

## CHAPTER 1 - SCOPE AND APPLICATION - AMENDMENTS

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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 revises the IRC only. Please see base code amendments for changes to other listed codes that comprise the ninth edition.

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](#).

**Note:** *The residential code is part of the overall building code, which is referred to as 780 CMR. It is considered to be Chapter 51 in the overall code, which is why you will see reference to 780 CMR Chapter 51 in the amendments. The residential code is applicable to detached one- and two-family dwellings, multiple-family dwellings (townhouses) not more than three stories in height above the grade plane and/or their accessory structures not more than three stories in height above grade. See the base code for other building types.*

**780 CMR 51.00: MASSACHUSETTS RESIDENTIAL CODE** (*Unique to Massachusetts*)

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

**PART 1 – SCOPE AND APPLICATION**

**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*, 2015 (“IRC”), 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, Ninth 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 in 780 CMR 51.00; 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.** Referenced codes include the specialized codes of M.G.L. c. 143, § 96 and other codes and regulations listed in sections 101.4.1 through 101.4.12 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 by 248 CMR. Oil fired appliances are governed by 527 CMR 4.00: *Oil Burning Equipment*.

**R101.4.2 Mechanical.** The provisions of the *International Mechanical Code* (“IMC”) shall apply to all mechanical systems except for that which is defined as sheet metal work by M.G.L. c. 112, § 237.

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

**R101.4.4 Property Maintenance.** Reference to the *International Property Maintenance Code* shall be considered reference to 780 CMR and within the jurisdiction of the building official.

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**R101.4.5 Fire Prevention.** Reference to sections of the International Fire Code (“IFC”) for fire prevention requirements shall be considered reference to 527 CMR: *Board of Fire Prevention Regulations*. The fire official enforces the provisions of 527 CMR. Reference to sections of the IFC for building code requirements are adopted, except that retroactive requirements of the IFC are not adopted. The building official enforces 780 CMR and all adopted IFC requirements.

The following statute is enforced by the head of the fire department, and shall 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 shall apply to all matters governing the design and construction of buildings for energy efficiency.

**R101.4.7 Architectural Access.** Any reference in 780 CMR to accessibility shall be considered reference to 521 CMR: *Architectural Access Board*. 521 CMR is enforced by the building official.

**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 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 International Residential Code.** Any reference in 780 CMR to the *International Residential Code* shall be considered reference to 780 CMR 51.00 through 120.00.

**R101.4.12 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.

**R101.5 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. Titles and membership of these technical advisory committees may be viewed at <http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/opsi/>. These technical advisory committees include, but are not limited to, the following committees with their respective composition listed:

**Energy Advisory Committee (“EAC”)**

One Division of Professional Licensure staff  
One Department of Energy Resources staff  
One mechanical engineer (with HVAC expertise)  
One architect  
One utility company designee  
One building envelope expert  
One lighting controls expert  
One building official  
One IAQ/filtration expert  
One high performance housing expert  
One ASHRAE 62.1, 62.2, and 90.1 expert

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**Fire Protection Fire Prevention Committee ("FPFP")**

One Division of Professional Licensure staff  
One Department of Fire Services staff  
Boston Fire Department Commissioner or designee  
Two fire protection engineers  
One fire chief representative  
One building official representative  
One architect representative  
One residential contractor representative (for topics related to the residential volume)  
One general contractor representative (for topics related to the base volume)  
One sprinkler contractor  
One fire alarm contractor

**Property Maintenance Advisory Committee ("PMAC")**

One Division of Professional Licensure staff  
One Department of Public Health staff  
One Department of Housing and Community Development staff  
One Department of Fire Services staff  
One building official representative  
One health officer representative  
One residential property management representative  
One commercial property management representative  
One low-income tenant representative  
One architect representative  
One Housing Court representative

**Chapter 34 (Existing Buildings) Committee**

One Division of Professional Licensure staff  
One Department of Fire Services staff  
EAC Chair or designee  
FPFP Chair or designee  
SAC Chair or designee  
One building official representative  
One general contractor representative  
One mechanical engineer  
One fire prevention Officer  
One code consultant (with existing buildings expertise)  
One architect

**Note:** For the purposes of the composition of the BBRs's Chapter 34 technical advisory committee, a code consultant shall be any person with specific expertise applying, and interpreting 780 CMR. Said person shall have at least five years of documented experience applying and interpreting the base and residential provisions of 780 CMR in a professional setting. A code consultant shall be duly licensed, or certified, as one or more of the following: architect, professional engineer, engineer-in-training, building official, fire prevention officer, or construction supervisor.

