

780 CMR 110.00

780 CMR 110.R1

CONCRETE TESTING LABORATORIES LICENSING

(Note: 780 CMR 110.R1 is unique to Massachusetts)

110.R1.1 Scope. The provisions of 780 CMR 110.R1 shall govern the licensing of laboratories that test concrete and concrete aggregates.

110.R1.2 Definitions. The following words and terms shall, for the purpose of 780 CMR 110.R1, and as used elsewhere in this code, have the meanings shown in 780 CMR 110.R1.2:

BRANCH LABORATORY. A concrete testing laboratory physically removed from the *principal laboratory*. A branch laboratory may have *project laboratories*.

CONCRETE TESTING LABORATORY. A proprietorship, corporation, partnership or agency which conforms to the requirements of ASTM E 329-07 as modified by 780 CMR 110.R1. A concrete testing laboratory shall mean the *principal laboratory*, *branch laboratory* or *project laboratory* unless otherwise specified.

LABORATORY. A concrete testing laboratory.

PRINCIPAL LABORATORY. A concrete testing laboratory that may have *branch* and *project laboratories*.

PROJECT LABORATORY. A temporary onsite *concrete testing laboratory* for a specific project under the direction of a *principal* or *branch laboratory*.

ACCREDITATION AUTHORITY. An entity such as the National Institute of Standards and Technology, the Cement and Concrete Reference Laboratory, the Army Corps of Engineers or another agency designated by the BBRS that field examines and evaluates *concrete testing laboratories*.

110.R1.3 Licensing. *Principal laboratories*, *branch laboratories* and *project laboratories* shall each be licensed by the BBRS in accordance with 780 CMR 110.R1. Each *laboratory* shall submit a standard application, available at www.mass.gov/dps, to the BBRS for approval demonstrating that its facilities, equipment, personnel and procedures meet the requirements of 780 CMR 110.R1. The application shall include a fee as set forth in 801 CMR 4.02: *Fees for Licenses, Permits, and Services to be Charged by State Agencies*. A license and classification (as *principal*, *branch* or *project laboratory*) shall be issued for applications that meet the requirements of 780 CMR 110.R1. Licenses shall expire on December 31st of the year issued. The BBRS may review and revoke a license at any time if a *laboratory* fails to meet the requirements of 780 CMR 110.R1.

To renew a license, *laboratories* shall submit a fee as set forth in 801 CMR 4.02: *Fees for Licenses, Permits, and Services to be Charged by State Agencies*, and a completed license renewal application, available at www.mass.gov/dps, to the BBRS each year 90-days before December 31st. The BBRS or its designee, upon review of the renewal application, shall renew the license or notify the *laboratory* of the reasons for refusal.

110.R1.3.1 Licensing Proof for Projects. *Laboratories* involved with projects having structures subject to “construction control” as required in Chapter 1 of the *International Building Code 2009* with Massachusetts Amendments (780 CMR 1.00) shall submit an affidavit to the project owner for submittal to the *building official* at the time of the building permit application certifying that the *laboratory* and its personnel are licensed by BBRS. Affidavits shall also be submitted by any new or successor *laboratory* prior to engaging in work during the course of a project. A *laboratory* that plans to terminate services on a project must notify the *building official* and project owner in writing three days prior to terminating services.

110.R1.4 Licensing Qualification. *Principal* and *branch laboratories* shall be evaluated by an *accreditation authority* prior to applying for a license and at least every three years to ensure the *laboratory* equipment, personnel and procedures qualify for licensing. The *accreditation authority* shall notify the *laboratory* of the evaluation date and provide a report to the *laboratory* with all findings. Evaluation reports received by *laboratories* shall be submitted to BBRS within ten-days of receipt. Deficiencies shall be corrected within

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30-days and certified by a *laboratory* affidavit sent to the BBRS on the standard affidavit form, available on the website www.mass.gov/dps,

110.R1.4.1 Standards. *Laboratory* equipment, personnel and procedures shall conform to the standards of ASTM E 329-07 and 780 CMR 110.R1 for testing of concrete and its constituent materials.

Exception: The following sections of ASTM E 329-07 shall not apply: Sections 9.3, 9.4, 14, 15, 16, 17, 18, 19, and 20.

110.R1.4.2 Equipment. Compression testing machines shall be calibrated and verified, with equipment traceable to the National Institute of Standards and Technology, at least annually or as required by the BBRS, and the results submitted to the BBRS.

110.R1.4.3 Personnel. Each *principal* and *branch laboratory* must have a director of testing services, lab supervisor and field supervisor. An individual that meets all three qualifications may fill more than one position at a *laboratory*, but may not fill positions concurrently at a separate *laboratory*. A *project laboratory* must have a full time lab supervisor. Each individual must submit credentials and qualifications under penalty of perjury with signature notarized. Individuals applying for certification in more than one category must file separate applications for each category. Credentials shall be filed within 30-days of employment. The director of testing shall notify the BBRS within seven days of any vacancy of any position. Any vacant position shall be filled within 30-days.

A director of testing shall be a fulltime employee of a *laboratory*, must be able to interpret the results of tests on concrete and concrete aggregates as stated in ASTM E 329-07, and shall be qualified in accordance with one of the following requirements:

1. A professional engineer registered in the Commonwealth of Massachusetts with at least five years of experience in responsible charge of work related to structural engineering, construction engineering or construction materials testing; or
2. A bachelor's degree in engineering from an accredited institution and an additional total of three years experience performing tests on concrete and concrete materials which shall include two years as a *laboratory* technician or supervisor; or
3. At least eight years experience including five years of experience as a lab technician or supervisor.

A lab supervisor shall have at least five years of experience performing tests on construction materials including concrete and concrete aggregates and be licensed as an ACI Class 1 Concrete Field Testing Technician.

A field supervisor shall have at least five years of experience performing tests on construction materials including concrete and be licensed as an ACI Class 1 Concrete Field Testing Technician.

All personnel shall be able to demonstrate their ability by oral or written exam to perform the tests and duties normally required in the manner stipulated by ASTM E 329 07.

110.R1.5 Revocation and Suspension. The BBRS may suspend or revoke the license of any *laboratory* found to be in noncompliance with 780 CMR 110.R1, the *International Building Code (IBC), 2009* with Massachusetts Amendments, or the standard of good practice.

Notice of suspension, revocation or refusal to renew a license shall be in writing with the reasons clearly stated, and served in accordance with the Chapter 1 of *International Building Code, 2009* with Massachusetts Amendments (780 CMR 1.00). Prior to issuance of a suspension, revocation or refusal to renew a license, written notice of such intent shall be served by the BBRS or its designee in accordance with Chapter 1 of the *International Building Code, 2009* with Massachusetts Amendments, (780 CMR 1.00). Within ten calendar days of receipt of such notice, the *laboratory* may request a conference before a three-member panel designated by the chairman of the BBRS. The panel shall hear facts and report such findings to the BBRS for its consideration and action.

Upon license suspension or revocation the *laboratory* shall immediately cease testing of concrete and concrete materials for structures subject to “construction control” as required in Chapter 1 of the *International Building Code, 2009* with Massachusetts Amendments (780 CMR 1.00). No action brought before the Building Code Appeals Board as specified in 780 CMR 110.R1 or in any court of competent jurisdiction shall stay this suspension or revocation unless the Building Code Appeals Board or court issue an order for a stay.

110.R1.6 Building Code Appeals Board. Any laboratory or individual aggrieved by the suspension or revocation of its license or by an interpretation, order, requirement, direction or failure to act under 780 CMR 110.R1 may appeal to the Building Code Appeals Board as provided in Chapter 1 of the *International Building Code 2009* with Massachusetts Amendments (780 CMR 1.00). However, entry of an appeal shall not stay such revocation or suspension unless so ordered by the Building Code Appeals Board in a preliminary hearing conducted expressly for the purpose of a stay.

780 CMR 110.R2

CONCRETE FIELD TESTING TECHNICIAN LICENSING

(Note: 780 CMR 110.R2 is unique to Massachusetts)

110.R2.1 ADMINISTRATION

110.R2.1.1 Scope. The provisions of 780 CMR 110.R2 shall govern concrete field testing technician licensing.

110.R2.1.2 Definitions. Unless otherwise expressly stated in 780 CMR, the following terms, for the purpose of 780 CMR 110.R2, shall have the meaning indicated in 780 CMR 110.R2.1.2.

CONCRETE FIELD TESTING TECHNICIAN. A person issued a Grade 1 license by the American Concrete Institute (ACI) authorizing such person to test/inspect concrete.

TESTING AGENCY. An official *Local Sponsoring Group* of ACI.

110.R2.1.3 Licensing. All personnel engaged in field testing/inspection of concrete for use in buildings and structures subject to the construction control provisions of Chapter 1 of the *International Building Code (IBC) 2009* with Massachusetts Amendments (780 CMR 1.00) shall be licensed by ACI as a Concrete Field Testing Technician - Grade 1 in accordance with ACI's "Certification Policies for Concrete Field Testing Technician - Grade 1" and 780 CMR 110.R2.

110.R2.1.4 Application for Licensing. Applicants shall contact and follow the policies and procedures of the Testing Agency and ACI to be licensed in accordance with 780 CMR 110.R2.

110.R2.1.5 Examination. Applicants shall contact the Testing Agency regarding applications, fees and exam schedules. The exam includes a written and practical "hands-on" component.

110.R2.1.6 Notification of Examination and Examination Results. The testing agency provides the time and place for the examination. ACI provides exam results directly to the applicant.

110.R2.1.7 Fees. Application, testing and license fees are paid to the Testing Agency and/or ACI.

110.R2.1.8 Renewals. Licenses shall be renewed according to the policies of ACI.

NON-TEXT PAGE

780 CMR 110.R3

MANUFACTURED BUILDINGS, BUILDING COMPONENTS AND MOBILE HOMES

(Note: 780 CMR 110.R3 is unique to Massachusetts)

PART I—GENERAL

110.R3.1 ADMINISTRATION

110.R3.1.1 Title. The BBRS, Massachusetts Board of Fire Prevention Regulations, Massachusetts Board of State Examiners of Electricians, and the Massachusetts Board of State Examiners of Plumbers and Gas Fitters adopt the Rules and Regulations for Manufactured Buildings, Manufactured Building Components and Manufactured Homes as 780 CMR 110.R3.

110.R3.1.2 Definitions. Unless otherwise expressly stated in 780 CMR the following terms shall, for the purpose of 780 CMR 110.R3, have the meaning indicated in 780 CMR 110.R3.1.2.

APPROVAL. Approval by the State Board of Building Regulations and Standards (BBRS).

BUILDING SYSTEM. Plans, specifications and documentation for a system of manufactured buildings or for a type or a system of manufactured building components, which may include structural, electrical, mechanical, plumbing and fire protection systems and other systems affecting health and safety, including variations which are submitted as part of the building system.

CERTIFICATION. Any manufactured building, manufactured building component or manufactured home which meets the provisions of the applicable Codes and Rules and Regulations; and which has been labeled accordingly.

