

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

**780 CMR 51.00: MASSACHUSETTS RESIDENTIAL CODE
(Amendments to the 2021 International Residential Code)**

CHAPTER R1 – SCOPE AND APPLICATION (*Unique to Massachusetts*)

Chapter 1 Delete in its entirety and replace with the following:

SECTION 101 GENERAL

R101.1 Adoption and Title. The Board of Building Regulations and Standards (“BBRS”) adopts and incorporates by reference the *International Residential Code, 2021* (“IBC”), as periodically amended by errata, the following chapters, as well as 110.R1 through 115AA. These, together with modifications as set forth, shall collectively comprise 780 CMR 51.00: *Massachusetts Residential Code*, otherwise known as the Massachusetts State Building Code, Tenth Edition, Residential Volume.

R101.2 Scope. 780 CMR shall be the building code for all towns, cities, state agencies or authorities in accordance with M.G.L. c. 143, §§ 93 through 100. 780 CMR, and other referenced specialized codes as applicable, shall apply to:

1. the construction, reconstruction, alteration, repair, demolition, removal, inspection, issuance and revocation of permits or licenses, installation of equipment; of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures not more than three stories above grade plane, and other buildings as described in 780 CMR;
2. the rehabilitation and maintenance of existing buildings;
3. the standards or requirements for materials to be used in connection therewith, including but not limited to provisions for safety, ingress and egress, energy conservation and sanitary conditions, and fire prevention practices;
4. other powers and duties found in M.G.L. c. 143, §§ 93 through 100, but not listed herein; and
5. Owner-occupied lodging houses with five or fewer guestrooms.

R101.3 Intent. The purpose of 780 CMR is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, and to provide safety to fire fighters and emergency responders during emergency operations.

R101.4 Referenced Codes and Standards. Referenced codes and standards include the specialized codes of M.G.L. c. 143, § 96 and other codes and regulations listed in sections R101.4.1 through R101.4.16 and shall be considered part of 780 CMR to the prescribed extent of each such reference. Work regulated by the specialized codes of M.G.L. c. 143, § 96 shall be designed, installed and inspected by individuals authorized to do so in accordance with the specialized codes. However, the impact of work regulated by the specialized codes of M.G.L. c. 143, § 96 and other codes and regulations on work governed by 780 CMR and within the jurisdiction of the building official, shall be subject to inspection by the building official.

R101.4.1 Gas and Fossil Fuel Burning Appliances. Reference to the International Fuel Gas Code shall be considered reference to 248 CMR: *Board of State Examiners of Plumbers and Gas Fitters*. Gas fired appliances are governed 248 CMR. Oil fired appliances are governed by 527 CMR 1.00: *Massachusetts Comprehensive Fire Safety Code*.

R101.4.2 Mechanical. The installation of mechanical systems shall generally be governed by the International Mechanical Code – 2021 (“IMC”). The scope of this adoption shall be governed by Sections 101 and 102 of the IMC, no other aspect of Chapter 1 of the IMC is adopted. However, this adoption shall not be deemed to apply to work governed by the Specialized Codes pursuant to M.G.L. c. 143, §96, including but not necessarily limited to sheet metal work as defined in M.G.L. c. 112, §237. Notwithstanding this adoption, where a conflict exists between the IMC and any other provision of 780 CMR (including any other referenced standards or codes adopted therein), compliance with 780 CMR shall be required.

R101.4.3 Plumbing. Reference to the International Plumbing Code or International Fuel Gas Code shall be considered reference to 248 CMR: *Board of State Examiners of Plumbers and Gas Fitters*.

R101.4.4 Property Maintenance. The International Property Maintenance Code is not adopted. Reference to the International Property Maintenance Code shall be considered reference to 780 CMR and within the jurisdiction of the *building official*.

R101.4.5 Fire Prevention and Protection. Certain areas of this code are intended to ensure buildings and structures are protected from fire and other dangerous conditions. Where applicable, 527 CMR 1.00: Massachusetts Comprehensive Fire Safety Code may govern such matters. Nothing in this section is intended to alter or expand the current respective jurisdiction of the building official or the fire official. The building official shall enforce 780 CMR and the fire official shall enforce 527 CMR 1.00. In this regard, 780 CMR and its adopted standards may reference specific sections of the 2021 International Fire Code ("IFC"), except that retroactive requirements of the IFC are not adopted. Where a specific section of the IFC is referenced, that section shall not apply if it would overlap or conflict with a specific provision of 527 CMR 1.00. Where possible, 780 CMR shall provide a specific reference to applicable portions of 527 CMR 1.00. However, citations to specific provisions of 527 CMR 1.00 are provided solely as an advisory to assist users of these codes, as said provisions are not governed by 780 CMR and are subject to their own independent enforcement and appellate provisions. Readers should note that 527 CMR 1.00 may be changed after the effective date of this code, thus any references are subject to change.

The following statute is generally enforced by the head of the fire department, whose decisions would be appealed through the automatic sprinkler appeals board:

M.G.L. c. 148, § 26H (if adopted through local option): lodging or boarding houses with six or more persons boarding or lodging

The following statute is enforced by the head of the fire department, and shall be appealed through a court of competent jurisdiction:

M.G.L. c. 148, § 26I (if adopted through local option): certain multiple dwelling units

R101.4.6 Energy. Chapter 11: *Energy Efficiency* of 780 CMR 51.00: *Massachusetts Residential Code* shall apply to all matters governing the design and construction of buildings for energy efficiency. Exception: Where a municipality has adopted the Stretch energy code or Specialized opt-in energy code then 225 CMR 22.00 shall apply.

R101.4.7 Architectural Access. Any reference in 780 CMR to accessibility shall be considered reference to Massachusetts 780 CMR and 521 CMR: *Architectural Access Board*. 521 CMR is enforced by the *building official*. 521 CMR is not applicable to One and Two Family Dwellings.

