

CHAPTER 31 - SPECIAL CONSTRUCTION - 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 31: SPECIAL CONSTRUCTION

3104.4 Revise section as follows:

3104.4 Contents. Only materials and decorations conforming to 780 CMR 8.00: *Interior Finishes* and 527 CMR: *Board of Fire Prevention Regulations* 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. Swimming pools shall comply with the requirements of sections 3109.2 through 3109.5 and other applicable sections of 780 CMR.

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)*.

3109.3 Revise section as follows:

3109.3 Public Swimming Pools. See M.G.L. c. 140, § 206 for enclosures to public and semi-public outdoor in-ground swimming pools.

SECTION 3112 TEMPORARY OVERNIGHT SHELTERS

3112.1 through 3112.14 Add sections as follows:

3112.1 Scope and Purpose. The purpose of section 3112 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.

3112.2 Temporary Overnight Shelters - Defined. For purposes of section 3112, a temporary overnight shelter 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 3112. Other groups or organizations wishing to offer overnight accommodations in buildings designed and constructed for other purposes shall file an application for change of use in accordance with section 105.

Temporary overnight shelters, as addressed in section 3112, shall be classified as R-1 Use. Express administrative and technical requirements found in section 3112 shall override more general requirements found elsewhere in 780 CMR.

3112.3 Approval and Temporary Certificate of Occupancy. In order to operate a temporary overnight shelter, a temporary certificate of occupancy shall first be issued by the building official. Application for a certificate shall be made as follows:

1. The application shall contain information demonstrating that the structure meets 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 3112.6, Table 3112.6; and sections 3112.7 through 3112.14.
 - c. It contains adequate means of egress relative to the number of approved overnight occupants.
 - d. It contains adequate emergency lighting and egress signage.

31.00: continued

- 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.
2. The application shall include the following:
 - 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. 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. At time of activation, the head of the fire department shall be provided with the identification of the preferred and any alternative person responsible for reporting fires and other emergencies to the fire department.
 - vii. At time of activation, the head of the fire department shall be provided with a plan for assignment of personnel responsible for oversight of evacuation.
 - viii. A plan for training of employees relative to emergency evacuation.
 - e. Identification of an on-site individual responsible for ensuring compliance with section 3112.
 3. Upon receipt of a completed application, the building official shall forward the application to the municipal fire chief and health official for their review. 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 ensure the accuracy and efficiency of the documentation submitted in accordance with section 3112.3 items 1. and 2. Promptly after the site visit is completed, the building official shall either approve the application and issue the temporary certificate of occupancy, or deny the application, or approve the application and issue the temporary certificate of occupancy 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 3112.1. Prior to taking action, the building official shall review the application with the fire chief and health official. The building official shall consider any recommendations made by the fire chief or health official with due regard for their concerns. However, the building official shall not issue any temporary certificate over the objection of the head of the fire department or the local board of health.
 4. Temporary certificates of occupancy shall not be issued for a period to exceed one year. Applications for renewal shall be reviewed in accordance with section 3112.3 items 1. through 3.
 5. If issued, the temporary certificate shall reflect the name of the organization it was issued to, the name of the party responsible for the operation of the shelter, the address, the issuance date, the expiration date, any conditions of issuance ordered pursuant to section 3112.3 item 3., and the maximum allowed occupant load.
 6. A temporary certificate of occupancy may be revoked by the building official at any time for a violation of any provision of section 3112, 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.

31.00: continued

3112.4 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 use of the shelter has ended. The temporary certificate of occupancy issued pursuant to section 3112.3 shall be conspicuously posted at the main entrance to the shelter.
2. A document shall be posted, in a location approved by the municipal 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 3112.3 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 3112.3 item 2. and any conditions mandated under section 3112.3 item 3.

3112.5 Access by Public Officials. Access to the shelter for purposes of ensuring compliance with section 3112 shall be granted upon request by the building official, fire chief, health official, police chief or their respective designees.