CODE. 780 CMR or Specialized Codes as defined.

DEALER OF MODULAR HOMES. (For purposes of this definition, a modular home is a single or multiple, single-family residential manufactured building.) Any individual, organization or firm engaged in the retail selling, or offering for sale, brokering, or distribution of modular homes, primarily to a person who in good faith, purchases or leases such home for purposes other than resale. Such individual, organization or firm shall be registered with the Board of Building Regulations and Standards in accordance with policies established therefore.

DEPARTMENT - DPS. The Department of Public Safety, Division of Inspections.

INSPECTION AGENCY. Independent agency, sometimes referred to as “third-party agency,” retained by the manufacturer and approved by BBRS to perform inspections and evaluations of building systems, compliance assurance programs, manufactured buildings, and manufactured building components.

INSTALLATION. The process of affixing, or assembling and affixing a manufactured building, manufactured building component or manufactured home on the building site, and connecting it to utilities, and/or to an existing building. Installation may also mean the connecting of two or more manufactured housing units designed and approved to be so connected for use as a dwelling.

INSTALLER OF MANUFACTURED BUILDINGS. An individual who, on the basis of training and experience, has been certified by a specific manufacturer of manufactured homes as competent to supervise the placement and connection required to install the manufactured homes of that manufacturer. Said certification by the manufacturer shall be in writing; additionally, the certified installer shall possess picture identification in the form of a driver’s license or other picture identification acceptable to the building official in accordance with the *International Building Code 2009* with Massachusetts Amendments.

LABEL. An approved device or seal evidencing certification in accordance with the applicable Codes and Rules and Regulations.

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LOCAL ENFORCEMENT AGENCY. A department or agency in a municipality charged with the enforcement of 780 CMR and appropriate specialized codes which include, but are not limited to, the Board of State Examiners of Plumbers and Gas Fitters regulations at 248 CMR and 527 CMR 12.00: *2008 Massachusetts Electrical Code* (Amendments).

MANUFACTURED BUILDING. Any manufactured building which has concealed elements, such as electrical, mechanical, plumbing, fire protection, insulation, and other systems affecting health and safety, and which is manufactured or assembled in accordance with 780 CMR and pertinent regulations, in manufacturing facilities, on or off the building site. Also, any manufactured building as defined above which does not have concealed elements, but which has been approved by the BBRS at the request of the manufacturer. “Manufactured building” does not mean “manufactured home”.

MANUFACTURED BUILDING COMPONENT. Any manufactured subsystem, manufactured subassembly, or other system designed for use in or as part of a structure having concealed elements such as electrical, mechanical, plumbing and fire protection systems and other systems affecting health and safety.

MANUFACTURED HOMES (Housing). As defined in 24 CFR, Part 3280.2; a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure will be based on the structure’s exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. (See 24 CFR, Part 3280.2 for a more detailed description of manufactured homes as defined by the Department of Housing and Urban Development.)

RECERTIFIED MANUFACTURED BUILDING. Any manufactured building as defined in 780 CMR 110.R3 that was previously designed and constructed to conform with requirements of a particular use group or groups for use at a site and that subsequently is to be relocated to a different site. Such buildings, also known as relocatable units, shall be inspected by the responsible third-party inspection agency and recertified in accordance with 780 CMR and 110.R3 as applicable to ensure compliance with the new use group or groups if such use group or groups has changed or to requirements of the original use group or groups if not changed prior to being set at the new location.

SPECIALIZED CODE. All building codes, rules or regulations pertaining to building construction, reconstruction, alteration, repair or demolition promulgated by and under the authority of the various agencies which have been authorized from time to time by the General Court of the Commonwealth of Massachusetts. The specialized codes shall include, but not be limited to, the Board of State Examiners of Plumbers and Gas Fitters regulations at 248 CMR and 527 CMR 12.00: *2008 Massachusetts Electrical Code* (Amendments).

STATE ADMINISTRATIVE AGENCIES. Boards, commissions, departments or agencies authorized to promulgate, adopt and amend codes and rules and regulations relating to buildings and structures and parts thereof and limited to the BBRS, Massachusetts Board of Fire Prevention Regulations, Massachusetts State Examiners of Electricians, and the Massachusetts Board of State Examiners of Plumbers and Gas Fitters.

STATE ENFORCEMENT AGENCIES. Boards, commissions, departments or agencies authorized to enforce the provisions of the codes and rules and regulations which have been promulgated, adopted and amended and which relate to buildings or structures and parts thereof and limited to the Department of Public Safety, Massachusetts Board of State Examiners of Plumbers and Gas Fitters, and the Massachusetts State Examiners of Electricians.

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110.R3.1.3 Scope.

1. 780 CMR 110.R3 shall govern the design, manufacture, handling, storage, transportation and installation of manufactured buildings, and manufactured building components intended for installation in Massachusetts and/or manufactured in Massachusetts for shipment to any other state in which such building, building components, or manufactured homes and the labels thereon are accepted.
2. The Federal Manufactured Home Construction and Safety Standards promulgated by the Department of Housing and Urban Development govern the design, manufacture, handling, storage and transportation of manufactured homes for installation in this state.
3. Subject to local zoning ordinances and by-laws, manufactured buildings, manufactured building components or manufactured homes may be sold for, delivered to, or installed on, building sites located in any jurisdiction of Massachusetts if such buildings, building components or manufactured homes have been approved and certified pursuant to the applicable Codes and 780 CMR 110.R3.

110.R3.1.4 Administration and Enforcement. The BBRS and the State Enforcement Agencies shall enforce all provisions of 780 CMR 110.R3. The State Enforcement Agencies and the Local Enforcement Agencies shall have the responsibility for evaluating building systems and performing inspections of manufactured buildings and manufactured building components to enforce compliance with 780 CMR 110.R3 and the applicable codes. The State Enforcement Agencies and the local enforcement agencies shall deem acceptable manufactured buildings, manufactured building components, building systems and compliance assurance programs labeled and certified by inspection agencies approved by the BBRS and those manufactured homes certified as in conformance with the Federal standards by the application of the applicable required HUD label.

110.R3.1.5 Authorization of Third-party Inspections. Upon recommendation of the State Enforcement Agencies, the BBRS may authorize inspection agencies, sometimes referred to as third party inspection agencies, to perform all or part of the inspection and certification of manufactured buildings and manufactured building components, building systems and compliance assurance programs, including either or both the issuance and the attachment of labels thereto. The BBRS may suspend or revoke such authorization for cause.

110.R3.1.6 Approvals and Compliance. Upon the recommendation of the State Enforcement Agencies, the BBRS may approve building systems and compliance assurance programs which comply with the codes, standards, specifications, requirements and 780 CMR 110.R3.

110.R3.1.7 Time of Manufacture. For purposes of 780 CMR 110.R3, a manufactured building, manufactured building component or manufactured home is deemed to be manufactured at such time as the label as described in 780 CMR 110.R3 is duly issued label is attached to it in accordance with the approved compliance assurance program.

110.R3.1.8 Retroactive Changes. No changes in the codes, standards, specifications and requirements of 780 CMR 110.R3 shall apply retroactively.

110.R3.1.9 Amendments. The State Administrative Agencies shall notify the BBRS, and the BBRS shall notify all interested parties including State Enforcement Agencies, inspection agencies, manufacturers with approved building systems, and local governmental jurisdictions of all amendments to 780 CMR 110.R3, and each manufacturer shall have no more than 180 days following the sending of notification to submit to the BBRS compliance assurance program revisions in order to comply with such amendments. Where imminent danger to life safety is involved, the State Administrative Agencies may require that immediate effect be given such amendments to the codes, standards, specifications and requirements so adopted.

110.R3.2 COMPLIANCE ASSURANCE PROGRAMS

110.R3.2.1 Approval. In order to obtain approval for manufactured buildings or manufactured building components a manufacturer shall submit a building system for evaluation to the BBRS for approvals in accordance with 780 CMR 110.R3.

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110.R3.2.2 Suitability. Prior to a full evaluation, the State Enforcement Agencies shall determine that building systems and/or the application for approval of the compliance assurance program submitted to it are suitable for processing. In the event that the application is found to be unsuitable for processing, the applicant shall be notified in writing of such unsuitability and the basis thereof, within 30 days of the date the application is received by the BBRS. In such event, all but \$25.00 of the fee will be returned and the findings of unsuitability will be without prejudice. Any subsequent submission shall be treated as a new application.

110.R3.2.3 Requisites. The State Enforcement Agencies may require tests to determine whether a compliance assurance program meets the codes, standards and requirements of the evaluation of plans, specifications and documentation. The procedures used shall be reviewed and evaluated by the BBRS in accordance with 780 CMR 110.R3. The costs of such tests shall be borne by the applicant.

110.R3.2.4 Notification of Disapproval. In the event a compliance assurance program is disapproved by the BBRS, the BBRS shall notify the applicant with a written explanation of the reasons for such disapproval.

110.R3.2.5 Approval – Evidence. Approval of a compliance assurance program shall be evidenced by a letter of certification issued by the BBRS.

110.R3.2.6 Approval – Report. The State Enforcement Agencies shall prepare and the BBRS shall issue to the applicant a building system approval report which shall include any conditions imposed for its use.

110.R3.2.7 Approval – Variations. A building system and compliance assurance program or any amendment there to which has been approved, shall not be varied in any way without prior written authorization by the BBRS. All amendments shall be in writing and shall be made a part of the written record of the approval.

110.R3.2.8 Amendments – Proposed. Amendments to compliance assurance programs may be proposed by submitting to the BBRS for its approval, appropriate plans, specifications, or documentation showing the effect of the proposed amendment on each building system and the required fee.

110.R3.2.9 Compliance Assurance Program. A manufacturer shall obtain approval from the BBRS of a compliance assurance program for his building system. Buildings or building components shall be manufactured in accordance with an approved program in order to be certified. Compliance assurance programs shall be submitted to the BBRS for its approval in accordance with 780 CMR 110.R3.

110.R3.3 CERTIFICATION

Manufactured buildings or manufactured building components or manufactured homes, accepted by the State Enforcement Agencies and an inspection agency as having been manufactured according to an approved building system and an approved compliance assurance program, shall be certified by the BBRS upon the recommendation of the State Enforcement Agencies as complying with the requirements of the applicable codes and 780 CMR 110.R3. Certification shall be evidenced by the issuance of a label by the Board of Building Regulations and Standards and by attachment of the label to each certified manufactured building or manufactured building component (or groups of components).

110.R3.3.1 Manufacturer's Data Plate.

110.R3.3.1.1 Contents. The following information shall be placed directly or by reference on one or more permanent manufacturer's data plates in the vicinity of the electrical distribution panel, or in some other designated location acceptable to the State Enforcement Agencies, on the manufactured building or manufactured building component where it will be readily accessible for inspection.

