

780 CMR 110.R1
CONCRETE TESTING LABORATORIES

(Note: 780 CMR 110.R1 is unique to Massachusetts and the 8th edition 780 CMR 110.R1 is replaced in its entirety as shown below.)

*Sections where modification occurred during / after the November 10, 2015 BBRS meeting are shown in **orange font**.*

110.R1.1 Title. The Massachusetts Board of Building Regulations and Standards (BBRS) adopts the rules and regulations for concrete testing laboratories contained herein as 780 CMR 110.R1 and hereinafter known as 'R1'.

110.R1.2 Scope. The provisions of R1 shall govern the registration of laboratories that test concrete and concrete aggregates utilized in the construction of buildings and structures falling under *construction control*.

110.R1.3 Definitions. The following words and terms shall, for the purpose of R1, have the meanings shown:

ACCREDITATION AUTHORITY. An entity such as the National Institute of Standards and Technology, the Cement and Concrete Reference Laboratory (CCRL), AASHTO Materials Reference Laboratory (AMRL), registered design professional, or another agency designated by the BBRS that field examines and evaluates concrete testing laboratories. Some accreditation authority such as AMRL may have limited evaluation and testing authority relative to R1.

BRANCH LABORATORY. A concrete testing laboratory physically removed from the principal laboratory. A branch laboratory may have project laboratories.

CONCRETE TESTING LABORATORY. A proprietorship, corporation, partnership or agency which conforms to the requirements of ASTM E 329 as modified by R1. A concrete testing laboratory shall mean the principal laboratory, branch laboratory or project laboratory unless otherwise specified, and shall be capable of testing as a minimum concrete and concrete aggregate.

DPS. The Massachusetts Department of Public Safety.

LABORATORY. A concrete testing laboratory.

PRINCIPAL LABORATORY. A concrete testing laboratory that may have branch and project laboratories.

PROJECT LABORATORY. A temporary onsite concrete testing laboratory for a specific project under the direction of a principal or branch laboratory.

REPORT. A field examination and evaluation of a laboratory which indicates compliance with R1. All findings of non compliance must be resolved as indicated by either the seal of a registered design professional or approval by an accreditation authority.

110.R1.4 Registration. A *laboratory* shall each be registered by the BBRB in accordance with R1. An entity seeking to register as a new *laboratory* or seeking to renew a registration shall submit a standard application to DPS for approval demonstrating that its facilities, equipment, personnel and procedures meet the requirements of R1. The application will include but not be limited to: a *report(s)* not older than 3 years and a fee. A registration and *laboratory* classification (principal, branch or project) shall be issued for an application that meets the requirements of R1 or DPS shall notify the applicant of the reasons of refusal. Registrations first issued shall be valid for a period of ~~two~~ **one**, but not to exceed ~~three~~ **two**, years and shall expire on December 31st. Renewals periods of registrations shall be ~~two~~ **one** years and shall expire on December 31st.

110.R1.4.1 Project submittals. A *laboratory* involved with projects having structures subject to *construction control* as required in 780 CMR 1.00 shall submit notice of proof of registration to the project owner for submittal to the building official at the time of the building permit application. Proof of registration shall also be submitted by any new or successor *laboratory* prior to engaging in work during the course of a project. A *laboratory* that plans to terminate services on a project must notify the building official and project owner in writing three days prior to terminating services.

110.R1.5 Qualifications. *Principal laboratory* and *branch laboratories* shall be evaluated by an *accreditation authority* prior to applying for a registration and at least every three years to ensure the *laboratory* equipment, personnel and procedures meet the requirement of R1. The *accreditation authority* shall notify the *laboratory* of the evaluation date. The *accreditation authority* will issue a *report* to the *laboratory* with all audit findings. Reports received by laboratories shall be submitted to BBRB through its designee DPS within ten-days of receipt. Audit findings shall be corrected and approved by an *accreditation authority* within 30-days and evidence of same submitted to DPS.

110.R1.5.1 Standards. *Laboratory* equipment, personnel and procedures shall conform to the standards of ASTM E 329 and R1, narrow to the testing of concrete and its constituent materials only.

110.R1.5.2 Equipment. Compression testing machines shall be calibrated and verified, with equipment traceable to the National Institute of Standards and Technology, at least annually and also when a *laboratory* changes location or as required by the BBRB, and the calibration results submitted to the BBRB.

110.R1.5.3 Personnel. Each principal and *branch laboratory* must have a director of testing services, lab supervisor and field supervisor. An individual that meets all three qualifications may fill more than one position at a *laboratory*, but may not fill positions concurrently at a separate *laboratory*. A *project laboratory* must have a full time lab supervisor. Each individual must submit credentials and qualifications under penalty of

perjury with signature notarized. Individuals applying for registration in more than one category must file separate applications for each category. Credentials shall be filed within 30-days of employment. The director of testing shall notify the BBRs within seven days of any vacancy of any position. Any vacant position shall be filled within 30-days. A director of testing shall be a fulltime employee of a *laboratory*, must be able to interpret the results of tests on concrete and concrete aggregates as stated in ASTM E 329, and shall be qualified in accordance with one of the following requirements:

1. A professional engineer registered in the Commonwealth of Massachusetts with at least five years of experience in responsible charge of work related to structural engineering, construction engineering or construction materials testing; or
2. A bachelor's degree in engineering from an accredited institution and an additional total of three years experience performing tests on concrete and concrete materials which shall include two years as a laboratory technician or supervisor; or
3. At least eight years experience including five years of experience as a lab technician or supervisor.

A lab supervisor shall have at least five years of experience performing tests on construction materials including concrete and concrete aggregates and be ACI-certified as a Concrete Laboratory Testing Technician-Level 2 and ACI-certified Aggregate Testing Technician – Level 2, and shall maintain such certification.

NOTE: Lab supervisors who are certified as an ACI-certified Concrete Laboratory Testing Technician—Level 1 on the date of promulgation of this Code shall comply with this requirement prior to the renewal of the Concrete Testing Laboratory Registration, as described in Section 110.R1.4.

A field supervisor shall have at least five years of experience performing tests on construction materials including concrete and be ACI-certified as a Concrete Field Testing Technician-Grade 1 and shall maintain such certification.

110.R1.6 Deficiencies Any *laboratory* that does not meet the requirements of 780 CMR 110.R1.4 to 110.R1.5 shall notify DPS within ten days of said deficiency. Deficiencies shall be corrected within 30-days as proven by a *laboratory* affidavit sent to DPS on the standard affidavit form. Failure to notify DPS or to correct said deficiencies in the specified time frames shall deem the *laboratory* as non compliant and it shall immediately cease testing of concrete and concrete materials subject to construction control. (Note: AMRL which is an accreditation authority allows up to 60 days to correct deficiencies. Consideration of public comment on the 30 day requirement of this section is recommended.)

110.R1.7 Revocation and Suspension. The BBRs may suspend or revoke the registration of any *laboratory* found to be in noncompliance with 780 CMR, or the standard of good practice. Notice of suspension, revocation or refusal to renew a registration shall be in writing with the reasons clearly stated, and served in accordance 780 CMR 1.00. Prior to issuance of a suspension, revocation or refusal to renew a registration, written notice of such intent shall be served by the BBRs through its designee DPS in accordance 780 CMR 1.00. Upon registration suspension or revocation the *laboratory* shall immediately cease testing of concrete and concrete materials for structures subject to construction control.

110.R1.8 Appeals. Any *laboratory* or individual aggrieved by the suspension or revocation of a registration or by an interpretation, order, requirement, direction or failure to act under R1 may appeal to the Building Code Appeals Board as provided in 780 CMR 1.00. However, entry of an appeal shall not stay such revocation or suspension unless so ordered by the Building Code Appeals Board in a preliminary hearing conducted expressly for the purpose of a stay.

780 CMR 110.R2

CONCRETE FIELD TESTING TECHNICIAN LICENSING

(Note: 780 CMR 110.R2 is unique to Massachusetts and no changes to the 8th edition are proposed, i.e. carry forward current requirements.)

(Note: 780 CMR 110.R2 is unique to Massachusetts)

110.R2.1 ADMINISTRATION

110.R2.1.1 Scope. The provisions of 780 CMR 110.R2 shall govern concrete field testing technician licensing.

110.R2.1.2 Definitions. Unless otherwise expressly stated in 780 CMR, the following terms, for the purpose of 780 CMR 110.R2, shall have the meaning indicated in 780 CMR 110.R2.1.2.

CONCRETE FIELD TESTING TECHNICIAN. A person issued a Grade 1 license by the American Concrete Institute (ACI) authorizing such person to test/inspect concrete.

TESTING AGENCY. An official *Local Sponsoring Group* of ACI.

110.R2.1.3 Licensing. All personnel engaged in field testing/inspection of concrete for use in buildings and structures subject to the construction control provisions of Chapter 1 of the *International Building Code (IBC) 2009* with Massachusetts Amendments (780 CMR 1.00) shall be licensed by ACI as a Concrete Field Testing Technician - Grade 1 in accordance with ACI's "Certification Policies for Concrete Field Testing Technician - Grade 1" and 780 CMR 110.R2.

110.R2.1.4 Application for Licensing. Applicants shall contact and follow the policies and procedures of the Testing Agency and ACI to be licensed in accordance with 780 CMR 110.R2.

110.R2.1.5 Examination. Applicants shall contact the Testing Agency regarding applications, fees and exam schedules. The exam includes a written and practical "hands-on" component.

110.R2.1.6 Notification of Examination and Examination Results. The testing agency provides the time and place for the examination. ACI provides exam results directly to the applicant.

110.R2.1.7 Fees. Application, testing and license fees are paid to the Testing Agency and/or ACI.

110.R2.1.8 Renewals. Licenses shall be renewed according to the policies of ACI.

780 CMR 110.R3
MANUFACTURED BUILDINGS

(Note: 780 CMR 110.R3 is unique to Massachusetts and the 8th edition 780 CMR 110.R3 is replaced in its entirety as shown below.)

SECTION 1 ADMINISTRATION

110.R3.1.1 Title. The Massachusetts Board of Building Regulations and Standards (BBRS) adopts the rules and regulations for *manufactured buildings*, *manufactured building components* and *manufactured homes* contained herein as 780 CMR 110.R3 and hereinafter known as ‘R3’.

110.R3.1.2 Scope. R3 shall govern the design, manufacture, handling, storage, transportation, relocation, and installation of *manufactured buildings*, *manufactured building components*, and *modular homes*, and hereinafter referred to as *product*, intended for installation in Massachusetts and/or manufactured in Massachusetts for shipment to any other state in which such *product* and the *labels* thereon are accepted. Subject to local zoning ordinances and by-laws, *product* may be sold for, delivered to, or installed on, building sites located in any jurisdiction of Massachusetts if such *products* have been approved and certified pursuant to R3.

110.R3.1.3 Administration and Enforcement. The BBRS through its designee *DPS*, shall administer and enforce the state requirements of R3 and building officials shall administer and enforce the local requirements of R3. The boards which regulate the *specialized codes* shall have enforcement authority of *product* specific to its *specialized code*. No person, firm or corporation shall offer for sale or rental, or sell or rent, any *product* subject to any provisions of R3 unless it conforms with the applicable provisions of R3.

Where an uncertified building was constructed under a manufactured building program of another state and approved under such program, a *TPIA* shall prepare a report based on review of the *plans* and specifications and inspection of the building to assure that said *plans* and specifications meet the requirements of Chapter 13 of the *International Existing Building Code 2015* (IEBC) and submit such to *DPS* for review and approval.

When the occupancy classification of a relocated *manufactured building* is proposed to be changed, a *TPIA* shall inspect the building, including any disassembly necessary, to determine whether compliance may be achieved for a change of occupancy classification in accordance requirements of Chapter 11 of the *International Existing Building Code 2015* (IEBC). If factory *plans* are available, then disassembly is not required to the extent that the factory *plans* can be reasonably verified to reflect the actual construction.

