

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

CHAPTER 31: SPECIAL CONSTRUCTION

3101.1 Revise section as follows.

3101.1 Scope. The provisions of this chapter shall govern special building construction including membrane structures, temporary structures, pedestrian walkways and tunnels, automatic vehicular gates, awnings and canopies, marquees, signs, towers, antennas, relocatable buildings, swimming pool enclosures and safety devices, solar energy systems, public use restroom buildings on publicly owned lands in flood hazard areas, and intermodal shipping containers, temporary overnight shelters, and temporary emergency uses.

3103.1 Revise section as follows:

3103.1 General. The provisions of Sections 3103.1 through 3103.4 shall apply to structures erected for a period of less than 180 days. Special event structures, tents, umbrella structures and other membrane structures erected for a period of less than 180 days shall also comply with the applicable sections of Chapter 31 of the *International Fire Code*. Those erected for a longer period of time shall comply with applicable sections of this code.

3104.4 Revise section as follows:

3104.4 Contents. Only materials and decorations conforming to 780 CMR 8.00 and 527 CMR, and approved by the building official in consultation with the fire official shall be located in the pedestrian walkway.

3109.1 Revise section as follows:

3109.1 General. The design and construction of swimming pools, spas and hot tubs shall comply with the *International Swimming Pool and Spa Code*. Swimming pools shall comply with the requirements of this section and other applicable sections of 780 CMR. See M.G.L. c. 140, § 206 for enclosures to public and semi-public outdoor in-ground swimming pools.

See also:

1. 521 CMR 19.00: *Recreational Facilities*;
2. 105 CMR 430.00: *Minimum Standards for Recreational Camps for Children* (State Sanitary Code: Chapter IV) and 105 CMR 435.00: *Minimum Standards for Swimming Pools* (State Sanitary Code: Chapter V).

3111.2 Revise section as follows.

3111.2 Solar thermal systems. Solar thermal systems shall be designed and installed in accordance with this section, 248 CMR, and the *International Mechanical Code*. Where light-transmitting plastic covers are used, solar thermal collectors shall be designed in accordance with Section 2606.12

3111.3.2 Revise section as follows.

3111.3.2 Fire classification. Rooftop-mounted photovoltaic (PV) panel systems shall have a fire classification in accordance with 780 CMR Section 1505.9. Building-integrated photovoltaic (BIPV) systems installed as roof coverings shall have a fire classification in accordance with 780 CMR Section 1505.8.

3111.3.3 Building-integrated photovoltaic (BIPV) systems. BIPV systems installed as roof coverings shall be designed and installed in accordance with 780 CMR Section 1507.

3111.3.5 Revise section as follows.

3111.3.5 Ground-mounted photovoltaic systems. Ground-mounted photovoltaic systems shall be designed and installed in accordance with 780 CMR Chapter 16 and 527 CMR 1.00.

3111.3.5.1 Delete section.

3111.3.5.1 Fire separation distances.

3112.6.1 Plastic film. Add note to end of section.

NOTE: In accordance with Chapter 631 of the Acts of 1983 – The provisions of the 780 CMR (*State Building Code*) shall not apply to greenhouses covered exclusively with plastic film; provided, however, that the provisions of chapter forty A of the General Laws shall continue to apply.

3113.2 Revise section as follows.

3113.2 Supplemental information. Supplemental information specific to a relocatable building shall be submitted to the *Building Official*. It shall, as a minimum, include the following in addition to the information required by 780 CMR 105, and 107, and 110.R3:

3114.2 Delete section.

3115.1 General.

Exception. Change Chapter 12 of the *International Fire Code* to 527 CMR 1.00.

3116 TEMPORARY OVERNIGHT SHELTERS

3116.1 through 3116.14 Add sections as follows:

3116.1 Scope and Purpose. The purpose of section 3116 is to establish reasonable standards for the use of facilities designed for other purposes to be safely occupied temporarily as places of overnight accommodation. In this regard, 780 CMR is not intended to serve as a barrier to those seeking to assist individuals in need, but instead to offer a means to ensure that a reasonable degree of life safety is provided.