1. Manufacturer's name and address;
2. Serial number of the unit;
3. Label serial number;
4. Name and date of applicable building, plumbing, gas and electrical codes and issue of their accumulative supplements complied with;
5. Model designation and name of manufacturer of major factory-installed appliances;
6. Identification of permissible type of gas for appliance and directions for water and drain connection;

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7. Snow, wind, seismic and other live loads;
8. Electrical ratings - instructions and warnings on voltage;
9. Special conditions or limitations on use of the units, including unsuitability for areas in which specified environmental conditions prevail;
10. Methods of assembly or joining multiple units;
11. Type of construction, including fire rating, occupancy class, and interior finish flame spread class;
12. Building height and story limitation;
13. Floor area; and
14. Minimum side yard requirements for fire rating.

If, in the opinion of the State Administrative Agencies, the shape or size of a building component is such that this information cannot be attached to it permanently, the information may be placed in a manual crated with the component or on a tag attached to the crate in which the component is shipped, if the information is not such that the future occupant of the building should know it. If the occupant will need to know the information, it shall be contained in a manual which shall be presented to the occupant upon transfer of possession. If life safety is involved, the item in question shall be plainly labeled.

110.R3.3.2 Labels. Each manufactured building or manufactured building component which is certified pursuant to the applicable codes and 780 CMR 110.R3, shall have permanently attached, in a visible location as shown on the approved building system, an approved label which cannot be removed therefrom without destroying such label. Said label shall be made part of the permanent record for the manufactured building or manufactured building component, copies of which shall be retained by the manufacturer, the BBRS and the municipal and/or state building department where the manufactured building product is installed. Manufactured building that are to be used as a re-locatable unit, shall be issued a new label upon submission of a new Third Party Inspection Agency Compliance Report in attestation that the re-locatable unit has been inspected and meets the requirements of all applicable Massachusetts codes and requirements of 780 CMR 110.R3.

110.R3.3.2.1 Contents. An approved label shall bear the following information.

1. The statement "This label certifies that this building (or building component) has been manufactured in accordance with an approved building system and compliance assurance program which has been approved by the Commonwealth of Massachusetts Board of Building Regulations and Standards. Said manufactured building or manufactured building component has been inspected by

Name of Third-Party Inspection Agency

Name of Third-Party Inspector

- a. Label serial number.
- b. Building system approval number.
- c. Manufacturer's serial number.
- d. The words "See data plate located on."
- e. Date of manufacture.

At the direction of the BBRS labels and data plates may be limited in size and content for components whose shape and size does not permit the full information to be placed thereon.

110.R3.3.2.2 Issuance of Labels. The approved label shall be issued by the BBRS in accordance with the following.

1. If the BBRS delegated the issuance of labels to an inspection agency, the agency shall be required to obtain approval from the BBRS for the manner in which they are handled;
2. Labels must be serially numbered;
3. A manufacturer's compliance assurance program submitted in accordance with 780 CMR 110.R3 shall include requirements for issuance, possession of, attachment of, and accounting for all labels to assure that labels are attached only to manufactured buildings, manufactured building components, or manufactured homes manufactured pursuant to an approved building system and inspected pursuant to an approved compliance assurance program; and

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4. Upon request of the inspection agency, the BBRS may determine that the manufacturer's record of compliance is such that the inspection agency need not maintain an inspector in a given plant at all times, inspection agency may entrust labels to the custody of one or more employees of the manufacturer, who shall be charged with controlling the use of the such labels. Such employees shall not be given custody of more labels than are necessary. If the conditions of custody are violated, the BBRS or an inspection agency shall immediately regain possession of all labels that have not been applied to the manufactured buildings or manufactured building components and shall take such further action with respect to future labeling, as it may deem necessary to assure compliance with the applicable codes and 780 CMR 110.R3.

110.R3.3.3 Records of Labels. Permanent records shall be kept of the handling of all labels, indicating at least how many labels have been applied issued to manufacturers for their to manufactured buildings or manufactured building components (or groups of components), and which labels have been applied assigned to which buildings or building components, the disposition of any damaged or rejected labels, and the location and custody of all unused labels. Such records shall be maintained by the manufacturer or by the inspection agency and a copy of such records covering attachment of each label shall be sent to the BBRS on the tenth of each month and the BBRS shall forward all such records to the State Enforcement Agencies.

110.R3.3.4 Attachment of Labels. The inspection agency shall attach in numerical sequence labels to manufactured buildings or manufactured building components manufactured in accordance with an approved building system and meeting the requirements of an approved compliance assurance program. Manufacturers shall attach labels in the same manner to manufactured buildings or building components manufactured in accordance with an approved building system and meeting the requirements of an approved compliance assurance program. Manufacturers shall attach labels in the same manner to manufactured buildings or building components manufactured in accordance with an approved compliance assurance program, if custody of the labels has been entrusted to them in accordance with 780 CMR 110.R3.

110.R3.3.5 Suspension and Revocation. The BBRS may suspend or revoke, or cause to be suspended or revoked, the certification of any manufactured building or manufactured building component which the State Enforcement Agencies or an inspection agency finds not to comply with the applicable codes or 780 CMR 110.R3, or which has been manufactured pursuant to a building system or a compliance assurance program for which approval has been suspended or revoked, or which has not been manufactured in accordance with the approved compliance assurance program. The State Enforcement Agencies shall withhold or void a label or shall remove or cause to be removed, labels from any such manufactured building, manufactured building component or manufactured home until it is brought into compliance with the applicable codes and 780 CMR 110.R3. Notice of suspension or revocation of certification shall be in writing with the reasons for suspension or revocation clearly set forth.

1. Upon suspension or revocation of the approval of any building system or compliance assurance program, no further labels shall be issued, assigned and/or attached to any manufactured buildings or manufactured building components manufactured pursuant to the building system or compliance assurance program with respect to which the approval was suspended or revoked. Upon termination of such suspension or revocation, labels may again be issued and/or assigned be attached to the manufactured building or manufactured building components manufactured after the date approval was reinstated. Should any building or building component have been manufactured during the period of suspension or revocation, it shall not be issued a label unless the State Enforcement Agencies or inspection agency have inspected such building or building component and is satisfied that all requirements for certification have been met. If the State Enforcement Agency acts under 780 CMR 110.R3.3.5, it must notify the inspection agency.

2. The manufacturer shall return all labels allocated for a manufactured building or manufactured building component to the BBRS no later than 30 days from the effective date of any suspension or revocation of the State Enforcement Agencies or inspection agency, of the building system or compliance assurance program pursuant to which the manufactured building or manufactured building component is being manufactured. The manufacturer shall also return to the BBRS all labels which it determines, for any reason, are no longer needed.

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110.R3.3.6 Variations of Certified Units. Manufactured buildings, manufactured building components or manufactured homes certified and labeled pursuant to the applicable codes and 780 CMR 110.R3 shall not be varied in any way prior to the issuance of a certificate of occupancy without resubmission to the BBRS for its approval of the variation and of the unit which includes the variation. The State Enforcement Agencies, Local Enforcement Agencies or an inspection agency shall inspect the manufactured building, manufactured building component or manufactured home wherever it is located and such inspection may include such tests or destructive or nondestructive disassembly as the State Enforcement Agencies or an inspection agency deems necessary to assure compliance with the applicable Codes and 780 CMR 110.R3. Local Enforcement Agencies may be designated by the BBRS or State Enforcement Agencies as inspection agencies for such purposes.

110.R3.4 INSPECTION BY THE STATE ENFORCEMENT AGENCIES OR THEIR AGENTS

The State Enforcement Agencies shall make, or cause to be made, such inspections of the entire processing of manufacturing, certifying, handling, storing and transporting of manufactured buildings or manufactured building components produced pursuant to approved building systems as they deem necessary.

110.R3.4.1 Inspection of Facilities. As part of the process of evaluating building systems and compliance assurance programs, the State Enforcement Agencies shall inspect, or cause to be inspected, the manufacturing facilities in which the buildings or building components are to be manufactured.

110.R3.4.2 Inspection According to Compliance Assurance Programs. The State Enforcement Agencies or an inspection agency shall make such inspections as may be required by an approved compliance assurance program, or as may be deemed necessary by the State Enforcement Agencies.

110.R3.4.3 Inspection of Damaged Components. Prior to the issuance of a certificate of occupancy, the State Enforcement Agencies or an inspection agency shall inspect, or cause to be inspected, certified manufactured buildings or manufactured building components which it determines to have been sufficiently damaged after certification to warrant such inspection and to take such action with regard to such buildings or building components as is authorized hereof, or as is otherwise necessary to eliminate dangerous conditions. The local enforcement agencies may be designated by the BBRS or the State Enforcement Agencies as the inspection agency.

110.R3.4.3.1 Repairing Damaged Components. The State Enforcement Agencies or an inspection agency shall require manufactured buildings or manufactured building components which are so damaged as to no longer comply with the applicable Codes and 780 CMR 110.R3 to be repaired and made to comply within a reasonable time; or if they are so damaged that they cannot be brought into compliance, the State Enforcement Agencies or inspection agency shall order that the labels be removed voided for from such buildings, building components or manufactured homes. A report under 780 CMR 110.R3.4 shall be filed with the inspection agency, BBRS and State Enforcement Agency.

110.R3.4.3.2 Irreparably Damaged Components. Irreparably damaged buildings or building components shall be disposed of by the manufacturer.

110.R3.4.4 Monitoring Inspection Agency. The State Enforcement Agencies or their designated agents shall examine each approved inspection agency, at any reasonable time, and without prior announcement, in order to monitor the reliability of each agency and of its monitoring of each compliance assurance program. Each such examination shall investigate the adequacy of all procedures used by the agency in monitoring compliance assurance programs including inspection, tests, production methods, process controls, operator performance, materials, receipts, storage and handling, workmanship standards, records and all other activities which implement the compliance assurance program in the manufacturing facility, during transport, on-site, and at critical subcontractors' facilities. The results of such examinations shall be filed with the office of the BBRS. Copies of such reports shall be sent to the inspection agency and the State Enforcement Agencies. Inspection agencies shall be specifically notified by the BBRS of any deficiencies and of the manner and time by which such deficiencies must be eliminated. If deemed necessary by the State Enforcement Agencies, an inspection agency's approval may be suspended or revoked by the BBRS as provided.

110.R3.4.4.1 Prior to Approval. Such examinations may also be conducted before approving an inspection agency.

110.R3: continued

110.R3.4.5 Inspection by Disassembly. No inspection entailing disassembly, damage to or destruction of certified manufactured buildings, manufactured building components or manufactured homes shall be conducted except to implement 780 CMR 110.R3.

110.R3.5 LOCAL ENFORCEMENT AGENCY PROCEDURES AND INSPECTIONS

110.R3.5.1 Issuance of Building Permits. Upon application and in conformity with the provisions of 780 CMR, the building official shall issue building permits for installation of certified manufactured buildings, manufactured building components or manufactured housing.

