

## OPSI SUPERVISORS AND MANUFACTURED BUILDINGS DIRECTOR



**Jeffrey Putnam** joined the BBRS in 1996 after graduating from Bridgewater State. He worked as an intern and became certified as a Building Official as a State Building Inspector in 1999. He became a supervisor in 2016. Jeff feels as though he is particularly well versed in Chapter 9 of the IBC, having worked on both the FFPF and many BBRS and 527CMR subcommittees. He is the liaison to MEMA for incident response and aids municipalities during disasters. He is skilled at recognizing each inspector's strengths and can refer municipalities to inspectors that are knowledgeable in certain areas. His goal for our agency is to increase the respectability of both State and Municipal building inspectors. Putnam, Jeffrey (DPL) <Jeffrey.Putnam@mass.gov>



**Ron Wetmore** has been with the DOL since 2009. He started his career as an apprentice for Chelmsford Construction and ran his own construction company for 15 years. He has been a Certified Building Official for 23 years. He became a supervisor in 2020. Ron feels that his strength as a Building Official lies in his ability to know where to find answers and how to apply them. Ron's goal for the agency is to work toward more consistent application of the code amongst State Building Inspectors and for our agency to bring that knowledge to the cities and towns to create an atmosphere of consistent and uniform enforcement across the state. Wetmore, Ron (DPL) <Ron.Wetmore@mass.gov>



**Syno Tell** graduated from Northeastern University with a bachelor's degree in Business. He's been a Certified Building Official since September of 2020, and a MA Licensed Master Electrician since 2012. He worked as an Electrical and General Contractor from 2009 to 2020. He joined the DOL in February of 2020, as a Trades Investigator for the Office of Investigations. In December of 2021 he was promoted to the Director of the Manufactured Buildings Program. Syno considers his specialty to be 780CMR 110.R.3. He feels as though his role as a Trades Investigator gives him strong knowledge of Electrical, Plumbing, Gas Fitting and Sheet Metal. He is confident in navigating both the Building Code and Electrical Code. His goal as Director of the Manufactured Buildings Program is to work with staff to create a program that ensures public safety through implementation of the new regulations proposed in the 10<sup>th</sup> edition of the Code. Tell, Syno (DPL) <Syno.Tell@mass.gov>



## From the Chief's Desk

### Who is issuing permits in your building department?

Many communities have adopted virtual permitting as a result of closing City/Town Halls to the public during the pandemic. As a former Building Commissioner, I had the opportunity to establish an online permitting system which allowed some ability to customize it for the department and the community. I also had the ability to allow staff members to have limited access (look do not touch) or full administrative rights within the system, which gave those staff members the ability to approve or deny permits.

If a staff member, such as an administrative assistant, electrical inspector, or plumbing inspector, has full administrative rights within the system, they have the ability to change information in the system, including approving and denying permits. Those staff members should understand where their legal authority comes from, or they should be acting under the authority of the inspector.

Perhaps the waters have become murky. In 780CMR section 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.*

This section of the code allows building officials to reference other specialized codes, but it does not afford building officials the authority to regulate the specialized codes. My understanding is “*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.***” When that work affects areas governed by the Building Code, we have separate authority.

For example, when a plumber cuts a three-inch round hole in a 2 x 4, “*The impact of work regulated by the specialized code on work governed by 780 CMR and within the jurisdiction of the building official, shall be subject to inspection by the building official.*” If the hole was in a structural floor member, the building official can cite “Cutting, drilling and notching” in section R502.8 of the International Residential Code (2015 edition) to inspect the hole and require a construction supervisor to oversee any corrective work. While this is an important role for the building official, it still does not grant authority over enforcement of the Plumbing and Gas code, whose permits and inspections are exclusively handled by the plumbing and gas inspector.

Building officials issue BUILDING permits, in accordance with 780 CMR, by authority of M.G.L. c. 143 §3.

Building officials issue SHEETMETAL permits, in accordance with 271 CMR, by authority of M.G.L. c.112 §249.

Electrical inspectors issue ELECTRICAL permits in accordance with the Massachusetts Electric Code, by authority of 527 CMR12 and M.G.L. c. 143, §3L.

Plumbing and Gas Inspectors issue PLUMBING AND GAS permits, in accordance with 248 CMR 3.00 to 10:00, the Uniform State Plumbing Code and Massachusetts Fuel Gas Code and M.G.L. c. 142, §13.

