780 CMR: MASSACHUSETTS AMENDMENTS TO THE *INTERNATIONAL BUILDING CODE 2021*

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

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-2021 ("IBC"), as periodically amended by errata, the following chapters, as well as 110.R1 through 110.R7 and Appendices A through O. These, together with modifications as set forth, shall collectively comprise 780 CMR, otherwise known as the *Massachusetts State Building Code*, Tenth 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.

101.2.1 Residential Code. 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 and Standards. Referenced Codes and Standards include the specialized codes of M.G.L. c. 143, § 96 and other codes and regulations listed in sections 101.4.1 through 101.4.16, 780 CMR 35.00: *Referenced Standards*, and 780 CMR 51.00: *Massachusetts Residential Code*, 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 by 248 CMR. Oil fired appliances are governed by 527 CMR 1.00: *Massachusetts Comprehensive Fire Safety Code*.

101.4.2 Mechanical. The installation of mechanical systems shall generally be governed by the *International Mechanical Code* - 2021 ("IMC"). The scope of this adoption shall be governed by Sections 101 and 102 of the IMC, no other aspect of Chapter 1 of the IMC is adopted. However, this adoption shall not be deemed to apply to work governed by the Specialized Codes pursuant to M.G.L. c. 143, § 96, including but not necessarily limited to sheet metal work as defined in M.G.L. c. 112, § 237. Notwithstanding this adoption, where a conflict exists between the IMC and any other provision of 780 CMR (including any other referenced standards or codes adopted therein), compliance with 780 CMR shall be required.

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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 and Protection. Certain areas of this code are intended to ensure buildings and structures are protected from fire and other dangerous conditions. Where applicable, 527 CMR 1.00: *Massachusetts Comprehensive Fire Safety Code* may govern such matters. Nothing in this section is intended to alter or expand the current respective jurisdiction of the building official or the fire official. The building official shall enforce 780 CMR and the fire official shall enforce 527 CMR 1.00.In this regard, 780 CMR and its adopted standards may reference specific sections of the 2021 *International Fire Code* ("IFC"), except that retroactive requirements of the IFC are not adopted. Where a specific section of the IFC is referenced, that section shall not apply if it would overlap or conflict with a specific provision of 527 CMR 1.00. Where possible, 780 CMR shall provide a specific reference to applicable portions of 527 CMR 1.00. However, citations to specific provisions of 527 CMR 1.00 are provided solely as an advisory to assist users of these codes, as said provisions are not governed by 780 CMR and are subject to their own independent enforcement and appellate provisions. Readers should note that 527 CMR 1.00 may be changed after the effective date of this code, thus any references are subject to change

The following statutes are generally enforced by the head of the fire department, whose decisions would be appealed through the automatic sprinkler appeals board:

1. M.G.L. c. 148, § 26A½: certain high-rise buildings constructed prior to 1/1/1975;
2. M.G.L. c. 148, § 26G: certain non-residential structures that exceed 7,500 square feet;
3. M.G.L. c. 148, § 26G½: 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:

5. 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:

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

Where a statute requires enforcement by a *building official* but no appellate language is provided, decisions of said official shall be appealed to a court of competent jurisdiction and not the Building Code Appeals Board

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

Exception: Where a municipality has adopted the Stretch energy code or Specialized opt-in energy code then 225 CMR 23.00 shall apply.

101.4.7 Architectural Access. Any reference in 780 CMR to accessibility shall be considered reference to 780 CMR 11.00 and 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 and conveying systems shall be considered reference to 780 CMR 30 as amended, and 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 115.00

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101.4.13 Transit and Commuter Rail Stations. Such stations shall comply with 780 CMR and NFPA 130-2014, chapters 2, 3, 4, and 5. 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 is regulated by M.G.L. c. 142A and 201 CMR 18.00. *See* the Office of Consumer Affairs and Business Regulation for more information"

101.4.15 International Swimming Pool and Spa Code. The design and construction of swimming pools, spas and hot tubs shall comply with 780 CMR 3109: *Swimming Pool Enclosures and Safety Devices* as amended, and to the *International Swimming Pool and Spa Code* - 2021. The scope of this adoption shall be governed by Section 101.2 of the *International Swimming Pool and Spa Code*, however, the remainder of Chapter 1 of that code is not adopted.

101.4.16 Existing Buildings. *See* 780 CMR 34.00: *Existing Building Code* and the provisions of the 2021 *International Existing Building Code* as amended. 780 CMR 34.00 shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings. The *building official* enforces the *Existing Building Code* as amended.