110.R3.5.1.1 Licensed Construction Supervisors and Certified Installers. A construction supervisor, duly licensed in accordance with 780 CMR 110.R5, shall, in accordance with Chapter 1 of the *International Building Code 2009* with Massachusetts Amendments (780 CMR 1.00), act as the agent for the owner for the purpose of applying for and obtaining any and all building permits required for the field erection of all one or two family manufactured dwellings subject to the provisions of 780 CMR and 780 CMR 110.R3 as applicable. As part of the building permit application process, the licensed construction supervisor shall submit to the building official, in writing, the name of the installer, who shall be duly certified by the manufacturer to install said manufacturer's product, and is identified as a *certified installer of manufactured buildings* (certified installer) by said manufacturer. The certified installer shall be responsible for the safe and proper placement and connection of the manufactured home units in accordance with 780 CMR, 780 CMR 110.R3 and the specialized codes as listed in Chapter 1 of the *International Building Code 2009* with Massachusetts Amendments (780 CMR 1.00). The licensed construction supervisor shall be responsible for the construction of the foundation system, and all pertinent site work, in accordance with 780 CMR and 780 CMR 110.R3. The licensed construction supervisor shall provide at least 48 hours notice to the BBRS and the local building official before the placement and connection of such units shall begin. An application to local enforcement agencies for an appropriate permit shall, in addition to any other requirements, contain the following information.

110.R3.5.1.2 Permit Application–Statement of Content. A statement that the work to be performed under such permit is to include the installation of a certified manufactured building, manufactured building component or manufactured home in accordance with the provisions of the applicable codes, the statement is to be signed by the applicant or his agent, with the appropriate address.

110.R3.5.1.3 Permit Application – Building System. A true copy of the approved building system with respect to which the manufactured building or manufactured building component was manufactured or is to be manufactured, where one has not previously been furnished to that local enforcement agency.

110.R3.5.1.4 Permit Application – Building System Approval. A copy of the Building System Report, as approved by the BBRS, where it has not previously been furnished to the Local Enforcement Agency.

110.R3.5.2 Inspection of Site Preparation and Service Connections. Appropriate local enforcement agencies shall inspect site preparation work including foundations, not within the scope of the approval and certification, and the structural, mechanical, plumbing and electrical connections among units, for compliance with applicable law, rules and regulations.

110.R3.5.3 Compliance with Instructions. Appropriate local enforcement agencies shall inspect all manufactured buildings, manufactured building components or manufactured homes upon, or promptly after, installation at the building site to determine whether all instructions in the Building System Approval Report or conditions listed on the manufacturer's data plate have been followed. This may include tests for tightness of plumbing and mechanical systems, and for malfunctions in the electrical system and a visual inspection for obvious nonconformity with the approved building system.

110.R3.5.3.1 Disassembly Prohibited. Unauthorized destructive disassembly of certified buildings and building components and mobile homes shall not be performed in order to conduct such tests or inspections, except as provided in 780 CMR 110.R3.4.3, nor shall there be imposed standards or test criteria different from those adopted by the State Enforcement Agencies or specified in the Building System Approval Report, or the "HUD's" Manufactured Home Construction and Safety Standards.

110.R3.5.3.2 Opening Panels. Nondestructive disassembly may be performed only to the extent of opening access panels and cover plates.

110.R3: continued

110.R3.5.4 Noncomplying New Units. Local enforcement agencies shall report to the BBRS in accordance with 780 CMR 110.R3.5.6 any noncomplying manufactured buildings and building components.

110.R3.5.5 Certificates of Occupancy. Appropriate local inspectors shall issue certificates of occupancy for certified manufactured buildings and manufactured homes containing certified building components which otherwise comply with all the applicable codes, after they have been installed and inspected pursuant to the applicable codes and 780 CMR 110.R3, provided that any manufactured building or manufactured building component found not to comply with the Building System Approval Report or any manufactured home found not to comply with “HUD’s” Manufactured Home Construction and Safety Standards shall be brought into compliance before such certificate of occupancy shall be issued.

110.R3.5.6 Reporting of Violations to Department of Public Safety. When any local enforcement agency is making an inspection and finds violations or suspected violations, it shall report the details of the violations in writing to the BBRS. Where violations are hazardous to occupants, a certificate of occupancy shall not be issued and the building shall not be occupied before such hazards are corrected. If the violations are not hazardous, a temporary certificate of occupancy may be issued.

110.R3.6 FEES

110.R3.6.1 Deposit for Application to the BBRS. A deposit shall be required upon application to the BBRS to perform any of the functions in 780 CMR 110.R3.

110.R3.6.2 Establishment of Fees. Any and all fees charged for licenses, examinations, renewals, and registrations shall be determined by the Commonwealth and enforced by the BBRS. Fees shall be established from time to time as necessary, and shall be paid in accordance with 801 CMR 4.02.

110.R3.7 NOTIFICATION OF CHANGES IN NAME, ADDRESS, OWNERSHIP OR LOCATION

110.R3.7.1 Notification by Manufacturers. Manufacturers shall notify the BBRS in writing within ten days of any of the following occurrences:

1. The corporate name is changed;
2. The main address of the company is changed;
3. There is a change in 25% or more of the ownership interest of the company within a 12-month period;
4. The location of any manufacturing facility is changed;
5. A new manufacturing facility is established; or
6. There are changes in principal officers of the firm.

The BBRS shall notify the State Administrative Agencies of such occurrences.

110.R3.7.2 Notification by Inspection Agencies. Inspection agencies shall notify the BBRS in writing within ten days of any of the following occurrences.

1. The company name is changed;
2. The main address of the company is changed;
3. There is a change in 25% or more of the ownership interest or control of the company within a 12-month period;
4. The location of any testing facility is changed;
5. A new testing facility is established; or
6. There are changes in principal officers and key supervisory and responsible personnel of the firm.

The BBRS shall notify the State Administrative Agencies of such occurrences.

110.R3.8 PROPRIETARY INFORMATION

All information relating to building systems and compliance assurance programs which the manufacturer or other party considers proprietary shall be so designated by him at the time of its submission, and shall be so held by the State Enforcement Agencies and State Administrative Agencies, except as the State Administrative Agencies determine in each case, that disclosure is necessary to carry out the purposes of the applicable codes and 780 CMR 110.R3.

110.R3: continued

PART II—REQUIREMENTS FOR SUBMISSION OF BUILDING SYSTEMS AND COMPLIANCE ASSURANCE PROGRAMS

110.R3.9 BUILDING SYSTEMS

Building systems shall meet the requirements set forth below to be evaluated for compliance with the standards, specifications and requirements adopted by the State Administrative Agencies.

110.R3.9.1 General Requirements.

110.R3.9.1.1 Plans, Specifications and Documentation. Building systems, including all plans, specifications and other documentation, shall be submitted in quadruplicate to the BBRS who shall act as the depository and disbursing officer of all such items. The BBRS shall forward to the appropriate State Enforcement Agencies plans, specifications and documentation for their recommendations.

110.R3.9.1.2 Form and Fees. Building systems shall be submitted in the form prescribed by the BBRS and shall be accompanied by all required fees.

110.R3.9.1.3 Identification. All documents submitted with the application shall be identified to indicate the manufacturer's name, office address and address of the manufacturing facility.

110.R3.9.1.4 Plans Showing Elements. Plans shall be submitted showing all elements relating to specific systems on properly identifiable sheets.

110.R3.9.1.5 Application—Approved Registered Design Professional. Each building system application shall bear the signature and seal of a registered design professional certifying that the building system complies with the applicable codes and standards.

110.R3.9.1.6 On-site Work Identified. All work to be performed on-site, including connection of all systems, equipment and appliances, shall be identified and distinguished from work to be performed in the manufacturing facility.

110.R3.9.1.7 Space for State Administrative Agencies Approval Stamp. A three inch × four inch blank rectangular space shall be provided on all sheets of plans near the title box for the BBRS's stamp of approval.

110.R3.9.1.8 Material Grade and Quality. Grade, quality and identification of all material shall be specified.

110.R3.9.1.9 Calculations and Test Reports. Design calculations and test reports shall be specified.

110.R3.9.1.9.1 Drawings to Scale. Drawings shall be drawn to scale and be legible.

110.R3.9.1.9.2 Label and Data Plate Location. Drawings shall indicate the location of the data plate.

110.R3.9.1.9.3 Drawings Dated and Identified. Drawings shall be dated and identified. The number of sheets in each set shall be indicated.

110.R3.9.2 Required Construction Details. Building systems for manufactured buildings shall provide or show, but not be limited to, the details listed below including the method of their testing or evaluation, or both. These requirements shall apply to the building systems for building components only to the extent deemed necessary by the State Enforcement Agencies to permit a proper evaluation of the building component.

110.R3.9.2.1 General.

1. Details and methods of installation of manufactured buildings or manufactured building components on foundations and/or to each other.
2. All exterior elevations.
3. Cross sections as necessary to identify major building components.
4. Details of flashing, such as at openings and at penetrations through roofs and subcomponent connections. Indicate flashing material and gauge to be used.
5. Attic access and attic ventilation.
6. Exterior wall, roof and soffit material as well as finish.

110.R3: continued

7. Interior wall and ceiling finish material.
8. Fire separation walls.
9. Sizes, locations and types of doors, windows and fire/smoke detectors.
10. Recommended foundation plans, vents and underfloor access.

110.R3.9.2.2 Building Classification.

1. Occupancy or use.
2. Area, height, and number of stories.
3. Type of construction.
4. Fire resistance ratings.

110.R3.9.2.3 Space and Fire Safety.

1. Details of fire resistance rated assemblies for all stairway enclosures, doors, walls, floors, ceilings, partitions, columns, roof and shaft enclosures.
2. Detail of Fire Protection Systems.
3. Details as to width of all aisles, exits, corridors, passageways and stairway enclosures.
4. Toxicity and flame spread classification of finished materials.

110.R3.9.2.4 Structural Detail Requirements.

1. Engineer's calculations of structural members, where appropriate.
2. Structural and framing details of all floors, roof and walls.
3. Details and stress diagrams of roof trusses.
4. Details of reinforcing steel.
5. Complete loading schedule.
6. Column loads and column schedule.
7. Lintel schedule.
8. Size, spacing and details of all structural elements.
9. Grade or quality of all structural elements (lumber, steel, *etc.*).
10. Elevation of structural elements, walls or sections thereof, providing resistance to vertical loads or lateral forces.
11. Complete details of all structural connections.

110.R3.9.2.5 Mechanical Detail Requirements.

1. Location of all equipment and appliances. Indicate equipment and appliances listed or labeled by approved agencies.
2. Heat loss and heat gain calculations.
3. Manufacturer's name, make, model, number, BTU, input and output rating of all equipment and appliances, as appropriate, or the equal thereof.
4. Duct and register locations, sizes, and materials.
5. Clearances from combustible material or surfaces for all ducts, flues and chimneys.
6. Method of providing required combustion air and return air.
7. Location of flues, vents and chimneys and clearances from air intakes and other vents and flues.
8. Details regarding dampers in ducts penetrating fire separations.
9. Complete drawings of fire sprinkler system, standpipe system or smoke/fire alarm system as required.
10. Detail of elevator or escalator system, including method of emergency operation.
11. Duct and piping insulation thickness.
12. Ventilation air calculations.