R101.4.8 Environmental Protection. See 310 CMR: *Department of Environmental Protection* and 314 CMR: *Division of Water Pollution Control*.

R101.4.9 Elevators. Any reference in 780 CMR to elevators and conveying systems shall be considered reference to 524 CMR: *Board of Elevator Regulations*.

R101.4.10 Electrical. Any reference in 780 CMR to the International Electrical Code shall be considered reference to 527 CMR 12.00: *Massachusetts Electrical Code (Amendments)*.

R101.4.11 Reserved

R101.4.12 International Residential Code. Any reference in 780 CMR to the International Residential Code shall be considered reference to 780 CMR 51.00 through 115.00.

R101.4.13 - Reserved

R101.4.14 Residential Contracting. Residential contracting, as defined by ST. 2009, c 27 § 80, is also regulated by M.G.L. c. 142A and 201 CMR 18.00: *Registration and Enforcement of Home Improvement Contractor Program*. For information including, but not limited to registrations, renewals, and filing of complaints against a Home Improvement Contractor (“HIC”), interested persons are directed to contact the Office of Consumer Affairs and Business Regulation, which administers the program.

R101.4.15 International Swimming Pool and Spa Code. See 780 CMR Chapter 42 as amended and the International Swimming Pool and Spa Code 2021 as amended. The scope of this adoption shall be governed by Section 101.2 of the International Swimming Pool and Spa Code, however, the remainder of Chapter 1 of that code is not adopted.

R101.4.16 Existing buildings. The provisions of 780 CMR Chapter 51, Appendix J shall apply to matters governing the repair, alteration, addition to and relocation of existing buildings. For Changes of Occupancy or Use Group, see 780 CMR Chapters 3 and 34, and the provisions of the International Existing Building Code 2021 as amended.

R101.5 BBRS Advisory Committees. BBRS technical advisory committees support requests from and by the BBRS as it deems necessary in accordance with M.G.L. c. 143.

R102 Applicability Concurrency Period. Applications for building permits and related construction and other documents filed through June 30, 2025, may comply either with 780 CMR effective October 11, 2024 or with the Ninth Edition version of 780 CMR in effect immediately prior to amendment, but not a mix of both. After June 30, 2025, concurrency with the Ninth Edition ends, and all applications for permits pursuant to 780 CMR and related construction and other documents shall comply with 780 CMR as amended effective October 11, 2024 only.

R102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of 780 CMR specify different materials, methods of construction or other requirements, the most restrictive shall govern.

EXCEPTION: Where enforcement of a provision of 780 CMR would violate the conditions of a listing or manufacturer’s instructions, the conditions of the listing and manufacturer’s instructions shall apply.

R102.2 Other Laws. The provisions of 780 CMR do not purport to override or nullify any provision of state or federal law. The Massachusetts General Laws and the Code of Massachusetts Regulations are often referenced throughout 780 CMR. It is the code user’s responsibility to determine all applicable laws and regulations relevant to 780 CMR or any portion thereof.

R102.2.1 DDS Facilities. Additional building features required by the Massachusetts Department of Developmental Services (“DDS”) do not change the classification of residences operated or licensed by DDS as dwellings subject to 780 CMR 51: *Massachusetts Residential Code*. (See also 780 CMR Section 308 and 310 of the Base code)

R102.2.2 Municipal Bylaws or Ordinances. 780 CMR applies state-wide. When municipal bylaws and ordinances conflict with 780 CMR, 780 CMR shall govern unless the bylaws or ordinances were promulgated in accordance with M.G.L. c. 143, § 98.

R102.3 Application of References. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of 780 CMR Chapter 51.00: *Massachusetts Residential Code*.

R102.4 Referenced Codes and Standards. The codes and standards referenced in 780 CMR shall be considered part of the requirements of 780 CMR to the prescribed extent of each such reference. Where differences occur between provisions of 780 CMR and referenced codes and standards, 780 CMR shall apply.

R102.5 Partial Invalidity. In the event that any part or provision of 780 CMR is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

R102.6 Existing Structures. The legal occupancy of any structure existing on the date of adoption of 780 CMR shall be permitted to continue without change, except as is specifically covered in 780 CMR or as deemed necessary by the building official for the general safety and welfare of the public.

R102.6.1 Laws in Effect. Unless specifically provided otherwise in 780 CMR, and narrow to the provisions of 780 CMR, any existing building or structure shall be presumed to meet the provisions of the applicable laws, codes, rules or regulations, bylaws or ordinances in effect at the time such building or structure was constructed or altered. The existing building or structure shall be allowed to continue to be occupied pursuant to its last lawful use and occupancy, provided that the building or structure has been maintained by the owner in accordance with 780 CMR.

R102.6.2 Laws Not in Use. In cases where applicable codes, rules or regulations, bylaws or ordinances were not in use at the time of such construction or alteration, the building or structure shall be maintained by the owner in accordance with 780 CMR.

R102.6.3 Less Stringent. In cases where the provisions of 780 CMR are less stringent than the applicable codes, rules or regulations, bylaws or ordinances at the time of such construction or substantial alteration, the applicable provisions of 780 CMR shall apply, providing such application can be reasonably demonstrated not to result in danger to the public, as determined by the *building official*.

R102.6.4 Existing Means of Egress, Lighting and Ventilation. The *building official* may cite any of the following conditions in writing as a violation and order the abatement within a time frame deemed necessary by the building official to make the building environment safe, healthy, or otherwise comply with 780 CMR:

- a. Inadequate number of means of egress;
- b. Egress components with insufficient width or so arranged to be inadequate for the safe means of egress of the occupants, including signage and lighting;
- c. Inadequate lighting and ventilation.

Where full compliance for means of egress, lighting and ventilation are not practical, the *building official* may accept compliance alternatives, engineering, or other evaluations that adequately address the deficiency.

R102.7 Moved Structures. Buildings or structures moved into or within the jurisdiction of the Commonwealth shall comply with the provisions of Chapter 14 of the International Existing Building Code,, provided that any new system shall comply as far as practicable with the requirements for new structures and provided further that the siting and fire separation distance comply with the requirements for new structures.

