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NOTICE OF HEARING

Pursuant to M.G.L. c. 143, §94, 97, and c. 30A, §2, the Board of Building Regulations and Standards will hold a virtual public hearing relative to the Massachusetts State Building Code. Specifically, the proposed changes to 780 CMR 1.00 and 51.00 would extend the concurrency period, during which either the 9th or 10th edition code may be utilized. As proposed, the concurrency period set to end January 1, 2025 will be extended through June 30, 2025. A small business impact statement has been filed with the Secretary of State's Office. The Board will hold the public hearing as follows (pre-registration is not required):

Monday, December 2, 2024, at 10:00 a.m.:

By videoconference

<https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>

Meeting ID: 227 454 599 594

Passcode: pL3CpX

Or call in to:

(857) 327-9245, Phone Conference ID: 575 559 015

Interested Parties will be given an opportunity to present testimony orally at this hearing. The Board will also accept written comments received prior to the hearing regarding the regulations sent via email at bbrs-ma@mass.gov or by mail at this address:

Board of Building Regulations and Standards
Division of Occupational Licensure – Office of Public Safety and Inspections
1000 Washington Street, 7th Floor
Boston, MA 02118

Written comments must be received by 4:00 p.m. on **Friday, November 29, 2024**. A copy of the proposed regulations may be obtained at the Board's web site located at: <https://www.mass.gov/orgs/office-of-public-safety-and-inspections> or by contacting the Board office directly at the above address or by phone: (617) 727-3200. Once all testimony is received, the Board intends to conclude the hearing and immediately convene a regular board meeting to finalize the regulations, the public is welcome to attend this meeting.



Small Business Impact Statement
(As required by M.G.L. c. 30A §§ 2, 3 & 5)

CMR No: 780 CMR 1.00

Estimate of the Number of Small Businesses Impacted by the Regulation: 60,000

Select Yes or No and Briefly Explain

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? Certain small businesses will be required to create, file, and issue reports. These may include, but are not limited to: Construction Control documents; certain engineering analyses; project completion affidavits; project cost substantiation documents; design and shop drawings; and compliance alternative substantiation. They may also be required to prepare other documents if submitting an appeal to the Building Code Appeals Board.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? In certain circumstances, records will need to be created and maintained. These may include, but are not limited to: records of specialized inspections; maintenance records; design changes; and records related to cost (if needed to substantiate building permit valuation).
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will small businesses have to provide additional administrative oversight? Projects requiring a Construction Supervisor License ("CSL") will require oversight by a licensed construction supervisor ("CSL holder"). In addition to oversight by a CSL holder, installations incorporating engineered designs need to be reviewed by the Registered Design Professional ("RDP") approving the design. For projects beyond the scope of a CSL, compliance with Construction Control practices is required. This includes administrative oversight responsibilities by both the RDP and General Contractor responsible for the project.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? Small businesses will typically already employ the necessary personnel, though when necessary they are able to hire outside consultants and experts to perform the duties required by this regulation.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? Overall, small businesses will be able to perform most of the required tasks themselves, as long as they are duly-licensed to perform those tasks. In certain circumstances, such as specialized inspections requiring independent third-party verification (e.g., HERS Raters and Inspectors, BPI certified professionals, and Concrete and Steel Inspections).
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? These regulations have certain prescriptive- and performance-based requirements, which may require specialized products, meeting certain national (or international) standards, in order to comply.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective? (Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) The regulations incorporate both performance- and prescriptive-based requirements for use in various types of projects. Designers and developers may choose to use performance-based requirements, as long as they are substantiated through verifiable documentation.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? The Board of Building Regulations and Standards ("BBRS") has duplicative jurisdiction, in certain areas, with the Department of Public Health, the Department of Fire Services, and other specialized