101.5 BBRS Advisory Committees. BBRS technical advisory committees support requests from the BBRS as it deems necessary in accordance with M.G.L. c. 143.

SECTION 102 APPLICABILITY

Concurrency Period. Applications for building permits and related construction and other documents filed through June 30, 2025, may comply either with 780 CMR effective October 11, 2024, or with the Ninth Edition version of 780 CMR in effect immediately prior to amendment, but not a mix of both. After June 30, 2025, concurrency with the Ninth Edition ends, and all applications for building permits and related construction and other documents shall comply with 780 CMR as amended effective October 11, 2024 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 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.

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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 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. The existing building or structure shall be allowed to continue to be occupied pursuant to its last lawful use and occupancy, provided that the building or structure has been 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:

1. Inadequate number of means of egress.
2. Egress components with insufficient width or so arranged to be inadequate for the safe egress of the occupants, including signage and lighting.
3. 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, life safety/fire protection systems, 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. Lack of compliance with 780 CMR 102.8: *Maintenance of Existing Buildings* and *Structures* may be grounds for enforcement by the *building official* pursuant to 780 CMR 114: *Violations*

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 Building Inspector, 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.

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104.2 Applications and Permits. The *building official* shall receive applications, review construction documents, and issue permits for the construction, reconstruction, alteration, repair, removal or demolition of a building or structure; or to change the use or occupancy of a building or structure; or to install or alter any equipment or life safety systems for which provision is made or the installation of which is regulated by 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 shall 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, including, but not limited to requesting an administrative search warrant. *See* also 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 official*s 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*.

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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*.

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, 780 CMR 104.12 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 or life safety systems 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 While other kinds of permits may be required for work governed by other laws, by-laws, rules and the specialized codes of M.G.L. c. 143, § 96, such as electrical, plumbing, and sheet metal, a permit pursuant to 780 CMR 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 $ft.^2$ (11 m^2).
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.

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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.
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. Non-fixed 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. Repair of any component or components of a fire protection system, where such does not affect system performance and compatibility. No permit pursuant to 780 CMR is required for routine or corrective maintenance.

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. Such applications shall:

1. Identify and describe the work to be included by the permit for which application is made.
2. Describe the land on which the proposed work is to be performed 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: 115 CMR: *Department of Developmental Services*.)
4. Be accompanied by construction documents and other information as required in 780 CMR 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.

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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 in writing, 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.

Failure to act upon the application within 30 days could result in a complaint being registered against the *building official* with his or her appointing authority, the *building official* Certification Committee, or an appeal may be filed with the Building Code Appeals Board for lack of action.

The following requirements, where applicable, shall be satisfied before a 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.

105.3.1.1 - Reserved

105.3.1.1.1 - Reserved

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.

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 prior to the 180 day expiration date 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 PEER Review. 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.

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This requirement shall not preclude an owner from obtaining an independent structural engineering design review of a primary structure, other than those listed in 780 CMR 105.9.

105.9.1 Review Requirements. The independent structural engineering peer review shall be conducted as determined by the Board of Building Regulations and Standards.

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^2), 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 780 CMR 111 shall not be issued until the floor load signs required by 780 CMR 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 CONSTRUCTION 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 statute. Where special conditions exist, the *building official* is authorized to require additional construction documents to be prepared by a registered design professional. The construction documents, computations, and specifications for in ground pools shall be prepared and designed 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. This exception shall not apply to in ground pools.

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* the applicable licensing board for any policy on electronic seal and signature for registered design professionals.

107.2 Construction Documents. *Construction documents* shall be in accordance with 780 CMR 107.2.1 through 107.2.9.

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 Drawings Drawings for the fire protection system(s) shall be submitted to indicate conformance to 780 CMR 9.00: *Fire Protection Systems* and the applicable Referenced Standard. The Tier 1 *construction documents* shall be approved prior to the issuance of the permit and the Tier 2 documents, including shop drawings, shall be submitted and approved prior to the start of the system installation. The drawings shall contain all information as required by the referenced installation standards in 780 CMR 9.00.

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.

Although not a portion of a Means of Egress, in Residential Use Groups, the construction documents shall show Emergency Escape and Rescue elements, when applicable.

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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, including fire resistance ratings when required. The construction documents shall provide details of the exterior wall envelope 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 wall envelope. 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 Energy Compliance Submittal. The construction documents submitted with the application for permit shall be accompanied by the energy provisions of 780 CMR 13.00: *Energy Efficiency* or 225 CMR 22.00: *Massachusetts Stretch Code and Specialized Code for Low-rise Residential – 2023 Residential Low-rise Amendments to Iecc2021 and Irc 2021 Chapter 11: Energy Efficiency* and 225 CMR 23.00: *Massachusetts Front-end Amendments to the International Energy Conservation Code 2021 Massachusetts Stretch Energy Code – 2023 Commercial Amendments to Iecc2021* where the municipality has adopted the Stretch energy code or Specialized stretch energy code.

