

CHAPTER 3 - USE & OCCUPANCY CLASSIFICATION - AMENDMENTS

The ninth edition building code became first effective on October 20, 2017 and, with a shortened concurrency period, the new code came into full force and effect on **January 1, 2018**.

The new, ninth edition code is based on modified versions of the following *2015 International Codes as published by the International Code Council (ICC)*.

- The International Building Code (IBC);
- International Residential Code (IRC);
- International Existing Building Code (IEBC);
- International Mechanical Code (IMC);
- International Energy Conservation Code (IECC);
- International Swimming Pool and Spa Code (ISPSC);
- Portions of the International Fire Code (IFC).

Massachusetts amends these code fairly significantly to accommodate for unique issues in the commonwealth. This package of amendments revise the IBC, IEBC, IMC, and IECC.

Please remember that the Massachusetts amendments posted on-line are *unofficial versions* and are meant for convenience only. Official versions of the Massachusetts amendments may be purchased from the State House Bookstore @ [Shop the Bookstore](#) and any of the I-Codes may be purchased from the International Code Council (ICC) @ iccsafe.org.

Additionally, the ICC publishes transition documents that identify changes from the 2009 to the 2015 I-Codes for those who may have interest.

- [International Building Code \(IBC\) Transition](#)
- [International Residential Code \(IRC\) Transition](#).

780 CMR: MASSACHUSETTS AMENDMENTS TO THE *INTERNATIONAL BUILDING CODE 2015*

CHAPTER 3: USE AND OCCUPANCY CLASSIFICATION

307.1.1 Replace item 8 as follows:

8. See Appendix C for the storage or utilization of materials for agricultural purposes on the premises.

308.3.4 Revise subsection as follows:

308.3.4 Five or Fewer Persons Receiving Custodial Care. A facility with five or fewer persons receiving custodial care shall be classified as Group R-3 or shall comply with the *International Residential Code* provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3.

Exception: DDS group home facilities of five or fewer persons receiving custodial care. See Section 310.5.

308.6 Add the following exception:

Exception: Day care licensed as Family Child Care Homes and Large Family Child Care Homes under M.G.L. c. 15D shall be classified as ancillary to the main use of the building.

308.6.1 Change "2½ years" to "2.9 years"

310.5 Revise section as follows:

310.5 Residential Group R-3. Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

1. Buildings that do not contain more than two dwelling units;
2. Boarding houses (nontransient) with 16 or fewer occupants;
3. Boarding houses (transient) with ten or fewer occupants;
4. Care facilities that provide accommodations for five or fewer persons receiving care;
5. Congregate living facilities (nontransient) with 16 or fewer occupants;
6. Congregate living facilities (transient) with ten or fewer occupants;
7. Lodging houses; and
8. DDS facilities in conformance with the occupant safety requirements of 115 CMR 7.00: *Standards for All Services and Supports*.

310.5.1 Care Facilities Within a Single Family Dwelling. Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the *International Residential Code*, provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3.

310.6 Residential Group R-4. Residential Group R-4 occupancy shall include buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care. Buildings of Group R-4 shall be classified as one of the occupancy conditions specified in Section 310.6.1 or 310.6.2. The persons receiving care are capable of self-preservation. This group shall include, but not be limited to, the following:

1. Alcohol and drug centers;
2. Assisted living facilities (*see* also M.G.L. c. 19D for provisions related to certain assisted living facilities administered by the Executive Office of Elder Affairs);
3. Congregate care facilities;
4. Group homes;
5. Halfway houses;
6. Residential board and care facilities including facilities pursuant to 104 CMR 28.00: *Licensing and Operational Standards for Community Programs* and housing no more than 12 people; and
7. Social rehabilitation facilities

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in 780 CMR.

3.00: continued

312.1 General. Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of 780 CMR commensurate with the fire and life hazard incidental to their occupancy. Group U shall include, but not be limited to, the following:

1. Agricultural buildings (*see* Appendix C for applicable requirements);
2. Aircraft hangers, accessory to one- or two-family residence (*see* Section 412.5);
3. Barns;
4. Carports;
5. Fences more than six feet (1,829 mm) in height;
6. Grain silos, accessory to a residential occupancy;
7. Greenhouses;
8. Livestock shelters;
9. Private garages;
10. Retaining walls;
11. Sheds;
12. Stables;
13. Tanks; and
14. Towers.