		codes listed in G.L. c. 143, § 96. Whenever there are any jurisdictional conflicts, the BBRS is open to discussions with other entities to ensure a proper resolution is obtained.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? The regulation requires compliance with certain permit and maintenance requirements. This includes inspection and audit findings, and other enforcement activities, as required by the regulation.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? The regulation requires continuing education for many of those licenses and certifications regulated by the regulation, including: CSL holders, Building Officials (local inspectors, building commissioners, and inspectors of buildings), certain staff in Concrete Testing Laboratories, and Concrete Field Testing Technicians.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? Regardless of place of formation, the licensure and permitting requirements are the same for in-state and out-of-state businesses and individuals doing business in Massachusetts.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? Regardless of place of formation, the licensure and permitting requirements are the same for in-state and out-of-state businesses and individuals doing business in Massachusetts.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? The regulation does not provide any different reporting or compliance requirements for small businesses. However, the code does not require all design plans to be completed by an RDP, and therefore small businesses are permitted to submit less formal construction documents, which can and do satisfy code requirements.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? The regulation does not provide any less stringent schedules or deadlines for compliance or reporting requirements for small businesses. However, small businesses may apply for, and are frequently granted, permit extensions that offer financial and other relief, on the basis of their small size.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? The regulation does not provide any simplified compliance or reporting requirements for small businesses. However, other than licensure and business registration renewals, the building code imposes no genuine deadlines on businesses, small or large.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? Certain aspects of building design must be prescriptive, but the regulation does incorporate multiple performance-based options for compliance.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? These regulations establish a minimum level of requirements in order to ensure the safety of the public. The process followed in order to develop this regulation utilized extensive stakeholder participation and considerations for cost and safety, as is required by the enabling legislation.

Small Business Impact Statement

(As required by M.G.L. c. 30A §§ 2, 3 & 5)

CMR No: 780 CMR 51.00

Estimate of the Number of Small Businesses Impacted by the Regulation: 60,000

Select Yes or No and Briefly Explain

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Will small businesses have to create, file, or issue additional reports?</p> <p>Certain small businesses will be required to create, file, and issue reports. These may include, but are not limited to: Construction Control documents; certain engineering analyses; project completion affidavits; project cost substantiation documents; design and shop drawings; and compliance alternative substantiation. They may also be required to prepare other documents if submitting an appeal to the Building Code Appeals Board.</p>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Will small businesses have to implement additional recordkeeping procedures?</p> <p>In certain circumstances, records will need to be created and maintained. These may include, but are not limited to: records of specialized inspections; maintenance records; design changes; and records related to cost (if needed to substantiate building permit valuation).</p>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Will small businesses have to provide additional administrative oversight?</p> <p>Projects requiring a Construction Supervisor License ("CSL") will require oversight by a licensed construction supervisor ("CSL holder"). In addition to oversight by a CSL holder, installations incorporating engineered designs need to be reviewed by the Registered Design Professional ("RDP") approving the design. For projects beyond the scope of a CSL, compliance with Construction Control practices is required. This includes administrative oversight responsibilities by both the RDP and General Contractor responsible for the project.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Will small businesses have to hire additional employees in order to comply with the proposed regulation?</p> <p>Small businesses will typically already employ the necessary personnel, though when necessary they are able to hire outside consultants and experts to perform the duties required by this regulation.</p>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?</p> <p>Overall, small businesses will be able to perform most of the required tasks themselves, as long as they are duly-licensed to perform those tasks. In certain circumstances, such as specialized inspections requiring independent third-party verification (e.g., HERS Raters and Inspectors, BPI certified professionals, and Concrete and Steel Inspections).</p>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?</p> <p>These regulations have certain prescriptive- and performance-based requirements, which may require specialized products, meeting certain national (or international) standards, in order to comply.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective?</p> <p>(Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) The regulations incorporate both performance- and prescriptive-based requirements for use in various types of projects. Designers and developers may choose to use performance-based requirements, as long as they are substantiated through verifiable documentation.</p>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Do any other regulations duplicate or conflict with the proposed regulation?</p> <p>The Board of Building Regulations and Standards ("BBRS") has duplicative jurisdiction, in certain areas, with the Department of Public Health, the Department of Fire Services, and other specialized</p>

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