107.2.6 - Reserved

107.2.7 - Reserved

107.2.8 Manufactured Buildings and Modular Homes. Document submittal for the erection or placement of said structures 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 of Public Safety and Inspections and shall include a stamp showing 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. The Installer's information shall accompany the plan submittal package along with proof of approved certification from the manufacturer.

In accordance with 780 CMR 110.R3.8.1.1 and 110.R5.1.3.1 a "Homeowner exemption" may not be utilized to receive a permit to install, erect, or over*See* the field erection of manufactured buildings.

107.2.9 Site Plan or Plot 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.

107.2.9.1 Design Flood Elevations. Where design flood elevations are not specified, they shall be established in accordance with IBC Section 1612.3.1.

107.3 Examination of Documents. The *building official* shall examine or cause to be examined the application 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 under the *building official*'s jurisdiction.

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107.3.1 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 Buildings*, 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 allotted timeframe 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 the 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.

107.3.2 Approval of Construction Documents. When the *building official* issues a permit, "hard copy" paper construction documents shall be approved in writing or by a stamp stating, "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the *building official*, and one such stamped 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.

Applications containing electronic construction documents will be considered "Reviewed for Code Compliance" when marked electronically by the permit issuer.

107.3.3 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 begun and pursued in good faith within 180 days after the effective date of 780 CMR and has not been abandoned.

107.3.4 Phased Approval. The *building official* is authorized to issue a permit for the construction of foundations, selective demolition, or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided 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 without assurance that a permit for the entire structure will be granted.

107.3.5 Deferred Submittals. For the purposes of 780 CMR 107.3, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are required 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. 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 prior to the commencement of the proposed work.

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. 780 CMR 107.6 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 780 CMR 107.6:

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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* 780 CMR 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 780 CMR 107.6: *Construction Control*.

107.6.1.2 Townhouse Buildings Greater than 35,000 Cubic Feet. *See* 780 CMR 107.6: *Construction Control*.

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* 780 CMR 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.

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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 required by the Board of Building Regulations and Standards.

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*. The applicant shall submit a statement of special inspections in accordance with 780 CMR 107.1 as a condition for permit issuance. This statement shall be in accordance with 780 CMR 1704.3: *Statement of Special Inspections*. Copies of the test results shall be submitted to the *building official*.

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. Copies of the test results shall be submitted to the *building official*.

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 780 CMR 107.6 and with all pertinent deviations specifically noted. The *building official* may require a copy of this certification.

107.6.4 Project Representation. When the *building official* determines that an applications for unusual designs or magnitude of construction are filed, or where reference standards require special architectural or engineering inspections, he or she may require that the project representative be a registered design professional in addition to those registered design professionals required elsewhere in accordance with 780 CMR 107.6. 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.

107.6.5 *building official* Responsibility. Nothing contained in 780 CMR 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. (*See* 780 CMR 3103: *Temporary Structures*)

1.00: continued

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* also780 CMR 31.00: *Special Construction* - Most specifically 780 CMR 3113: *Temporary Emergency Use.*

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* 780 CMR114: *Violations*.

Exception: Emergency repairs as found in 780 CMR 105.2.1: *Emergency Repairs.*

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 workman like 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 780 CMR 110.3.1 through 110.3.10 (*See* 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.

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NOTE - Manufacturer's Installation Instructions. Manufacturer's installation instructions shall be provided when required by the *building official*.

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 780 CMR 1612.4: *Design and Construction* 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/fire-stopping 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.

110.3.5.1 Fire-resistance-rated Construction Inspection. Where fire-resistance-rated construction is required between dwelling units or due to location on property, the *building official* shall require an inspection of such construction after lathing or gypsum board or gypsum panel products are in place, but before any plaster is applied, or before board or panel joints and fasteners are taped and finished.

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 values, duct system insulation R values, 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: *Special Inspections and Tests*.

110.3.10 Final Inspection. Final inspection shall be made after the permitted work is complete and prior to final occupancy of the building or structure.

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 780 CMR 1612.4: *Design and Construction* 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.

