

BOARD OF BUILDING REGULATIONS AND STANDARDS
Manufactured Buildings Study Group
Draft Meeting Minutes
May 31, 2019, @1 p.m.
1000 Washington Street, Boston MA
Room 1C

A meeting of the “Manufactured Buildings Study Group” took place on May 31, 2019, at 1000 Washington Street, Boston, MA, in Room 1C. In attendance were Robert Anderson (Chief of Inspections – Building & Engineering), Cheryl Lavalley (BBRS) Chief Kevin Gallagher (BBRS), Dan Walsh, Charles Kilb, and Linda Shea.

Robert Anderson opened the meeting by taking roll call.

1. Cheryl Lavalley offered a motion to accept the March 12, 2019 meeting minutes. Chief Gallagher seconded. Unanimous vote.
2. Dan Walsh reviewed the draft document with propose text to be added to section R302.12 in 780 CMR. The proposed text in red font, was developed by staff as directed during the March 12, 2019 study group meeting. Dan Walsh explained the intent is to require draftstopping at the perimeter of each box between ceilings and floors but not allowing the area to exceed 1000 square feet. Last meeting the group heard from the public that many boxes do not exceed 720 Square Feet and because Chief Gallagher’s objective is to reduce the interstitial space area to an area which is less than 1000 Square Feet. Requiring draftstopping at box marriage achieves his objective. Chief Gallagher offer a motion to send the proposed language to the BBRS and Cheryl Lavalley seconded. Unanimous vote.
3. Dan Walsh explained the document titled 780 CMR Chapter 110; Regulation 3 is a rewrite of 780 CMR, section 110.R3 Manufactured Buildings regulations. Since public comments during past study group meeting suggest the 8th edition languages is better than the 9th and the Study Group has not met since March, staff developed a rewrite of section 110.R3. The rewrite based on the 8th edition 110.R3 version. Chief Gallagher asked for confirmation that the rewrite based on the 8th edition and Dan Walsh confirmed. Dan Walsh pointed out some differences from the 8th edition and reviewed some new language which was not discussed in previous study group meetings but address issues that have become known to the office. The group reviewed new language in section 110.R3.1.6, which is intended to prevent manufacturers from manufacturing product before the office issuing the BBRS plan identification number. Dan Walsh explained that he had been told that manufacturers are manufacturing product before receiving the BBRS plan identification number, which effectively has the manufacturing proceeding at risk. Catherine Christina pointed out not all changes are highlighted. Robert Anderson explained the 110.R3 version being discussed is based on the 8th edition because public comments from the previous meeting include folks liking the 8th edition 110.R3 language. Dan Walsh moved to the definitions and pointed out the MBC for construction supervisors and the MBIC for installers discussed last year and presented conceptually to the BBRS in December 2018 have been added. Next Dan Walsh pointed out section 110.R3.5.3.2 Irreparably Damaged Components is the same text in the 8th edition. Robert Anderson suggested adding the language as determined by the

BBRS so the board would be part of the decision-making process. Catherine Christina is concerned “irreparably damaged components” not being defined creates a problem because building officials are not doing their part. She also has concerns the study group is forgetting about the TPIA performing inspections. Dan Walsh pointed out the 8th edition language has local building officials notifying the office of public safety about issues. Catherine Christina thinks the TPIA is supposed to condemn to decertify the building. Robert Anderson pointed out section 110.R3.6.4 includes that process. Catherine Christina expressed concern with how long it may take for the officials to act on issues and thinks the consumer is at a disadvantage. She believes building officials need to act forthwith on matters; otherwise, the consumer is left waiting for folks to react to situations. Robert Anderson motioned to add the BBRS notify the TPIA forthwith to section 110.R3.6.4. The group consensus was to add that language. Catherine Christina explained that the term “irreparably damaged” should mean that the building cannot be fixed in place which has the homeowner at a disadvantage if all the wallboard has to be removed to deal with vapor barrier or insulation issues. Catherine Christina said that anything can be fixed but the owner is left to deal with lost time and expense while repair work is undertaken and thinks the regulation needs a different requirement so in situations where all the wallboard needs to be removed, the structure would have to be shipped back to the manufacturer. The group consensus was the term irreparably damaged may not apply to many situations since most damaged structures can be fixed. Dan Walsh offered to identify a different phrase such as substantially damaged. Robert Anderson offered that in section 110.R3.5.3.1 the term “so” should be removed and the group agreed. Dan Walsh spoke about section 110.R3.6.1.1 Licensed Construction Supervisor and Certified Installers. He has become aware through education presentations that some read this section to mean that the CSL is mandated only through the product set and the homeowner then exercise the license exception in 110.R5 to finish the project. District State Building Inspector Gordon Bailey provided some of his thoughts on this provision and is on today’s agenda but is unable to attend today. He is planning to seek clarity on the issue from the full board during its June 11, 2019 meeting. Dan Walsh offered language to clarify should the Study Group intend CSL involvement in the project through the building permit closeout. Chief Gallagher expressed liking the suggested language. Robert Anderson gave an overview of how the homeowner license exception removed from the manufactured buildings regulations. Catherine Christina expressed concern that new language having the installer responsible for keeping the structure weather tight and the CSL involvement through the completion of the project suggests dual responsibilities and said you can not have it both ways. Chief Gallagher expressed the rolls for each seem to be clearer in this draft. Chief Gallagher asked if section 110.R3.11.14 require the TPIA to see the product in the manufacturing plant. Dan Walsh confirmed it does. Dan Walsh pointed out that section 110.R3.10 number 12 Installation Control includes the provisions which the Study Group agreed to move to the full board. These include manufactures providing a Quality Assurance Manual written provision to resolve construction irregularities discovered during the installation and procedures for the installer to follow when violations of 780 CMR are observed. Also, the manual will need to include procedures for the installer to follow, which must include having an RDP inspecting the non-compliant issue and providing an engineered solution. Dan Walsh also explained this section would require the manufacturer to instruct the installer that he or she shall remain present on the site through completion of the set and is responsible for installing all product connections and for keeping the structure weather tight. Dan Walsh explained section 110.R3.11.14 has requirements for TPIA inspections of product which include a sampling of not less than one building trade. Catherine Christina expressed her

thoughts and thinks it is outrageous to limit third-party inspections. Chief Gallagher offered that the inspection requirements be changed to include all components. The group agreed to have staff modify the draft proposal to include TPIA inspections to all components.

Catherine Christina expressed concern about the flammability of foam adhesives used, and consumers are unaware of the use since manufacturers do not inform the buyers or label the units about the use of foam adhesive products. Dan Walsh pointed out the I-Codes Massachusetts have been adopting include flammability (smoke development and flame spread) requirements which all construction must conform to. Catherine Christina said the glue used on wall assemblies have compatibility issues with a vapor barrier material. Charles Kilb suggested this might be something for the Fire protection Fire Prevention advisory committee to follow up. Chief Gallagher suggested maybe add this into the plan requirements in 110.R3.2.3. After discussing further, Chief Gallagher expressed this concern is likely beyond 110.R3.

Chief Gallagher offered a motion to end the meeting and Cheryl Lavalley seconded. Unanimous vote.