110.R3.9.2.6 Plumbing Detail Requirements.

1. Plan or schematic drawing of the plumbing layout, including but not limited to, size of piping, fitting, traps and vents, cleanouts and valves, gas, water, and drainage system.
2. Plumbing materials, and location of all equipment and appliances to be used. Indicate fixture unit capacity of system(s) and the make, model, and rating/capacity of equipment and appliances. Indicate equipment and appliances listed or labeled by approved agencies.
3. Make and model of safety controls (such as for water heaters), their location, and whether listed or labeled by approved agencies.
4. How piping is to be supported and intervals of support.
5. Location of vents above roofs and required clearances, including but not limited to clearances from air intakes, other vents and flues.
6. Methods of testing.

110.R3: continued

110.R3.9.2.7 Electrical Detail Requirements.

1. Plan of service equipment, including service entrance, conductors, service raceway and clearances above ground and above structures.
2. Method and detail for grounding service equipment.
3. Single line diagram of the entire electrical installation.
4. Load calculations for service and feeders.
5. Sizes of all feeders and branch circuits.
6. Size, rating and location of main disconnect/overcurrent protective devices.
7. Method of interconnection between manufactured buildings or manufactured building components and location of connections.
8. Location of all outlets and junction boxes.
9. Method of mounting fixtures and wiring installations.
10. Lighting power calculations.

110.R3.10 COMPLIANCE ASSURANCE PROGRAMS FOR MANUFACTURED BUILDINGS AND MANUFACTURED BUILDING COMPONENTS

Compliance assurance programs shall be approved if they meet the requirements set forth in 780 CMR 110.R3.10. It is the manufacturer's responsibility to execute every aspect of this program. The manufacturer shall continue to be responsible for all corrective actions required and the contractual relationship between the manufacturer and the inspection agency shall not diminish such responsibility. The manufacturer shall cooperate with the inspection agency by providing the inspection agency with all necessary reports, information, documents, records, facilities, equipment, samples and other assistance for assuring compliance. The manufacturer's compliance assurance program shall be submitted to the BBRS in the form of a compliance assurance manual which shall contain complete documentation of all compliance assurance activities of both the manufacturer and the inspection agency. The manual shall be comprehensively indexed, and shall treat the material listed here in detail, as follows.

110.R3.10.1 Organization Requirements.

1. A procedure for periodic revision of the manual;
2. An organizational structure for implementing and maintaining the compliance assurance program and its functional relationship to other elements of the organization structure of the manufacturer, which structure shall provide for independence from the production department; Company officers and employees in charge of the compliance assurances program must be identified, and their training and qualifications specified;
3. A uniform system of audit (in-depth analysis of program effectiveness and means to identify deficiencies) to monitor program performance periodically;
4. Complete and reliable records of manufacturing and site operations, if any (suitable means of storage, preservation and accessibility of copies of forms to be utilized shall be included);
5. A system to control changes in production or inspection procedures;
6. A system to assure that working drawings and specifications, working instructions and standards, procurement documents, *etc.* conform to the approved building system;
7. A serial number system for buildings or building components; and
8. The method of safekeeping, handling and attaching labels and identification of those employees responsible therefor.

110.R3.10.2 Materials Control.

1. Procedure to assure effective control over procurement sources to ensure that materials, supplies and other items used in production and site operations, if any, conform to the approved plans, specifications and quality requirements;
2. Procedures for inspection of materials, supplies and other items at the point of receipt;
3. Method of protection of materials, supplies and other items against deterioration prior to their incorporation in the certified buildings or building component; and
4. Provision for disposal of rejected materials, supplies and other items.

110.R3.10.3 Production Control.

1. Procedures for timely remedial and preventive measures to assure product quality;
2. Provision, maintenance and use of testing and inspection;
3. Provision for frequency of sampling inspections;

110.R3: continued

4. Provision of necessary authority to reject defective work and carry out compliance assurance functions, notwithstanding any conflict with production department goals and needs;
5. A schematic of the manufacturing operation showing the location of inspection stations, and “hold” points for mandatory inspection characteristics;
6. Inspection and test procedures, including accept/reject criteria and mandatory inspection characteristics;
7. Standards of workmanship; and
8. Provision of disposal of rejects.

110.R3.10.4 Finished Product Control.

1. Procedure for final inspection of all manufactured buildings or manufactured building components before shipment to the site or storage point, including identification and labeling handling;
2. Procedures for handling and storing all finished manufactured buildings or manufactured building components, both at the manufacturing plant or other storage point and after delivery to the building site;
3. Procedures for packing, packaging and shipping operations and related inspections; and
4. Procedures for transportation, including all measures to protect against damage while in transit, and setting forth the modes of transportation to be utilized and the carrying equipment and procedures.

110.R3.10.5 Installation Control.

1. Installation procedures including component placement, equipment and procedures, field erection and finishing work, utility connection instructions and all appropriate on-site inspection criteria and test descriptions; and
2. Organizational provisions for field repair and disposal of rejects.

110.R3.10.6 Permission for Inspection. The manufacturer shall provide the BBRS with written permission, signed and notarized, for the State Enforcement Agencies to inspect his manufacturing facilities, his products, and building sites under his control at any reasonable time without prior announcement.

110.R3.10.7 Inspections by the State Enforcement Agencies. The Compliance Assurance Manual shall contain detailed plans for inspections by the State Enforcement Agencies or inspection agency.

PART III—APPROVAL OF INSPECTION AGENCIES

110.R3.11 REQUIREMENTS FOR SUBMISSION

An inspection agency seeking approval shall submit a quadruplicate application to the BBRS which shall include the items listed in 780 CMR 110.R3.1 1.

110.R3.11.1 Articles of Incorporation. The original Articles of Incorporation of the agency and all subsequent amendments, as filed in the State of Incorporation.

110.R3.11.2 Bylaws. The bylaws of the organization, if any.

110.R3.11.3 Business Affiliations of Members. The names, addresses and business affiliations of all members of the Board of Directors and of top management personnel.

110.R3.11.4 Stock. Individual interests representing more than 10% of the outstanding ownership reflecting the financial interest of the agency’s Board of Directors and top management personnel.

110.R3.11.5 Certifications. Certification by the agency that:

1. Its Board of Directors, as a body, and its technical personnel, as individuals, can exercise independence of judgment; and
2. Its activities pursuant hereto will result in no financial benefit to the agency via stock ownership, or other financial interests in any producer, supplier or vendor of products involved, other than through standard published fees for services rendered.

110.R3.11.6 Experience of Directors. Names, years of experience, state in which professionally registered and other qualifications of the directors of inspection or evaluation programs.

110.R3.11.7 Experience of Employees. Names and years of experience of employees practicing in the following disciplines. architecture, structural engineering, mechanical engineering, electrical engineering, fire protection and other branches of engineering; the state in which each is registered and the service each performs.

110.R3: continued

110.R3.11.8 Organization Chart. An organization chart showing management and supervisory persons including the number of graduate engineers and architects, and the names of all consulting engineers or architects, designating which are full-time and which are part-time employees.

110.R3.11.9 Number and Location of Personnel. Number and location of factory inspectors, supervisors, and other technicians, including evaluators of factory inspectors and the qualifications of each specialized group, including records of work experience, licenses held and other pertinent qualifications; description of types of work each group and each technician is expected to perform and the qualifications of each group and each technician to perform the work assigned.

110.R3.11.10 Employees Training Programs. An outline of the training program, if any, of the agency to assure that all inspectors, evaluators and other technicians are properly trained to do each job assigned to them.

110.R3.11.11 Employee Supervision. An outline of the general procedures for supervision of inspectors and evaluators, including checking and evaluation of their work.

110.R3.11.12 Non-employees Relationships. All engineers, technicians and other personnel who will perform services for the organization but who are not employees of the organization, and the supervisory and other relationships which each will have to the agency.

110.R3.11.13 Products Evaluated. Type of products, components, equipment, structures and other items which the organization has evaluated, tested or inspected and the number of years of experience the organization has had with each, and the type of codes, standards, specifications and requirements with respect to which the organization has had experience in providing evaluation, inspection or testing services, and the number of years experience with each.

110.R3.11.14 Frequency Capability. Description of the frequency with which the agency is capable of performing inspections or evaluations.

110.R3.11.15 State approved in. List of the states in which the agency is now approved to inspect or evaluate manufactured buildings or manufactured building components or parts thereof for compliance with approved building systems.

110.R3.12 PROCEDURES FOR APPROVING INSPECTION AGENCIES

110.R3.12.1 Qualifications. Upon the recommendation of the State Enforcement Agencies, the BBRS may approve inspection agencies which meet the requirements of the applicable codes and 780 CMR 110.R3 and which the State Administrative Agencies find otherwise qualified to perform the functions proposed to be delegated to them.

110.R3.12.2 Suitability of Application. Prior to a full evaluation of an application for approval, the BBRS shall determine whether such application is unsuitable for processing. In the event the application is found to be unsuitable for processing, the applicant shall be notified in writing of such unsuitability and the basis thereof within 30 days of the date of the application is received by the BBRS. In such event, all but \$25.00 of the fee will be returned, and the rulings of unsuitability shall be without prejudice. Any subsequent submission shall be treated as a new application.

110.R3.12.3 Approvals. In the event of approval of the BBRS, an inspection agency shall be notified by a letter from the BBRS indicating such approval and stating specifically the functions which the applicant has been approved to perform. Such approval shall not constitute the actual delegation of such functions.

110.R3.13 SUSPENSION AND REVOCATION

110.R3.13.1 Grounds. The BBRS may suspend or revoke its approval of any inspection agency if the approval was issued in error; was issued on the basis of incorrect information; was issued in violation of any of the applicable Codes or 780 CMR 110.R3; if the inspection agency violates any of the applicable Codes or 780 CMR 110.R3, if examination discloses that the agency failed to perform properly; or for such other cause as may be deemed sufficient by the State Enforcement Agencies to warrant such action.

110.R3.13.2 Procedures.

110.R3: continued

110.R3.13.2.1 General. If the BBRS suspends or revokes the approval of an inspection agency, the inspection agency shall be given notice in writing from the BBRS of the suspension or revocation with the reasons therefore set forth therein. Manufacturers being evaluated or inspected by such agencies, all local enforcement agencies within this State, and the State Enforcement Agencies shall also be notified in writing of such suspension or revocation. Such notices shall contain instructions to the manufacturer and to the local enforcement agency as to the procedures to be followed regarding manufactured buildings or manufactured building components previously certified by an agency whose approval has been suspended or revoked.

110.R3.13.2.2 Records. An inspection agency whose approval has been suspended or revoked shall within 90 days of the suspension or revocation deliver to the custody of the BBRS the originals of all records required to be maintained during the course of the inspection agency's operations pursuant to the applicable codes and 780 CMR 110.R3.0.

110.R3.13.2.3 Labels. An inspection agency for which approval has been suspended or revoked shall within 90 days of the suspension or revocation deliver to the custody of the BBRS all labels in the agency's possession, under its control, or for which it is responsible pursuant to the applicable codes and 780 CMR 1.