**Structural Advisory Committee ("SAC")**

One Division of Professional Licensure staff  
One architect representative (with structural expertise)  
One building official representative  
One structural engineer (with seismic expertise)  
One structural engineer (with ASCE 7 expertise)  
Six structural engineers (in addition to the two listed above)

**Geotechnical Advisory Committee ("GAC")**

One Division of Professional Licensure staff  
One building official representative  
Nine geotechnical engineers

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## SECTION 102 APPLICABILITY

**Concurrency Period.** Applications for building permits and related construction and other documents filed through January 1, 2018, may comply either with 780 CMR effective October 20, 2017, or with the Eighth Edition version of 780 CMR in effect immediately prior to amendment, but not a mix of both. After January 1, 2018, concurrency with the Eighth Edition ends, and all applications for building permits and related construction and other documents shall comply with 780 CMR as amended effective October 20, 2017 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.

**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 51.00.

**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 meet and 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 and shall be allowed to continue to be occupied pursuant to its use and occupancy, provided that the building or structure shall be 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.

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**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, including signage and lighting; and
- 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 Appendix J to 780 CMR 51.00, 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, 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.

## 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.

### 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 Division of Professional Licensure, 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 erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of 780 CMR.

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

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**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 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.

**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. *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 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.** The building official shall not grant modifications to any provision related to flood hazard areas as established by 780 CMR without the granting of a variance by the Building Code Appeals Board.

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**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 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 building permit is not required for the following activities:

1. One-story detached accessory structures, provided that the floor area does not exceed 200 ft<sup>2</sup> (18.58 m<sup>2</sup>).
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.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment. Refer to 521 CMR: *Architectural Access Board* for accessibility requirements as applicable.
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.



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10. Decks not exceeding 200 ft<sup>2</sup> (18.58 m<sup>2</sup>) 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 the exit door required by section R311.4.

11. Greenhouses covered exclusively with plastic film. This exemption does not apply if the greenhouse is to be used for large assemblies of people or uses other than normally expected for this purpose.

**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. Standard application forms, along with application forms that some municipalities use, can be found at <http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/opsi/>. Such applications shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done 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: 115 CMR: *Department of Developmental Services*.
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, 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.

The following requirements, where applicable, shall be satisfied before a building 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).

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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.** For applications for reconstruction, rehabilitation, addition, alteration, repair or other improvement of existing buildings or structures located in a flood hazard area 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.

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**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 or of any other laws or ordinances.

**R105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced 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 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**

## SECTION 106 Reserved

## SECTION 107 CONSTRUCTION DOCUMENTS

**R107.1 Submittal Documents.** Submittal documents consisting of construction documents, and other data shall be submitted in two or more sets with each application for a permit. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. 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 also [www.mass.gov/dpl](http://www.mass.gov/dpl) for policy on electronic seal and signature for certain registered design professionals. Professional engineering services shall be required for activities which are deemed to constitute the practice of engineering as defined in M.G.L. c. 112, § 81D, except as provided in M.G.L. c. 54A and any legally required profession or as provided in M.G.L. c. 112, § 81R. Where work is performed by licensed trades people pursuant to M.G.L. c. 112, § 81R, plans and specifications prepared to document that work shall not be required to bear the seal or signature of a registered design professional.

**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.

**R107.1.1 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.

**R107.1.2 Manufacturer's Installation Instructions.** Manufacturer's installation instructions, as required by 780 CMR, shall be available on the job site at the time of inspection.