

## THE MASSACHUSETTS STATE BUILDING CODE

established for such purposes.

**3110.4 Means of Egress.** All *temporary emergency uses* shall conform to the *means of egress* requirements of 780 CMR 10.00 to the degree practicable.

### 780 CMR 3111.0 TEMPORARY OVERNIGHT SHELTERS

**3111.1 Scope and Purpose.** The purpose of 780 CMR 3111.0 is to establish reasonable standards for the use of facilities designed for other purposes to be safely occupied temporarily as overnight shelters. 780 CMR 3111.0 is promulgated by the Board in acknowledgment of the safety concerns associated with homelessness and the desire to provide shelter even if a site does not meet ideal safety standards as set out in other provisions of 780 CMR. In this regard, the State Building Code is not intended to serve as a barrier to those seeking to assist individuals in need by providing shelter, but instead to offer a means to ensure that a reasonable degree of life safety is provided to the occupants of such temporary overnight shelters.

**3111.2 Definition.** For purposes of 780 CMR 3111.0, a Temporary Overnight Shelter shall be defined as any facility designed and used primarily as a church or house of worship for religious services or instruction which is owned or operated by a religious organization and qualified for exemption under 26 U.S.C. § 501(c)(3) of the Internal Revenue Code. The primary use of the facility is for religious services or instruction but may, on occasion, provide a sanctuary from the cold weather to a limited number of individuals for a limited period of time as provided for in 780 CMR 3111.0

#### 3111.3 Limitations of Use.

1. A temporary overnight shelter may operate:
  - (a) for not more than 35 days per year,
  - (b) for not more than seven consecutive days.

**Exception.** Shelters may operate for not more than 14 consecutive days between June 15, 2010 and September 30, 2010.

2. The limitations set forth by 780 CMR 3111.3.1 may be exceeded in the event that a state of emergency is declared by the Governor in accordance with St. 1950, c. 639 or due to an emergency deemed detrimental to the public health pursuant to M.G.L. c. 17, §2A.

**3111.4 Approval and Temporary Certificate of Occupancy.** In order to operate a temporary overnight shelter, a temporary certificate of occupancy must first be issued by the building official. Application for a certificate shall be made as follows:

1. The application must contain information demonstrating that the structure meets the following requirements:

(a) It has been issued a valid certificate of occupancy for its current use.

(b) It is equipped with a functioning sprinkler system or is suitably protected by a smoke and/or heat detection and alarm system, and a carbon monoxide detection system. Battery operated interconnected detectors may be satisfactory depending upon the location.

(c) It contains adequate means of egress relative to the number of approved overnight occupants.

(d) It contains adequate emergency lighting and egress signage.

(e) It contains the necessary facilities in accordance with the applicable guidelines promulgated by the Massachusetts Department of Public Health.

(f) Attestation that the structure meets the requirements of 521 CMR: *The Architectural Access Code*.

2. The application must include the following:

(a) Zoning approval (if applicable).

(b) A site plan (internet accessed satellite maps may be sufficient if properly labeled).

(c) A plan for compliance with the applicable guidelines promulgated by the Massachusetts Department of Public Health.

(d) A fire safety and egress plan. The plan shall include, but not be limited to:

i. The identification of the anticipated nightly occupant load.

ii. A diagram of the bed and personal space layout.

iii. The identification of exits and aisles leading thereto.

iv. Outline of procedures for accounting for employees and occupants after evacuation.

v. Outline of procedures for the evacuation of occupants with special needs.

vi. The identification of the preferred and any alternative person responsible for reporting fires and other emergencies to the fire department.

vii. A plan for assignment of personnel responsible for oversight of evacuation.

viii. A plan for training of employees relative to emergency evacuation.

(e) Identification of an on-site individual responsible for ensuring compliance with 780 CMR 3111.0.

3. Upon receipt of a completed application, the building official shall forward the application to the municipal fire chief and health official for their review. A site visit shall then be undertaken collectively by the building official, fire official, health official, building owner, and the applicant, or their respective designees. Said officials shall assess the suitability of the structure for issuance of a temporary certificate of occupancy and ensure the accuracy and efficiency of the documentation