PART IV—APPEALS

110.R3.14 HEARINGS

All hearings shall comply with applicable sections of the applicable codes and the Rules and Regulations established for the purpose of appeal.

NON-TEXT PAGE

780 CMR 110.R4

LICENSING NATIVE LUMBER PRODUCERS

(Note: 780 CMR 110.R4 is unique to Massachusetts)

110.R4.1 ADMINISTRATION

110.R4.1.1 Scope. The provisions of 780 CMR 110.R4 shall govern the licensing of native lumber producers.

110.R4.1.2 Definitions. The following words and terms shall, for the purposes of 780 CMR 110.R4 and as used elsewhere in 780 CMR, have the meaning indicated in 780 CMR 110.R4.1.2.

BBRS. Board of Building Regulations and Standards.

NATIVE LUMBER. Native lumber is wood processed in Massachusetts by a mill registered in accordance with the regulations (780 CMR) of the BBRS. Such wood is ungraded but is stamped or certified in accordance with Chapter 23 of the *International Building Code 2009* with the Massachusetts Amendments (780 CMR 23.00). Native lumber shall be restricted to use in one-and two-story dwellings, barns, sheds, agricultural and accessory buildings and structures and other uses as permitted by Chapter 23 of the *International Building Code 2009* with the Massachusetts Amendments (780 CMR 23.00).

NATIVE LUMBER PRODUCERS. Persons or corporations in the business of milling wood into native lumber within Massachusetts.

PERSON. Individual, partnership, corporation, trust, joint venture, etc.

110.R4.1.3 Registration. No person shall produce native lumber for use in buildings or structures within Massachusetts unless registered by the BBRS.

110.R4.1.4 Application. Native lumber producers shall apply and furnish qualifications satisfactory to the BBRS in accordance with 780 CMR 110.R4 and qualification requirements provided by the BBRS with the application form.

110.R4.1.5 Registration Fee. Applications shall be accompanied by a registration fee in accordance with 801 CMR 4.02. This initial registration shall be valid for two years.

110.R4.1.6 Renewals. Registration shall be renewed every two years. Within 30 days before the registration expiration date, the BBRS shall forward to each registrant a renewal form. Upon receipt of the completed form and fee in accordance with 801 CMR 4.02, the BBRS shall renew the registration for a period of two years or notify the applicant of reasons for refusal. *Any application for renewal of a registration which has expired shall require the payment of a new registration fee.*

110.R4.1.7 Prequalifying Agent. State Inspectors of the Department of Public Safety shall act as agents of the BBRS to inspect native lumber producing facilities. Upon receipt of a completed application, the State Inspector shall inspect the facility for compliance with the required qualifications and make recommendation to the BBRS.

110.R4.1.8 Penalties. Any person who fails to comply with the requirements of 780 CMR 110.R4 or who falsifies an application shall be subject to the penalties and actions as prescribed in section 114.0 of the *International Building Code 2009* with the Massachusetts Amendments (780 CMR 114.0).

110.R4.2 2 REGISTRATION STAMP

110.R4.2.1 Issuance. Each person registered by the BBRS shall be issued a specific name and number for use in stamping or certifying the native lumber produced at a specific mill.

110.R4.2.2 Contents. Each stamp shall be a minimum of two inches by four inches with a minimum of 36 pt. letters and shall contain the following information.

1. Name of native lumber producer;
2. Registration number; and
3. Species of wood.

Each producer shall be responsible for obtaining stamps made for their use in accordance with the requirements of the BBRS and 780 CMR 110.R4.

110.R4: continued

110.R4.2.3 Use. Each piece of native lumber shall be stamped with the name and registration number of the producer in accordance with 780 CMR 110.R4 and bear an approved mark identifying the species of wood. In *lieu* of stamping, a certification bearing the same stamped information may be provided by the producer for precut or re-manufactured lumber in accordance with 780 CMR 110.R4.

110.R4.2.4 Unlawful Use. It shall be unlawful to use a stamp registered for a specific mill at any other mill.

110.R4.3 REVOCATION AND SUSPENSION PROCEDURES

110.R4.3.1 Revocation and Suspension. The BBRS on its own initiative or upon the recommendation of the State Inspector may suspend or revoke the registration of any mill registered in accordance with 780 CMR 110.R4, 780 CMR or the standards of good practice. Notice of suspension or revocation of such registration shall be in writing with the reasons for suspension or revocation clearly set forth, and served in accordance with 780 CMR 114.0.

110.R4.3.2 Notice and Conference. Prior to suspension or revocation of a registration, written notice of such intent shall be served by the State Inspector in accordance with section 114.0 of the *International Building Code 2009* with Massachusetts Amendments (780 CMR 114.0). Within ten calendar days of receipt of such notice, the affected mill may request a conference with the State Inspector who will hear facts and make their recommendations to the BBRS.

110.R4.3.3 Effect of. Upon suspension or revocation of mill registration, the mill shall immediately cease engaging in the stamping or certifying of native lumber. The filing of an appeal with the Building Code Appeals Board shall stay such suspension or revocation subject to Chapter 1 of the *International Building Code 209* with Massachusetts Amendments (780 CMR 1.00).

110.R4.4 APPEALS

110.R4.4.1 Building Code Appeals Board. Anyone aggrieved by the decision of the BBRS, or others may appeal to the Building Code Appeals Board.

780 CMR 110.R5

LICENSING OF CONSTRUCTION SUPERVISORS
(Note: 780 CMR 110.R5 is unique to Massachusetts)

5.1 GENERAL

110.R5.1.1 Scope. The provisions of 780 CMR 110.R5 shall govern the licensing of construction supervisors

110.R5.1.2 Definitions. Unless otherwise expressly stated in 780 CMR the following terms shall, for the purpose of 780 CMR 110.R5, have the meaning indicated in 780 CMR 110.R5.1.2.

BBRS. State Board of Building Regulations and Standards.

CONSTRUCTION SUPERVISOR. A person of good moral character who is deemed qualified by the BBRS to directly supervise persons engaged in the scope of work shown in Table 110.R5.1. Such term shall also apply to persons supervising themselves.

Code	Designation	Note 1	Table 110.R5.1 Construction Supervisor License (CSL) Scope of Work
none ^a	CSL ^a	a, b, c, d	Construction, reconstruction, alteration, repair, removal, or demolition
none	CSL 1&2 Family Dwellings	b	Construction, reconstruction, alteration, repair, removal, or demolition
1A	CSL Masonry ^b	a, b, c, d	Construction, reconstruction, alteration, repair, removal, or demolition of masonry structures that require a permit. Not applicable for construction of masonry buildings
RF	CSL Roof Covering ^a	a, b, c	Construction, reconstruction, alteration, repair, or removal of roof covering, including repair and replacement of 25% of sheathing and 25% of sistering roof rafters
WS	CSL Window and Siding ^b	a, b, c	Construction, reconstruction, alteration, repair, or removal of doors, windows and siding including repair and replacement of damaged window or door framing < 4’ wide and up to 25% of sheathing
SF	CSL Solid Fuel-Burning Appliance ^b	a, b, c	Installation of solid fuel burning appliances but does not allow work on any structural elements, including sheathing, with the exception of that required for the installation of either the inlet or exhaust elements
DM	CSL Demolition ^b	a, b, c, d	Demolition only.
IC	CSL Insulation ^b	a, b, c	Installation of insulation including repair and replacement of sheathing and siding necessary to access wall cavities
b. Specialty License			a. formerly known as “00, Unrestricted” CSL
Note 1: Building Types and Structures			
a	Buildings of any use group which contain less than 35,000 cubic feet (991m ³) of enclosed space.		
b	One- and two-family dwellings or any accessory building thereto, irrespective of size.		
c	Building or structures for agricultural use.		
d	Retaining walls less than ten feet in height at all points along the wall as measured from the base of the footing to the top of the wall.		

HEARINGS OFFICER The Hearings Officer is the person selected by the Department of Public Safety and approved by the Chair of the BBRS to carry out the disposition of complaints against licensed construction supervisors.

HOMEOWNER Person(s) who owns a parcel of land on which he/she resides or intends to reside, on which there is, or is intended to be, a one- or two-family dwelling, attached or detached structures accessory to such use and/or farm structures. A person who constructs more than one home in a two-year period shall not be considered a homeowner.

LICENSED DESIGNEE. Any individual designated by the license holder to be present, in the absence of said license holder, during any of the periods stated in 780 CMR 110.R5.2.12. Such designee shall also hold a Construction Supervisor’s License in the appropriate category (or better), but his name or license number need not be contained on the building permit application.

110.R5: continued

RECOGNITION The approval by the BBRS of an application and related documents by one desirous of being licensed as a construction supervisor.

110.R5.1.3 Scope. 780 CMR 110.R5 shall govern the testing and licensing of individuals who are found to possess the requisite qualifications to be licensed as a construction supervisor and to have charge or control of construction, reconstruction, alteration, repair, removal or demolition of certain buildings or structures or parts thereof, as identified.

110.R5.1.3.1. Individuals supervising persons engaged in construction, reconstruction, alteration, repair, removal or demolition involving any activity regulated by any provision of 780 CMR, shall be licensed in accordance with 780 CMR 110.R5. Individuals engaged in the supervision of the field erection of manufactured buildings in accordance with 780 CMR 110.R3, shall be licensed as construction supervisors.

Exception. Any homeowner performing work for which a building permit is required shall be exempt from the licensing provisions of 780 CMR 110.R5, provided that if a homeowner engages a person(s) for hire to do such work, then such homeowner shall act as supervisor. This exception shall not apply to the field erection of a manufactured buildings constructed pursuant to 780 CMR 110.R3.

Note. Any Licensed Construction Supervisor who contracts to do work for a homeowner shall be responsible for performing said work in accordance with 780 CMR and manufacture's recommendations, as applicable, whether or not the licensed contractor secured the permit for said work.

110.R5.1.3.2 Exemptions. A construction supervisor's license is not required for:

1. construction of swimming pools, the erection of signs, the erection of tents;
2. projects which are subject to construction control pursuant to Chapter 1 of the *International Building Code 2009* with Massachusetts Amendments (780 CMR 1.00);
3. agricultural buildings which are not open to the public or otherwise made available for public use;
4. *registered design professionals* provided such comply with the construction supervisor oversight requirements set forth in 780 CMR 110.R5 generally and 750 CMR 110.R5.2.12, as applicable;
5. Massachusetts certified *building officials*, provided such certification is current and they comply with the oversight requirements of 780 CMR 110.R5 generally and 780 CMR 110.R5.2.12, as applicable.
6. the practice of any trade licensed by agencies of the commonwealth (*see* M.G.L. c. 112, § 81R), provided that any such work is within the scope of said license including, but not limited to wiring, plumbing gas fitting, fire protection systems, pipefitting, HVAC and refrigeration equipment.