Exceptions:

Relocatable buildings previously approved with a prior MA insignia may be relocated into or within the state, subject to local approval for the design loads for the location, provided that no *plan*, specification, reconfiguration, occupancy type or use group changes are made. The insignia numbers, design loads, and *plans* based on time of manufacture shall be provided to the building official at time of permit application and prior to *installation*.

110.R3.1.4 Authorization of Third-party Inspections Agencies. The BBRS may register TPIAs based on recommendations by *DPS*.

SECTION 2 DEFINITIONS

110.R3.2.1 General. Unless otherwise expressly stated in 780 CMR the following terms shall, for the purpose of R3, have the meaning as follows:

ALTERATION. Any construction, other than ordinary repairs of *product* that deviate from the approved *product*.

APPLICABLE CODES. 780 CMR and specialized codes if applicable.

CERTIFICATION. Any manufacturer or product which meets the provisions of R3 is deemed to be certified.

DEALER. Any individual, organization or firm engaged in the retail selling, or offering for sale, brokering, or distribution of product, primarily to a person who in good faith, purchases or leases such product for purposes other than resale.

DPS. The Massachusetts Department of Public Safety.

INSTALLATION. The process of affixing, or assembling product on the building site, and connecting it to utilities, and/or to an existing building. Installation may also mean the connecting of two or more manufactured building or housing units designed and approved to be so connected.

INSTALLER. An individual who, on the basis of training and experience, has been certified by a manufacturer, as competent to supervise the placement and connection required to install product of that manufacturer. Said *certification* by the manufacturer shall be in writing; additionally, the certified installer shall possess picture identification in the form of a driver's license or other picture identification acceptable to the building official.

LABEL. An approved device or seal evidencing *certification* of product in accordance with R3.

LOCAL ENFORCEMENT AGENCY. A department or agency in a municipality charged with the enforcement of 780 CMR and appropriate specialized codes.

MANUFACTURED BUILDING. Any manufactured building which has concealed elements, such as electrical, mechanical, plumbing, fire protection, insulation, and other systems affecting health and safety, and which is manufactured, constructed, relocated, reconfigured, and/or assembled in accordance with 780 CMR and pertinent regulations, in manufacturing facilities, on or off the building site. Also, any manufactured building as defined above which does not have concealed elements, but which has been approved by the BBRS at the request of the manufacturer.

MANUFACTURED BUILDING COMPONENT. Any manufactured subsystem, manufactured subassembly, or other system designed for use in or as part of a structure having concealed elements such as electrical, mechanical, plumbing and fire protection systems and other systems affecting health and safety.

MANUFACTURER. A business entity approved to manufacture product.

MANUFACTURED HOMES. Manufactured homes regulated under the federal Housing and Urban Development standards as defined in 24 CFR, Part 3280.2 are not within the scope of R3

MODULAR HOME. Any R-Use manufactured building.

PLANS. Building plans, specifications and documentation of product, which may include structural, electrical, mechanical, plumbing and fire protection systems and other systems affecting health and safety, including variations which are submitted as part of the building system.

PRODUCT. A manufactured building, manufactured building component, modular home or relocatable building.

QUALITY ASSURANCE MANUAL. The manual as outlined in section 3 of R3 which contains the quality assurance process specific to a manufacturer and approved by a TPIA.

RELOCATABLE BUILDING. A partially or completely assembled building constructed and designed to be reused multiple times and transported to different building sites.

SPECIALIZED CODES. See 780 CMR 1.

THIRD PARTY INSPECTION AGENCY (TPIA). A TPIA registered per the requirements of R3 and retained by the manufacturer and approved by DPS to perform inspection, evaluation, and certification of manufacturers and product.

SECTION 3 CERTIFICATION OF MANUFACTURER

110.R3.3.1 General. An entity which maintains a quality assurance program in conformance with a *quality assurance manual* per this section may apply to *DPS* for *certification* as a *manufacturer*. An entity seeking to become a *manufacturer* or a *manufacturer* seeking to renew a *certification* shall submit an application to *DPS* for approval. These applications will include but not be limited to: a *quality assurance manual* and a fee. A *certification* shall be issued for an application that meets the requirements of R3 or *DPS* shall notify the applicant of the reasons for refusal. *Certifications* first issued and renewals of *certifications* shall be valid for a period of one year.

110.R3.3.2 Quality Assurance Manual. The *quality assurance manual* of a *manufacturer* shall consist of the requirements contained in this section. It is the responsibility of the *manufacturer* to execute every aspect of this manual. The *manufacturer* shall continue to be responsible for all corrective actions required and the contractual relationship between the *manufacturer* and the *TPIA* shall not diminish such responsibility. The *manufacturer* shall cooperate with the *TPIA* by providing all necessary reports, information, documents, records, facilities, equipment, samples and other assistance for assuring compliance with R3. The manual shall be comprehensively indexed, and shall treat the material listed here in detail, as follows.

1. A procedure for periodic revision of the *quality assurance manual*;
2. An organizational structure for implementing and maintaining the quality assurance program and its functional relationship to other elements of the organization structure of the *manufacturer*, which structure shall provide for independence from the production department; Company officers and employees in charge of the quality assurance program must be identified, and their training and qualifications specified;
3. A uniform system of audit (in-depth analysis of program effectiveness and means to identify deficiencies) to monitor the quality assurance program periodically;
4. Complete and reliable records of manufacturing and site operations, if any (suitable means of storage, preservation and accessibility of copies of forms to be utilized shall be included);
5. A system to control changes in production or inspection procedures within the manufacturing facility;

6. A system to assure that working drawings and specifications, working instructions and standards, procurement documents, etc. conform to the *approved building system*;
7. A serial number system for buildings or building components; and
8. The method of safekeeping, handling and attaching *labels* and identification of those employees responsible therefore.
9. Materials Control.
 - a. Procedure to assure effective control over procurement sources to ensure that materials, supplies and other items used in production and site operations, if any, conform to the approved *plans*, specifications and quality requirements;
 - b. Procedures for inspection of materials, supplies and other items at the point of receipt;
 - c. Method of protection of materials, supplies and other items against deterioration prior to their incorporation in the certified buildings or building component; and
 - d. Provision for disposal of rejected materials, supplies and other items.
10. Product Control.
 - a. Procedures for timely remedial and preventive measures to assure *product* quality;
 - b. Provision, maintenance and use of testing and inspection;
 - c. Provision for frequency of sampling inspections;
 - d. Provision of necessary authority to reject defective work and carry out compliance assurance functions, notwithstanding any conflict with production department goals and needs;
 - e. A schematic of the manufacturing operation showing the location of inspection stations or areas, and “hold” points for mandatory inspection characteristics;
 - f. Inspection and test procedures, including accept/reject criteria and mandatory inspection characteristics;
 - g. Standards of workmanship; and
 - h. Provision of disposal of rejects.
11. Finished Product Control.
 - a. Procedure for final inspection of all *product* before shipment to the site or storage point, including identification and *labels*;
 - b. Procedures for handling and storing all finished *product* both at the manufacturing plant or other storage point and after delivery to the building site;
 - c. Procedures for packing, packaging and shipping operations and related inspections; and
 - d. Procedures for transportation, including all measures to protect *product* against damage while in transit, and setting forth the modes of transportation to be utilized and the carrying equipment and procedures.
12. Installation Control.
 - a. *Installation* procedures including component placement or set, equipment and procedures, field erection and finishing work, utility connection instructions and all appropriate on-site inspection criteria and test descriptions; and
 - b. Organizational provisions for field repair and disposal of rejects.
13. Permission for Inspection. The *manufacturer* shall provide *DPS* with written permission, signed and notarized, for *DPS* to inspect manufacturing facilities, his *products*, and building sites under his control at any reasonable time without prior announcement.
14. Shall contain detailed *plans* for inspections by *DPS* or the *TPIA*.

SECTION 4 REGISTRATION OF TPIA

110.R3.4.1 General. An entity which seeks to register as a *TPIA* or to renew a registration as a *TIPA* shall submit an application and a fee to *DPS* for approval. Applications will include but not be limited to the requirements of this section. A registration shall be issued for an application that meets the requirements of R3 or *DPS* shall notify the applicant of the reasons for refusal. Registrations first issued and renewals of registrations shall be valid for a period of one year.

110.R3.4.2 Registration requirements. Applications shall contain, but not be limited to, information on the following; corporate structure, employees, inspection programs, test reports and data sheets, insurance, responsibility and liability, and *certification, labels and product*. The *TPIA* applicant shall attest that:

1. All submissions are a true and accurate statement of the personnel, equipment, and procedures that will be followed to certify *product*, and
2. The agency's Board of Directors, as a body, and its technical personnel as individuals, shall exercise independent judgment, and
3. The agency's activities shall not result in financial benefit to the agency through stock ownership, or other financial interests in any producer, suppliers, or vendor of *products* involved, other than through standard published fees for services rendered, and
4. The agency shall not perform architectural, mechanical, electrical, plumbing, sprinkler, or structural design or quality assurance program approvals for any *manufacturer* who uses the same agency in whole or in part by members of the agency or any affiliated organization for in-facility inspections or other *TPIA* services, and
5. All inspectors, evaluators, and other technicians are adequately trained and qualified to perform each job assigned to them, and
6. The agency is able to evaluate *product* for compliance with all applicable codes, standards, laws, and rules.

SECTION 5 DEALERS

110.R3.5.1 General. Any *dealer* who contracts for *product* that is installed or intended to be installed in Massachusetts shall, as a minimum, be registered with the Secretary of State and the MA Better Business Bureau. Complaints against a *dealer* received by *DPS* may be forwarded to the MA Better Business Bureau, the MA Office of the State Attorney General, and MA Office of Consumer Affairs and Business Regulations, or other entity for appropriate action.

Exemptions:

- a. Individuals licensed or certified under other state or federal law, when the law provides for specific authority to provide this particular service, or preempts the requirement for such a registration.
- b. Holders of an active license issued by the MA Real Estate Commission
- c. Any CSL who contracts directly with the owner or *dealer*.

SECTION 6 CERTIFICATION OF PLANS

110.R3.6.1 General. *Plans* for newly constructed or recertified *product* shall meet the requirements set forth in this section and are to be evaluated for compliance with R3 and certified accordingly by the *TPIA*. *Certified plans* along with a fee are to be submitted to *DPS* for review and approval.

110.R3.6.2 Construction documents. All documents submitted with the application shall be identified to indicate the *manufacturer's* name, office address and address of the manufacturing facility and shall contain as a minimum the following information:

1. *Plans* shall be submitted showing all elements relating to specific details on properly identifiable sheets.
2. Each *plan* application shall bear the signature and seal of a registered design professional certifying that the *plans* comply with the applicable codes and standards, where applicable.
3. All work to be performed on-site, including connection of all systems, equipment and appliances, shall be identified and distinguished from work to be performed in the manufacturing facility.
4. Grade, quality and identification of all material shall be specified.
5. Design calculations and test reports shall be specified.
6. Drawings shall be drawn to scale and be legible and indicate the location of the data plate and shall be dated and identified. The number of sheets in each set shall be indicated.
7. *Plans* for *product* shall provide or show, but not be limited to, the details listed below including the method of their testing or evaluation, or both. These requirements shall apply to the *plans* for building components only to the extent deemed necessary to permit a proper evaluation of the building component.
 - a. General.
 - i Details and methods of *installation* of *product* on foundations and/or to each other.
 - ii All exterior elevations.
 - iii Cross sections as necessary to identify major building components.
 - iv Details of flashing, such as at openings and at penetrations through roofs and subcomponent connections. Indicate flashing material and gauge to be used.
 - v Attic access and attic ventilation.
 - vi Exterior wall, roof and soffit material as well as finish.
 - vii Interior wall and ceiling finish material.
 - viii Fire separation walls.
 - ix Sizes, locations and types of doors, windows and fire/smoke detectors.
 - x Recommended foundation *plans*, vents and underfloor access.
 - b. Building Classification.
 - i Occupancy or use group
 - ii Area, height, and number of stories.
 - iii Type of construction.
 - iv Fire resistance ratings.
 - c. Space and Fire Safety.
 - i Details of fire resistance rated assemblies for all stairway enclosures, doors, walls, floors, ceilings, partitions, columns, roof and shaft enclosures and how continuity will be maintained at all horizontal and vertical junctions.
 - ii Detail of Fire Protection Systems.
 - iii Details as to width of all aisles, exits, corridors, passageways and stairway enclosures.
 - iv Toxicity and flame spread classification of finished materials.
 - d. Structural Detail Requirements.

