

780 CMR 120.D

RESERVED

APPENDIX D

**PROCEDURES FOR ESTABLISHING TEMPORARY EMERGENCY USE IN SUPPORT OF STATE
EMERGENCIES**

A Guide to Assessing Buildings
for
TEMPORARY EMERGENCY USE

Issued November, 2006

Introduction

Over the years, there has been reason both here in the Commonwealth and elsewhere in the country to use buildings or portions thereof for something other than originally intended; usually as a result of an emergency. Dating back to the great blizzard of 1978, school gymnasiums, churches and other areas were used to house people who were stranded as a result of the storm. More recently, the Mother's Day storm of earlier this year caused many people in the northern part of the Commonwealth to be displaced from their homes; creating a similar need for accommodations. Of course, Hurricane Katrina caused many in Mississippi and Louisiana; particularly New Orleans, to seek shelter in the Super Dome and other nonresidential buildings.

In addition to these events, public health authorities have warned that existing hospitals and health care facilities may not be adequate to handle sick and disabled persons in the event of a *pandemic*.¹ It is anticipated that, in the event of a pandemic, certain buildings and spaces may need to be used as hospitals, infirmaries or shelters for some temporary period of time. In an effort to proactively address the matter, the Department of Public Safety (DPS) in cooperation with the Department of Public Health (DPH), Department of Fire Services (DFS) and other state and municipal authorities have developed this Guide to assist with assessing buildings or portions thereof to determine whether or not they are suitable to serve as *Emergency Temporary Uses*. Appendix I within these Guidelines contains procedures that have been developed by the Department of Public Health to address the specific and immediate need of identifying Influenza Specialty Care Units (ISCUs).

This Guide is divided into four (4) parts. The first part provides a series of general questions and answers relating to temporary emergency uses. The second part provides a *Temporary Emergency Use Certificate of Occupancy* that shall be posted at the location to identify that the building or space within has been reviewed in accordance with these procedures and is ready to be activated as a *Temporary Emergency Use*. The third part presents Department of Public Health (DPH) procedures and related correspondence for approval of a building or portion thereof as a Temporary Emergency Use for Emergency Influenza Specialty Care Unit(s). The fourth part identifies how to obtain a list of the Department of Public Safety District State Building Inspectors and contact telephone numbers to assist in this process.

FOOTNOTES:

1. Pandemic (as it relates to disease) means that the disease is prevalent throughout an entire country, continent or the world.

PART ONE

Questions & Answers

Question: What is a *Temporary Emergency Use* of a building and/or portion thereof?

Answer: A *Temporary Emergency Use* is the use of a building or space within a building – possibly other than said building or portion Use would normally be - for purposes of housing and/or caring for persons during an emergency as so declared by the Governor of the Commonwealth. A *Temporary Emergency Use* may only be used during the declared emergency in accordance with these procedures.

Question: How would a building or space be used as a *Temporary Emergency Use*?

Answer: A Temporary Emergency Use as herein described would be used to provide extensive medical, diagnostic or other treatment and/or care, such as an Influenza Specialty Care Units (ISCU).

Question: What types of spaces may be considered acceptable for use as *Temporary Emergency Uses*?

Answer: Typically, large, open floor plans tend to work best such as gymnasiums, cafeterias or auditoriums. However, the size of a space is not the only consideration. At a minimum, other factors such as adequate light, ventilation, suitable means of ingress (for persons with disabilities) and egress need to be considered in order for the building or space to be considered acceptable. Additionally, the building construction type may need to be assessed. Massachusetts General Law (MGL) c 111 §51 dictates that *no original license shall be issued to establish a hospital, except a college and school infirmary, unless it complies with the construction standards of the state building code and is of at least type 1-B fireproof construction.*^{2/3} Therefore, it may not be practical or appropriate to establish an *Temporary Emergency Use* that will function as a hospital in an all wood framed structure. In many instances, occupants of a *Temporary Emergency Use* may be immobile, incapable of self preservation or, at a minimum, unfamiliar with the temporary surrounding. Consequently, functioning fire sprinkler, detection and alarm systems are also important considerations.

Question: Are there other issues that should be considered to support the *Emergency Temporary Use*?

Answer: Yes, particularly in instances where medical care is administered, certain building services, systems or appurtenances may need to be assessed to determine whether or not they are adequate to handle the needs of the *Temporary Emergency Use*, such as:

- Additional electrical power requirements, including locating sites for power generation and/or distribution and/or for medical or other equipment.
- Appropriate storage space for medical equipment and/or supplies including but not limited to medicines, oxygen cylinders and cryogenics.
- Isolation area with separate HVAC system, for a minimum of two adults.
- Food and drink provisioning including storage, preparation, supply, and clean up.
- Hazardous waste storage and disposal.
- Restroom facilities, including portable lavatories to meet the needs of the population to be cared for at the site.
- Communication access to phone, internet, and cable services.
- Access to and from the building for supplies, gurneys, and wheelchairs.