110.R5.1.3.3 Municipal Requirements. No municipality shall be prohibited from requiring a license for those individuals engaged in directly supervising persons engaged in construction, reconstruction, alteration, repair, removal or demolition in those categories of building and structures for which 780 CMR 110.R5 does not require a license.

110.R5.1.4 Administration and Enforcement. The BBRS shall administer and enforce the provisions of 780 CMR 110.R5. The BBRS or those designated by it shall administer examinations, under 780 CMR 110.R5, of persons desirous of being registered as qualified to receive a license as a construction supervisor.

5.2 REGISTRATION AND LICENSING

110.R5.2.1 Qualifications. A construction supervisor license candidate shall demonstrate that he or she has had at least three years of experience in their field. This experience must have been completed within the ten-year period prior to the date of application. Successful completion of certain educational programs may satisfy one to two years of required experience. In addition, all applicants are required to successfully pass an examination in order to receive a license. For a list of the pre exam qualifications access the examination application noted in 780 CMR 110.R5.2.2.

Exception: An individual holding a current certification per the requirements of 780 CMR 110.R7 shall be allowed to submit an application for an unrestricted construction supervisor license without the need for examination.

110.R5.2.2 Examinations. Examinations shall be held only by appointment. All exam applications must be filed in accordance with the construction supervisor license examination application found at www.mass.gov/dps.

110.R5: continued

110.R5.2.3 License Approval. A majority vote of the members of the BBRS shall be required to grant a license.

110.R5.2.4 Expiration. Licenses issued pursuant to these rules and regulations shall expire three years from the date of issuance, which shall be noted on said license and may be renewed. A renewal of an original license shall be for periods of two years and a renewal license shall expire two years from the date of issuance, which shall be noted on said license and may be renewed. A renewal license shall not be issued unless application therefore is made within one year of the date of expiration of the most recently issued license. If a licensee fails to renew his license within one year of the expiration date, such license may thereafter be renewed within two years of its expiration date upon the payment of a fee per 780 CMR 110.R5.3.5. Practice of construction supervision is prohibited with an expired license.

110.R5.2.5 Fees. Reserved

110.R5.2.6 Procedure for Obtaining a License.

110.R5.2.6.1 Application. License applicants meeting the qualifications of 780 CMR 110.R5.2.1 may submit an examination application per 780 CMR 110.R5.2.2 to the authorized testing agent of BBRS.

110.R5.2.6.2 Forms. It shall be the responsibility of the applicant to assure that the required forms are received by the testing agency. All forms shall be accompanied by the required license fee.

110.R5.2.6.3 Records. The BBRS shall keep a copy of the application and a computer file listing all licensed construction supervisors.

110.R5.2.6.4 Examination Date. Upon receipt of a fully completed application, an examination date shall be set by the authorized testing agency and the applicant so notified.

110.R5.2.7 False Statements. Any false statement on the application or references shall be sufficient reason to refuse to issue a license, or to suspend or revoke a license if issued.

110.R5.2.8 Cause for Suspension or Revocation. The following shall be grounds for reprimand, suspension, or revocation of a license:

1. the applicant made a false statement to the BBRS;
2. a licensee made a false statement to the BBRS;
3. any violation of 780 CMR;
4. work was performed without a building permit;
5. failure to fully cooperate with a BBRS investigation into a complaint;
6. failure to turn over a suspended or revoked license to the BBRS;
7. failure to abide by a mandate or order of the BBRS;
8. failure to properly supervise a project or be present at a work site as required by 780 CMR 110.R5
9. failure to meet the requirements of 780 CMR 110.R5.4.

110.R5.2.9 Procedure for Suspension or Revocation of License.

110.R5.2.9.1 Complaints. All complaints relative to a license must be in writing on a form provided by the BBRS. Any person, including a *building official* or the BBRS itself, may file a complaint. All complaints must be received by the BBRS within three years of the date the parties entered into an agreement to perform the work requiring licensure pursuant to 780 CMR 110.R5.

110.R5.2.9.1.1 Basis of Complaint. Work related to a specific building permit that is deemed to not comply with 780 CMR or a consistent pattern of abuse relating to contractual arrangements between license holder and client shall be the basis of such complaint. Any work requiring a building permit, which is performed without such permit shall be considered cause for suspension or revocation.

110.R5.2.9.1.2 Review and Investigation of Complaints. The BBRS or its designee shall review every complaint filed. If the reviewer determined that the complaint alleges plausible potential violations of 780 CMR by the licensee, a hearing shall be convened. The BBRS may, if it elects, investigate a complaint prior to scheduling a hearing. Failure of a complainant to cooperate in the investigation shall be grounds for dismissal of a complaint.

Upon receipt of a complaint, the BBRS or its designee shall send a letter acknowledging receipt to the complainant, the licensee being complained of, and the appropriate municipal *building official*. A copy of the complaint and all attachment shall be mailed to the license holder with the acknowledgment letter.

110.R5: continued

110.R5.2.9.3 Notice of Hearing. If the *hearings officer* or the BBRS determined that a hearing shall be held to resolve a complaint, reasonable notice shall be provided to the complainant and the license holder. Mailing of the notice to the address on record with BBRS shall be deemed satisfactory notice to the license holder. The notice of hearing shall contain.

1. The name of the complainant.
2. The date, time and place of said hearing.
3. The location of the incident giving rise to the complaint
4. Notice that either party may view the BBRS's complaint file by appointment.

110.R5.2.9.4 Hearings. Hearings convened pursuant to 780 CMR 110.R5 shall be conducted pursuant to 801 CMR 1.02: *Informal/Fair Hearing Rules*. Any party may be represented by legal counsel. All parties shall be permitted to present an opening statement, testify on their own behalf, cross-examine all witnesses, present any relevant witness testimony, present any relevant documentary evidence, and offer a closing argument. The *hearings officer* may question any witness and include any records kept by the BBRS as exhibits. The *hearings officer* may conclude the hearing at any time and issue a decision based on the evidence presented.

If a licensee does not appear for the hearing, the *hearings officer* may conduct a hearing in their absence and render a decision based upon the evidence presented, but only after making a finding that the licensee was provided notice as required by 780 CMR 110.R5.2.9.3.

110.R5.2.9.5 Decisions and Discipline of License Holders. The *hearings officer* shall issue a written decision after the hearing. Decisions shall be issued in a reasonably prompt manner. The *hearings officer* may suspend a license for a fixed period of time, revoke a license permanently, or reprimand the licensee. In conjunction with these disciplinary measures, the *hearings officer* may order the license holder to retake the CSL examination. Any license that is suspended or revoked shall be forwarded to the BBRS immediately. A person whose license is revoked may apply in writing to the BBRS for reinstatement no sooner than two years from the date of the revocation.

110.R5.2.10 Appeal. Any person aggrieved by a decision of the *hearings officer* may, in writing, request review of said decision by the BBRS. The filing of such a petition shall not serve to stay any disciplinary action taken by the *hearings officer*.

The BBRS may review such decision at its discretion. Such review is an administrative review that shall be based solely on the administrative record and is not to be construed as a second Hearing on the same complaint(s). After review, the BBRS may either deny the petition or remand the matter to the *hearings officer* for further proceedings as directed. The filing of an appeal with the BBRS shall serve to toll the timing provisions of M.G.L. c. 30A, § 14 until such time as a final decision is rendered by the BBRS.

110.R5.2.10.1 Appeal to a Court. Any person aggrieved by a decision of the *hearings officer* or the BBRS may appeal such decision in conformance with M.G.L. c. 30A, § 14.

110.R5.2.11 Change of Address. The license holder shall have the responsibility of reporting any change of address and/or change of circumstance to the BBRS. The information on file at the BBRS shall be deemed accurate unless changed by the license holder.

110.R5.2.12 On-site Presence of Supervisor. A licensed construction supervisor or a licensed designee as defined shall be present on the site at some point to approve construction, reconstruction, alterations, removal or demolition involving the following work.

Note. Any licensed construction supervisor who contracts to do work for a homeowner shall be responsible for performing said work in accordance with 780 CMR whether or not the licensed contractor secured the permit for said work.

1. Foundation:
 - a. Preparation of bearing material;
 - b. Location of foundation;
 - c. Placement of forms and reinforcing materials (if applicable);
 - d. Placing of concrete (or setting of other foundation materials);
 - e. Setting weather protection methods (if required);
 - f. Installation of waterproofing and/or damp proofing materials; and
 - g. Placement of backfill.

Note. If groundwater is encountered in excavating for foundation placement, the licensed construction supervisor shall report its presence to the *building official* and shall submit a report detailing methods of remediation.

110.R5: continued

2. Structural frame:
 - a. Installation of joists, trusses and other structural members and sheathing materials to verify size, species and grade, spacing and attachment/fastening methods. (The licensed construction supervisor shall ensure that any cutting or notching of structural members is performed in accordance with requirements of 780 CMR)
 - b. Setting of masonry or other structural systems (if used).
3. Energy conservation: Installation of insulation materials, vapor and air infiltration barriers.
4. Fire protection: Installation of smoke, heat and carbon monoxide (CO) detectors and/or systems.
5. Special construction, including, but not limited to:
 - a. Chimneys;
 - b. Retaining walls over four feet in height above grade.

The *building official* may require a licensed construction supervisor or his or her licensed designee to be present on the building site at other points during the construction, reconstruction, alterations, removal or demolition work as he or she deems appropriate.

110.R5.2.13 Lost/Stolen Licenses. License holders are required to keep the license in their possession at all times during the course of construction work at any and all building sites. If said license is lost, stolen or mutilated, it shall be the responsibility of the license holder to notify the BBRS.

110.R5.2.14 Requirement to Show License. A *building official* may require the license holder to produce the license at any time on a job site.

110.R5.2.15 Responsibility of Each License Holder.

110.R5.2.15.1 Responsibility for Work. The license holder shall be fully and completely responsible for all work for which he/she is supervising. He/she shall be responsible for seeing that all work is done pursuant to 780 CMR and the drawings as approved by the *building official*.

110.R5.2.15.2 Responsibility to Supervise Work. The license holder shall be responsible to supervise the construction, reconstruction, installation, alteration, repair, removal or demolition for the category of license held involving any activity regulated by any provision of 780 CMR and all other applicable Laws of the Commonwealth even though he, the license holder, is not the permit holder but only a subcontractor or contractor to the *permit* holder.

110.R5.2.15.3 Notification of Violations. The license holder shall immediately notify the *building official* in writing of the discovery of any violations which are covered by the building permit.

110.R5.2.15.4 Willful Violation. Any licensee who shall willfully violate 780 CMR shall be subject to revocation or suspension of license by the *hearings officer*.

110.R5.2.16 Permit Applications. All building *permit* applications shall contain the name, signature and license number and the category of license so held of the construction supervisor who is to supervise those persons engaged in the work as defined in the building *permit*. In the event that such licensee is no longer supervising said persons, the work shall immediately cease until a successor license holder is substituted on the records of the building department.

110.R5.2.17 Gender of Terms. The term “he” as used in 780 CMR 110.R5 shall include the pronoun “he” and/or “she.”

