

THE MASSACHUSETTS STATE BUILDING CODE

which he or she resides or intends to reside, on which there is, or is intended to be, a one- or two-family dwelling, attached or detached structures accessory to such use and/or farm structures. A person who constructs more than one home in a two-year period shall not be considered a homeowner.

Note: Any licensed construction supervisor who contracts to do work for a homeowner shall be responsible for performing said work in accordance with 780 CMR 51.00 through 99.00, Special Regulation 780 CMR 110.R5 and all referenced standards and/or manufacturer's recommendations, whether or not the licensed contractor secured the permit for said work.

5108.3.5.2 Exemptions from Construction Supervisor License Requirement. A construction supervisor's license is not required for:

1. Erection of rooftop solar collectors, the erection of signs, the erection of tents, construction of swimming pools;
2. Projects which are subject to "construction control" (see 780 CMR 2.00 for definition of "Construction control");
3. Agricultural buildings which are not open to the public or otherwise made available for public use;
4. Massachusetts-registered engineers and Massachusetts-registered architects (collectively referred to herein as "registered design professionals"), provided such engineers and/or architects comply with the Construction Supervisor oversight requirements set forth in Special Regulation 780 CMR 110.R5 generally and 780 CMR 5116.0, as applicable; and
5. The practice of any trade licensed by agencies of the Commonwealth, provided that any such work is within the scope of said license, including, but not limited to, wiring, plumbing, gas fitting, fire protection systems, pipefitting, HVAC and refrigeration equipment.

5108.3.5.3 Municipal Construction Licensing. No municipality shall be prohibited from requiring a license for those individuals engaged in directly supervising persons engaged in construction, reconstruction, alteration, repair, removal or demolition in those categories of buildings and structures for which the BBRS does not require a license, provided that those municipalities which have established licensing requirements for construction supervisors prior to January 1, 1975, may maintain their existing licensing requirements.

5108.3.6 Registration of Home Improvement Contractors. In accordance with the provisions of M.G.L. c. 142A, no home improvement contractor, or organization or firm shall be involved in the improvement of any existing owner-occupied one- to four-family residential building unless said home improvement contractor has registered with the BBRS in accordance with the rules and regulations for the registration of home improvement contractors as set forth in Special Regulation 780 CMR 110.R6.

5108.3.7 Certification of Inspectors of Buildings, Building Commissioners and Local Inspectors. Except as allowed for conditional appointees, no individual shall perform the duties of municipal inspectors of buildings, building commissioners or local inspectors unless certified by the BBRS as set forth in Special Regulation 780 CMR 110.R7.

5108.4 Enforcement. Whoever violates the provisions of 780 CMR 5108 or any rules and regulations promulgated hereunder, or who falsifies or counterfeits a license, registration or certification issued by the BBRS, or who fraudulently issues or accepts such a license, registration or certification shall be punished as provided in 780 CMR 5118 or shall be subject to any other penalty provided for by law.

780 CMR 5109 APPROVAL

5109.1 Approved Materials and Equipment. All materials, equipment and devices subject to approval by the building official shall be constructed and installed in accordance with such approval.

5109.2 Used Materials and Equipment. Used materials, equipment and devices which meet the minimum requirements of 780 CMR 51.00 through 99.00 for new materials, equipment and devices shall be permitted; however, the building official may require satisfactory proof that such materials, equipment and devices have been reconditioned, tested, and/or placed in good and proper working condition prior to approval.

5109.3 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of 780 CMR 51.00 through 99.00, the building official shall have the authority to grant modifications for individual cases, provided the building official shall first find that special individual reason makes the strict letter of 780 CMR 51.00 through 99.00 impractical and the modification is in compliance with the intent and purpose of 780 CMR 51.00 through 99.00 and that such modification does not lessen health, life, fire safety or structural requirements. The details of actions granting modifications shall be recorded and entered in the files of the building department. A building official may seek assistance from the District State Building Inspector for action under 780 CMR 5109. The