Question: Who should assess whether a building or space is appropriate to be used as a *Temporary Emergency Use*?

Answer: A team for assessing an *Influenza Specialty Care Unit* temporary use (ISCU) should consist of:

- A building owner representative and responsible party thereof for the location
- A representative from the Department of Public Health
- A representative from the Department of Fire Services and
- A District State Building Inspector

Additionally, teams may include (if desired):

- Municipal or state police (as applicable)
- Plumbing, gas and wiring inspectors

Question: Does a *Temporary Emergency Use* require any municipal and/or state permits or approvals?

Answer: Yes. Although the use is intended to be temporary, any change of use requires prior approval from either the municipal or state building official, as applicable, in the form of a building permit. The key to success is to identify and evaluate potential buildings and/or spaces prior to an emergency event. Once identified, these areas should be posted with a *Temporary Emergency Use Certificate of Occupancy* to identify that they are ready to be activated. A sample Certificate of Occupancy may be found in *Part Two* of this Guide.

Question: What is required in order to gain approval to use a building or space as a *Temporary Emergency Use*?

Answer: When reviewing buildings and/or spaces for use as an ISCU an assessment shall be made in accordance with the *Application for DPH Licensure Approval of Emergency Influenza Specialty Care Unit* (ISCU) as contained in *Appendix I of this Appendix M*.

Once completed, the appropriate form shall be filed along with a building permit application to the municipal or state building official as applicable. The application should be filed by the person charged with the care of the building or space that will house the *Temporary Emergency Use*. For instance, if a school gymnasium is to be used, the application would be filed by the school principle or the person so designated to act in this capacity. Once the building or space is reviewed by the municipal building official, he/she shall issue the *Temporary Emergency Use Certificate of Occupancy* indicating that the space is ready for occupancy in the event of an emergency.

It is important to note that there may be instances where a space is approved contingent upon an activity taking place. For instance, some older school buildings may not be accessible to persons with disabilities, but may otherwise be ideal to serve as a *Temporary Emergency Use*. In this instance, the review form would need to indicate that a ramp or ramps must be provided in order to accommodate disabled persons during an emergency. A portable ramp(s) may be the solution, and the ramp(s) may be securely stored at the school building or elsewhere, readily available during an emergency; likewise for medical storage cabinets or similar equipment and/or materials. Again, the key to success is forethought, planning as well as organization during the emergency.

Question: At what point in time does the building return to its normal “non emergency use” occupancy?

Answer: Effectively, the building and/or space will revert to its intended use once the governor has indicated that emergency has concluded. However, it is recognized that it may take time to reconfigure the space. Every effort should be made to return the space to its intended use within seven (7) calendar days after the date the last occupant is moved out of the building.

Question: Should any further review or inspections take place during the emergency event?

Answer: Yes. At a minimum, the space should be inspected by both building and fire officials once it is set up for its *Temporary Emergency Use*. Additionally, depending on the length of the emergency, building, fire and DPH authorities may wish to visit the site periodically to ensure that (among other things) egress paths are free and clear of obstruction, that fire extinguishers and other protective equipment are functioning and that medical supplies and materials are safely stored.

Question: Does the Temporary Emergency Certificate of Occupancy ever expire?

Answer: Yes. An expiration date should appear on the certificate to coincide with 780 CMR, Table 106 inspection schedule at which time the space should be reassessed to ensure that it remains suitable to serve as a *Temporary Emergency Use*. Additionally, a building and/or space within should be reassessed upon the issuance of any building permit to renovate, add to or otherwise reconfigure the space.

Question: What if I have additional questions relating to this process?

Answer: Please contact the District State Building Inspector in the area where *Temporary Emergency Use* is to be established for answers to any other questions that may arise. A list of inspectors with contact numbers is provided in *Appendix B* of this Guide.

FOOTNOTES

2. MGL c 111 §51 establishes that the department of public health shall issue for a term of two years, and shall renew for like terms, a license, subject to revocation by it for cause, to any person, city, town, or county it deems responsible and suitable to establish or maintain a hospital, an institution for the care of unwed mothers or a clinic, which meets the requirements of the department established in accordance with its rules and regulations. In the case of the transfer of ownership of a hospital, an institution for the care of unwed mothers or a clinic, the application of the new owner for a license, when filed with the department on the date of transfer of ownership, shall have the effect of a license for a period of three months. If a license has not been issued by the department upon the expiration of said three months period, all the patients shall be transferred or discharged from such hospital or such institution for unwed mothers, and the hospital, institution for unwed mothers, or clinic, as the case may be, shall cease operating.

