

## MEET THE COMMISSIONER AND DEPUTY COMMISSIONERS



**Layla R. D'Emilia, Esq.** who previously served as Deputy Director of Policy and Boards at the Division of Professional Licensure (“DPL”) and also served in senior leadership roles at the Executive Office of Public Safety and Security, returns to the Division, now known as the Division of Occupational Licensure (“DOL”) as Commissioner with nearly two decades of experience spearheading complex policy initiatives and supervising staff and office operations. D’Emilia joins DOL from Indigo Consulting, a legal consulting firm, where she was Founder and Principal. She has a BA from West Virginia Wesleyan College and a J.D. Degree from Suffolk University Law School.



**Brian O’Connell** joined DOL in November 2020 as Deputy Commissioner for Public Safety Inspections and Boards. In this position, he is responsible for overseeing the Buildings, Engineering, and Trade Inspections Division, the Regulated Activities Division, and the Agency’s licensing boards. O’Connell is a seasoned leader with more than 20 years of public management experience, including 15 years in affordable housing. During this time, he served as a senior asset manager overseeing the state’s affordable housing developments—including annual inspections and construction underwriting—and as in-house counsel. Most recently he worked as the Director of Program Integrity at the Department of Unemployment Assistance. Brian holds a Master of Public Administration from Suffolk University Sawyer School of Management and a Juris Doctor from Suffolk University Law School.



**Sarah R. Wilkinson, Esq.** came to DOL with an extensive background in public safety. She has over 10 years of law enforcement experience that includes substantial training in incident scene command and control. She returned to DOL as the Chief of Inspections for the Elevator Division in 2020, and currently serves as Deputy Commissioner for Public Safety Inspections and Operations. In addition to various OPSI programs she also oversees the agency’s Program Integrity & Innovation Unit, as well as the Office of Investigations. Prior to DOL, Sarah founded and ran her own law firm for seven years, focusing on business and complex real estate, litigation and negotiation. She received her BA from Dartmouth College, and her JD from Suffolk University Law School. She is also a certified forensic polygraph examiner.

## What is “Normal Procedure” when a Construction Supervisor License (CSL) is Revoked or Suspended?

When a Construction Supervisor has his or her CSL revoked or suspended, an email goes out to all municipalities to notify them of the disciplinary action. These emails state to follow “normal procedure” if the individual has any open permits. What does that mean for both the individual and the municipality?

In terms of the license holder, the individual will receive a notice instructing them to immediately hand over their CSL to the BBRs. (*780 CMR 110.R5.2.9.5*) This is an important step to ensure that individuals do not attempt to use an unexpired license to pull a building permit. Municipalities are reminded to always check the DOL’s [“Check a License”](#) online databases to confirm validity of applicants.

At the conclusion of a suspension period, the individual must submit a written request to the Board in order to resume operation as a CSL. He or she may also be required to submit an affidavit stating that they have not acted as a Construction Supervisor during the suspension period.

During the suspension period, the licensee is not prohibited from performing construction activities regulated by 780 CMR, provided they do not serve as Construction Supervisor of the work. They may not serve as the CSL of record on building permits during the suspension of their CSL, however they may work under the supervision of another Construction Supervisor, who holds a valid CSL applicable to the scope of work, or under the supervision of qualified registered design professional on projects where a CSL is **not** required.

Municipalities may send out a letter to property owners where suspended or revoked licensees are the permit holders. A sample letter can be found below. Work on projects that the licensee is responsible for must cease until a new license holder has taken responsibility for the project. As stated above, the licensee is allowed to continue work on the project, and hold the HIC for the project, and otherwise satisfy all contract requirements, they simply must work under the supervision of the new license holder. Homeowners are also allowed to utilize their exemption on owner occupied one- or two- family dwellings. A homeowner also has the right to appeal to the Building Code of Appeals Board.

# CODEWORD

July 2022

Issue #2022-02

Sample letter to be sent from a municipality regarding the revocation or suspension of a CSL:

Date:

Owner

Address

Anytown, MA 00000

RE: Permit suspension, number B-205

On (DATE), the Office of Public Safety and Inspections sent notification that the Construction Supervisor, (LICENSEE), has had his license, number CSL-XXX, suspended until (DATE). As a result, the building department is suspending all authorized work permitted by building permit number B-205 until a licensed Construction Supervisor is responsible for the work.

In accordance with 780 CMR, the State Building Code, section R105.3 *Application for Permit*, a licensed Construction Supervisor or a Homeowner Exemption Affidavit is required. You are hereby notified that work shall **Cease and Desist** regarding permit number B-205 upon receipt of this letter.

