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## NOTICE OF HEARING

Pursuant to M.G.L. c. 143, §94, 97, and c. 30A, §2, the Board of Building Regulations and Standards will hold a virtual public hearing relative to the Massachusetts State Building Code. Specifically, the proposed changes to 780 CMR 1.00 and 51.00 would extend the concurrency period, during which either the 9<sup>th</sup> or 10<sup>th</sup> edition code may be utilized. As proposed, the concurrency period set to end January 1, 2025 will be extended through June 30, 2025. A small business impact statement has been filed with the Secretary of State's Office. The Board will hold the public hearing as follows (pre-registration is not required):

**Monday, December 2, 2024, at 10:00 a.m.:**

By videoconference

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Meeting ID: 227 454 599 594

Passcode: pL3CpX

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### Dial in by phone

[+1 857-327-9245,232427268#](tel:+18573279245) United States, Boston

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Phone conference ID: 232 427 268#

Interested Parties will be given an opportunity to present testimony orally at this hearing. The Board will also accept written comments received prior to the hearing regarding the regulations sent via email at [bbrs-ma@mass.gov](mailto:bbrs-ma@mass.gov) or by mail at this address:

Board of Building Regulations and Standards  
Division of Occupational Licensure – Office of Public Safety and Inspections  
1000 Washington Street, 7th Floor  
Boston, MA 02118

Written comments must be received by 4:00 p.m. on **Friday, November 29, 2024**. A copy of the proposed regulations may be obtained at the Board's web site located at: <https://www.mass.gov/orgs/office-of-public-safety-and-inspections> or by contacting the Board office directly at the above address or by phone: (617) 727-3200. Once all testimony is received, the Board intends to conclude the hearing and immediately convene a regular board meeting to finalize the regulations, the public is welcome to attend this meeting.



1.00: continued

**101.4.13 Transit and Commuter Rail Stations.** Such stations shall comply with 780 CMR and NFPA 130-2014, chapters 2, 3, 4, and 5. Any references to NFPA 101 and NFPA 220 shall mean reference to 780 CMR. Where conflict exists between 780 CMR and the referenced standard, compliance with the referenced standard shall be required.

**101.4.14 Residential Contracting.** Residential contracting is regulated by M.G.L. c. 142A and 201 CMR 18.00. *See the Office of Consumer Affairs and Business Regulation for more information"*

**101.4.15 International Swimming Pool and Spa Code.** The design and construction of swimming pools, spas and hot tubs shall comply with 780 CMR 3109: *Swimming Pool Enclosures and Safety Devices* as amended, and to the *International Swimming Pool and Spa Code - 2021*. 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.

**101.4.16 Existing Buildings.** *See 780 CMR 34.00: Existing Building Code* and the provisions of the 2021 *International Existing Building Code* as amended. 780 CMR 34.00 shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings. The *building official* enforces the *Existing Building Code* as amended.

**101.5 BBRS Advisory Committees.** BBRS technical advisory committees support requests from the BBRS as it deems necessary in accordance with M.G.L. c. 143.

## SECTION 102 APPLICABILITY

**Concurrency Period.** Applications for building permits and related construction and other documents filed through ~~January 1~~ [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 ~~January 1~~ [June 30](#), 2025, concurrency with the Ninth Edition ends, and all applications for building permits and related construction and other documents shall comply with 780 CMR as amended effective October 11, 2024 only.

**102.1 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.

**102.2 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.

**102.2.1 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.

**102.3 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.

**102.4 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.

**102.5 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.

**102.6 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.

51.00: continued

**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 ~~January 1~~[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 ~~January 1~~[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.