- i Engineer's calculations of structural members, where appropriate.
- ii Structural and framing details of all floors, roof and walls.
- iii Details and stress diagrams of roof trusses.
- iv Details of reinforcing steel.
- v Complete loading schedule.
- vi Column loads and column schedule.
- vii Lintel schedule.
- viii Size, spacing and details of all structural elements.
- ix Grade or quality of all structural elements (lumber, steel, etc.).
- x Elevation of structural elements, walls or sections thereof, providing resistance to vertical loads or lateral forces.
- xi Complete details of all structural connections.
- e. Mechanical Detail Requirements.
 - i Location of all equipment and appliances. Indicate equipment and appliances listed or *labeled* by approved agencies.
 - ii Heat loss and heat gain calculations or approved prescriptive method.
 - iii *Manufacturer's* name, make, model, number, BTU, input and output rating of all equipment and appliances, as appropriate, or the equal thereof.
 - iv Duct and register locations, sizes, and materials.
 - v Clearances from combustible material or surfaces for all ducts, flues and chimneys.
 - vi Method of providing required combustion air and return air.
 - vii Location of flues, vents and chimneys and clearances from air intakes and other vents and flues.
 - viii Details regarding dampers in ducts penetrating fire separations.
 - ix Complete drawings of fire sprinkler system, standpipe system or smoke/fire alarm system as required.
 - x Detail of elevator or escalator system, including method of emergency operation.
 - xi Duct and piping insulation thickness.
 - xii Ventilation air calculations.
- f. Plumbing Detail Requirements.
 - i Plan or schematic drawing of the plumbing layout, including but not limited to, size of piping, fitting, traps and vents, cleanouts and valves, gas, water, and drainage system.
 - ii Plumbing materials, and location of all equipment and appliances to be used. Indicate fixture unit capacity of system(s) and the make, model, and rating/capacity of equipment and appliances. Indicate equipment and appliances listed or *labeled* by approved agencies.
 - iii Make and model of safety controls (such as for water heaters), their location, and whether listed or *labeled* by approved agencies.
 - iv How piping is to be supported and intervals of support.
 - v Location of vents above roofs and required clearances, including but not limited to clearances from air intakes, other vents and flues.
 - vi Methods of testing.
- g. Electrical Detail Requirements.

- i Plan of service equipment, including service entrance, conductors, service raceway and clearances above ground and above structures.
- ii Method and detail for grounding service equipment.
- iii Single line diagram of the entire electrical system.
- iv Load calculations for service and feeders.
- v Sizes of all feeders and branch circuits.
- vi Size, rating and location of main disconnect/overcurrent protective devices.
- vii Method of interconnection between *product* and location of connections.
- viii Location of all outlets and junction boxes.
- ix Method of mounting fixtures and wiring installations.
- x Lighting power calculations.

SECTION 7 DPS INSPECTIONS

110.R3.7.1 General. *DPS* as it deems necessary may conduct a review of processes a *manufacturer's* processes and/or *TPIA* inspection practices or any other requirement governed by R3. This may include any part of the entire process of manufacturing, certifying, handling, storing and transporting of *product* pursuant to approved *plans*. No inspection entailing disassembly, damage to or destruction of certified *product* shall be conducted except to implement R3.

110.R3.7.2 Damaged Product. Any finding of damage to *product* shall cause immediate notification to be made to *DPS*, *TPIA* and the *manufacturer*. Prior to the issuance of a certificate of occupancy *DPS* shall inspect, or cause to be inspected *product* which it determines to have been sufficiently damaged after *certification* to warrant such inspection and to take such action with regard to such *product* as is authorized hereof, or as is otherwise necessary to eliminate dangerous conditions. The local enforcement agencies may designate *DPS* as the inspection agency.

110.R3.7.2.1 Repairing Damaged Components. *DPS* or a *TPIA* shall require *product* which are so damaged as to no longer comply with the applicable codes and R3 to be repaired and made to comply within 14 days of discovery and after proper written notice to the *manufacturer*, *installer* and owner; or if they are so damaged that they cannot be brought into compliance, *DPS* or a *TPIA* shall order that the *labels* be removed and voided from such *product*. A report shall be filed with the *TPIA* and *DPS*. Irreparably damaged *product* shall be disposed of by the *manufacturer*, the licensed construction supervisor (CSL) and/or owner.

110.R3.7.3 TPIA Review. *DPS* or their designated agents shall audit a *TPIA*, at any reasonable time, and without prior announcement, in order to monitor the reliability of each *TPIA* and of its monitoring of *quality assurance manuals*. Each such audit shall investigate the adequacy of all procedures used by the agency in monitoring compliance assurance programs including inspection, tests, production methods, process controls, operator performance, materials, receipts, storage and handling, workmanship standards, records and all other activities which implement the quality assurance program in the manufacturing facility, during transport, or on-site (as applicable), and at subcontractors' facilities. The results of such audit shall be filed with *DPS* and sent to the *TPIA* in writing, within 14 days of discovery. The *TPIA* shall be notified of any deficiencies and of the manner and time by which such deficiencies must be eliminated. If

deemed necessary by the *DPS*, a *TPIA* registration may be suspended or revoked. An audit may also be conducted by *DPS* before approving an inspection agency for first issuance of a registration.

SECTION 8 LOCAL AGENCY ENFORCEMENT

110.R3.8.1 Permits. Upon application and in conformity with the provisions of 780 CMR and R3, the building official shall issue building permits for installation of *product*.

110.R3.8.1.1 Owner's agent. A licensed construction supervisor (CSL), duly licensed in accordance with 780 CMR 110.R5, shall, in accordance with 780 CMR 1, be hired by and act as the agent for the owner for the purpose of applying for and obtaining any and all permits required for the field installation of all *product*. The CSL shall be responsible for the construction of the foundation system, the attachment to the foundation, and completion of the *product*, and all pertinent site work required as part of 780 CMR 105 and shall provide at least 48 hours notice to *DPS* and the building official before the placement and connection of such units shall begin.

110.R3.8.1.2 Submittal documents. As part of the permit application process, the CSL shall submit to the building official, in writing,

- a. the name of the *installer*, who shall be duly certified by the *manufacturer* to install said *manufacturer's product*, and is identified as an *installer* of *product*. The *installer* shall be responsible for the safe and proper placement and connection of the *product* in accordance with 780 CMR, R3 and the *specialized codes*.
- b. A statement that the work to be performed under such permit is to include the installation of the specific type of *product* in accordance with the provisions of the applicable codes, the statement is to be signed by the applicant or his agent, with the appropriate address.
- c. A true copy of the approved *product* and where it was manufactured or is to be manufactured, where one has not previously been furnished to that *local enforcement agency*.
- d. Site specific *plans* and specifications.
- e. Plan Identification Number Assignment Form for newly constructed or recertified units with BBRs number. This is to confirm *plans* have been approved by the State and must include a stamp approval and signature.
- f. *Plans* must be stamped on every page by a *TPIA*.
- g. Every page showing calculations by a registered design professional must be provided with their stamp and signature.
- h. Energy compliance certificate.
- i. Set manuals are required to be on site at time of project set.
Exception: If all connection details are provided on the *plans* then the set manual is not required.
- j. Set crew information must accompany the *plan* submittal package with approved *certification* from *manufacturer*.

110.R3.8.2 Inspection of Site Preparation and Service Connections. Appropriate local enforcement agencies shall inspect site preparation work including foundations, not within the

scope of the approval and *certification*, and the structural, mechanical, plumbing, sprinkler, and electrical connections among units or components, for compliance with applicable law, rules and regulations.

110.R3.8.3 Compliance with Instructions. Appropriate *local enforcement agencies* shall inspect all *product* upon, or promptly after, installation at the building site to determine whether all instructions in the Set Connection Details Report or conditions listed on the *manufacturer's* data plate have been followed. This may include inspections for exterior weather-tightness and protection, tests for tightness of plumbing and mechanical systems, and for malfunctions in the electrical system and a visual inspection for obvious nonconformity with the approved building *plans*.

110.R3.8.3.1 Disassembly Prohibited. Destructive disassembly of *product* shall not be performed in order to conduct such tests or inspections, nor shall there be imposed standards or test criteria different from those adopted by *DPS* or specified in the approved *plans*.

110.R3.8.3.2 Opening Panels. Nondestructive disassembly may be performed only to the extent of opening access panels and cover plates.

110.R3.8.4 Noncomplying New or recertified Units. Local enforcement agencies shall report to the BBRs in accordance with R3 any noncomplying *product*.

110.R3.8.5 Certificates of Occupancy. Building officials shall issue certificates of occupancy for *product* as applicable if such *product* has been installed and inspected pursuant to the applicable codes and R3 and complies with the approved building specifications and *plans*. Any non compliant items must be brought into compliance before such certificate of occupancy shall be issued.

110.R3.8.6 Reporting of Violations to Department of Public Safety. When any *local enforcement agency* is making an inspection and finds violations or suspected violations, it shall report the details of the violations in writing to the BBRs. Where violations are hazardous to occupants, a certificate of occupancy shall not be issued and the building shall not be occupied before such hazards are corrected.

If the violations are not hazardous, a temporary certificate of occupancy may be issued.

SECTION 9 COMPLIANCE ASSURANCE

110.R3.9.1 Grounds. The BBRs may suspend or revoke the registration of any *TPIA* or *certification* of any *manufacturer*, if the approval was issued in error; was issued on the basis of incorrect information; was issued in violation of any of the *applicable codes* or R3; if examination discloses that the entity failed to perform properly; or for such other cause as may be deemed sufficient by *DPS* to warrant such action. If there is a violation of the *specialized codes* *DPS* shall notify the authority having jurisdiction.

110.R3.9.2 Notice. If the BBRs suspend or revoke the registration of a *TPIA*, the *TPIA* shall be given notice in writing from *DPS* of the suspension or revocation with the reasons therefore set forth therein. *Manufacturers* being evaluated or inspected by such agencies and all *local enforcement agencies* within MA shall also be notified in writing of such suspension or revocation. Such notices shall contain instructions to the *manufacturer* and to the *local*

enforcement agency as to the procedures to be followed regarding *product* previously certified by the *TPIA* whose approval has been suspended or revoked.

If the BBRs suspends or revokes the *certification* of a *manufacturer*, the *manufacturer* shall be given notice in writing from *DPS* of the suspension or revocation with the reasons therefore set forth therein. Such notices shall contain instructions to the *TPIA* and to the *local enforcement agency* as to the procedures to be followed regarding *product* produced by the *manufacturer* whose *certification* has been suspended or revoked.

110.R3.9.3 Records. If an entity whose registration or *certification* has been suspended or revoked shall within 90 days of the suspension or revocation deliver to the custody of *DPS* the originals of all records required to be maintained during the course of its operations pursuant to the applicable codes and R3.