If you are aggrieved by the contents of this letter or by the action of this office, you have the right to appeal, within forty-five calendar days (45) of receipt of this letter, under 780 CMR 113.1 or 780 CMR 51.00, R113.1 of the Massachusetts State Building Code, to the Building Code of Appeals Board in accordance with Massachusetts General Law chapter 143 section 100.

(NAME)

Building Commissioner

## **Congratulations to OPSI Inspector Adelle Reynolds for being a 2021 recipient of the Commonwealth's Citation for Outstanding Performance!!**

The Commonwealth Citation for Outstanding Performance is awarded to individuals or groups of employees to recognize their extraordinary contributions to their agency.

Adelle joined our team in 2016 after 20 years as a municipal building official. During the pandemic ,she spent countless hours, including outside of her regular hours, working with multiple agencies to ensure that CVS kiosks for COVID-19 testing were safely built and installed. She was instrumental in getting guidance out to Building and Fire officials regarding energy storage systems in houses, and she also served as Chair of the BBRS Cannabis Working Group to ensure that growing and retail facilities meet applicable codes.

Adelle is an excellent communicator and hosts regular meetings in her district to ensure that the local Building Officials receive appropriate training. She has taught Building Commissioner/Inspector of Buildings classes and assists in teaching Building Division onboarding classes. She excels at resolving issues at the local level, communicating with both officials and residents or contractors, researching codes, explaining reasoning and conclusions. She is an asset to our team, and we congratulate her on this recognition.



Adelle Reynolds, District 5 State Building Inspector.

## Inspecting Door Hardware in an E Use Group

Louise Vera, CBO

Office of Public Safety and Inspections

Is the inspection of schools on your summertime schedule of periodic inspections? This article will help you to recognize the do's and don'ts of locking hardware in schools.

The E Use group is qualified by two fundamental characteristics. First, an E Use facility would be occupied by more than five persons (excluding the instructor) and secondly, it is utilized for educating persons at the 12<sup>th</sup> grade level and below, but not including more than five occupants 2.9 years of age or less. The Schedule for Periodic Inspection of Existing Buildings (780 CMR Table 110) requires that an E Use Group be inspected once a year.

When evaluating the locking arrangements within a school it is important to know that delayed egress within an E Use is **not** permitted. Delayed egress allows for a fixed amount of time to pass prior to permitting egress. You might see a sign on a delayed egress door telling you that the door will open in 15 seconds (30 if permitted by the Building Official). This is a red flag: this type of hardware is **not permitted** (E Use). The delay in egress is not acceptable because of the large numbers of occupants that may be unfamiliar with the space and may be of a young age.

Increasingly, schools lock all perimeter doors and utilize access-controlled hardware for ingress. An entry door with access control could utilize an electromagnetic lock. This type of lock will keep the door in the locked position until an action is taken: the use of a fob, a keypad or a release initiated from an attended location will unlock the door.

The action would deactivate the electromagnetic locking system and provide entry. This type of hardware incorporates a built-in switch and as per 780 CMR 1010.1.9.9 must be installed in accordance with **all** of the following:

1. *The hardware has an obvious method of operation and is readily operated under all lighting conditions.*
2. *The hardware is capable of being operated with one hand.*
3. *Operation of the hardware directly interrupts the power to the electromagnetic lock and unlocks the door immediately*
4. *Loss of power to the locking system automatically unlocks the door*
5. *Where panic or fire exit hardware is required, operation of the exit device also must release the electromagnetic lock.*
6. *The locking system units shall be listed in accordance with UL 294.*

With these performance criteria in place, the IBC does not require unlocking of the electromagnetic lock upon activation of the fire alarm system. The IBC also does not limit the number of doors in the means of egress which may be equipped with electromagnetic access systems. Doors within an E Use Group may prevent entering but never can they restrict exiting. The side of egress must always be available and unlocked.

Any E Use facility with an occupant load of 50 or more requires that listed panic or listed fire exit

hardware be installed.

Another way of locking means of egress doors from the ingress side is with the use of sensor released electrical locks. Upon inspection you will understand that an electrically powered magnet (almost always located in the door jamb) keeps the door in the locked position until the appropriate credentials are presented on the locked side of the door allowing entry. This is typically accomplished with the use of a fob, a swipe card or keypad. On the egress side of this door, you would want to see an occupancy sensor **and** a “Push to Exit” button. The occupancy sensor picks up your approach to the door and automatically cuts power to the magnet allowing egress. The “Push to Exit” button is a secondary, but required, release device. There are, therefore, three pieces to the sensor released electrical locking system: a magnet, an occupancy sensor, and a “Push to Exit” button.