R102.8 Maintenance of Existing Buildings and Structures. All buildings and structures and all parts thereof, both existing and new, and all systems and equipment therein which are regulated by 780 CMR shall be maintained in a safe, operable and sanitary condition. All service equipment, life safety/fire protection systems, means of egress, devices and safeguards which are required in a building or structure, or which were required by a previous statute in a building or structure, when erected, altered or repaired, shall be maintained in good working order.

R102.8.1 Owner Responsibility. The owner shall be responsible for compliance with the provisions of 780 CMR. Lack of compliance with *102.8 Maintenance of Existing Buildings and Structures* may be grounds for enforcement by the *building official* pursuant to *780 CMR Section 114. Violations*.

PART 2 - ADMINISTRATION AND ENFORCEMENT

SECTION 103 ENFORCEMENT

R103.1 Municipal and State Enforcement. Reference to the Department of Building Safety shall be considered reference to the *building official*. 780 CMR shall be enforced by the *Building Official*, and in accordance with M.G.L. c. 143, §§ 3, 3A, 3Y, and 3Z and M.G.L. c. 22, the *building official* shall include the building commissioner or inspector of buildings, local inspector, and state building inspector (Inspector).

SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL

R104.1 General. The *building official* is hereby authorized and directed to enforce the provisions of 780 CMR in accordance with M.G.L. c. 143, §§ 3 and 3A. The state inspector of the Office of Public Safety and Inspections, shall enforce 780 CMR as to any building or structure within any city or town that is owned in whole, or in part, by the Commonwealth or any departments, commissions, agencies, or authorities of the Commonwealth.

R104.2 Applications and Permits. The *building official* shall receive applications, review construction documents and issue permits for the construction, reconstruction, alteration, repair, removal or demolition of a building or structure; or to change the use or occupancy of a building or structure; or to install or alter any equipment or life safety systems for which provision is made or the installation of which is regulated by 780 CMR..

R104.3 Notices and Orders. The *building official* shall issue all necessary notices or orders to ensure compliance with 780 CMR.

R104.4 Inspections. The *building official* shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and shall be certified by a responsible officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority. If requested by the permit holder the building official must provide written documentation of the code section(s) found to be in violation.

R104.4.1 Coordination of Inspections. Whenever in the enforcement of 780 CMR, or another code or ordinance, the responsibility of more than one enforcement official is involved, it shall be the duty of the enforcement officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the building or structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an enforcement official observes an apparent or actual violation not within the official's authority, the official shall report the findings to the official having jurisdiction.

R104.5 Identification. The *building official* shall carry proper identification when inspecting structures or premises in the performance of duties under 780 CMR.

R104.6 Right of Entry. Where it is necessary to make an inspection to enforce the provisions of 780 CMR, or where the *building official* has reasonable cause to believe that there exists in a structure or upon a premises a condition

which is contrary to or in violation of 780 CMR which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by 780 CMR, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the *building official* shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry, including, but not limited to requesting an Administrative search warrant. See M.G.L. c. 143, §§ 6 and 50.

R104.7 Department Records. The *building official* shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

R104.8 Liability. All claims of liability relative to *building officials* shall be governed by M.G.L. c. 258.

R104.9 Approved Materials and Equipment. Materials, equipment, and devices approved by the *building official* shall be constructed and installed in accordance with such approval.

R104.9.1 Used Materials and Equipment. The use of used materials which meet the requirements of 780 CMR for new materials is permitted. Used equipment and devices shall not be reused unless approved by the *building official*.

R104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of 780 CMR, the *building official* shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the *building official* shall first find that a special individual reason makes the strict letter of 780 CMR impractical and the modification is in compliance with the intent and purpose of 780 CMR and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the *building official*.

R104.10.1 Flood Hazard Areas and coastal dunes. The building official shall not grant modifications to any provision related to flood hazard areas and coastal dunes as established by 780 CMR without the granting of a variance by the Building Code Appeals Board.

R104.11 Alternative Materials, Design and Methods of Construction and Equipment. The provisions of 780 CMR are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by 780 CMR, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the *building official* finds that the proposed design is satisfactory and complies with the intent of the provisions of 780 CMR, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in 780 CMR in quality, strength, effectiveness, fire resistance, durability, and safety.

R104.11.1 Research Reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in 780 CMR, shall consist of valid research reports from approved sources.

R104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of 780 CMR, or evidence that a material or method does not conform to the requirements of 780 CMR, or in order to substantiate claims for alternative materials or methods, the *building official* shall have the authority to require tests as evidence of compliance to be made at no expense to the enforcement authority. Test methods shall be as specified in 780 CMR or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the *building official* for the period required for retention of public records.

R104.12 Matters Not Provided For. In recognition of the inherent difficulty of drafting a functional code that contemplates every situation that may arise in the area of building safety, this section provides the *building official*, the Building Code Appeals Board, or the BBRS itself, with reasonable discretion to ensure that all life safety issues

that may arise in the enforcement of 780 CMR may be appropriately addressed. Matters not specifically provided for in 780 CMR regarding structural, egress, fire, energy, sanitary or other requirements essential to occupant safety shall be determined by the *building official* or, in the case of an appeal, the Building Code Appeals Board. The details of action granting modifications shall be recorded and entered in the files of the *building official*. For highly specialized buildings and structures that conform to unique code requirements or nationally recognized standards not required in 780 CMR, registered design professionals shall provide sufficient information to the *building official* to support their approval.

SECTION 105 PERMITS

R105.1 Required. It shall be unlawful to construct, reconstruct, alter, repair, remove or demolish a building or structure; or to change the use or occupancy of a building or structure; or to install or alter any equipment, or life safety systems for which provision is made or the installation of which is regulated by 780 CMR without first filing an application with the *building official* and obtaining the required permit.