110.R3.9.4 Appeal. Any entity aggrieved by a revocation or suspension stemming from a violation of R3 or 780 CMR may appeal to the BBRs as allowed by 780 CMR 1. For appeals to *specialized code* requirements the authority having jurisdiction shall administer the appeal.

780 CMR 110.R4

LICENSING REGISTRATION OF NATIVE LUMBER PRODUCERS

(Note: 780 CMR 110.R4 is unique to Massachusetts and changes to the 8th edition 780 CMR 110.R4 are shown below.)

110.R4.1 ADMINISTRATION

110.R4.1.1 Scope. The provisions of 780 CMR 110.R4 shall govern the licensing of native lumber producers.

110.R4.1.2 Definitions. The following words and terms shall, for the purposes of 780 CMR 110.R4 and as used elsewhere in 780 CMR, have the meaning indicated in 780 CMR 110.R4.1.2.

BBRS. Board of Building Regulations and Standards.

NATIVE LUMBER. Native lumber is wood processed in Massachusetts by a mill registered in accordance with the regulations (780 CMR) of the BBRs. Such wood is ungraded but is stamped or certified in accordance with Chapter 23 of the *International Building Code 2009 2015* with the Massachusetts Amendments (780 CMR 23.00). Native lumber shall be restricted to use in one-and two-story dwellings, barns, sheds, agricultural and accessory buildings and structures and other uses as permitted by Chapter 23 of the *International Building Code 2009 2015* with the Massachusetts Amendments (780 CMR 23.00).

NATIVE LUMBER PRODUCERS. Persons or corporations in the business of milling wood into native lumber within Massachusetts.

PERSON. Individual, partnership, corporation, trust, joint venture, etc.

110.R4.1.3 Registration. No person shall produce native lumber for use in buildings or structures within Massachusetts unless registered by the BBRs.

110.R4.1.4 Application. Native lumber producers shall apply and furnish qualifications satisfactory to the BBRs in accordance with 780 CMR 110.R4 and qualification requirements provided by the BBRs with the application form.

110.R4.1.5 Registration Fee. Applications shall be accompanied by a registration fee in accordance with 801 CMR 4.02. This initial registration shall be valid for two years.

110.R4.1.6 Renewals. Registration shall be renewed every two years. Within 30 days before the registration expiration date, the BBRs shall forward to each registrant a renewal form. Upon receipt of the completed form and fee in accordance with 801 CMR 4.02, the BBRs shall renew the registration for a period of two years or notify the applicant of reasons for refusal. *Any application for renewal of a registration which has expired shall require the payment of a new registration fee.*

110.R4.1.7 Prequalifying Agent. State Inspectors of the Department of Public Safety shall act as agents of the BBRs to inspect native lumber producing facilities. Upon receipt of a completed application, the State Inspector shall inspect the facility for compliance with the required qualifications and make recommendation to the BBRs.

110.R4.1.8 Penalties. Any person who fails to comply with the requirements of 780 CMR 110.R4 or who falsifies an application shall be subject to the penalties and actions as prescribed in section 114.0 of the *International Building Code 2009 2015* with the Massachusetts Amendments (780 CMR 114.0).

110.R4.2 2 REGISTRATION STAMP

110.R4.2.1 Issuance. Each person registered by the BBRs shall be issued a specific name and number for use in stamping or certifying the native lumber produced at a specific mill.

110.R4.2.2 Contents. Each stamp shall be a minimum of two inches by four inches with a minimum of 36 pt. letters and shall contain the following information.

1. Name of native lumber producer;
2. Registration number; and
3. Species of wood.

Each producer shall be responsible for obtaining stamps made for their use in accordance with the requirements of the BBRs and 780 CMR 110.R4.

110.R4.2.3 Use. Each piece of native lumber shall be stamped with the name and registration number of the producer in accordance with 780 CMR 110.R4 and bear an approved mark identifying the species of wood. In *lieu* of stamping, a certification bearing the same stamped information may be provided by the producer for precut or re-manufactured lumber in accordance with 780 CMR 110.R4.

110.R4.2.4 Unlawful Use. It shall be unlawful to use a stamp registered for a specific mill at any other mill.

110.R4.3 REVOCATION AND SUSPENSION PROCEDURES

~~**110.R4.3.1 Revocation and Suspension.** The BBRs on its own initiative or upon the recommendation of the State Inspector may suspend or revoke the registration of any mill registered in accordance with 780 CMR 110.R4, 780 CMR or the standards of good practice. Notice of suspension or revocation of such registration shall be in writing with the reasons for suspension or revocation clearly set forth, and served in accordance with 780 CMR 114.0.~~

~~**110.R4.3.2 Notice and Conference.** Prior to suspension or revocation of a registration, written notice of such intent shall be served by the State Inspector in accordance with section 114.0 of the International Building Code 2009 with Massachusetts Amendments (780 CMR 114.0). Within ten calendar days of receipt of such notice, the affected mill may request a conference with the State Inspector who will hear facts and make their recommendations to the BBRs.~~

~~**110.R4.3.3 Effect of.** Upon suspension or revocation of mill registration, the mill shall immediately cease engaging in the stamping or certifying of native lumber. The filing of an appeal with the Building Code Appeals Board shall stay such suspension or revocation subject to Chapter 1 of the International Building Code 209 with Massachusetts Amendments (780 CMR 1.00).~~

110.R4.4 APPEALS

~~**110.R4.4.1 Building Code Appeals Board.** Anyone aggrieved by the decision of the BBRs, or others may appeal to the Building Code Appeals Board.~~

110.R4.3.1 Revocation and Suspension. The BBRs may suspend or revoke the registration of any *native lumber producer* found to be in noncompliance with 780 CMR, or the standard of good practice. Notice of suspension, revocation or refusal to renew a registration shall be in writing with the reasons clearly stated, and served in accordance 780 CMR 1.00. Prior to issuance of a suspension, revocation or refusal to renew a registration, written notice of such intent shall be served by the BBRs through its designee DPS in accordance 780 CMR 1.00. Upon registration suspension or revocation the *native lumber producer* shall immediately cease production of native lumber.

110.R4.3.2 Appeals. Any *native lumber producer* or individual aggrieved by the suspension or revocation of a registration or by an interpretation, order, requirement, direction or failure to act under R4 may appeal to the Building Code Appeals Board as provided in 780 CMR 1.00. However, entry of an appeal shall not stay such revocation or suspension unless so ordered by the Building Code Appeals Board in a preliminary hearing conducted expressly for the purpose of a stay.

780 CMR 110.R5

LICENSING OF CONSTRUCTION SUPERVISORS

(Note: 780 CMR 110.R5 is unique to Massachusetts and changes to the 8th edition 780 CMR 110.R5 are shown below.)

110.R5.1 GENERAL

110.R5.1.1 Scope. The provisions of 780 CMR 110.R5 shall govern the licensing of construction supervisors.

110.R5.1.2 Definitions. Unless otherwise expressly stated in 780 CMR the following terms shall, for the purpose of 780 CMR 110.R5, have the meaning indicated in 780 CMR 110.R5.1.2.

BBS. State Board of Building Regulations and Standards.

CONSTRUCTION SUPERVISOR. A person of good moral character who is deemed qualified by the BBS to directly supervise persons engaged in the scope of work shown in Table 110.R5.1. Such term shall also apply to persons supervising themselves.

Code	Designation	Note 1	Table 110.R5.1 Construction Supervisor License (CSL) Scope of Work
none ^a	CSL ^a	a, b, c, d	Construction, reconstruction, alteration, repair, removal, or demolition
none	CSL 1&2 Family Dwellings	b	Construction, reconstruction, alteration, repair, removal, or demolition
1A	CSL Masonry ^b	a, b, c, d	Construction, reconstruction, alteration, repair, removal, or demolition of masonry structures that require a permit. Not applicable for construction of masonry buildings
RF	CSL Roof Covering ^a	a, b, c	Construction, reconstruction, alteration, repair, or removal of roof covering, including repair and replacement of 25% of sheathing and 25% of sistering roof rafters
WS	CSL Window and Siding ^b	a, b, c	Construction, reconstruction, alteration, repair, or removal of doors, windows and siding including repair and replacement of damaged window or door framing < 4' wide and up to 25% of sheathing
SF	CSL Solid Fuel-Burning Appliance ^b	a, b, c	Installation of solid fuel burning appliances but does not allow work on any structural elements, including sheathing, with the exception of that required for the installation of either the inlet or exhaust elements
DM	CSL Demolition ^b	a, b, c, d	Demolition only.
IC	CSL Insulation ^b	a, b, c	Installation of insulation including repair and replacement of sheathing and siding necessary to access wall cavities
b. Specialty License		a. formerly known as "00, Unrestricted" CSL	
Note 1: Building Types and Structures			
a	Buildings of any use group which contain less than 35,000 cubic feet (991m ³) of enclosed space.		
b	One- and two-family dwellings or any accessory building thereto, irrespective of size.		
c	Building or structures for agricultural use.		
d	Retaining walls less than ten feet in height at all points along the wall as measured from the base of the footing to the top of the wall.		

HEARINGS OFFICER The Hearings Officer is the person selected by the Department of Public Safety and approved by the Chair of the BBS to carry out the disposition of complaints against licensed construction supervisors.

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

LICENSED DESIGNEE. Any individual designated by the license holder to be present, in the absence of said license holder, during any of the periods stated in 780 CMR 110.R5.2.12. Such designee shall also hold a Construction Supervisor's License in the appropriate category (or better), but his name or license number need not be contained on the building permit application.

RECOGNITION The approval by the BBRS of an application and related documents by one desirous of being licensed as a construction supervisor.

110.R5.1.3 Scope. 780 CMR 110.R5 shall govern the testing and licensing of individuals who are found to possess the requisite qualifications to be licensed as a construction supervisor and to have charge or control of construction, reconstruction, alteration, repair, removal or demolition of certain buildings or structures or parts thereof, as identified.

110.R5.1.3.1. Individuals supervising persons engaged in construction, reconstruction, alteration, repair, removal or demolition involving any activity regulated by any provision of 780 CMR, shall be licensed in accordance with 780 CMR 110.R5. Individuals engaged in the supervision of the field erection of manufactured buildings in accordance with 780 CMR 110.R3, shall be licensed as construction supervisors.

Exception. Any homeowner performing work for which a building permit is required shall be exempt from the licensing provisions of 780 CMR 110.R5, provided that if a homeowner engages a person(s) for hire to do such work, then such homeowner shall act as supervisor. This exception shall not apply to the field erection of a manufactured buildings constructed pursuant to 780 CMR 110.R3.

Note. Any Licensed Construction Supervisor who contracts to do work for a homeowner shall be responsible for performing said work in accordance with 780 CMR and manufacture's recommendations, as applicable, whether or not the licensed contractor secured the permit for said work.

110.R5.1.3.2 Exemptions. A construction supervisor's license is not required for:

1. construction of swimming pools, the erection of signs, the erection of tents;
2. projects which are subject to construction control pursuant to Chapter 1 of the *International Building Code 2009 2015* with Massachusetts Amendments (780 CMR 1.00);
3. agricultural buildings which are not open to the public or otherwise made available for public use;
4. *registered design professionals* provided such comply with the construction supervisor oversight requirements set forth in 780 CMR 110.R5 generally and 750 CMR 110.R5.2.12, as applicable;
5. Massachusetts certified *building officials*, provided such certification is current and they comply with the oversight requirements of 780 CMR 110.R5 generally and 780 CMR 110.R5.2.12, as applicable.

6. the practice of any trade licensed by agencies of the commonwealth (*see* M.G.L. c. 112, § 81R), 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.