3116.2 Temporary Overnight Shelters - For purposes of section 3116, a temporary overnight shelter, not requiring a temporary change of use permit, shall be defined as any building, facility, or space therein designed and used primarily as a church or house of worship for religious services or instruction or related activities which is owned or operated by a religious organization and qualified for exemption under 26 U.S.C. § 501(c)(3) (the Internal Revenue Code). The primary use of the building, facility, or space therein is for religious services or instruction but may, on occasion, provide temporary overnight accommodation to a limited number of individuals for a limited period of time as provided for section 3116.

3116.2.1 Other Temporary Overnight Shelters - Other groups or organizations wishing to offer overnight accommodations in buildings designed and constructed for other purposes than described above shall file an application for a temporary change of use in accordance with section 105 and section 111. Temporary overnight shelters, as addressed in section 3116, shall be classified as an R-1 Use. Express administrative and technical requirements found in section 3116 shall override more general requirements found elsewhere in 780 CMR.

3116.3 Request for Approval of Temporary Certificate of Occupancy. In order to operate a temporary overnight shelter, a temporary *Certificate of Occupancy and Use* shall first be issued by the *building official*. Application for a certificate shall be made as follows:

1. The application shall contain information in the form of a written narrative and plans demonstrating that the structure and use meet the following requirements:

- a. It has been issued a valid certificate of occupancy for its current use.
- b. It is or will be equipped with a functioning sprinkler system or is suitably protected by a hard-wired smoke and/or heat detection and alarm system, and a carbon monoxide detection system in accordance with section 3116.6, Table 3116.6; and sections 3116.7 through 3116.14.
- c. It contains adequate means of egress relative to the number of approved overnight occupants and staff.
- d. It contains adequate emergency lighting and egress signage for safe exiting.
- 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: *Architectural Access Board*.
- g. Attestation that the location is equipped with a hard-wired land line phone or voice over internet protocol (“VOIP”) device for use in the event of an emergency, including the phone number to be used.

2. The application shall include the following written documentation and legible plans showing:

- a. Zoning approval (if applicable).
- b. A plot 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 evacuation plan, including emergency vehicle access routes. 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. Documentation providing the details for contacting the head of the fire department, prior to the time of shelter activation, with the identification of the preferred and any alternative person responsible for reporting fires and other emergencies to the fire department.
 - vii. The plan shall show the location of a written, on site list of each day’s assignment of personnel responsible for oversight of evacuation and be in a readily accessible location for first (emergency) responders.
 - viii. The documentation shall provide details for the plan for training of employees relative to emergency evacuation.
- e. Identification of an on-site individual responsible for ensuring compliance with section 3116.

3116.3.1 Issuance of a Temporary Certificate of Occupancy and Use - Upon receipt of a completed application, the *Building Official* shall forward the application to the municipal *Fire Official* and Health Official for their review and comment. A site visit shall then be undertaken collectively by the *Building Official*, *Fire Official*, Health Official, the 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 Use* and ensure the accuracy and efficiency of the documentation submitted in accordance with section 3116.3 items 1. and 2.

Prior to taking action, the *Building Official* shall review issues noted during the site inspection or deficiencies found within the application with the *Fire Official* and Health Official. The building official shall consider any

recommendations made by the Fire Official or Health Official with due regard for their concerns. However, the *Building Official* shall not issue any temporary certificate over the written objection of the head of the fire department or the local board of health.

Promptly after the site visit and consultation with the head of the fire department and health official, the *Building Official* shall either approve the application and issue the temporary *Certificate of Occupancy and Use*, deny the application, or approve the application and issue the temporary *Certificate of Occupancy and Use* with conditions. The *Building Official* may condition the issuance of a Certificate upon anything that he or she determines is necessary to ensure the safety of the occupants of the shelter and consistent with section 3116.1 and items as follows:

1. A temporary *Certificate of Occupancy and Use* shall not be issued for a period to exceed one year. Applications for renewal shall be reviewed in accordance with section 3116.3
2. If issued, the temporary Certificate shall reflect the name of the organization to which it was issued to, the name of the party responsible for the operation of the shelter, the shelter's address, the *Certificate of Occupancy and Use* issuance date and expiration date, any conditions of issuance ordered pursuant to section 3116.3.1 and the maximum allowed occupant load.
3. Said temporary *Certificate of Occupancy* may be revoked by the *Building Official* at any time for a violation of any provision of section 3116, any violation of the applicable General Laws, or for any reason necessary to ensure the safety of the occupants of the structure. The terms of issuance of the Certificate may similarly be modified. Any such action may be appealed to the *Building Code Appeals Board* in accordance with M.G.L. c. 143, § 100.