R105.2 Work Exempt from Permit. Except for activities which may require a permit pursuant to other laws, and the specialized codes of M.G.L. c. 143, § 96, a permit pursuant to 780 CMR is not required for the following activities:

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses provided that the floor area does not exceed 200 ft² (18.58 m²).
2. Fences not over seven feet (2,134 mm) high.
3. Retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work. (Permits may be required for Electrical, Plumbing, or Gas work)
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment accessory to one and two family dwellings.
9. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.
10. Decks not exceeding 200 ft² (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, that are not attached to a dwelling, and that do not serve one of the required exit doors required by section R311.2.
11. Greenhouses covered exclusively with plastic film. This exemption does not apply if the greenhouse will be used for large assemblies of people or uses other than normally expected for this purpose.
12. Repair of any component or components of a fire protection system, where such does not affect system performance and compatibility. No permit pursuant to 780 CMR is required for maintenance. Other permits, however, may be required pursuant to applicable provisions of M.G.L. c.148, § 27A and of 527 CMR.

R105.2.1 Emergency Repairs. Where replacements and repairs governed by 780 CMR must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the *building official*.

NOTE: Pursuant to the terms of the specialized codes of M.G.L. c. 143, § 96, this exemption might not apply to emergency repairs conducted under those specialized codes.

R105.2.2 Repairs. Application or notice to the *building official* is not required for ordinary repairs to structures. A permit is required for work including but not limited to: the substantial cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements or mechanical systems or other work affecting public health or general safety under the authority of 780 CMR.

R105.3 Application for Permit. To obtain a permit, the owner or authorized agent shall file a permit application on a form furnished by the *building official* for that purpose.

Such applications shall:

1. Identify and describe the work to be included by the permit for which application is made.
2. Describe the land on which the proposed work is to be performed by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended. If the work involves a care facility or residence licensed by a state agency, indicate the agency name and appropriate licensing regulation on the permit. (For example: Department of Developmental Services, 115 CMR.)
4. Be accompanied by construction documents and other information as required in section 107. Construction documents shall list any additional building features required by a Massachusetts state agency for its facilities that go beyond the requirements in 780 CMR.
5. State the valuation of the proposed work. The *building official* has authority to request from the applicant a detailed substantiation of the valuation.
6. Be signed by the owner or authorized agent.
7. Give such other data and information as required by the *building official* in accordance with 780 CMR.
8. If applicable, include the registration number and information of home improvement contractors or subcontractors for residential contracting services, in accordance with M.G.L. c. 142A, §§ 9(a) and 13.

R105.3.1 Action on Application. The *building official* shall examine or cause to be examined applications for permits and amendments, and shall issue or deny the permit, in writing, within 30 days of filing. If the application or the *construction documents* do not conform to the requirements of 780 CMR and all pertinent laws under the *building official's* jurisdiction, the *building official* shall deny such application in writing, stating the reasons therefore. The *building official's* signature shall be attached to every permit.

Failure to act upon the application within 30 days could result in a complaint being registered against the Building Official with his or her appointing authority, the Building Official Certification Committee, or an appeal may be filed with the Building Code Appeals Board for lack of action.

The following requirements, where applicable, shall be satisfied before a permit is issued:

1. Zoning: in accordance with M.G.L. c. 40A or St. 1956, c. 665.
2. Railroad Right-of-way: in accordance with M.G.L. c. 40, § 54A.
3. Water Supply: in accordance with M.G.L. c. 40, § 54;
4. Debris Removal: in accordance with M.G.L. c. 40, § 54
5. Workers Compensation Insurance: in accordance with M.G.L. c. 152, § 25C(6).
6. Hazards to Air Navigation: in accordance with M.G.L. c. 90, § 35B.
7. Construction in coastal dunes, in accordance with flood construction requirements of 780 CMR.

R105.3.1.1 Determination of Substantially Improved or Substantially Damaged Existing Buildings in Flood Hazard Areas and coastal dunes. For applications for reconstruction, rehabilitation, addition, alteration, repair or other improvement of existing buildings or structures located in a flood hazard area or coastal dune as established by section 322.1.1, the *building official* shall examine or cause to be examined the construction documents and shall make a determination with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its pre-damaged condition. If the *building official* finds that the value of proposed work equals or exceeds 50% of the market value of the building or structure before the damage has occurred or the improvement is started, the proposed work is a substantial improvement or restoration of substantial damage and the *building official* shall require existing portions of the entire building or structure to meet the requirements of section R322. For the

purpose of this determination, a substantial improvement shall mean any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50% of the market value of the building or structure before the improvement or repair is started. Where the building or structure has sustained substantial damage, repairs necessary to restore the building or structure to its pre-damaged condition shall be considered substantial improvements regardless of the actual repair work performed. The term shall not include either of the following:

1. Improvements to a building or structure that are required to correct existing health, sanitary or safety code violations identified by the *building official* and that are the minimum necessary to ensure safe living conditions.
2. Any alteration of a historic building or structure, provided that the alteration will not preclude the continued designation as a historic building or structure. For the purposes of this exclusion, a historic building shall be any of the following:
 - 2.1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places.
 - 2.2. Determined by the Secretary of the U.S. Department of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district.
 - 2.3. Designated as historic under a state or local historic preservation program that is approved by the U.S. Department of the Interior.

R105.3.1.1.1 Determination of Substantial Repair of a Foundation. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the *building official* shall determine it to be substantial repair of a foundation. Applications determined by the *building official* to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of section R322.

R105.3.2 Time Limitation of Application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R105.4 Validity of Permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of 780 CMR or of any other law or ordinance. Permits presuming to give authority to violate or cancel the provisions of 780 CMR or other laws or ordinances shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the *building official* from requiring the correction of errors in the construction documents and other data. The *building official* is also authorized to prevent occupancy or use of a structure where in violation of 780 CMR.

R105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit commences within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing prior to the permit expiration date and justifiable cause demonstrated.