110.R5.1.3.3 Municipal Requirements. No municipality shall be prohibited from requiring a license for those individuals engaged in directly supervising persons engaged in construction, reconstruction, alteration, repair, removal or demolition in those categories of building and structures for which 780 CMR 110.R5 does not require a license.

110.R5.1.4 Administration and Enforcement. The BBRS shall administer and enforce the provisions of 780 CMR 110.R5. The BBRS or those designated by it shall administer examinations, under 780 CMR 110.R5, of persons desirous of being registered as qualified to receive a license as a construction supervisor.

110.R5.2 REGISTRATION AND LICENSING

110.R5.2.1 Qualifications. A construction supervisor license candidate shall demonstrate that he or she has had at least three years of experience in their field. This experience must have been completed within the ten-year period prior to the date of application. Successful completion of certain educational programs may satisfy one to two years of required experience. In addition, all applicants are required to successfully pass an examination in order to receive a license. For a list of the pre exam qualifications access the examination application noted in 780 CMR 110.R5.2.2.

Exception: An individual holding a current certification per the requirements of 780 CMR 110.R7 shall be allowed to submit an application for an unrestricted construction supervisor license without the need for examination.

110.R5.2.1.1 Evaluation of exam scores. The authorized testing agent of the BBRS shall determine a successful exam score. BBRS may evaluate multiple unsuccessful exam scores of an applicant if the applicant has:

- a. received and utilized testing accommodation through the authorized testing agent, and
- b. taken the exam at least 3 times in the past 5 years and not received a successful score on any one exam, and
- c. received a exam score 5% greater than the successful exam score authorized by the testing agent using a weighted average of the highest scores from each section of any 2 of the 3 exams, and
- d. provided a letter of recommendation from any two (2) of the following individuals:
 - building official and/or
 - registered design professional and/or
 - construction supervisor licensee

If the requirements of this section are met then the exam applicant has '*successfully passed an examination*' per R5.

110.R5.2.2 Examinations. Examinations shall be held only by appointment. All exam applications must be filed in accordance with the construction supervisor license examination application found at www.mass.gov/dps.

110.R5.2.3 License Approval. A majority vote of the members of the BBRS shall be required to grant a license. ~~A license issued by DPS pursuant to the requirements of R5 shall be considered approved by the BBRS. A license which does not meet the requirements of this section shall not be issued unless approved by the BBRS.~~ (Proposed change in strike out because of conflict with statute.)

110.R5.2.4 Expiration. Licenses issued pursuant to these rules and regulations shall expire three years from the date of issuance, which shall be noted on said license and may be renewed. A renewal of an original license shall be for periods of two years and a renewal license shall expire two years from the date of issuance, which shall be noted on said license and may be renewed. A renewal license shall not be issued unless application therefore is made within one year of the date of expiration of the most recently issued license. If a licensee fails to renew his license within one year of the expiration date, such license may thereafter be renewed within two years of its expiration date upon the payment of a fee per 780 CMR.

Exceptions: For applications meeting any of these four exception requirements, where applicable the license shall be renewed for a minimum of 1 year to a maximum of 3 years.

1. **Medical reactivation.** Applicants who seek license reactivation and a waiver of the retesting and/or continuing education requirements must:
 - a. notify DPS in writing via email or US mail, within 4 years of expiration date of the license, and
 - b. have evidence of personal illness*, or illness or death of a parent, sibling, spouse, or child in a 4 year window from date of DPS written notification, and
 - c. not have DOR tax, child support, Home Improvement Contractor or Construction Supervisor complaint, or DPS civil fine issues, and
 - d. submit the following:
 - i DPS application form, and
 - ii DPS form letter stating how illness or death contributed to loss of focus on personal or business affairs, and
 - iii Medical evidence of illness or death, and
 - iv a fee.

*illness must be one of the internationally recognized causes of mortality or one of the recognized mental health related illnesses.

11. **Military reactivation.** Applicants who seek license reactivation and a waiver of the retesting and/or continuing education requirements must:
 - a. notify DPS in writing via email or US Mail, within 4 years of expiration date of the license, and
 - b. have evidence of personal military service or of military service of spouse, and
 - c. not have DOR tax, child support, Home Improvement Contractor or Construction Supervisor complaint, or DPS civil fine issues, and

- d. submit the following:
 - i DPS application form , and
 - ii evidence of honorable military service within the expiration period, and
 - iii a fee.

12. **Valor Act.** If a license holder is on active duty with the armed forces of the United States, as defined in M.G.L. c. 4, § 7, clause forty-third, the certificate shall remain valid until the license holder is released from active duty and for a period of not less than 90 days following that release. For this exception to apply, the license holder must be given an Honorable Discharge, a General Discharge, or an Under Other than Honorable Conditions (UOTHC) Discharge, as noted on their discharge and separation papers.

The BBRS may accept education, training, or service completed by an individual as a member of the armed forces, as defined in M.G.L. c. 4 § 7, clause 43, or the United States military reserves as an alternative or in addition to submission of required documentation pursuant to continuing education requirements. The applicant shall submit a license renewal application along with a Verification of Military Experience and Training form and any other supporting documentation. The education, training, or service submitted to the BBRS shall have been completed within 24 months of submission.

13. **Age reactivation.** Applicants who seek license reactivation and a waiver of the retesting requirement must:
- a. Notify DPS in writing via email or US Mail a desire to reactivate the license and be at least 62 years of age on the date of DPS notification, and
 - b. not have DOR tax, child support, Home Improvement Contractor or Construction Supervisor complaint, or DPS civil fine issues and,
 - c. submit the following:
 - i DPS renewal application, and
 - ii certificates of continuing education from expiration date of the license to date of DPS notification, and
 - iii a fee.

Note: The continuing education waiver can be utilized only once per licensee.

110.R5.2.5. Practice of construction supervision is prohibited with an expired license.

110.R5.2.5 Fees. Reserved

110.R5.2.6 Procedure for Obtaining a License.

110.R5.2.6.1 Application. License applicants meeting the qualifications of 780 CMR 110.R5.2.1 may submit an examination application per 780 CMR 110.R5.2.2 to the authorized testing agent of BBRS.

110.R5.2.6.2 Forms. It shall be the responsibility of the applicant to assure that the required forms are received by the testing agency. All forms shall be accompanied by the required license fee.

110.R5.2.6.3 Records. The BBRS shall keep a copy of the application and a computer file listing all licensed construction supervisors.

110.R5.2.6.4 Examination Date. Upon receipt of a fully completed application, an examination date shall be set by the authorized testing agency and the applicant so notified.

110.R5.2.7 False Statements. Any false statement on the application or references shall be sufficient reason to refuse to issue a license, or to suspend or revoke a license if issued.

110.R5.2.8 Cause for Suspension or Revocation. The following shall be grounds for reprimand, suspension, or revocation of a license:

1. the applicant made a false statement to the BBRS;
2. a licensee made a false statement to the BBRS;
3. any violation of 780 CMR;
4. work was performed without a building permit;
5. failure to fully cooperate with a BBRS investigation into a complaint;
6. failure to turn over a suspended or revoked license to the BBRS;
7. failure to abide by a mandate or order of the BBRS;
8. failure to properly supervise a project or be present at a work site as required by 780 CMR 110.R5
9. failure to meet the requirements of 780 CMR 110.R5.4.

110.R5.2.8.1

Revocation of a Home Improvement Contractor Registration may be a consideration during a CSL disciplinary hearing.

110.R5.2.9 Procedure for Suspension or Revocation of License.

110.R5.2.9.1 Revise as follows:

110.R5.2.9.1 Complaints. All complaints relative to a license must be in writing on a form provided by the BBRS. Any person, including a *building official*, **staff of the MA Office of Consumer Affairs and Business Regulation**, or the BBRS itself, may file a complaint. All complaints must be received by the BBRS within three years of the date the parties entered into an agreement to perform work requiring licensure pursuant to 780 CMR 110.R5.

110.R5.2.9.1.1 Basis of Complaint. Work related to a specific building permit that is deemed to not comply with 780 CMR or a consistent pattern of abuse relating to contractual arrangements between license holder and client shall be the basis of such complaint. Any work requiring a building permit, which is performed without such permit shall be considered cause for suspension or revocation.

110.R5.2.9.1.2 Review and Investigation of Complaints. The BBRS or its designee shall review every complaint filed. If the reviewer determined that the complaint alleges plausible potential violations of 780 CMR by the licensee, a hearing shall be convened.

The BBRs may, if it elects, investigate a complaint prior to scheduling a hearing. Failure of a complainant to cooperate in the investigation shall be grounds for dismissal of a complaint.

Upon receipt of a complaint, the BBRs or its designee shall send a letter acknowledging receipt to the complainant, the licensee being complained of, and the appropriate municipal *building official*. A copy of the complaint and all attachment shall be mailed to the license holder with the acknowledgment letter.

110.R5.2.9.3 Notice of Hearing. If the *hearings officer* or the BBRs determined that a hearing shall be held to resolve a complaint, reasonable notice shall be provided to the complainant and the license holder. Mailing of the notice to the address on record with BBRs shall be deemed satisfactory notice to the license holder. The notice of hearing shall contain.

1. The name of the complainant.
2. The date, time and place of said hearing.
3. The location of the incident giving rise to the complaint
4. Notice that either party may view the BBRs's complaint file by appointment.

110.R5.2.9.4 Hearings. Hearings convened pursuant to 780 CMR 110.R5 shall be conducted pursuant to 801 CMR 1.02: *Informal/Fair Hearing Rules*. Any party may be represented by legal counsel. All parties shall be permitted to present an opening statement, testify on their own behalf, cross-examine all witnesses, present any relevant witness testimony, present any relevant documentary evidence, and offer a closing argument. The *hearings officer* may question any witness and include any records kept by the BBRs as exhibits. The *hearings officer* may conclude the hearing at any time and issue a decision based on the evidence presented.

If a licensee does not appear for the hearing, the *hearings officer* may conduct a hearing in their absence and render a decision based upon the evidence presented, but only after making a finding that the licensee was provided notice as required by 780 CMR 110.R5.2.9.3.

110.R5.2.9.5 Decisions and Discipline of License Holders. The *hearings officer* shall issue a written decision after the hearing. Decisions shall be issued in a reasonably prompt manner. The *hearings officer* may suspend a license for a fixed period of time, revoke a license permanently, or reprimand the licensee. In conjunction with these disciplinary measures, the *hearings officer* may order the license holder to retake the CSL examination. Any license that is suspended or revoked shall be forwarded to the BBRs immediately. A person whose license is revoked may apply in writing to the BBRs for reinstatement no sooner than two years from the date of the revocation.

110.R5.2.10 Appeal. Any person aggrieved by a decision of the *hearings officer* may, in writing, request review of said decision by the BBRs. The filing of such a petition shall not serve to stay any disciplinary action taken by the *hearings officer*.

The BBRs may review such decision at its discretion. Such review is an administrative review that shall be based solely on the administrative record and is not to be construed as a second Hearing on the same complaint(s). After review, the BBRs may either deny the petition

or remand the matter to the *hearings officer* for further proceedings as directed. The filing of an appeal with the BBRS shall serve to toll the timing provisions of M.G.L. c. 30A, § 14 until such time as a final decision is rendered by the BBRS.

110.R5.2.10.1 Appeal to a Court. Any person aggrieved by a decision of the *hearings officer* or the BBRS may appeal such decision in conformance with M.G.L. c. 30A, § 14.

110.R5.2.11 Change of Address. The license holder shall have the responsibility of reporting any change of address and/or change of circumstance to the BBRS. The information on file at the BBRS shall be deemed accurate unless changed by the license holder.

110.R5.2.12 On-site Presence of Supervisor. A licensed construction supervisor or a licensed designee as defined shall be present on the site at some point to approve construction, reconstruction, alterations, removal or demolition involving the following work.

