

780 CMR 51.00

ADMINISTRATION FOR SINGLE- AND TWO-FAMILY DWELLINGS

(Note: 780 CMR 51.00 is unique to Massachusetts)

780 CMR 5101 SCOPE

**5101.1 Title.** 780 CMR 51.00 through 99.00 (plus Referenced Standards, Regulations, Appendices and Index) shall be known as the Commonwealth of Massachusetts Building Code for One- and Two-family Dwellings.

**5101.2 Scope and Authority.** 780 CMR 51.00 through 99.00 is promulgated under authority of M.G.L. c. 143, §§ 93 through 100 in accordance with the legislative intent to establish uniform design and construction regulations throughout the Commonwealth. Municipalities may not modify 780 CMR 51.00 through 99.00 or regulate in the subject areas reserved for the Board of Building Regulations and Standards (hereinafter all referred to as the "BBRS") unless such regulations, ordinances, bylaws or policies are promulgated in accordance with M.G.L. c. 143, §§ 96, 97 and/or 98 as applicable. The provisions of 780 CMR 51.00 through 99.00 shall apply to detached one- and two-family dwellings and townhouses, not more than three stories in height with separate means of egress, and their accessory structures as follows:

1. The construction, reconstruction, alteration, enlargement, replacement, repair, demolition, removal, or movement and installation of equipment, the inspection of and issuance of and revocation of permits or licenses relative to detached one- and two-family dwellings and townhouses, including residences with five or fewer occupants that are operated or licensed by the Massachusetts Department of Developmental Services.

Exceptions for Townhouses:

- a. Height and area shall comply with use group R-2 in 780 CMR 5.00
- b. Shall be designed for seismic loads in accordance with 780 CMR 16.00.
- c. Shall meet the fire protection requirements of 780 CMR 9.00 (R-use group).
- d. For classification purposes, townhouses are considered R-3;

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;

4. The establishment of reasonable fees for inspections and the issuance of licenses to individuals engaged as construction supervisors;

5. The certification of inspectors of buildings, building commissioners and local inspectors;

6. Other duties and responsibilities as defined in 780 CMR 110, Special Regulations R1 through R7, as applicable.

**5101.3 Application of References.** Unless otherwise specifically provided for in 780 CMR 51.00 through 99.00, all 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 through 99.00.

**5101.4 Intent Code Remedial.** 780 CMR 51.00 through 99.00 shall be construed to secure its expressed intent, which is to ensure public safety, health and welfare insofar as they are affected by building construction, through structural strength, adequate means of egress facilities, sanitary conditions, light and ventilation, energy conservation and fire safety; and, in general, to secure safety to life and property from all hazards incident to the design, construction, reconstruction, alteration, repair, demolition, removal, movement and/or use or occupancy of detached one- and two-family dwelling buildings, structures or premises.

**5101.5 Specialized Codes.** In accordance with M.G.L. c. 143, § 96, specialized codes, rules or regulations pertaining to building construction, reconstruction, alteration, repair or demolition, and inspection promulgated by, and under the authority of the various boards which have been authorized by the general court shall be incorporated into 780 CMR 51.00 through 99.00. Areas regulated by the specialized codes shall require that all such work performed is designed, installed and inspected in accordance with the specialized codes. For governing regulations addressing the approval, design, installation and maintenance of fossil-fuel-burning appliances, refer to the *Massachusetts Fuel Gas and Plumbing Codes* (248 CMR) for gas and the *Massachusetts Fire Prevention Regulations State Fire Code* (527 CMR) for oil. Applicable specialized codes, rules or regulations relating to building systems include, but are not limited to, those identified in 780 CMR 5101.5.1 through 5101.5.7 and those listed in 780 CMR 100.00.

**5101.5.1 Electrical.** *Massachusetts State Electrical Code* (527 CMR 12.00).

**5101.5.2 Gas.** *Massachusetts Fuel Gas Code* (248 CMR).

**5101.5.3 Mechanical.** *International Mechanical Code*.

**5101.5.4 Plumbing.** *Massachusetts State Plumbing Code*. (248 CMR).

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**5101.5.5 Property Maintenance.** *Massachusetts Sanitary Code* (105 CMR).