3116.4 Shelter Operation.

1. The party responsible for the operation of the temporary overnight shelter shall notify the municipal *Building Official* and *Fire Chief* in writing at least 48 hours prior to each period of operation. The notification shall include a statement as to the anticipated number of days the shelter will be in operation and an estimate as to the number of individuals who will be in occupancy per night. Notification shall similarly be made within 24 hours after the use of the shelter has ended.
2. The temporary *Certificate of Occupancy and Use* issued pursuant to section 3116.3.1 shall be conspicuously posted at the main entrance to the shelter.
3. A document shall be posted, in a location approved by the *Building Official* and the head of the fire department, containing an accurate number and names of occupants on a nightly basis and a copy of the evacuation plan referenced section 3116.3 item 2.d. Such document shall also contain the names of all workers and volunteers who are overseeing or assisting in the usage on a nightly basis. The shelter shall be set up and operated in accordance with the documentation submitted pursuant to section 3116.2.3 item 2. and any conditions mandated in the *Certificate of Occupancy and Use*.

3116.5 Access by Public Officials. Access to the shelter for purposes of ensuring compliance with section 3116 shall be granted upon request by the *Building Official*, *Fire Official*, Health Official, Police Chief or their respective designees.

3116.6 Limitations of Use. Use shall be limited as described in this section and Table 3116.6.

1. A temporary overnight shelter identified with a "P" in Table 3116.6 equipped with an interconnected, monitored smoke and carbon monoxide detection and notification fire alarm system as required by 780 CMR 9.00 may operate year-round for the following periods only:
 - a. Not more than 52 days during a calendar year.
 - b. Not more than seven consecutive days.

Where the shelter possesses an NFPA 13 fire sprinkler system throughout the building pursuant to the governing edition of NFPA 13 in effect when such system was installed, the temporary overnight shelter can be located anywhere in the building, providing all other requirements of section 3116, inclusive are met.

If the building does not have an NFPA 13 fire sprinkler system installed throughout, then the location of the temporary overnight shelter shall conform to the requirements set forth in Table 3116.6. (a partial fire sprinkler system within the temporary overnight shelter is required under certain circumstances as addressed in Table 3116.6)

2. Alternatively, a temporary overnight shelter identified with a “P” in Table 3116.6 may operate year-round for the following periods only:

- a. not more than 52 days during a calendar year,
- b. not more than 14 consecutive days.

NOTE: In order to achieve compliance with section 3116 a temporary overnight shelter shall be equipped with an interconnected, monitored smoke and carbon monoxide detection and notification fire alarm system as required by 780 CMR 9.00.

3. A temporary overnight shelter identified with a “PS” in Table 3116.6 may operate for the following periods only:

- a. not more than 104 days during a calendar year,
- b. not more than 30 consecutive days.

NOTE: In order to achieve compliance with section 3116, a temporary overnight shelter shall be equipped with a full NFPA 13 sprinkler system, interconnected and monit

The operating period limitations set forth in section 3116.6 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.

TABLE 3116.6 LIMITATIONS OF USE

Use Limitations for Temporary Overnight Shelters									
Location in Building	Building Construction Type								
	IA	IB	IIA	IIB	IIIA	IIIB	All Types IV	VA	VB
Basement (with direct access to outside)	PS	PS	PS	PS	NP	NP	PS	NP	NP
Basement (without direct access to outside)	P	P	P	P	P	P	P	P	PS
1 st Floor	P	P	P	P	P	P	P	P	PS

2 nd Floor	P	P	P	P	P	P	P	P	PS
3 rd Floor	P	P	P	P	PS	PS	PS	PS	PS
4 th Floor and above	PS	PS	PS	PS	PS	PS	PS	PS	NP

P = Permitted, see section 3116.6.
 PS = Permitted with sprinklers, see section 3116.6.
 NP = Not Permitted.

3116.7 Reserved.

3116.8 Fire and Life Safety Systems. All temporary overnight shelters are required to install and have operational, an interconnected, monitored smoke and carbon monoxide detection and notification fire alarm system.