Note. Any licensed construction supervisor who contracts to do work for a homeowner shall be responsible for performing said work in accordance with 780 CMR whether or not the licensed contractor secured the permit for said work.

1. Foundation:

- a. Preparation of bearing material;
- b. Location of foundation;
- c. Placement of forms and reinforcing materials (if applicable);
- d. Placing of concrete (or setting of other foundation materials);
- e. Setting weather protection methods (if required);
- f. Installation of waterproofing and/or damp proofing materials; and
- g. Placement of backfill.

Note. If groundwater is encountered in excavating for foundation placement, the licensed construction supervisor shall report its presence to the *building official* and shall submit a report detailing methods of remediation.

2. Structural frame:

- a. Installation of joists, trusses and other structural members and sheathing materials to verify size, species and grade, spacing and attachment/fastening methods. (The licensed construction supervisor shall ensure that any cutting or notching of structural members is performed in accordance with requirements of 780 CMR)
- b. Setting of masonry or other structural systems (if used).

3. Energy conservation: Installation of insulation materials, vapor and air infiltration barriers.

4. Fire protection: Installation of smoke, heat and carbon monoxide (CO) detectors and/or systems.

5. Special construction, including, but not limited to:

- a. Chimneys;
- b. Retaining walls over four feet in height above grade.

The *building official* may require a licensed construction supervisor or his or her licensed designee to be present on the building site at other points during the construction, reconstruction, alterations, removal or demolition work as he or she deems appropriate.

110.R5.2.13 Lost/Stolen Licenses. License holders are required to keep the license in their possession at all times during the course of construction work at any and all building sites. If said license is lost, stolen or mutilated, it shall be the responsibility of the license holder to notify the BBRs.

110.R5.2.14 Requirement to Show License. A *building official* may require the license holder to produce the license at any time on a job site.

110.R5.2.15 Responsibility of Each License Holder.

110.R5.2.15.1 Responsibility for Work. The license holder shall be fully and completely responsible for all work for which he/she is supervising. He/she shall be responsible for seeing that all work is done pursuant to 780 CMR and the drawings as approved by the *building official*.

110.R5.2.15.2 Responsibility to Supervise Work. The license holder shall be responsible to supervise the construction, reconstruction, installation, alteration, repair, removal or demolition for the category of license held involving any activity regulated by any provision of 780 CMR and all other applicable Laws of the Commonwealth even though he, the license holder, is not the permit holder but only a subcontractor or contractor to the *permit* holder.

110.R5.2.15.3 Notification of Violations. The license holder shall immediately notify the *building official* in writing of the discovery of any violations which are covered by the building permit.

110.R5.2.15.4 Willful Violation. Any licensee who shall willfully violate 780 CMR shall be subject to revocation or suspension of license by the *hearings officer*.

110.R5.2.16 Permit Applications. All building *permit* applications shall contain the name, signature and license number and the category of license so held of the construction supervisor who is to supervise those persons engaged in the work as defined in the building *permit*. In the event that such licensee is no longer supervising said persons, the work shall immediately cease until a successor license holder is substituted on the records of the building department.

110.R5.2.17 Gender of Terms. The term “he” as used in 780 CMR 110.R5 shall include the pronoun “he” and/or “she.”

110.R5.3 ADMINISTRATION

110.R5.3.1 Identification. The BBRs shall issue a card or a certificate or other form of license identification.

110.R5.3.2 Records of Licensees. The BBRs shall maintain a computer listing (www.mass.gov/dps) which will be available to the public at the office of the BBRs containing all licenses issued by the BBRs.

110.R5.3.3 Examination. The BBRs shall determine whether an examination shall be required, or shall be oral or written and shall determine the content of the examination, if applicable.

Exception. An individual holding a current certification per the requirements of 780 CMR 110.R7 shall be allowed to submit an application for the construction supervisor license without the need for examination.

110.R5.3.4 Subject to Rules, Regulations and Procedures. All persons licensed shall be subject to 780 CMR 110.R5, as well as other rules, regulations, and procedures promulgated by the BBRs.

110.R5.3.5 Fees. Any and all fees charged for licenses, examinations, renewals, and registrations shall be determined by the Commonwealth and enforced by the BBRs. Fees shall be established from time to time as necessary, and shall be paid in accordance with 801 CMR 4.02.

110.R5. 3.5.1 Building Official Fees. The BBRs shall grant a construction supervisor license without examination to an individual holding a current certification per the requirements of 780 CMR 110.R7. An individual seeking such license shall file an application to the BBRs and pay all appropriate license fees.

5.4 CONTINUING EDUCATION

110.R5.4.1 Standards. The BBRs may by rule adopt standards for continuing education requirements and course and instructor approval. The standards must include requirements for continuing education as applicable to buildings and building codes and referenced standards.

110.R5.4.2 Hours. A qualifying licensee must provide proof of completion of required hours of continuing education per two year license cycle in the appropriate category in which the licensee is licensed. Credit may not be earned if the licensee has previously obtained credit for the same course as either a student or instructor during the same licensing period.

1. Construction Supervisors License	12 Hours
2. Construction Supervisors License (One- and Two-Family Dwellings)	ten Hours
3. Construction Supervisors Specialty License	six Hours

Exception. *Building officials* who are certified and in good standing in accordance with 780 CMR 110. R7 are exempt from 780 CMR 110.R5.4.

110.R5.4.3 Education Topics. All Construction Supervisor License holders are required to complete the appropriate number of continuing education each two-year renewal cycle as described in 780 CMR 110.R5.4.2. The following hour(s) of continuing education topics are required:

1. Code Review	one hour
2. Workplace Safety	one hour

3. Business Practices / Workers' Compensation	one hour
4. Energy (except Demolition Specialty License)	one hour
5. Lead Safe Practices (only first renewal cycle)	one hour

The remainder credit hours to be completed by approved electives.

110.R5.4.4 Accessibility. To the extent possible, the BBRS shall ensure that continuing education courses are offered throughout the state and are accessible to all licensees.

110.R5.4.5 Renewal of Approval. The BBRS is authorized to establish a procedure for renewal of course approval.

110.R5.4.6 Content. Continuing education consists of approved courses that impart appropriate and related knowledge in the regulated industries. Courses may include relevant materials that are included in licensing exams subject to the limitations imposed in 780 CMR 110.R5.4.6, item 1. The burden of demonstrating that courses impart appropriate and related knowledge is upon the person seeking approval or credit.

Course examinations will not be required for continuing education courses unless they are required by the instructor.

Unless determined by the coordinator textbooks are not required to be used for continuing education courses. The coordinator must provide students with a syllabus containing, at a minimum, the course title, the times and dates of the course offering, the names and addresses or telephone numbers and email address of the course coordinator and instructor, and a detailed outline of the subject materials to be covered. Any written or printed material given to students must be of readable quality and contain accurate and current information.

Upon completion of an approved course, licensees shall earn one hour of continuing education credit for each hour approved by the BBRS. Each continuing education course must be attended in its entirety in order to receive credit for the number of approved hours. Courses may be approved for full or partial credit, and for more than one regulated industry.

Continuing education credit in an approved course shall be awarded to presenting instructors on the basis of one credit for each hour of preparation for the initial presentation, which may not exceed three hours total credit for each approved course. Continuing education credit may not be earned if the licensee has previously obtained credit for the same course as a licensee or as an instructor within the Current licensing cycle

The following courses will not be approved for credit:

1. courses designed solely to prepare students for a license examination in a discipline other than CSL;
2. courses in mechanical office skills, including typing, speed reading, or other machines or equipment. Computer or business skills courses are allowed, if appropriate and related to the regulated industry of the licensee;
3. courses in motivation, psychology, or any other course not related to the building industry
4. courses that are primarily intended to impart knowledge of specific products of specific companies, if the use of the product or products relates to the sales promotion or marketing of one or more of the products discussed.

110.R5.4.7 Course Approval. Courses must be approved by the BBRB in advance and will be approved on the basis of the applicant's compliance with the provisions of this section relating to continuing education in the regulated industries. The BBRB shall make the final determination as to the approval and assignment of credit hours for courses. Courses must be at least one hour in length.

Approval will not be granted for time spent on meals or other unrelated activities. Breaks may not be accumulated in order to dismiss the class early. Classes shall not be offered to any one student for longer than six hours in one day, excluding meal breaks.

Application for course approval must be submitted 120 days before the course offering.

Approval is granted for a subsequent offering of identical continuing education courses without requiring a new application if the course is offered within the approved 24 month cycle. The BBRB shall deny future offerings of courses if they are found not to be in compliance with the laws relating to course approval. Course shall be updated subject to periodic review by the BBRB to ensure currency with technological changes in the building code.

110.R5.4.8 Course Coordinator. Each course of study shall have at least one coordinator, which is a person who is registered with the BBRB, who is responsible for supervising the program and ensuring compliance with all relevant law.

Each Coordinator shall oversee no more than twelve courses of study.

110.R5.4.9 Responsibilities of a Course Coordinator:

1. ensuring compliance with all laws and rules relating to continuing educational offerings governed by the BBRB;
2. ensuring that instructors are qualified to teach the course offering as defined in 780 CMR 110.R5.4.10;
3. maintaining accurate records relating to course offerings, instructors, tests taken by students if required, and student attendance for a period of three years from the date on which the course was completed. These records must be made available to the BBRB upon request. In the event that a coordinator ceases operation for any reason, the coordinator is responsible for maintaining the records or providing a custodian for the records acceptable to the BBRB. The coordinator must notify the BBRB of the name and address of that custodian. Under no circumstances will the BBRB act as custodian of the records;
14. supervising and evaluating courses and instructors. Supervision includes ensuring that all areas of the curriculum are addressed without redundancy and that continuity is present throughout the entire course;
15. providing course completion certificates within ten days of, but not before, completion of the entire course. Course completion certificates must be completed in their entirety. Course completion certificates must contain the following statement: "If you have any comments about this course offering, please mail them to the Board of Building Regulations and Standards attn: Education Coordinator. The current address of the department must be included. A coordinator may require payment of the course tuition as a condition for receiving the course completion certificate;
16. investigating complaints related to course offerings or instructors. A copy of the written, signed complaint must be sent to the BBRB within ten working days of course completion. An acknowledgment will be sent upon receipt of complaint via email.

17. to be available to instructors and students throughout course offerings and provide to the students and instructor the mailing address, telephone number and email address at which the coordinator can be reached;
18. participate in workshops or instructional programs as reasonably required by the BBRs;
19. furnishing the BBRs, upon request, with copies of course and instructor evaluations and qualifications of instructors. Evaluations must be completed by students at the time the course is offered and evaluations must be reviewed by coordinators within five days after the course offering;
20. notifying the BBRs in writing within ten days of any change in the information in an application for approval on file with the BBRs.

110.R5.4.10 Instructors. Each continuing education course shall have an instructor who is qualified by education, training, or experience to ensure competent instruction. Failure to have only qualified instructors teach at an approved course offering will result in loss of course approval. Coordinators are responsible to ensure that an instructor is qualified to teach the course offering.

1. Continuing education instructors must have one of the following:
 - a. a four-year degree (bachelor or equivalent) in any discipline plus two years' practical experience within the previous five years in the subject area being taught;
 - b. a four-year college degree (bachelors) or graduate degree in the subject area being taught;
 - c. a CSL holder or certified building official with at least three years experience in the subject area being taught; provided the instructor demonstrates proficiency in the subject matter
 - d. five years' practical experience within the previous ten years in the subject area being taught;

Note. A contractor whose construction license is currently suspended or revoked shall not teach or serve as a continuing education course instructor

2. Approved instructors are responsible for:
 - a. compliance with all laws and rules relating to continuing education;
 - b. providing students with current and accurate information;
 - c. maintaining an atmosphere conducive to learning in the classroom;
 - d. verifying attendance of students, submission of completed course evaluations and certifying course completion;
 - e. providing assistance to students and responding to questions relating to course materials; and
 - f. attending the workshops or instructional programs that are required by the BBRs.