R105.6 Suspension or Revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of 780 CMR wherever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation, except as noted in R105.4, or any of the provisions of 780 CMR.

R105.7 Placement of Permit. The permit or copy shall be kept on the site of the work until the completion of the project.

R105.8 Notice of Start. The *building official* may require to be notified at least one business day before the start of work.

R105.9 – Reserved

R105.9.1 – Reserved

R105.9.2 – Reserved

SECTION 106 – Reserved

SECTION 107 CONSTRUCTION DOCUMENTS AND CONSTRUCTION CONTROL

R107.1 General. Submittal documents consisting of *construction documents*, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by statute. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. The construction documents, computations, and specifications for in ground pools shall be prepared and designed by a registered design professional. 1.

Exception: The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with 780 CMR. This exception shall not apply to in ground pools.

R107.1.1 Professional Seal and Signature. When required by Law, plans and specifications for work requiring a registered design professional shall bear a seal and signature of the responsible registered design professional in accordance with M.G.L. c. 143, § 54A. See the applicable licensing board for any policy on electronic seal and signature for certain registered design professionals.

R107.2 Construction Documents. *Construction documents* shall be in accordance with sections R107.2.1 through R107.2.9.

R107.2.1 Information on Construction Documents. *Construction documents* shall be drawn upon suitable material. Electronic media documents are permitted to be submitted where approved by the *building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of 780 CMR and relevant laws, ordinances, rules and regulations, as determined by the *building official*.

R107.2.2 – Reserved

R107.2.3 Means of Egress. The construction documents shall designate the two required exit door locations. Although not a portion of a Means of Egress, the construction documents shall show any *Emergency Escape and Rescue Opening* elements, when applicable.

R107.2.4 Reserved

R107.2.5 Energy Compliance submittal. The *construction documents* submitted with the application for permit shall be accompanied by completed energy code compliance documentation demonstrating

compliance with the energy provisions of 780 CMR R11.00: *Energy Efficiency (as amended by Massachusetts)*.

R107.2.6 Information on Braced Wall Design. For buildings and structures utilizing braced wall design, the braced wall lines shall be identified on the *construction documents* when required by the *building official*. Pertinent information including, but not limited to, bracing methods, location and length of braced wall panels and foundation requirements of braced wall panels at top and bottom shall be provided.

R107.2.7 Information for Construction in Flood Hazard Areas. For buildings and structures located in whole or in part in flood hazard areas as established by Table R301.2(1), *construction documents* shall include:

1. Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate.
2. The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO Zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade.
3. The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V Zone) and coastal A zones.
4. If design flood elevations are not included on the community's Flood Insurance Rate Map ("FIRM"), the *building official* and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

R107.2.7.1 Design Flood Elevations. Where design flood elevations are not specified, they shall be established in accordance with section 1612.3.1.

R107.2.8 Manufactured Buildings and Modular Homes. Document submittal for the erection or placement of said structures shall be as follows:

1. Site specific plans and specifications.
2. Plan Identification Number Assignment Form with BBRS number. This is to confirm plans have been approved by the Office of Public Safety and Inspections and shall include a stamp showing approval and signature.
3. Plans shall be stamped on every page by a third-party inspection agency.
4. Every page showing calculations by a registered design professional shall be provided with their stamp and signature.
5. Energy compliance certificate.
6. Set manuals are required to be on site at time of project set and shall be specific to the project.

EXCEPTION: If all connection details are provided on the plans then the set manual is not required.

7. The Installer's information shall accompany the plan submittal package along with proof of approved certification from the manufacturer.

In accordance with 780 CMR Chapter 110.R3.8.1.1 and 110.R5.1.3.1 a "*Homeowner exemption*" may not be utilized to receive a permit to install, erect, or oversee the installation of a Manufactured Building or Modular Home.

R107.2.9 Site Plan or Plot Plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design base flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show

construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.

R107.3 Examination of Documents. The *building official* shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of 780 CMR and other pertinent laws or ordinances under the building official's jurisdiction.

R107.3.1 Fire Department Review. For permits that include fire protection systems work construction documents shall be filed with the *building official* who shall cause them to be filed with the head of the local fire department for review. The fire department shall have ten working days after receiving the documents to complete its review. Upon the fire department's written request, the *building official* may grant one or more extensions up to a total review period maximum of 30 days. If the fire department review is not received within the allowed time frame the *building official* may, upon review, deem the documents in compliance with 780 CMR. If the head of the local fire department believes such construction documents to be noncompliant with 780 CMR or reference standards, he or she shall notify the *building official* in writing citing relevant sections of noncompliance with 780 CMR or the section of the referenced standards. See M.G.L. c. 148, § 28A.

R107.3.2 Approval of Construction Documents. Where the building official issues a permit, "hard copy" paper construction documents shall be approved in writing or by a stamp stating "Reviewed For Code Compliance." One set of construction documents so reviewed shall be retained by the *building official*, and one such stamped set shall be returned to the applicant, shall be kept at the site of work, and shall be open to inspection by the *building official* or a duly authorized representative. Applications containing electronic construction documents will be considered "Reviewed for Code Compliance" when marked electronically by the permit issuer.

R107.3.3 Previous Approvals. 780 CMR shall not require changes in the construction documents, construction, or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has begun and pursued in good faith within 180 days after the effective date of 780 CMR and has not been abandoned.

R107.3.4 Phased Approval. The *building official* is authorized to issue a permit for the construction of foundations, selective demolition, or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of 780 CMR. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

R107.3.5 Reserved

R107.4 Amended Construction Documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents prior to the commencement of the proposed work.

R107.5 Retention of Construction Documents. One set of approved construction documents shall be retained by the building official in accordance with M.G.L. c. 66, § 8.

R107.6 Construction Control

R107.6.1 – General - In general Construction Control is not necessary for entire One and Two Family Dwellings. However, Construction Control is required for certain Townhouses.