## How to write a building code enforcement letter

Massachusetts General Law, Chapter 143, section 100, contains the right to appeal a building official's determination about 780 CMR. "Whoever is aggrieved by an interpretation, order, requirement, direction or failure to act by any state or local agency or any person or state or local agency charged with the administration or enforcement of the state building code or any of its rules and regulations, except any specialized codes as described in section 96, other than the specialized stretch energy code developed and promulgated by the department of energy resources, may within forty-five days after the service of notice thereof appeal from such interpretation, order, requirement, direction, or failure to act to the appeals board. Appeals hereunder shall be on forms provided by the appeals board and shall be accompanied by such fee as said appeals board may determine."

As building officials, we have all had to inform a Construction Supervisor (CSL) or homeowner that their work does not meet the requirements of the State building code, 780 CMR. Or, following the review of a set of proposed plans, the building permit cannot be issued. Most times, we request that the CSL or homeowner correct the violation or ask the Architect to correct a discrepancy within the plan that led to the permit denial, and it is on to the next issue.

When there is conflict, for example, when a CSL or homeowner disagrees with your determination, your tool to effect positive change or the outcome is to draft an enforcement letter. It is imperative that the enforcement letter be written to include the following required six elements.

1. The Building Permit number, address, and the owner of the property.
2. The Date and time of the inspection.
3. The Section of the building code violation.
4. The Remedy to correct the violation and a time limit.
5. Your Authority to issue fines.
6. Their right to appeal your determination.

Considering that your enforcement letter is a public document and may become the subject of a Building Code of Appeals Board (BCAB) hearing or may ultimately be read by a Judge, the enforcement letter must accurately tell the facts of how you arrived at your determination. Many times, the violation is obvious to you. We are dealing with the code daily. The violation is not always obvious to a homeowner, attorney, Judge, or code professional, such as a CSL or Registered Design Professional.

A well written enforcement letter detailing the circumstances of why you inspected the property, what and when you discovered the violation, and what is required to abate the violation will save time and eliminate confusion, while serving to maintain your credibility.

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The sample enforcement letter layout below addresses a property undergoing construction without a building permit and may serve as a guideline for you to draft an enforcement letter possessing the 6 elements of a properly written enforcement letter.

**February 7, 2022**(Date of the enforcement letter. The right to appeal begins upon receipt of the letter)

**Owner's name**

**Legal address**

**Town/City, MA zip code**

**RE: Work without a building permit, located at** (add address where work is being performed)

(The paragraph below explains why you inspected the property, the date you inspected and what you observed)

**Following a complaint of trucks in the neighborhood, I conducted an inspection on February 1, 2022, and found that you are renovating your home, located at XXXX Avenue, without the benefit of a building permit. Multiple contractors were on the premises and a dumpster was filled with construction debris and kitchen cabinets.**

(The paragraph below explains the section of the building code in violation/cut and paste the section of the code.)

**According to the State Building Code, section 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.**

(You should include a notification of the violation, what the remedy is to abate the violation, and a time limit to correct the violation. You should also include that additional fines may be levied if the owner fails to respond. Otherwise, you will need to send another letter of violation which will extend the 45-day appeals period.)

**You are hereby notified that you shall apply for a building permit upon receipt of this notice. Failure to apply for a building permit upon receipt of this letter may result in further action by the Town including fines in the amount of \$1,000.00 per day.**

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(A very important part of the letter is to recognize the owners right to appeal. If you don't provide the right to appeal, below, the enforcement letter may not stand in court.)

**If you are aggrieved by anything in this letter about an interpretation or application of 780 CMR, you have the right to appeal, within forty-five (45) days of receipt of this letter, to the Building Code Appeals Board, pursuant to G. L. c. 143, § 100., under section 780 CMR 113/51.00, 113/R113 of the Massachusetts State Building Code.**

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Remember that this enforcement letter is used to enforce the building code, not zoning, and an owner or permit holder may appeal a zoning decision to the local zoning board of appeals and a building official's decision to the BCAB. Therefore, best practice is to write two separate letters concerning the right to appeal zoning decisions and building official's decisions. Please feel free to use any portion of this sample letter and cut and paste the last paragraph, the 'right to appeal' onto your future letters. Always consult your city or town counsel for legal advice.