110.R5.4.11 Prohibited Practices for Coordinators and Instructors. In connection with an approved continuing education course, coordinators and instructors shall not:

1. recommend or promote the services or practices of a particular business;
2. encourage or recruit individuals to engage the services of, or become associated with, a particular business;

3. require students to participate in other programs or services offered by the instructor or coordinator;
4. attempt, either directly or indirectly, to discover questions or answers on an examination for a license;
5. disseminate to any other person specific questions, problems, or information known or believed to be included in licensing examinations;
6. misrepresent any information submitted to the BBRB;
7. fail to cover, or ensure coverage of, major points, issues, and concepts contained in the course outline approved by the BBRB during the approved instruction; or
8. issue inaccurate course completion certificates.

Coordinators shall notify the BBRB within ten days of a felony or gross misdemeanor conviction or of disciplinary action taken against an occupational or professional license held by the coordinator or an instructor teaching an approved course. The notification shall be grounds for the BBRB to withdraw the approval of the coordinator and to disallow the use of the instructor.

110.R5.4.12 Fees. Fees for an approved course of study and related materials must be clearly identified to students. In the event that a course is canceled for any reason, all fees must be returned within 15 days from the date of cancellation. In the event that a course is postponed for any reason, students shall be given the choice of attending the course at a later date or having their fees refunded in full within 15 days from the date of postponement. If a student is unable to attend a course or cancels the registration in a course coordinator policies regarding refunds shall govern.

110.R5.4.13 Facilities. Each course of study must be conducted in a classroom or other appropriate facility that is accessible and adequate to comfortably accommodate the instructors and the number of students enrolled.

110.R5.4.14 Supplementary Materials. An adequate supply of supplementary materials to be used or distributed in connection with an approved course must be available at the time and place of the course offering in order to ensure that each student receives all of the necessary materials. Outlines and any other materials that are reproduced must be of readable quality.

110.R5.4.15 Advertisement. 780 CMR 110.R.4.15 governs the advertising of continuing education courses.

1. Advertising must be truthful and not deceptive or misleading. Courses may not be advertised in any manner as approved unless approval has been granted in writing by the BBRB.

2. No advertisement, pamphlet, circular, or other similar materials pertaining to an approved offering may be circulated or distributed in this state, unless the following statement is prominently displayed:

"This course has been approved by the Massachusetts Board of Building Regulations and Standards for (approved number of hours) hours for continuing (relevant industry) education."

3. Advertising of approved courses must be clearly distinguishable from the advertisement of other non-approved courses and services.
4. The number of hours for which a course has been approved must be prominently displayed on an advertisement for the course. If the course offering is longer than the number of hours of credit to be given, it must be clear that credit is not earned for the entire course.
5. Advertising shall comply with the MA regulation for advertisement of private occupational schools, 603 CMR 3.14 and all advertising, including but not limited to 'false advertising' is governed by 940 CMR 3.10, violations of which are enforceable under the provisions of M.G.L. c. 93A, the Consumer Protection Act.

110.R5.4.16 Notice to Students. At the beginning of each approved offering, the following notice must be handed out in printed form or must be read to students:

"This educational offering is recognized by the Massachusetts Board of Building Regulations and Standards as satisfying (insert number of hours approved) hours of credit toward continuing (insert appropriate industry) education requirements."

110.R5.4.17 Audits. The BBRS reserves the right to audit subject offerings with or without notice to the coordinator.

110.R5.4.18 Falsification of Reports. Anyone found to have falsified an education report to the BBRS shall be subject to limitation, condition, suspension of the license, course coordinator approval or instructor approval can be revoked and/or fined up to \$1,000.00. The BBRS reserves the right to audit a licensee's continuing education records.

110.R5.4.19 Waivers and Extensions. If a licensee provides documentation to the BBRS that the licensee or its qualifying person is unable, and will continue to be unable, to attend actual classroom course work because of a physical disability, medical condition, military service or similar reason, attendance at continuing education courses shall be waived for a period not to exceed one two-year cycle. Licensee must make up delinquent credit hours and pay appropriate fees.

The BBRS may request documentation of the condition upon which the request for waiver is based as is necessary to satisfy the BBRS of the existence of the condition and that the condition does preclude attendance at continuing education courses.

110.R5.4.20 Reporting Requirements. Required continuing education must be reported in a manner prescribed by the BBRS. Licensees are responsible for maintaining copies of course completion certificates.

110.R5.4.21 Continuing Education Fees. See 801 CMR 4.02. for the following fees:

1. Course Approval:
 - a. initial course application fee for each continuing education course approval sought;
 - b. initial course approval fee for each hour or fraction of one hour. Initial course approval expires on the last day of the 24th month after the course is approved;

c. renewal of course approval fee for each hour or fraction of one hour. Renewal of course approval expires on the last day of the 24th month after the course is renewed.

2. Course Coordinator:

a. initial coordinator approval fee. Coordinator may only oversee 12 courses. Initial coordinator approval expires on the last day of the 24th month after the coordinator is approved; and

b. renewal of coordinator approval fee. Renewal of coordinator approval expires on the last day of the 24th month after the coordinator is renewed.

780 CMR 110.R6

REGISTRATION AND ENFORCEMENT OF HOME IMPROVEMENT CONTRACTOR PROGRAM

(Note: 780 CMR 110.R6 is unique to Massachusetts and no changes to the 8th edition are proposed, i.e. carry forward current requirements.)

For information including but not limited to registrations, renewals, and filing of complaints against a home improvement contractor (HIC), please contact the Office of Consumer Affairs and Business Regulation, which now administers this program. Also *see* M.G.L. c. 142A for statutory requirements pertaining to HIC.

Please note that licensing of construction supervisors per 780 CMR 110.R5 is administered by the Department of Public Safety.

The requirements of what is needed, a license or HIC registration, or both, to perform building construction, remains unchanged with 780 CMR, ninth edition.

780 CMR 110.R7

CERTIFICATION OF INSPECTORS OF BUILDINGS, BUILDING COMMISSIONERS AND LOCAL INSPECTORS

(Note: 780 CMR 110.R7 is unique to Massachusetts and no changes to the 8th edition are proposed, i.e. carry forward current requirements.)

110.R7.1 GENERAL PROVISIONS

110.R7.1.1 Title. 780 CMR 110.R7.

110.R7.1.2 Definitions. Any terms not defined in 780 CMR 110.R7 shall assume the definition of the term as used elsewhere in 780 CMR.

BBRS. State Board of Building Regulations and Standards.

BUILDING OFFICIAL *see* the Massachusetts Amendments to the *International Building Code 2009 2015* (780 CMR 2.00).

REGISTRANT. Any individual registered with the Board of Building Regulations and Standards (BBRS) as a *building official* in the capacity of an inspector of buildings/building commissioner or local inspector.

110.R7.1.3 Scope. 780 CMR 110.R7 shall control all matters relating to qualifications and certification of all *building officials* engaged in or to be engaged in the administration and enforcement of 780 CMR; categories of certified *building officials*; procedures for application, issuance, denial and revocation of certifications; approval of training and/or educational programs offered to meet the requirements for certification; maintenance of certification through continuing education; application fees for certification; and enforcement of 780 CMR 110.R7. 780 CMR 110.R7 shall establish standards and procedures for certification, and shall require all persons performing duties with respect to the inspection of building construction for any political subdivision within the Commonwealth to be certified as provided in 780 CMR 110.R7.

110.R7.1.4 Powers and Duties. The BBRS, working through the Administrator and the BBRS staff, shall have the following responsibilities in addition to all others provided in 780 CMR and 780 CMR 110.R7.

110.R7.1.4.1. Upon recommendations from the Building Official Certification Committee, established under 780 CMR 110.R7.1.5, to issue certifications to individuals deemed qualified as provided for in 780 CMR 110.R7.

110.R7.1.4.2. To maintain accurate records of all applications for certification and any official action thereon and to make such records available for inspection by the public at all reasonable times.

110.R7.1.4.3. To suspend or revoke a certification upon the establishment of grounds for discipline per 780 CMR 110.R7.4.1.5.

110.R7.1.4.4. Any person aggrieved by any notice, action, ruling or order of the Board, or the Building Official Certification Committee with respect to 780 CMR 110.R7, may have a right to a hearing as provided for by law.

110.R7.1.5 Inspector Certification Advisory Committee. The BBRS has established the Inspector Certification Advisory Committee (Building Official Certification Committee (BOCC)). This committee shall be supported by such staff of the BBRS as may be required for the effective operation of 780 CMR 110.R7.

110.R7.1.5.1 Powers and Duties. The BOCC shall have the responsibility to advise and to recommend to the BBRS on all items relating to the certification of *building officials*, including, but not limited to:

1. Issuing certificates
2. Reviewing applicant credentials
3. Maintaining applicant and certified inspector records
4. Hearing complaints and appeals pertaining to inspector certification

5. Reviewing and approving all courses of study, seminars, and other educational programs as deemed necessary, for continuing education requirements.
6. Monitoring all appointments to assure compliance with 780 CMR 110.R7.
7. Considering reciprocity with other states (upon petition of BOCC on forms provided for such purpose).

110.R7.1.5.2 Make-up of the Committee. The BOCC shall consist of nine members appointed by the BBRs as follows:

1. One member of the BBRs or his or her designee
2. Six members who are active *building officials* consisting of:
 - a. One member from each of the three Municipal Building Officials Associations (Southeastern Building Officials Association, Building Officials of Western Massachusetts, Massachusetts Building Commissioners and Inspectors Association).
 - b. Three members at large to be appointed by the BBRs.
3. One member from academia who is an educator of construction at the college level (*e.g.* architectural, civil, structural) to be appointed by the BBRs.
4. One member of the Massachusetts Municipal Association.

110.R7.1.6 Categories of Certification. Categories of certification for *building officials* are as follows:

110.R7.1.6.1 Inspector of Buildings or Building Commissioner. An individual certified as an inspector of buildings/building commissioner shall perform the duties as defined in 780 CMR and M.G.L. c. 143, as applicable.

110.R7.1.6.2 Local Inspector. An individual certified as a local inspector shall perform the duties as defined in 780 CMR and M.G.L. c. 143, as applicable.

110.R7.1.6.3 Alternate Inspector of Buildings/Building Commissioner. An alternate inspector of buildings/building commissioner shall be certified prior to appointment.

110.R7.1.7 Building Official Appointments.

110.R7.1.7.1. Permanent Appointments. No individual shall be permanently appointed to the position of inspector of buildings, building commissioner or local inspector in a municipal enforcing agency for which a certification requirement has been established by 780 CMR 110.R7, unless that individual has been deemed qualified and certified in that category by the BOCC.

Exception. Conditional appointments may be made pursuant to 780 CMR 110.R7.1.7.4.

110.R7.1.7.2 Reporting by Appointing Authority. Immediately following appointment, the clerk of each city or town shall report to the BBRs, the name, title and status of each new employee who is appointed as an inspector of buildings, building commissioner or local inspector. Said report shall be provided on forms as prescribed by the BBRs for

said purpose and shall be submitted in attestation under the pains and penalties of perjury that said new employee meets or exceeds the minimum qualifications as defined by M.G.L. c. 143, § 3 and 780 CMR, as applicable.

110.R7.1.7.3 Historical Note. Any individual employed as inspector of buildings, building commissioner or local inspector and who was in office on November 12, 1992 and who was qualified (in accordance with M.G.L. c. 143, § 3) to be in office at time of hire, and who presented acceptable evidence of these facts to the BBRs, shall be deemed certified in the category held on said date, and shall be provided with a certificate by the BBRs.