**5101.5.6 Fire Prevention.** *Massachusetts Fire Prevention Regulations* (527 CMR).

**5101.5.7 Elevator.** *Massachusetts State Elevator Code* (524 CMR).

**5101.6 Referenced Standards.** The standards referenced in 780 CMR 51.00 through 99.00 and listed in Appendix A shall be considered part of the requirements of 780 CMR 51.00 through 99.00 to the prescribed extent of each such reference. Where differences occur between provisions of 780 CMR 51.00 through 99.00 and referenced standards, the provisions of 780 CMR 51.00 through 99.00 shall apply. The administrative provisions of 780 CMR 51.00 through 99.00 shall apply to all standards referenced in Appendix A, other than the specialized codes listed in 780 CMR 5101.5.

**Exception:** Where enforcement of a provision of 780 CMR 51.00 through 99.00 would violate the conditions of a listing of a material, equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

#### 780 CMR 5102 APPLICABILITY

**5102.1 General.** The provisions of 780 CMR 51.00 through 99.00 shall apply to all matters affecting or relating to detached one- and two-family dwellings as set forth in 780 CMR 5101 and shall apply with equal force to municipal, county, state authorities or established by the legislature and private detached one- and two-family dwellings, except where such detached one- and two-family dwellings are otherwise provided for by statute.

**5102.2 Matters Not Provided For.** Any requirements that are essential for the structural, fire or sanitary safety, or interior climate comfort of an existing or proposed detached one- and two-family dwelling, or for the safety of the occupants thereof, which are not specifically provided for by 780 CMR 51.00 through 99.00, shall be determined by the building official. The BBRS shall be notified by the building official in writing within seven working days of any action taken pursuant to 780 CMR 5102.

**5102.3 Zoning Bylaw Restrictions.** When the provisions in 780 CMR 51.00 through 99.00 specified for structural strength, adequate egress facilities, sanitary conditions, equipment, light and ventilation, energy conservation or fire safety conflict with the local zoning bylaws or ordinances, 780 CMR 51.00 through 99.00 shall control the construction or alteration of detached one- and two-family dwellings unless such bylaws or ordinances are promulgated in accordance with the provisions of M.G.L. c. 143, § 98.

**5102.4 General Bylaw Restrictions.** When the provisions herein specified for structural strength,

adequate egress facilities, sanitary conditions, equipment, light and ventilation, energy conservation or fire safety conflict with the local general bylaws or ordinances, 780 CMR 51.00 through 99.00 shall control the construction or alteration of detached one- and two-family dwellings unless such bylaws or ordinances are promulgated in accordance with the provisions of M.G.L. c. 143, § 98.

**5102.5 Existing Buildings.** Existing detached one- and two-family dwellings shall comply with the provisions of 780 CMR 5102, and all other applicable provisions of 780 CMR 51.00 through 99.00, including all applicable requirements of 780 CMR 93.00. Existing detached one- or two-family dwellings or their accessory buildings, or portions thereof, that have been damaged by fire, flood, impact or have suffered similar physical damage, shall not be reoccupied without approval from the building official.

**5102.5.1 General.** Unless specifically provided otherwise in 780 CMR 51.00 through 99.00, any detached one- and two-family dwelling 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 detached one- and two-family dwelling was constructed or substantially altered and shall be allowed to continue to be occupied pursuant to its use and occupancy, provided that the detached one- and two-family dwelling shall be maintained in accordance with 780 CMR 5103.

**5102.5.2** In cases which applicable codes, rules or regulations, bylaws or ordinances were not in use at the time of such construction or alteration, the provisions of 780 CMR 5103.0 shall apply.

**5102.5.3** In cases where the provisions of 780 CMR 51.00 through 99.00 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 51.00 through 99.00 shall apply, providing such application of these provisions does not result in danger to the public, as determined by the building official.

**5102.5.4 Moved Structures.** Detached one- and two-family dwellings moved into or within the jurisdiction shall comply with the provisions of 780 CMR 93.00.

#### 780 CMR 5103 MAINTENANCE

**5103.1 General.** All detached one- and two-family dwellings and all parts thereof, both existing and new, and all systems and equipment therein that are regulated by 780 CMR 51.00 through 99.00 shall be maintained in a safe, operable and sanitary condition. All service equipment, means of egress, devices and safeguards that are required by