R107.6.1.1 - Reserved

R107.6.1.2 Townhouse Buildings Greater Than 35,000 cubic feet. Such buildings require registered design professional services in accordance with 780 CMR 107.6 *Construction Control*.

SECTION 108 TEMPORARY STRUCTURES AND USES

R108.1 General. The *building official* is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The *building official* is authorized to grant extensions for demonstrated cause. See 780 CMR 31.00.

R108.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements of 780 CMR as necessary to ensure public health, safety, and general welfare.

R108.3 Fire Department Review. Temporary structures and uses shall be approved by the *building official* in consultation with the head of the local fire department.

R108.4 Termination of Approval. The *building official* is authorized to terminate for cause and with written notice such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

R108.5 State of Emergency. Upon declaration by the governor of a state of emergency under St. 1950. c. 639, or of an emergency detrimental to the public health under M.G.L. c. 17, § 2A, a building or space within a building may be used as a temporary emergency use for purposes of housing and/or caring for persons in accordance with procedures established for such purpose as contained in **780 CMR 31.00 Special Construction**, most specifically **780 CMR 31.13 Temporary Emergency Use**.

SECTION 109 FEES

R109.1 Payment of Fees. A permit shall not be valid until the fees prescribed have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid in the amount established by the applicable governing authority.

R109.2 Schedule of Permit Fees. For state building permit fees, see 801 CMR 4.02: *Fees for Licenses, Permits, and Services to be Charged by State Agencies*. For municipal building permit fees, refer to the municipality.

R109.3 Building Permit Valuations. The applicant for a permit shall provide an estimated value of project cost at time of application. If, in the opinion of the *building official*, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the *building official*. Final building permit valuation shall be set by the *building official*.

R109.4 Work Commencing Before Building Permit Issued. Any person who commences any work on a building or structure governed by 780 CMR before obtaining the necessary building permit shall be in violation of 780 CMR and subject to penalties. See section R114.

EXCEPTION: Emergency repairs as found in section R105.2.1.

R109.5 Related Fees. Payment of the building permit fee shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

SECTION 110 INSPECTIONS

R110.1 General. Construction or work for which a permit is required shall be subject to inspection by the *building official* and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of 780 CMR or of other laws or ordinances. Inspections presuming to give authority to violate or cancel the provisions of 780 CMR or of other laws or ordinances shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes and that all work shall be conducted, installed, protected and completed in a workmanlike and acceptable manner so as to secure the results intended by 780 CMR. Neither the *building official* nor the applicable enforcement authority shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

R110.2 Preliminary Inspection. Before issuing a permit, the *building official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

R110.3 Required Inspections. The *building official* shall conduct inspections during construction at intervals sufficient to ensure compliance with the provisions of 780 CMR which may include inspections set forth in sections R110.3.1 through R110.3.10. The *building official* shall inform the applicant of the required points of inspection at the time of permit issuance. The *building official* may designate specific inspection points in the course of construction that require the contractor or builder to give the *building official* one business day notice prior to the time when those inspections need to be performed. The building official shall make the inspection within two business days after notification.

NOTE - Manufacturer's Installation Instructions. Manufacturer's installation instructions shall be available on the job site at the time of inspection when required by the *building official*.

R110.3.1 Footing and Foundation Inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94 the concrete need not be on the job.

R110.3.2 Concrete Slab and Under-floor Inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

R110.3.3 Lowest Floor Elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required by 780 CMR shall be submitted to the *building official*.

R110.3.3.1 Floodplain Inspections. For construction in flood hazard areas as established by Table R301.2(1), upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in section R322.

R110.3.4 Frame Inspection. Inspection of framing construction shall be made after the roof, masonry, framing, fire-stopping, draft-stopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are approved, when required.

R110.3.5 Lath and Gypsum Board Inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

EXCEPTION: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

R110.3.5.1 Fire-resistance-rated Construction Inspection. Where fire-resistance-rated construction is required between dwelling units or due to location on property, the *building official* shall require an inspection of such construction after lathing or gypsum board or gypsum panel products are in place, but before any plaster is applied, or before board or panel joints and fasteners are taped and finished.

R110.3.6 Fire and Smoke-resistant Penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

R110.3.7 Energy Efficiency Inspections. Inspections shall be made to determine compliance with 780 CMR R11.00: *Energy Efficiency* and shall include, but not be limited to, inspections for: envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water-heating equipment efficiency.

R110.3.8 Other Inspections. In addition to the inspections specified above, the *building official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of 780 CMR and other laws that are enforced by the *building official*.

R110.3.9 Special Inspections. Reserved

R110.3.10 Final Inspection. A final inspection shall be made after the permitted work is complete and prior to occupancy of the building or structure.

R110.3.10.1 Flood Hazard Documentation. If located in a flood hazard area, the documentation of elevations required in section R322.1.10 shall be submitted to the *building official* prior to the final inspection.

R110.4 Inspection Agencies. The *building official* is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

R110.5 Inspection Requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the *building official* when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by 780 CMR. The *building official* may require the permit holder or his or her representative or the licensed construction supervisor to attend these inspections.

R110.6 Approval Required. Work shall not continue beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. Upon notification, the *building official* shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed or notify the permit holder or his or her agent wherein the same fails to comply with 780 CMR. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

R110.7 Periodic Inspections of Lodging Houses. Primarily owner occupied One and/or Two Family Dwellings meeting the 780 CMR Chapter 2 definition of “*Lodging House*” used as “*short term rentals*” shall be inspected in accordance with 780 CMR Table 110.7 (see “other R’s”) by the *building official* for compliance with *R102.8 Maintenance of Existing Buildings and Structures*.

Periodic Inspections of **NON-Primarily Owner Occupied One and/or Two Family Dwellings** meeting the 780 CMR Chapter 2 definition of a “*short term rental*” shall be inspected pursuant to 780 CMR Table 110.7 based on the Use Group designation determined in accordance with 780 CMR Chapter 3.

Owners shall be responsible for requesting the periodic inspection prior to the expiration of the current Certificate of Inspection. The fee for such inspection shall be set by the municipality.