110.R7.1.7.4 Conditional Appointments. Individuals who meet or exceed the experience requirements pursuant to M.G.L. c. 143, § 3 and 780 CMR, but who are not certified under the provisions of 780 CMR 110.R7 may be appointed on a conditional basis only. If so appointed these requirements shall be met:

1. Immediately upon appointment, the city or town clerk shall report the conditional appointment to the BBRs in accordance with 780 CMR 110.R7.1.7.2.
2. Within the first six months of employment the conditional appointee shall make application to take the examination(s) required for the appropriate category of certification.
3. Within one year following the first six months of employment a conditional appointee who is appointed as an inspector of buildings/building commissioner shall attain a passing score on all of the examinations required for that category of certification.
4. Within six months following the first six months of employment a conditional appointee who is appointed as a local inspector shall attain a passing score on all of the examinations required for that category of certification.
5. In accordance with 780 CMR 110.R7.1.7.4.1, a conditional appointee may petition the BOCC in writing for an extension of time to comply with the examination schedule of 780 CMR 110.R7. Upon establishment of cause, the BOCC may grant an extension as it may consider appropriate.
6. Conditional appointees shall notify the BBRs of any change in the status of their employment, within one month of such change.
7. Any individual conditionally appointed as an inspector of buildings/building commissioner shall first be certified as a local inspector.

110.R7.1.7.4.1 Requests for Exam Schedule Extension. Upon written petition to the BOCC, any conditional appointee unable to comply with the examination schedule as cited in 780 CMR 110.R7.1.7.4 may for cause, be granted an extension of time in order to comply. Petitions shall be forwarded to the clerk of the BOCC on forms for such purpose, and addressed to the office of the BBRs. The conditional appointee shall state all reasons to substantiate the request for an extension of time. Conditional appointees who have not attempted the examination schedule as herein defined during the prescribed period shall not be granted an extension, and no conditional appointee shall be afforded more than

three extensions of time beyond the prescribed period for the level of certification sought.

110.R7.1.7.4.2 Notification. The BOCC shall, within ten days of any action taken by the committee pursuant to 780 CMR 110.R7, notify the appointing authority in writing of such action.

110.R7.1.7.4.3 Notice of Non-compliance. Any conditional appointee who has not attained passing scores in all examinations required for certification as a inspector of buildings/building commissioner and /or local inspector and who exhausted extension time as afforded by 780 CMR 110.R7.1.7.4.1 shall be deemed to be in non-compliance with M.G.L. c. 143, §3 and unauthorized to serve as a conditional appointee in the position for which they are not yet certified.

110.R7.2 REQUIREMENTS FOR INITIAL CERTIFICATION

110.R7.2.1 Application. Any candidate for certification in any category of *building official* issued pursuant to 780 CMR 110.R7 shall submit an application to the BBRs, accompanied by the required application fee (if any), on forms provided for this purpose by the BBRs. The application shall include such information and documentation as the BBRs may require pursuant to 780 CMR 110.R7.

110.R7.2.2 Requirements for Certification as a Local Inspector:

110.R7.2.2.1 Pre Exam Approval. All candidates shall meet or exceed the qualifications for the position of local inspector pursuant to M.G.L. c. 143, § 3 and 780 CMR prior to taking any examinations. The BOCC shall approve all candidates prior to taking any examinations and shall maintain a list of all qualified candidates for any and all city and towns appointing *building officials*.

110.R7.2.2.2 Successful Examination. All candidates shall attain a passing score in all examinations required for certification as either a Building Plans Examiner (identified as Exams 1B, 1C, 3B and 3C) or Building Inspector (identified as Exams 1A, 1B and 3B) as defined by the National Certification Program for Construction Code Inspectors (NCPCCI) or equivalent exam categories as approved by the BBRs for such purpose and as offered by the International Code Council (ICC).

110.R7.2.2.3 Prior Approval for Examination as a Local Inspector. No candidates shall be allowed to take said examinations without prior approval of the BBRs or the BOCC at the discretion of the BBRs.

110.R7.2.3 Requirements for Certification as an Inspector of Buildings/Building Commissioner.

110.R7.2.3.1 Pre Exam Approval. All candidates shall meet or exceed the qualifications for the position of inspector of buildings\building commissioner pursuant to M.G.L. c. 143, § 3 and 780 CMR prior to taking any examinations. All candidates shall meet the examination requirements for certification as a local inspector pursuant to 780 CMR 110.R7.2.2.2, or hold a certification as a local inspector pursuant to 780 CMR 110.R7.2.2. The BOCC shall approve all candidates prior to taking any examinations and shall maintain a list of all qualified candidates for any and all city and towns appointing *building officials*.

110.R7.2.3.2 Successful Examination. All candidates shall attain a passing score in all examinations required for certification as a Certified Building Official as defined by the Certified Building Official Program of the Council of American Building Officials (CABO) or equivalent exam categories as approved by the BBRs for such purpose and as offered by the International Code Council (ICC).

110.R7.2.3.3 Prior Approval for Examination as an Inspector of Buildings/Building Commissioner. No candidates shall be allowed to take said examinations without prior approval of the BBRs or the BOCC at the discretion of the BBRs.

110.R7.2.4 Retired Persons. Any person who has been duly certified in accordance with 780 CMR 110.R7 and who retires from service in good standing, may petition the committee to receive “retired status” certification. Upon approval said certification shall be denoted “retired” and shall not be deemed revoked. Revocation shall only be invoked for cause. Any person who has been approved for “retired status” certification and who wishes to reactivate said certification shall comply with the examination schedule as defined in 780 CMR 110.R7 for the level of certification sought.

110.R7.3 REQUIREMENTS FOR MAINTENANCE OF CERTIFICATION STATUS

110.R7.3.1 Continuing Education Requirements. Within each three-year period following initial certification, the registrant to maintain certification shall complete 45 hours of continuing education credit acceptable to the BOCC. Conditional appointees as defined by 780 CMR 110.R7 shall attain at least one contact hour of education credit for each month of employment until such time as the conditional appointee has successfully completed the required examination schedule and is certified as prescribed.

110.R7.3.1.1 Requirements for Energy Code Training. *Building officials* shall be trained in the energy provisions of the building code every three years, corresponding with the adoption of the latest edition of the *International Energy Conservation Code* per M.G.L. c. 169, § 5 (The Green Communities Act of 2008) and policy of the BBRs.

110.R7.3.2 Course Curriculum. The BOCC may publish a list of acceptable educational programs, courses, seminars, and the like and may also accept educational activities in which registrants have participated after the fact, upon application and review of the course information. The BOCC shall assign credits to each educational/training event and shall issue

policies and procedures, separate from 780 CMR 110.R7, relative to continuing education requirements.

110.R7.3.3 Course Log. Each certified individual shall maintain a record of his/her continuing education. Credit hours shall be reported to the BBRS or other approved agencies as prescribed by the policies and procedures of the BOCC, relative to continuing education. The BBRS shall maintain a record of each inspector's progress towards completion of the 45-hour requirement. At the end of each three-year period, each inspector who has successfully attained his/her continuing education requirement shall be duly notified by the BBRS.

110.R7.3.4 Rights and Privileges. In accordance with M.G.L. c. 143, § 99, no *building official* attending BBRS required educational programs, shall lose any rights relative to compensation or vacation.

110.R7.4 PROCEDURES FOR COMPLAINTS

110.R7.4.1 Complaints.

110.R7.4.1.1 Complaint Intake. A complaint about a certified *building official* must be in writing and shall be received and reviewed by the Administrator, or his designee. The Administrator may cause the complaint to be investigated further, dismissed for failure to assert a cognizable or actionable claim, or referred to the BOCC for a hearing on the merits. Actions taken pursuant to this section shall be left to the sound discretion of the Administrator.

110.R7.4.1.2 Notice of Hearing. If the Administrator refers a matter to the BOCC for hearing, reasonable notice of the hearing shall be provided to the certification holder. Mailing of the notice via first class mail to the address on record with the BBRS shall be deemed satisfactory notice to the holder. The notice of hearing shall contain:

1. The name of the complainant.
2. The date, time and place of said hearing.
3. The basis of the complaint.
4. Notice that the holder may review the Board's complaint file by appointment.

110.R7.4.1.3 Hearing. Hearings held pursuant to 780 CMR 110.R7.4.1 shall be conducted in accordance with M.G.L. c. 30A and 801 CMR 1.02: *Informal/Fair Hearing Rules*. Any party may be represented by legal counsel at such a hearing. At the hearing, the certification holder shall be permitted to present an opening statement, testify on their own behalf, cross-examine all witnesses, present any relevant witness testimony, present any relevant documentary evidence, and offer a closing argument. Any person offering testimony at the hearing shall be sworn in. The BOCC may question any witness and include any records on file with the BBRS as exhibits. The BOCC may, at their discretion, conclude the hearing at any time and issue a recommended decision based on the evidence presented.

If a certification holder does not appear for the hearing, the BOCC may conduct a hearing and render a recommended decision based upon the evidence presented only after making a finding that the certification holder was provided reasonable and proper notice of the hearing as required by 780 CMR 110.R7.4.1.2.

110.R7.4.1.4 Decisions and Discipline of Certification Holders. The BOCC shall issue a written decision after the hearing. Decisions shall be issued in a reasonably prompt manner. The decision of the BOCC shall serve as a recommendation to the BBRS and shall be promptly forwarded by the Administrator to the full board for review. If after a hearing the BOCC finds that the holder has violated any provision of 780 CMR 110.R7.4.1.5, it may recommend suspension of a certification for a fixed period of time, revocation of a certification permanently, or a reprimand of the certification holder. Further, the BOCC may recommend that any order include appropriate remedial or disciplinary conditions. Once forwarded to the BBRS, the board shall either, adopt the recommendation in its entirety, adopt the recommendation with amendment, reject the recommendation in its entirety, or remand the matter to the BOCC further proceedings. A certificate holder whose certification is revoked may apply in writing to the Board for reinstatement no sooner than one year from the date of the revocation.

110.R7.4.1.5 Grounds for Discipline. The following shall be grounds for discipline of a certification holder.

1. The holder has obtained a certification by fraud or misrepresentation;
2. The holder has aided or abetted in practice as a certified *building official* any person not authorized to practice as a certified *building official* under the provisions of 780 CMR 110.R7;
3. The holder has fraudulently or deceitfully practiced as a certified *building official*;
4. The holder has been grossly negligent or has engaged in misconduct in the performance of any of his or her duties;
5. The holder has failed to maintain continuing education requirements as specified in 780 CMR 110.R7;
6. The holder has been found to have failed to report an offer, or bribe, or other favor in a proceeding under 780 CMR 110.R7;
7. The holder has made a false or misleading statement to the BBRS, or has made a material omission in any submission to the BBRS;
8. The holder has failed to appropriately enforce the provisions of 780 CMR as prescribed by M.G.L. c. 143, § 3;
9. The holder has engaged in any conduct in violation of 780 CMR or any state or federal law rendering them unsuitable to be certified as a building official.
10. The holder has been found to have violated state ethics laws by the State Ethics Commission.
11. The holder failed to cooperate in an investigation being conducted by the BBRS or Administrator.

110.R7.4.1.6 Appeal. A decision made after a hearing shall be considered final when it is issued by the BBRs. Any party aggrieved by a final decision of the BBRs may appeal to superior court within 30 days of receipt thereof pursuant to M.G.L. c. 30A, §14.

110.R7.4.1.7 Employment of an Uncertified Individual. In accordance with M.G.L. c. 143, § 3, no municipality may offer employment to, retain for employment or permanently appoint any individual who is not certified in accordance with 780 CMR 110.R7, except on a conditional basis in accordance with 780 CMR 110.R7.1.7.4.

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