As per 780 CMR 1010.1.9.8 **Sensor release of electronically locked egress doors** requires that **all** the following criteria be incorporated into the locking system:

1. *The sensor shall be installed on the egress side arranged to detect an occupant approaching the doors. The doors shall be arranged to unlock by a signal from or loss of power to the sensor.*
2. *Loss of power to the lock or locking system shall automatically unlock the doors.*
3. *The doors shall be arranged to unlock from a manual unlocking device located 40”- 48” vertically above the floor and within 5’ of the secured doors. Ready access shall be provided to the manual unlocking device and the device shall be clearly identified by a sign that reads “PUSH TO EXIT”. When operated the manual unlocking device shall result in direct interruption of power to the lock - independent of other electronics - and the doors shall remain unlocked for not less than 30 seconds.*
4. *Activation of the building fire alarm system, fire detection system or automatic sprinkler system, where provided, shall automatically unlock the doors. The doors shall remain unlocked until the fire alarm system has been reset.*
5. *The door unlocking system units shall be listed in accordance with UL 294.*

# CODEWORD

July 2022

Issue #2022-02

Access to a door in the means of egress within an E Use cannot be delayed or locked in any way to prevent egress. If access control is provided, then we as inspectors need to confirm that the locking system has all of its components installed and operates in accordance with the criteria listed in the building code. If the occupant load is 50 or above, then we will also be looking for listed panic hardware or listed fire exit hardware as applicable.



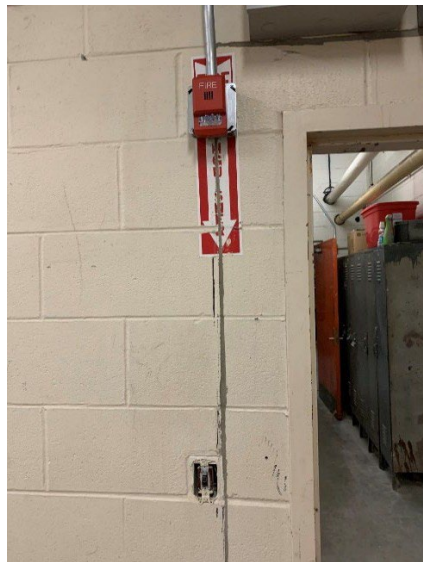
## Continuing Education Waiver for Local Inspectors & Building Commissioners

**Construction Supervisors License Renewals:** If you are certified as a Local Inspector or Building Commissioner, and you are current with your building official certification the required hours will be *waived*. You *are not* required to provide a copy of your training report.

If you are a Conditional Local Inspector or a Certified Building Inspector *not current* with your building official certification you will need to submit the required CEU's to renew your CSL. ***As this is the first year of the training cycle so you will need to have some hours in your training report. The rule of thumb is 15 credit hours per year to be current for your CSL renewal. 780 CMR 110.R.5.4.3 Building Code Enforcement Officials who are certified and in good standing in accordance with 780 CMR 110.R7 are exempt from CSL Continuing Education.***

**Building Inspectors:** Did you take employment in a new city or town? Have you retired? Please notify the BOCC clerk of any changes.

**110.R.7.2.5 Notification Change of Employment Location.** Conditional and certified individuals shall notify the BBRS of any change in the status or location of their employment. Notification shall be made to the BOCC Program Coordinator, current State Building Inspector for Municipality leaving and the State Building Inspector for new Municipality, within one month of such change.



Just one of many reasons why we conduct Periodic Inspections. (Table 110)



## Helpful Links:

Updated State Building Inspector Districts:

<https://www.mass.gov/doc/state-building-inspectors-map-and-assignments-0/download>

Residential Swimming Pool guidance:

<https://www.cpsc.gov/s3fs-public/362%20Safety%20Barrier%20Guidelines%20for%20Pools.pdf>

International Code Council

<https://www.iccsafe.org/>

NFPA

<http://www.nfpa.org/>

American Wood Council

<https://awc.org/>

American Concrete Institute

<https://www.concrete.org/>

Massachusetts Department of Fire Services

<https://www.mass.gov/orgs/department-of-fire-services>

**Coming Next Issue: 780 CMR and the Home Improvement Contractor Program**

What else would you like to see? Please contact us with any questions or Building Code issues that you may be facing in your city or town.

[BBRS-MA@Mass.gov](mailto:BBRS-MA@Mass.gov)

617.727.3200