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110.5 Inspection Requests. It shall be the duty of the holder of the 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 continue beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. Upon notification, the *building official*, 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. After receiving an application by the owner or owner's designee, the *building official* shall inspect existing buildings and structures, and parts thereof, in accordance with Table 110: *Schedule for Periodic Inspections of Existing Buildings*. Such buildings shall not be occupied or continue to be occupied without a valid Certificate of Inspection. Lack of a current Certificate of Inspection may be enforced in accordance with 780 CMR 114.3: *Enforcement.* 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 1, 3, 4, 5
(*See* 780 CMR 3.00: *Use and Occupancy Classification* and 780 CMR 4.00: *Special Detailed Requirements Based on Use and Occupancy* for complete descriptions of use groups.)

Use Group	Use Group Description	Use Group Description	Minimum Inspections[3]	Maximum Certification Period
A-11	Movie theaters or theaters for performing acts (stage and scenery)	> 400 occupant load < 400 occupant load	Semi-annual Semi-annual	One year One year
A-21	Restaurants, Night Clubs or similar uses	> 400 occupant load1 < 400 occupant load1	Semi-annual[1] Annual[1]	One year One year
A-31	Lecture halls, dance halls, churches and places of religious worship, recreational centers, terminals, *etc*.	> 400 occupant load < 400 occupant load	Semi-annual[1] Annual[1]	One year One year
A-41	Low density recreation and similar uses.		*see* note 3 & 5.	Five years
A	Special amusement buildings or portions thereof.		*see* note 3.	One year
B	Special amusement buildings or portions thereof.		*see* note 3.	One year
E	Educational, and “E” Use 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[1]
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 &5.	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
Other R Uses	NON-Primarily Owner occupied residential facilities utilized as a short term rental: *Use Group* as determined in 780 CMR 310: *Residential Group R*.		Annual	One year
R-3	Primarily owner occupied One and/or Two family dwellings used as a Lodging House for short term rentals.		*See* Note 5.	Five Years

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Use Group	Use Group Description	Use Group Description	Minimum Inspections[3]	Maximum Certification Period
780 CMR 51 *Massachusetts Residential Code*	Primarily owner occupied One and Two family dwellings used as a Lodging House for short term rentals per 780 CMR 51.00.		*See* Note 5.	Five Years
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[4] 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: *Means of Egress*	Five years	Five years	

NOTES:

1. When appropriate 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. Application shall be made prior to the expiration of the existing Certificate of Inspection.
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 780 CMR 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 a one year maximum certification period, the *building official* shall determine the certificate validity term. (For example, an R-2 apartment building could be certified for one, two, three, four or five years.)

110.7.1 Proof of Maintenance required by 780 CMR 102.8. Documentation of the maintenance of the existing building features listed in 102.8 shall be provided to the *building official* prior to or at the time of the periodic inspection. The *building official* may request proof of maintenance of additional building features regulated by 780 CMR. At a minimum, provide the following documentation:

1. copy of the latest fire extinguisher inspection report (or invoice)
2. copy of the latest fire sprinkler test report
3. copy of the latest standpipe test report (when applicable)
4. copy of the latest fire alarm test report (including emergency lighting *See* #6)
5. copy of the latest 90-minute emergency lighting test for lighting and exit signs (if battery powered)
6. copy of the latest "kitchen hood" suppression system test report (if applicable)
7. copy of the latest generator test report (if applicable)
8. copy of the exterior stair/balcony/fire escape five year certificate (if applicable)
9. report showing compliance with NFPA 80, (when applicable)

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SECTION 111 CERTIFICATE OF OCCUPANCY AND USE

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 where applicable, State Building Inspector, has issued a Certificate of Occupancy and Use as provided herein. A Local Inspector shall not sign or issue Certificates of Occupancy and Use. Issuance of a Certificate of Occupancy and Use shall not be construed as 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, when applicable, submittal of a certificate of compliance for Title 5 in accordance with 310 CMR 15.00: *State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage* are requirements of the issuance of the Certificate of Occupancy and Use.

All new non-residential buildings larger than 10,000 square feet and any major reconstruction, alteration or repair of all such buildings must provide building commissioning or acceptance testing documentation showing building performance as designed consistent with the energy provisions of 780 CMR 13.00: *Energy Efficiency* or 225 CMR 22.00: *Massachusetts Stretch Code and Specialized Code for Low-rise Residential – 2023 Residential Low-rise Amendments to Iecc2021 and Irc 2021 Chapter 11: Energy Efficiency* and 780 CMR 23.00: *Massachusetts Front-end Amendments to the International Energy Conservation Code 2021 Massachusetts Stretch Energy Code – 2023 Commercial Amendments to Iecc2021* where the municipality has adopted the Stretch energy code or Specialized stretch energy code. Such commissioning must be completed before the issuance of a certificate of occupancy.

