

BBRS

Official Interpretation No. 2012_5

Date: October 9, 2012

Subject: 8th Edition Base Code; Security of entrances to apartment houses, section 1008.1.9.11 and M.G.L. c. 143, § 3R.

Background/Discussion:

Prior to the 7th edition of 780 CMR, only M.G.L. c. 143, § 3R contained the requirement for certain '*security door locking equipment*' to be provided and such equipment was required to be '*of a type approved by the state board of building regulations and standards*'. BBRS did not provide a list of approved equipment or any related advisory opinions relative to the types of approved equipment. It should be noted that the M.G.L. language is explicit in its requirement for: '*1) a lock with an electrically-operated striker mechanism; 2) a self-closing door; and 3) associated equipment*' (which is not otherwise defined in regards to the type of equipment or its intended function).

Prior to the 7th edition, the use of autodialer type equipment was common place and was considered as satisfying M.G.L. c. 143, § 3R. Autodialer type equipment uses the telephone lines (service provider and associated in-building equipment) to communicate with the apartment unit telephone and the door can be unlocked by the unit occupant via the telephone key pad. (NOTE: the autodialer system can also access wireless phones (cell phones) and other communication devices). It is assumed that there is (or will be) available in the marketplace a fully wireless communication (intercom) system that can provide equivalent functionality.

The 8th edition (and the prior 7th edition) includes a MA unique amendment (780 CMR 8th Section 1008.1.9.11), which references M.G.L. c. 143, § 3R and further includes this code '*...associated equipment. Such associated equipment shall include an intercom system tied independently to each apartment and where from each apartment the electrically operated striker mechanism can be released...and a closed circuit security camera system...incorporated in such a manner that from each apartment, apartment occupants can utilize their personal television sets to observe who is seeking entrance to the building.*

QUESTION 1: Based on the code requirements noted in italic above is either:

1. an autodialer type product or
2. a wireless technology product

suitable to meet the intent of the '*intercom system tied independently*' requirements of the code?

ANSWER 1: First, either product meets the intent of an '*intercom*' which in its simplest sense^a is 'a two-way communication system with a microphone and loudspeaker at each station for localized use'.

1. The autodialer type equipment is code compliant and can be used to satisfy 780 CMR 1008.1.9.7 and M.G.L. c. 143, § 3R. In so far as this equipment utilizes the telephone lines (and/or other service provider and associated in-building equipment) this would meet the intent of the '*tied independently*' criteria. In the event that an apartment unit occupant decided that they were not going to have a telephone (land line or wireless), the landlord (owner) would be obligated to provide the apartment with a telephone connected to the autodialer system for the sole purpose of providing the functions required to comply with 780 CMR 1008.1.9.7.
2. With regard to a system that might be entirely wireless, such a system could be used to satisfy 780 CMR 1008.1.9.7 and M.G.L. c. 143, § 3R provided the landlord (owner) provides to each apartment unit, the associated receiving unit from which the prescribed functional control is achieved. In so far as the equipment uses wireless communication, this would meet the intent of the '*tied independently*' criteria, as well.

QUESTION 2: Based on the code requirements noted in italic above is a 24/7 concierge service at the entry way suitable to meet the intent of '*a closed circuit security camera system...incorporated in such a manner that from each apartment, apartment occupants can utilize their personal television sets to observe who is seeking entrance to the building*' requirements of the code?

ANSWER 2: In order for the owner to comply with the code as written all occupants would have a personal television set (TV). Yet the code neither mandates that each tenant purchase a TV nor that the owner purchase a personal TV for each tenant. A personal TV that can be carried away by the occupant at the end of his/her tenancy is a problematic item to regulate in the building code. However, the intent of the code is clear; entrance to the building is to be allowed only to those authorized by the occupants. In recognition of this issue, under Section 104.10.2 'Matters Not Provided For' in conjunction with Section 104.10 'Modification', a building official may accept a 24/7 concierge service, or an arrangement such as video or other, that meets the intent and purpose of the building code. Note that building code appeal is also available to the building owner.

- a. Merriam Webster dictionary definition.