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## Commonwealth of Massachusetts Board of Building Regulations & Standards

### On-Boarding Training for Municipal and State Building Inspectors February 6, 13, 27, March 6, 13, 20, 27, 2023

The Office of Public Safety and Inspections will convene an **On-Boarding Training for Municipal and State Building Inspectors**. It is **different** and **distinct** from exam preparation courses and, although intended for newer inspectors, is open to all. The training seminar will be held at the Hoagland Pincus Conference Center, 222 Maple Avenue, Shrewsbury, Monday's beginning February 6, 2023.

It is highly recommended new inspectors attend Monday February 6<sup>th</sup> (Chapter One) and Monday March 27<sup>th</sup> (Zoning) if not able to attend all 7 days.

Interested parties can attend 1, 2, 3, 4, 5, 6 or all 7 days of training. Those seeking to utilize the course to complete CBO requirements **must** attend all 7 days of training and **must pass** a 45 question examination administered on Monday afternoon following the final class. Examinees will have 2.0 hours to complete the open-book exam. There will be at least 5 questions relating to each specific day of training, totaling 45 questions.

This Certificate may be substituted for completion of the Codes and Standards Module of the CABO certification examination. Upon successful completion of other requisite requirements for certification as an inspector\building commissioner, the bearer of this certificate will, upon application, be eligible to receive a Massachusetts Inspector of Buildings\Building Commissioner Certification (MCBO).

**Registration & Payment** - There is a cost of \$35.00 for each seminar. If you only register for one day, the cost is \$35.00. If you register for two days, the cost is \$70.00, all seven days, the cost is \$245, and so on.

Registration is first come, first served. You may send completed registration form to [bocc-ma@mass.gov](mailto:bocc-ma@mass.gov) to reserve a seat, then follow-up with copy of registration form and check payment.

**Indicate Training Session Date(s) You Wish to Attend** - one person per registration form - Registration deadline 10/05/2019.

- ☐ **All 7 sessions ~ \$245.00**
- |  |   |   |
|--|---|---|
| <input type="checkbox"/> February 6, 2023 ~ \$35 | <input type="checkbox"/> February 13, 2023 ~ \$35 | <input type="checkbox"/> February 27, 2023 ~ \$35 |
| <input type="checkbox"/> March 6, 2023 ~ \$35    | <input type="checkbox"/> March 13, 2023 ~ \$35    | <input type="checkbox"/> March 20, 2023 ~ \$35    |
| <input type="checkbox"/> March 27, 2023 ~ \$35   |   |   |

**Will you be taking the Monday March 27, 2023 Afternoon Exam?** ☐ Yes \ ☐ No

Payment may be made with a check for the appropriate amount (*depending on numbers of days you wish to attend*) made payable to the **Commonwealth of Massachusetts** (Cash not accepted) or mail to:

Office of Public Safety and Inspections . Attn: Kim Spencer . 1000 Washington Street, Suite 710 . Boston, MA 02118

BO -

Name

BO ID Number

Municipality

E-mail Address in case of inclement weather

Contact Telephone Number in case of inclement weather

Please save as a PDF, indicate **On Board** in subject line, and Email completed registration form to [BOCC-MA@mass.gov](mailto:BOCC-MA@mass.gov) with payment to follow. Confirmation will be emailed. Please register by January 30, 2023.



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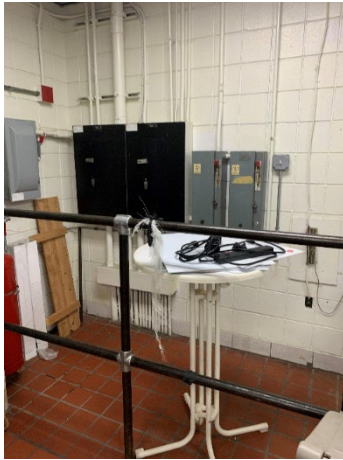
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Schedule and Content February 6, 2023 \_ March 27, 2023 :