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

111.1.1 Buildings or Structures Hereafter Altered. When a building or structure:

1. is changed in whole or in part;
2. is altered to change from one use group to another;
3. is changed to a different use within the same use group; or,
4. increases the maximum live load capacity or the occupancy load capacity:

the building or structure shall not be occupied or used until a new Certificate of Occupancy and Use is issued by the Building Commissioner/Inspector of Buildings, or where applicable, State Building Inspector. The Certificate of Occupancy and Use shall be issued certifying that the work has been completed in accordance with the provisions of the approved permits and of the applicable codes for which the permit is required.

111.1.2 Certificate of Completion: When work completed under a permit pursuant to 780 CMR does not trigger a new Certificate of Occupancy and Use, a final inspection shall be performed, and if the work performed is in compliance with the approved application and 780 CMR, a Certificate of Completion may be issued by the *building official*, designating that the work has been completed in accordance with the provisions of the approved permit and no further inspections are necessary.

111.1.3 Massachusetts Licensed Care Facilities. Certificate of Occupancy and Use 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. When a Certificate of Occupancy and Use is required, and after the *building official* inspects the building or structure and finds no violations of the provisions of 780 CMR or other laws enforced by the *building official* having jurisdiction pursuant to M.G.L. 143. § 3A the Building Commissioner/Inspector of Buildings or where applicable State Building Inspector shall issue a Certificate of Occupancy and Use within ten days. The Certificate shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner when the permit was issued.
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/Inspector of Buildings or State Building Inspector.

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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 an Agency of the Commonwealth, 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 Commissioner/Inspector of Buildings* or where applicable, State Building Inspector is authorized to issue a temporary Certificate of Occupancy and Use before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The *Building Commissioner/Inspector of Buildings* or where applicable, *State Building Inspector* shall set a time period, not to exceed 180 days, during which the temporary Certificate of Occupancy and Use is valid. Upon written request from the permit holder, the issuer may extend the temporary occupancy permit for additional 30 day periods or a period at the discretion, and within the jurisdiction, of the issuing *Building Commissioner/Inspector of Buildings* or where applicable, *State Building Inspector*. Local Inspectors shall not sign or issue temporary Certificates of Occupancy and Use.

111.4 Revocation. The *Building Commissioner/Inspector of Buildings* or where applicable, *State Building Inspector* s authorized to, in writing, suspend or revoke a Certificate of Occupancy and Use or Certificate of Completion issued under the provisions of 780 CMR whenever the Certificate is issued in error, or on the basis of incorrect information supplied by the permit holder, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation enforced by the *building official* or any of the provisions of 780 CMR within their jurisdiction.

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 and Use 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-l 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 the means of egress 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

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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. Applications for filing an appeal shall be in a form acceptable to the Board.

113.2 Limitations on Authority - Reserved

113.3 Qualifications - Reserved

113.4 Local and Regional Boards of Appeals. Pursuant to M.G.L. c. 143, § 100, The appeals board may establish a local board of appeals in a city or town or a regional board of appeal for more than two or more cities or towns consisting of not less than three nor more than five members. The appeals board may require as a condition precedent to appeal to the appeals board that said appeal be first heard by such local or regional board of appeals. Such local or regional board of appeals may establish rules for its own procedure and shall have the same powers and duties relative to appeals as the building code appeals board. A copy of any decision by a local board of appeal shall be transmitted to the board within ten days after the rendering of such decision.

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 780 CMR 113. All local appeal decisions are to be reviewed by the BBRS.

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, equipment regulated by 780 CMR, or cause the 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. The initial notice of violation may be verbal, but shall be followed in writing within 48 hours. For the purposes of an Appeal, the date of the written notice of violation shall be the official date of service. Every notice or order authorized pursuant to 780 CMR 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;
4. By electronic means by which receipt can be verified; or
5. 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.

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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), M.G.L. 148, or M.G.L. c. 148A.

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 performing 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 continuously until such time as the building is reoccupied, in accordance with the U.S. Fire Administration, National Arson Prevention Initiative Board Up Procedures;
   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 780 CMR 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, a copy of which shall be forwarded to the head of the fire department. 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 780 CMR 116.2 items 1. through 4. do not prevent a *building official* from issuing other orders or taking expeditious, temporary security measures in emergency situations pending the completion of the requirements of 780 CMR116.2 items 1. through 4.

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For the purposes of 780 CMR 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 through12, shall enforce 780 CMR 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 780 CMR 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 780 CMR section 105 and M.G.L. c. 40A. The *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 780 CMR 116 shall notify the head of the fire department about the existence of said building.