7, except on a conditional basis in accordance with 780 CMR 110.R7.1.7.4.

## CHAPTER 115: APPENDICES

**APPENDIX A EMPLOYEE QUALIFICATIONS** (Not adopted)

**APPENDIX B BOARD OF APPEALS** (Not adopted)

**APPENDIX C GROUP U—AGRICULTURAL BUILDINGS** (Adopted with amendments)

**C101.2 and C101.3** Add two sections as follows:

**C101.2 Occupancy Thresholds.** Buildings that exceed an occupancy load of 100, that would otherwise be classified as Group U Agricultural, shall be classified in accordance with their intended use.

EXCEPTION: Riding arenas shall have an occupancy load limit of 100.

**C101.3 H-Use.** Agricultural buildings used to store commercial fertilizers, herbicides, or pesticides shall comply with 527 CMR, 780 CMR, and M.G.L. c. 132B with its associated regulations, as applicable.

**C102.3** Delete entire section

**Table C102.1** revise the term “ALLOWABLE AREA (square feet)<sup>a</sup>” by adding “.b” after the “a”.

**Table C102.1** Add footnote b as follows:

b. Greenhouses that comply with snow-load requirements are exempt from the area requirements set forth in C102.

**APPENDIX D FIRE DISTRICTS** (Not adopted)

**APPENDIX E SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS** (Not adopted)

**APPENDIX F RODENT-PROOFING** (Adopted in full)

**APPENDIX G FLOOD-RESISTANT CONSTRUCTION IN COASTAL DUNES**

(Adopted but replaced in its entirety with the following)

**G301.1 General.** Work subject to the requirements of this appendix shall be designed by a registered design professional. Work located in both flood hazard areas and coastal dunes shall meet the requirements for both areas. Where requirements are duplicative the more stringent requirement shall apply.

**G301.2 Construction Documents.** Construction documents in accordance with section 1612.5 shall be submitted as applicable for work in coastal dunes. Construction documents shall indicate proposed details of floor, wall, foundation support components,

loading computations, and other essential technical data used to meet the requirements of this appendix. In addition and as part of the permit application for construction in coastal dunes the building official shall require submission of one of the construction documents specified in (a) through (d) along with a notarized statement by the applicant that the order, determination or notice is in effect and is not the subject of any administrative appeals before the Department of Environmental Protection or the Division of Administrative Law Appeals. No building permit shall be issued unless and until a construction document that conforms to the requirements of this section is submitted.

- (a) An order of conditions establishing the boundaries of all coastal wetland resource areas in a plan referenced in and accompanying the order. The order shall determine whether the coastal wetland resource areas are significant to any of the interests identified in the Wetlands Protection Act, M.G.L. c. 131, § 40 including the interests of flood control and storm damage prevention. If the order indicates that the proposed construction work is located within a coastal dune that is significant to the interests of flood control and/or storm damage prevention, the order of conditions shall allow the proposed construction.
- (b) An order of resource area delineation stating that the proposed construction work is outside the boundaries of all coastal wetland resource areas as shown on a plan referenced in and accompanying the order.
- (c) A determination of applicability stating that the proposed construction work is outside the boundaries of all coastal wetland resource areas as shown on a plan referenced in and accompanying the determination or will not fill, dredge or alter a coastal wetland resource area.
- (d) A notice of non-significance evidencing that the proposed construction work is within a coastal wetland resource area as shown on a plan referenced in and accompanying the notice and stating that the coastal wetland resource area is not significant to any of the interests identified in M.G.L. c. 131, § 40: Removal, Fill, Dredging or Altering of Land Bordering Waters (the Wetlands Protection Act).

**G301.3 Elevation of Structures in Coastal Dunes.** For new buildings and structures, new foundations, replacement or substantial repair of a foundation, or repair of a substantially damaged structure where damage is the result of a storm or flooding the entire structure shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor with the exception of pilings or pile caps is located at the elevation required by the order of conditions of the local conservation commission in accordance with the Wetlands Protection Act, M.G.L. c. 131, § 40 and Wetlands Protection regulations, 310 CMR 10.21 through 10.35. For lateral additions that are not a substantial improvement, only the addition shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor with the exception of pilings or pile caps is located at the elevation required by the order of conditions of the local conservation commission in accordance with the Wetlands Protection Act, M.G.L. c. 131, § 40 and the Wetlands Protection regulations at 310 CMR 10.21 through 10.35.

Enclosures are not permitted below the lowest horizontal structural member of the lowest floor.

**G301.4 Foundations.** Foundations shall be designed in accordance with section 18, ASCE 7 and ASCE 24. Anchorage of buildings and structures shall be designed and connected to resist flotation, collapse or permanent lateral movement due to structural loads and stresses from flooding equal to the base flood. Foundations for work meeting the elevation requirements of section G301.3 shall consist of open pilings without footings to allow the movement of the dune.

EXCEPTION: Where surface or subsurface conditions consist of non-erodible soil that prevents the use of pile foundations, spread footings or mat foundations may be permitted. Such foundations shall be anchored to prevent sliding, uplift or overturning of the footing and the non-erodible soil it is attached to and be designed to withstand any combination of loads.

**APPENDIX H SIGNS** (Adopted in full)

**APPENDIX I PATIO COVER** (Adopted in full)

**APPENDIX J GRADING** (Adopted in full)

**APPENDIX K ADMINISTRATIVE PROVISIONS** (Not adopted)

**APPENDIX L EARTHQUAKE RECORDING INSTRUMENTATION** (Not adopted)

**APPENDIX M TSUMANI-GENERATED FLOOD HAZARD** (Not adopted)

**APPENDIX AA Stretch Energy Code**

**AA101 Purpose and Adoption.** The purpose of the stretch energy code is to provide a more energy efficient code alternative for new buildings. The stretch energy code may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

**AA102 Applicability.** Municipalities that have adopted the stretch energy code shall use the energy efficiency requirements of this appendix as provided below. These requirements replace all previous stretch energy code requirements.

**AA103 New Buildings.**

**AA 103.1 R-use Buildings.** In all R-use buildings, of four stories or less above grade plane with one or more dwelling units, each dwelling unit shall comply with section N1106 (R406) of 780 CMR 51.00: *Massachusetts Residential Code* (Residential Code).

**AA103.2 Large Area and High Energy Use Buildings.** All buildings over 100,000 ft<sup>2</sup>, and new supermarkets, laboratories and conditioned warehouses over 40,000 ft<sup>2</sup> shall comply with 780 CMR 13.00 and shall demonstrate energy use per square foot at least 10% below the energy requirements of ANSI/ASHRAE/IESNA 90.1 APPENDIX G Performance Rating Method on either a site or source energy basis. The additional Efficiency Package Options selected per C406.1 shall be included in calculating the baseline building performance value.

EXCEPTION: Exclusively R-use buildings complying with AA 103.1 dwelling unit requirements.

**AA103.3 Other New Buildings.** New buildings not covered in AA103.1 and AA103.2 shall comply with 780 CMR 13.00 or Chapter 11 of 780 CMR 51.00: *Massachusetts Residential Code* as applicable based on the use and occupancy of the building.

**AA104 Existing Buildings.** For alterations, renovations, additions or repairs of existing buildings in these municipalities the energy efficiency requirements of 780 CMR 13.00 or Chapter 11 of 780 CMR 51.00: *Massachusetts Residential Code* shall be used as applicable based on the use and occupancy of the building.