SECTION 111 CERTIFICATE OF OCCUPANCY AND USE

R111.1 Use and Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the *Building Commissioner, Inspector of Buildings*, or where applicable, the *State Building Inspector*, has issued a Certificate of Occupancy and Use therefore as provided herein. A *Local Inspector* shall not sign or issue Certificates of Occupancy and Use. Issuance of a Certificate of Occupancy and Use shall not be construed as an approval of a violation of the provisions of 780 CMR or of other laws or ordinances. Conformance to all applicable specialized codes of M.G.L. c. 143, § 96, and, when applicable, submittal of a certificate of compliance for Title Vin accordance with 310 CMR 15.00: *The State Environmental Code, Title 5*, are requirements of the issuance of the Certificate of Occupancy and Use.

EXCEPTION: Certificates of Occupancy and Use are not required for work exempt from permits under section 105.2 or for alterations which do not require a change to the occupancy.

R111.1.1 Buildings or Structures Hereafter Altered. When a building or structure: a.) is changed in whole or in part; b.) altered to change from one use group to another; c.) changed to a different use within the same use group; or d.) increases the maximum live load capacity or the occupancy load capacity: the building or structure shall not be occupied or used until a new Certificate of Occupancy and Use is issued by the *Building Commissioner, Inspector of Buildings*, or where applicable, *State Building Inspector*. The Certificate of Occupancy and Use shall be issued certifying that the work has been completed in accordance with the provisions of the approved permits and of the applicable codes for which the permit is required.

R111.1.2 Certificate of Completion: Work completed under a permit pursuant to 780 CMR that does not trigger a new Certificate of Occupancy and Use, a final inspection shall be performed, and if the work performed is in compliance with the approved application and 780 CMR, a Certificate of Completion may be issued by the Building Official, designating that the work has been completed in accordance with the provisions of the approved permit and no further inspections are necessary.

R111.1.3 Massachusetts Licensed Care Facilities. Certificate of occupancy inspections for Massachusetts licensed care facilities, including, inspection of special building features required by the licensing agency, shall be limited to verifying compliance with the provisions of 780 CMR.

R111.2 Certificate Issued. When a Certificate of Occupancy and Use is required, and after the *building official* inspects the building or structure within their jurisdiction and finds no violations of the provisions of 780 CMR or other laws that are enforced by the *building official*, the *Building Commissioner/Inspector of Buildings*, or where applicable, *State Building Inspector* shall issue a Certificate of Occupancy and Use within ten days. The Certificate shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of 780 CMR for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the *Building Commissioner/Inspector of Buildings* or *State Building Inspector*.
7. The edition of the code under which the permit was issued.
8. If an automatic sprinkler system is provided, whether the sprinkler system is required.
9. Any special stipulations and conditions of the building permit.
10. If the facility is licensed by an Agency of the Commonwealth, the name of the Agency and the name and number of any relevant Code of Massachusetts Regulations that apply regarding building features.

R111.3 Temporary Occupancy. The *Building Commissioner/Inspector of Buildings* or where applicable, *State Building Inspector* is authorized to issue a temporary Certificate of Occupancy and Use before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The *Building Commissioner/Inspector of Buildings* or where applicable, *State Building Inspector* shall set a time period, not to exceed 180 days, during which the temporary certificate of occupancy is valid. Upon written request from the permit

holder, the issuer may extend the temporary occupancy permit for additional 30 day periods or a period at the discretion of, and within the jurisdiction of, the issuing official.

R111.4 Revocation. The *Building Commissioner/Inspector of Buildings* or where applicable, *State Building Inspector* is authorized to, in writing, suspend or revoke a Certificate of Occupancy and Use or Certificate of Completion issued under the provisions of 780 CMR whenever the Certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of 780 CMR within their jurisdiction.

111.5 Posting – One and Two Family dwellings used as a *Primarily Owner Occupied Lodging House used as Short Term Rental* shall be posted for occupancy as noted in this section.

111.5.1 Posting of Use and Occupancy. A copy of the periodic Certificate of Inspection shall be posted within one of the five *Guest Rooms*.

111.5.2 Required Egress Posting. A suitably designed placard, approved by the *building official* shall be posted by the owner on all floors having *Short Term Rental Guest Rooms*. Said placard shall be securely fastened to the building or structure in a readily visible place, showing the means of egress paths per floor and the five *guest rooms* available for use by the short term renters.

111.5.3 – Reserved

111.5.4 Replacement of Posted Signs. Said placard shall be securely fastened to the building or structure in a readily visible place, showing the means of egress paths.

111.5.5 Periodic Posting Inspection. The *building official* may periodically inspect all One and Two Family dwellings units utilized as *Lodging Houses used for Short Term Rentals*, or may accept the report of such inspections from a registered design professional, or others certified by the BBRS; and such inspections and reports shall specify any violation of the posting requirements of 780 CMR.

SECTION 112 SERVICE UTILITIES - Reserved

SECTION 113 APPEALS

R113.1 General. Appeals of orders, decisions, determinations and failures to act made by any state or local agency or any person or state or local agency charged with the administration or enforcement of the state building code or any of its rules and regulations, except the specialized codes of M.G.L. c. 143, § 96, relative to the application and interpretation of 780 CMR shall be addressed by the Building Code Appeals Board in accordance with M.G.L. c. 143, § 100. Applications for filing an appeal shall be in a form acceptable to the Board.

R113.2 Limitations on Authority. Reserved

R113.3 Qualifications. Reserved

R113.4 Local and Regional Boards of Appeals. Pursuant to M.G.L. c. 143, §100, the appeals board may establish a local board of appeals in a city or town or a regional board of appeal for more than two or more cities or towns consisting of not less than three nor more than five members. The appeals board may require as a condition precedent to appeal to the appeals board that said appeal be first heard by such local or regional board of appeals. Such local or regional board of appeals may establish rules for its own procedure and shall have the same powers and duties relative to appeals as the building code appeals board. A copy of any decision by a local board of appeal shall be transmitted to the board within ten days after the rendering of such decision.