3. 780 CMR Section 603.1 of The State Building Code states that buildings and structures of Types 1 and 2 construction are those in which the walls, partitions, structure elements, floors, ceilings, roofs and *exits* are constructed of approved noncombustible materials. Each structure element shall not be less than the required fireresistance rating specified in Table 602, except as otherwise specifically provided for in 780 CMR. Buildings of Types 1 and 2 construction shall be further classified as Type 1A, 1B, 2A, 2B or 2C. Fireretardant-treated wood shall only be used as specified in Table 602 and 780 CMR 2310.0.

Additionally, Section 603.2 states that interior partitions in buildings or structures of Types 1, 2A and 2B construction, partitions of a single thickness of wood or approved composite panels, and glass or other approved materials of similar combustible characteristics, are permitted to subdivide rooms or spaces into offices, entries or other similar compartments in all occupancies other than Use Groups I and R, provided that such partitions neither establish a *corridor* serving an occupant load of more than 30 in areas occupied by a single tenant nor exceed 5,000 square feet (465 m²) between *fire separation assemblies* or *fire walls*. The maximum allowable compartment size shall be increased to 7,500 square feet (700 m²) where subdivided with fireretardant-treated wood that complies with 780 CMR 2310.0.

PART TWO

**TEMPORARY EMERGENCY USE
CERTIFICATE OF OCCUPANCY**

- INSERT TEMPORARY CERTIFICATE OF OCCUPANCY

- HERE -

See sample on next page (a separate file is also being provided of the subject Form for use by the Division of Regulations as applicable as this Form should be created in landscape and not portrait format)



The Commonwealth of Massachusetts
City\Town of

Temporary Emergency Use Certificate of Occupancy

In accordance with 780 CMR, Section 110.2.2 (*The Sixth Edition of the Massachusetts State Building Code*) this *Temporary Emergency Use Certificate of Occupancy* is issued to the premise or structure or part thereof

Issued to	<i>Identify Name of Building of Space Within</i>	
Located at	<i>Identify property address including street number, name, city or town and county</i>	
Use Group Classification(s)		Allow Occupancy

This *Temporary Certificate of Occupancy* is hereby issued by the undersigned to certify that the premise, structure or space specified has been inspected for general fire and life safety features. This certificate shall allow for the temporary use in conformance with any and all conditions as identified below. It shall be framed behind clear glass and\or laminated and placed within the space as directed by the undersigned. *Failure to post the certificate, failure to comply with conditions of the certificate is strictly prohibited.*

Conditions of Temporary Use		
Name of Municipal Building Commissioner		Date of Inspection
Signature of Municipal Building Commissioner		Date of Issuance

PART THREE

Procedures for Approval as a Temporary Emergency Use

for

**Emergency Influenza Specialty Care Unit
(ISCU)**

**APPLICABLE DPH PROCEDURES/GUIDELINES AND ASSOCIATED CORRESPONDENCE
ADDRESSING INFLUENZA SPECIALTY CARE UNITS (ISCU)s CAN BE FOUND BY VISITING
THE DEPARTMENT OF PUBLIC SAFETY WEB SITE at:**

www.mass.gov/dps

**On the right side of the DPS Home Page refer to “Quick Links” and select “more” and
then select
“(ISCU) Influenza Specialty Care Units”**

PART FOUR

**Department of Public Safety
District State Building Officials
&
Contact Telephone Numbers**

**A LIST OF DPS STATE BUILDING INSPECTORS CAN BE FOUND BY VISITING THE
DEPARTMENT OF PUBLIC SAFETY WEB SITE at:**

www.mass.gov/dps

**On the left side of the DPS Home Page, refer to “KEY RESOURCES” and select “District
Assignments”**

STATE BUILDING INSPECTOR DISTRICT OFFICE PHONE NUMBERS

Boston District Office	(617) 727-3200 phone	(617) 227-1754 fax
Tewksbury District	(978) 851-9813 phone	(978) 858-0869 fax
Westborough District	(508) 898-0934 phone	(508) 898-2386 fax
Springfield District	(413) 736-3628 phone	(413) 733-5849 fax
Pittsfield District	(413) 442-6908 phone	(413) 443-1053 fax