3116.9 Monitoring Requirements. Off-premise monitoring of the interconnected smoke and carbon monoxide detection and notification fire alarm system is required and shall conform to the requirements in 780 CMR 9.00.

3116.10 General Installation Requirements and Alarm Signal Precedence. Installation requirements for the interconnected, monitored smoke and carbon monoxide detection and notification fire alarm systems shall be in accordance with 780 CMR; 527 CMR; the smoke alarm/detector and carbon monoxide alarm/detector manufacturers’ requirements; NFPA 72, all as applicable. For alarm signal precedence, see 780 CMR section 915.

3116.11 Location of Fire and CO Detection and Occupant Notification Appliances. Buildings, facilities, or spaces therein intended to be used as a temporary overnight shelter as defined in section 3116.2 shall incorporate, as applicable, smoke and carbon monoxide detection and notification fire alarm systems in: 1. All shelter sleeping areas; 2. All egress routes directly serving the shelter areas; and 3. All common areas directly associated with the shelter areas.

3116.12 Listing. Smoke detectors/alarms and carbon monoxide detectors/alarms shall be listed as required by 780 CMR Chapter 9.

3116.13 Power Source. The primary and secondary power sources for the low voltage or wireless, interconnected, monitored smoke detection and alarm systems shall conform to the applicable requirements of NFPA 72; primary and secondary power requirements for carbon monoxide detectors and alarms shall conform to the applicable requirements of NFPA 72.

3116.14 Automatic Fire Sprinklers. Where fire sprinklers are existing or are required pursuant to **TABLE 3116.6**, as a minimum, such fire sprinkler system(s), complying w/applicable portions of NFPA 13, shall protect:

1. All shelter sleeping areas;
2. All egress routes directly serving the shelter areas; and
3. All common areas directly associated with the shelter areas.

3116.14.1 Where the primary use of the building is not residential, non-residential type sprinklers are permitted to be used to protect the temporary overnight sleeping areas.

SECTION 3117 TEMPORARY EMERGENCY USE

3117.1 General. Except as noted herein, the provisions of section 3117 shall apply to temporary emergency uses.

3117.1.1 Permit Required. Temporary emergency uses shall not be operated or maintained for any purpose without first obtaining a permit from the *Building Official*.

3117.1.2 Temporary emergency uses are a temporary change of occupancy and use of an existing building for emergency situations not foreseen by this code. Every attempt shall be made to provide an equivalent level of fire and life safety throughout the duration of the temporary emergency use.

3117.2 Construction Documents. A written request for the temporary emergency change of occupancy and use is required in accordance with 780 CMR Chapter 1 sections 105, 107 and 111, which, at a minimum, includes but is not limited to the following:

3117.2.1 Permit application documents shall include sufficient information to describe the current conditions of the existing building and the proposed temporary emergency use. Documents shall include, but are not limited to, the following:

1. Address and description of the building.
2. Intended temporary emergency use.
3. Intended length of the temporary emergency use.
4. Emergency action plan for the temporary emergency use as required by 527 CMR 1.00
5. Narrative description of the existing fire and life safety systems in the building.
6. Identification of deficiencies of the temporary emergency use from the code requirements for the intended use (i.e. fire alarm or detection systems, automatic sprinkler systems, means of egress, etc.) If deficiencies are identified, the applicant shall propose a temporary life safety system to effect evacuation in the event of an emergency as well as procedures for notification to first (emergency) responders.

3117.2.1 Life Safety Systems. All temporary emergency uses shall, at a minimum, provide smoke and carbon monoxide detection and notification compliant with 780 CMR Chapter 9 for the intended emergency use, and shall be provided in sleeping areas, in common areas, and areas along the path of egress.

3117.3 Certification. A temporary emergency use shall be so identified by a special *Certificate of Occupancy and Use* as established for such purpose by the municipal or *state building official* in consultation with other appropriate municipal and state officials in accordance with procedures established for such purposes. See the *Office of Public Safety and Inspections* website for an example of this special *Certificate of Occupancy and Use*.

3117.4 Means of Egress. All temporary emergency uses shall conform to the means of egress requirements of 780 CMR 10.00 to the degree practicable as determined by the *Building Official* in consultation with the *Fire Official*.