- **Monday, February 6<sup>th</sup>** from 8:30 a.m. until 1:00 p.m. C-078 C-0200-06
  - **Introduction to Massachusetts Building Code Enforcement** – Instructors John Bennett & Jeff Putnam
  - *Duties and Responsibilities of the Building Official*
  - *Permit Application and Construction Documents*
  - *Construction Inspections, Construction Control & CSL Requirements*
  - *Violation & Stop Work Orders*
  - *Unsafe Structures*
  - *Certificate of Inspections*
  - *Board of Appeals*
- **Monday, February 13<sup>th</sup>** from 8:30 a.m. until 1:00 p.m. C-079 C-0200-11
  - **HVAC – Residential and Commercial** – Instructor Harold Leaming
  - *Basic Mechanical Systems*
- **Monday, February 27<sup>th</sup>** from 8:30 a.m. until 1:00 p.m. C-080 C-0200-10
  - **Building Inspection Techniques** – Instructors Marc LaPointe and Harold Leaming
  - *Periodic Inspections of Commercial Buildings & Structures*
  - *Construction Control Methodologies*
  - *Tier 1, 2 and 3 Fire Protection Documentation*
- **Monday, March 6<sup>th</sup>** from 8:30 a.m. until 1:00 p.m. C-087 C-0200-07
  - **Ministerial Duties** – Instructor David Holmes & Dan Walsh
  - *Complaints*
  - *Integrity and Ethics*
  - *Occupational Hazards*
  - *Investigations, Interview and Report Writing Techniques*
- **Monday, March 13<sup>th</sup>** from 8:30 a.m. until 1:00 p.m. C-088 C-0200-19
  - **Chapter 10 - Means of Egress** – Instructor Adelle Reynolds
  - *Accessible Means of Egress*
  - *Exit Access*
  - *Occupant Load*
  - *Means of Egress Illumination*
  - *Stairways, Doors, Gates and Turnstiles*
- **Monday, March 20<sup>th</sup>** from 8:30 a.m. until 1:00 p.m. C-089 C-0200-08
  - **Architectural Access Board Requirements** – Director AAB
  - *Scope & Authority*
  - *Jurisdiction*
  - *Appeals Processes*
  - *Building Types, Exterior\Interior*
  - *Dwelling Units*
  - *ADA vs. AAB*
- **Monday, March 27<sup>th</sup>** from 8:30 a.m. until 1:00 p.m. C-082 C-0200-09
  - **How Zoning Affects the Process** – Instructors Adelle Reynolds, Brianna Skowrya
  - *Adoption*
  - *Districts, Ordinances and By-laws*
  - *Existing Structures*
  - *Solar Access*
  - *Massachusetts General Law Chapter 40A*
  - *Appeals Procedures, Case Law & Pertinent Discussions*
- **Monday, March 27<sup>th</sup>** 1:30 – 3:30 p.m. Exam (2.0 hours)

**When you make a mistake, there are only three things you should ever do about it: admit it, learn from it, and don't repeat it." -Paul Bear Bryant**



We all make mistakes. To those of you who noticed our error in our last issue, thank you! Now we know you're reading "Codeword"! Please see our corrected version here: [CODEWORD \(mass.gov\)](https://www.mass.gov/codeword)

Do you have a topic you would like to see covered? Questions? Comments? Please send your ideas and comments to your District State Building Inspector. District Maps and contacts can be found here.  
[download \(mass.gov\)](#)

You can email us here, at our new email address,  
[BBRS-MA@mass.gov](mailto:BBRS-MA@mass.gov)

Other new email addresses for you!

The Building Code Appeals Board, [BCAB-MA@mass.gov](mailto:BCAB-MA@mass.gov)

The Building Official Certification Committee, [BOCC-MA@mass.gov](mailto:BOCC-MA@mass.gov)

## Helpful Links:

Questions about the HIC program?

<https://www.mass.gov/home-improvement-contractor-registration-and-renewal>

Or, email questions to Ormont, Estee (SCA) [estee.ormont@mass.gov](mailto:estee.ormont@mass.gov)

Questions about a building official's statutory authority, click below,

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXX/Chapter143>

Here is the link to Work Requiring a Home Improvement Contractor (HIC) Registration or Construction Supervisor License (CSL) for Existing Owner Occupied 1- to 4-Family Dwellings

[HIC-CSL Table Revised August 8 21 2018.pdf \(mass.gov\)](#)

[Massachusetts Building Commissioners & Inspectors Association \(mbcia.org\)](https://mbcia.org)

[New England Building Officials Education Association \(neboea.org\)](https://neboea.org)

[Building Official - Mass. Federation of Building Officials \(mfbo.org\)](https://mfbo.org)

[SEMBOA](#)



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