R113.4.1 Review. Any person, including the Building Code Appeals Board, aggrieved by a decision of the local board of appeals, whether or not a previous party to the decision, or any municipal officer or official board of the municipality, may, not later than 45 days after the mailing of the decision of the

local board, apply to the Building Code Appeals Board for a hearing de novo, in accordance with section R113. All local appeal decisions are to be reviewed by the BBRS.

SECTION 114 VIOLATIONS

R114.1 Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish, occupy, or change the use or occupancy of any building, structure or equipment, or life safety system regulated by 780 CMR, or cause the same to be done, in conflict with or in violation of any of the provisions of 780 CMR.

R114.2 Notice of Violation. The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of 780 CMR, or in violation of a permit or certificate issued under the provisions of 780 CMR. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

R114.2.1 Notice Service and Content. The initial notice of violation may be verbal, but shall be in writing within 48 hours. For the purposes of an Appeal, the date of the written notice shall be the official date of service. Every notice or order authorized pursuant to 114.2 shall be in writing and shall be served on the person responsible:

1. Personally, by any person authorized by the building official;
2. By any person authorized to serve civil process by leaving a copy of the order or notice at the responsible party's last and usual place of business or abode;
3. By sending the party responsible or his or her agent authorized to accept service of process in the Commonwealth a copy of the order by registered or certified mail return receipt requested, if he or she is within the Commonwealth;
4. By electronic means by which receipt can be verified; or
5. If the responsible party's last and usual place of business or abode is unknown, by posting a copy of this order or notice in a conspicuous place on or about the premises in violation and by publishing it for at least three out of five consecutive days in one or more newspapers of general circulation wherein the building or premises affected is situated.

R114.3 Enforcement. Violations to 780 CMR shall be enforced in accordance with the applicable provisions of M.G.L. c. 143, M.G.L. c. 148 § 34C, and M.G.L. c. 148A.

R114.4 Violation Penalties. Any person who violates a provision of 780 CMR or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure, or makes a change of use in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of 780 CMR, shall be subject to penalties as prescribed by M.G.L. c. 143, § 94(a), M.G.L. c. 148 § 34C, or M.G.L. c. 148A.

SECTION 115 STOP WORK ORDER

R115.1 Authority. Whenever the *building official* finds any work regulated by 780 CMR being performed in a manner either contrary to the provisions of 780 CMR or dangerous or unsafe, the *building official* is authorized to issue a stop work order.

R115.2 Issuance. The initial stop work order may be verbal, but shall be in writing within 48 hours and shall cite the time and date of the verbal order and be given to the owner of the property involved, or to the owner's agent, or to the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

R115.3 Unlawful Continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by M.G.L. c. 143, § 94(a). Each day during which a violation exists shall constitute a separate offense.

SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

R116.1 General. The provisions of this section are established by and work in conjunction with the requirements of M.G.L. c. 143, §§ 6 through 12.

R116.2 Standards for Making Buildings Safe or Secure. Any owner of a building who has been notified that said building shall be made safe or secure under section 116, shall:

1. Remove all materials determined by the head of the fire department or building official to be dangerous in case of fire.
2. Secure all floors accessible from grade utilizing one of the following methods so long as such method is approved by the head of the fire department and building official in writing:
 - a. Secure all window and door openings in accordance with the U.S. Fire Administration, National Arson Prevention Initiative Board Up Procedures;
 - b. Provide 24 hour watchman services, continuously until such time as the building is reoccupied; or
 - c. Provide a monitored intruder alarm system at the perimeter of all floors accessible from grade, continuously until such time as the building is reoccupied.

Said owner, as the case may be, shall notify the building official that the approved method chosen to secure the building has been incorporated. Said owner shall allow the building official to enter the building for an inspection to ascertain that the building is secured and made safe. Said owner shall allow the head of the fire department to enter the building. The building official shall be supplied with records of maintenance and operation if the provisions of section R116.2 items 2b. or 2c. are used.

3. Maintain any existing fire alarms or sprinkler systems unless written permission is obtained from the head of the fire department in accordance with M.G.L. c. 148, § 27A to shut off or disconnect said alarms or systems.
4. Maintain utilities unless written permission is obtained from the *building official* to disconnect said utilities, a copy of which shall be forwarded to the head of the fire department. Permission to disconnect utilities shall not be granted if it will result in inadequate heat to prevent freezing of an automatic sprinkler system or inadequate utilities to maintain any other protection systems.
5. The requirements of section R116.2 items 1. through 4. do not prevent a *building official* from issuing other orders or taking expeditious, temporary security measures in emergency situations pending the completion of the requirements of section R116.2 items 1 through 4.

For the purposes of section R116, an “emergency situation” shall be defined as: an unexpected incident, which by its very nature may present a threat to public safety personnel who may be required to affect a rescue effort or conduct fire extinguishment operations.

Upon refusal or neglect of said owner to comply with such notice, any *building official* acting under the authority of M.G.L. c. 143, §§ 6 through 12, shall enforce section R116.2 item 2a. or other equivalent procedure approved by the head of the fire department, continuously until such time as the building is reoccupied.

Any building which has been made to conform to the provisions of section R116.2 during vacancy may be reoccupied under its last permitted use and occupancy classification, provided that any systems which were disconnected or shut down during the period of vacancy are restored to fully functional condition and subject to section R105 and M.G.L. c. 40A. The *building official* shall be notified in writing prior to re-occupancy. If said building is changed in use or occupancy or otherwise renovated or altered it shall be subject to the applicable provisions of 780 CMR 34.00: *Existing Building Code*.

R116.3 Marking or Identifying Certain Buildings That Are Especially Unsafe in the Case of Fire. Any building official who determines that a building is especially unsafe in case of fire under section 116 shall notify the head of the fire department about the existence of said building.