3112.6 Limitations of Use. Use shall be limited as described in this section and Table 3112.6.

1. A temporary overnight shelter identified with a "P" in Table 3112.6 equipped with an interconnected, monitored smoke and carbon monoxide detection and notification 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 subject church/house of worship proper possesses a 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 church/house of worship, providing all other requirements of section 3112 inclusive are met. If the church/house of worship does not have an NFPA 13 fire sprinkler system installed throughout the building then the location of the temporary overnight shelter shall conform to the requirements set forth in Table 3112.6 (partial fire sprinkling of the temporary overnight shelter is required under certain circumstances addressed in Table 3112.6).

TABLE 3112.6 LIMITATIONS OF USE

Use Limitations for Temporary Overnight Shelters										
Location in Building	Building Construction Type									
	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB	
Basement (without direct access to outside)	PS	PS	PS	PS	NP	NP	PS	NP	NP	
Basement (with direct access to outside)	P	P	P	P	P	P	P	P	PS	
1 st Floor	P	P	P	P	P	P	P	P	P	
2 nd Floor	P	P	P	P	P	P	P	P	P	
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 3112.6. PS = Permitted with sprinklers, *see* section 3112.6. NP = Not Permitted.

31.00: continued

2. Alternatively, a temporary overnight shelter identified with a "P" in Table 3112.6 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 3112 a temporary overnight shelter shall be equipped with an interconnected, monitored smoke and carbon monoxide detection and notification alarm system as required by 780 CMR 9.00: *Fire Protection Systems*.

3. A temporary overnight shelter identified with a "PS" in Table 3112.6 may operate year-round 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 3112, a temporary overnight shelter shall be equipped with a full NFPA 13 sprinkler system, interconnected and monitored smoke and carbon monoxide detection and notification alarm system as required by 780 CMR 9.00: *Fire Protection Systems*.

4. The operating period limitations set forth in section 3112.6 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.

3112.7 Reserved.

3112.8 Fire and CO Detection, Occupant Notification and Life Safety System Supervision. All temporary overnight shelters are required to install and have operational, an interconnected, monitored smoke and carbon monoxide detection and notification alarm system.

3112.9 Monitoring Requirements. Off-premise monitoring of the interconnected smoke and carbon monoxide detection and notification alarm system is required and shall conform to the requirements in 780 CMR 9.00: *Fire Protection Systems* and NFPA 72 and NFPA 720, as applicable.

3112.10 General Installation Requirements and Alarm Signal Precedence. Installation requirements for the interconnected, monitored smoke and carbon monoxide detection and notification alarm systems shall be in accordance with 780 CMR; 527 CMR: *Board of Fire Prevention Regulations*; the smoke alarm/detector and carbon monoxide alarm/detector manufacturers' requirements; NFPA 72 and NFPA 720, all as applicable. For alarm signal precedence, *see* section 916.5.

3112.11 Location of Fire and CO Detection and Occupant Notification Appliances. Buildings, facilities or spaces therein intended use as temporary overnight shelters as defined in section 3112.2 shall incorporate, as applicable, smoke and carbon monoxide detection and notification 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.

3112.12 Listing. Smoke detectors/alarms shall be listed to UL 268; carbon monoxide detectors/alarms shall be listed to IAS/CSA 6.19 or UL 2075 as applicable.

3112.13 Power Source. The primary and secondary power sources for the low voltage or wireless, interconnected, monitored smoke detection system shall conform to the applicable requirements of NFPA 72; primary and secondary power requirements for CO detectors shall conform to the applicable requirements of NFPA 720.

3112.14 Fire Sprinkler Locations When Utilized. Where fire sprinklers are intended to be employed, 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.

31.00: continued

SECTION 3113 TEMPORARY EMERGENCY USE

3113.1 through 3113.4 Add subsections as follows:

3113.1 General. Except as noted herein, the provisions of section 3113 shall apply to temporary emergency uses.

3113.1.1 Permit Required. Temporary emergency uses shall not be operated or maintained for any purpose without first obtaining a permit from the municipal official having jurisdiction.

3113.2 Construction Documents. A written request for the temporary emergency use change, identifying the address-specific property is required.

3113.3 Certification. A temporary emergency use shall be so identified by a special certificate of use and occupancy 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 Division of Professional Licensure website <http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/opsi/> for an example of this special certificate of use and occupancy.

3113.4 Means of Egress. All temporary emergency uses shall conform to the means of egress requirements of 780 CMR 10.00: *Means of Egress* to the degree practicable.

NON-TEXT PAGE