110.R5.3 ADMINISTRATION

110.R5.3.1 Identification. The BBRS shall issue a card or a certificate or other form of license identification.

110.R5.3.2 Records of Licensees. The BBRS shall maintain a computer listing (www.mass.gov/dps) which will be available to the public at the office of the BBRS containing all licenses issued by the BBRS.

110.R5.3.3 Examination. The BBRS shall determine whether an examination shall be required, or shall be oral or written and shall determine the content of the examination, if applicable.

Exception. An individual holding a current certification per the requirements of 780 CMR 110.R7 shall be allowed to submit an application for the construction supervisor license without the need for examination.

110.R5: continued

110.R5.3.4 Subject to Rules, Regulations and Procedures. All persons licensed shall be subject to 780 CMR 110.R5, as well as other rules, regulations, and procedures promulgated by the BBRS.

110.R5.3.5 Fees. Any and all fees charged for licenses, examinations, renewals, and registrations shall be determined by the Commonwealth and enforced by the BBRS. Fees shall be established from time to time as necessary, and shall be paid in accordance with 801 CMR 4.02.

110.R5. 3.5.1 Building Official Fees. The BBRS shall grant a construction supervisor license without examination to an individual holding a current certification per the requirements of 780 CMR 110.R7. An individual seeking such license shall file an application to the BBRS and pay all appropriate license fees.

5.4 CONTINUING EDUCATION

110.R5.4.1 Standards. The BBRS may by rule adopt standards for continuing education requirements and course and instructor approval. The standards must include requirements for continuing education as applicable to buildings and building codes and referenced standards.

110.R5.4.2 Hours. A qualifying licensee must provide proof of completion of required hours of continuing education per two year license cycle in the appropriate category in which the licensee is licensed. Credit may not be earned if the licensee has previously obtained credit for the same course as either a student or instructor during the same licensing period.

- | | |
|---|-----------|
| 1. Construction Supervisors License | 12 Hours |
| 2. Construction Supervisors License (One- and Two-Family Dwellings) | ten Hours |
| 3. Construction Supervisors Specialty License | six Hours |
- Exception.** *Building officials* who are certified and in good standing in accordance with 780 CMR 110. R7 are exempt from 780 CMR 110.R5.4.

110.R5.4.3 Education Topics. All Construction Supervisor License holders are required to complete the appropriate number of continuing education each two-year renewal cycle as described in 780 CMR 110.R5.4.2. The following hour(s) of continuing education topics are required:

- | | |
|---|----------|
| 1. Code Review | one hour |
| 2. Workplace Safety | one hour |
| 3. Business Practices / Workers' Compensation | one hour |
| 4. Energy (except Demolition Specialty License) | one hour |
| 5. Lead Safe Practices (only first renewal cycle) | one hour |
- The remainder credit hours to be completed by approved electives.

110.R5.4.4 Accessibility. To the extent possible, the BBRS shall ensure that continuing education courses are offered throughout the state and are accessible to all licensees.

110.R5.4.5 Renewal of Approval. The BBRS is authorized to establish a procedure for renewal of course approval.

110.R5.4.6 Content. Continuing education consists of approved courses that impart appropriate and related knowledge in the regulated industries. Courses may include relevant materials that are included in licensing exams subject to the limitations imposed in 780 CMR 110.R5.4.6, item 1. The burden of demonstrating that courses impart appropriate and related knowledge is upon the person seeking approval or credit.

Course examinations will not be required for continuing education courses unless they are required by the instructor.

Unless determined by the coordinator textbooks are not required to be used for continuing education courses. The coordinator must provide students with a syllabus containing, at a minimum, the course title, the times and dates of the course offering, the names and addresses or telephone numbers and email address of the course coordinator and instructor, and a detailed outline of the subject materials to be covered. Any written or printed material given to students must be of readable quality and contain accurate and current information.

Upon completion of an approved course, licensees shall earn one hour of continuing education credit for each hour approved by the BBRS. Each continuing education course must be attended in its entirety in order to receive credit for the number of approved hours. Courses may be approved for full or partial credit, and for more than one regulated industry.

110.R5: continued

Continuing education credit in an approved course shall be awarded to presenting instructors on the basis of one credit for each hour of preparation for the initial presentation, which may not exceed three hours total credit for each approved course. Continuing education credit may not be earned if the licensee has previously obtained credit for the same course as a licensee or as an instructor within the Current licensing cycle

The following courses will not be approved for credit:

1. courses designed solely to prepare students for a license examination in a discipline other than CSL;
2. courses in mechanical office skills, including typing, speed reading, or other machines or equipment. Computer or business skills courses are allowed, if appropriate and related to the regulated industry of the licensee;
3. courses in motivation, psychology, or any other course not related to the building industry
4. courses that are primarily intended to impart knowledge of specific products of specific companies, if the use of the product or products relates to the sales promotion or marketing of one or more of the products discussed.

110.R5.4.7 Course Approval. Courses must be approved by the BBRS in advance and will be approved on the basis of the applicant's compliance with the provisions of this section relating to continuing education in the regulated industries. The BBRS shall make the final determination as to the approval and assignment of credit hours for courses. Courses must be at least one hour in length.

Approval will not be granted for time spent on meals or other unrelated activities. Breaks may not be accumulated in order to dismiss the class early. Classes shall not be offered to any one student for longer than six hours in one day, excluding meal breaks.

Application for course approval must be submitted 120 days before the course offering.

Approval is granted for a subsequent offering of identical continuing education courses without requiring a new application if the course is offered within the approved 24 month cycle. The BBRS shall deny future offerings of courses if they are found not to be in compliance with the laws relating to course approval. Course shall be updated subject to periodic review by the BBRS to ensure currency with technological changes in the building code.

110.R5.4.8 Course Coordinator. Each course of study shall have at least one coordinator, which is a person who is registered with the BBRS, who is responsible for supervising the program and ensuring compliance with all relevant law.

Each Coordinator shall oversee no more than twelve courses of study.

110.R5.4.9 Responsibilities of a Course Coordinator:

1. ensuring compliance with all laws and rules relating to continuing educational offerings governed by the BBRS;
2. ensuring that instructors are qualified to teach the course offering as defined in 780 CMR 110.R5.4.10;
3. maintaining accurate records relating to course offerings, instructors, tests taken by students if required, and student attendance for a period of three years from the date on which the course was completed. These records must be made available to the BBRS upon request. In the event that a coordinator ceases operation for any reason, the coordinator is responsible for maintaining the records or providing a custodian for the records acceptable to the BBRS. The coordinator must notify the BBRS of the name and address of that custodian. Under no circumstances will the BBRS act as custodian of the records;
4. supervising and evaluating courses and instructors. Supervision includes ensuring that all areas of the curriculum are addressed without redundancy and that continuity is present throughout the entire course;
5. providing course completion certificates within ten days of, but not before, completion of the entire course. Course completion certificates must be completed in their entirety. Course completion certificates must contain the following statement: "If you have any comments about this course offering, please mail them to the Board of Building Regulations and Standards attn: Education Coordinator. The current address of the department must be included. A coordinator may require payment of the course tuition as a condition for receiving the course completion certificate;
6. investigating complaints related to course offerings or instructors. A copy of the written, signed complaint must be sent to the BBRS within ten working days of course completion. An acknowledgment will be sent upon receipt of complaint via email.

110.R5: continued

7. to be available to instructors and students throughout course offerings and provide to the students and instructor the mailing address, telephone number and email address at which the coordinator can be reached;
8. participate in workshops or instructional programs as reasonably required by the BBRS;
9. furnishing the BBRS, upon request, with copies of course and instructor evaluations and qualifications of instructors. Evaluations must be completed by students at the time the course is offered and evaluations must be reviewed by coordinators within five days after the course offering;
10. notifying the BBRS in writing within ten days of any change in the information in an application for approval on file with the BBRS.

110.R5.4.10 Instructors. Each continuing education course shall have an instructor who is qualified by education, training, or experience to ensure competent instruction. Failure to have only qualified instructors teach at an approved course offering will result in loss of course approval. Coordinators are responsible to ensure that an instructor is qualified to teach the course offering.

1. Continuing education instructors must have one of the following:
 - a. a four-year degree (bachelor or equivalent) in any discipline plus two years' practical experience within the previous five years in the subject area being taught;
 - b. a four-year college degree (bachelors) or graduate degree in the subject area being taught;
 - c. a CSL holder or certified building official with at least three years experience in the subject area being taught; provided the instructor demonstrates proficiency in the subject matter
 - d. five years' practical experience within the previous ten years in the subject area being taught;

Note. A contractor whose construction license is currently suspended or revoked shall not teach or serve as a continuing education course instructor

2. Approved instructors are responsible for:
 - a. compliance with all laws and rules relating to continuing education;
 - b. providing students with current and accurate information;
 - c. maintaining an atmosphere conducive to learning in the classroom;
 - d. verifying attendance of students, submission of completed course evaluations and certifying course completion;
 - e. providing assistance to students and responding to questions relating to course materials; and
 - f. attending the workshops or instructional programs that are required by the BBRS.

110.R5.4.11 Prohibited Practices for Coordinators and Instructors. In connection with an approved continuing education course, coordinators and instructors shall not:

1. recommend or promote the services or practices of a particular business;
2. encourage or recruit individuals to engage the services of, or become associated with, a particular business;
3. require students to participate in other programs or services offered by the instructor or coordinator;
4. attempt, either directly or indirectly, to discover questions or answers on an examination for a license;
5. disseminate to any other person specific questions, problems, or information known or believed to be included in licensing examinations;
6. misrepresent any information submitted to the BBRS;
7. fail to cover, or ensure coverage of, major points, issues, and concepts contained in the course outline approved by the BBRS during the approved instruction; or
8. issue inaccurate course completion certificates.

Coordinators shall notify the BBRS within ten days of a felony or gross misdemeanor conviction or of disciplinary action taken against an occupational or professional license held by the coordinator or an instructor teaching an approved course. The notification shall be grounds for the BBRS to withdraw the approval of the coordinator and to disallow the use of the instructor.

110.R5.4.12 Fees. Fees for an approved course of study and related materials must be clearly identified to students. In the event that a course is canceled for any reason, all fees must be returned within 15 days from the date of cancellation. In the event that a course is postponed for any reason, students shall be given the choice of attending the course at a later date or having their fees refunded in full within 15 days from the date of postponement. If a student is unable to attend a course or cancels the registration in a course coordinator policies regarding refunds shall govern.

110.R5: continued

110.R5.4.13 Facilities. Each course of study must be conducted in a classroom or other appropriate facility that is accessible and adequate to comfortably accommodate the instructors and the number of students enrolled.

110.R5.4.14 Supplementary Materials. An adequate supply of supplementary materials to be used or distributed in connection with an approved course must be available at the time and place of the course offering in order to ensure that each student receives all of the necessary materials. Outlines and any other materials that are reproduced must be of readable quality.

110.R5.4.15 Advertisement. 780 CMR 110.R.4.15 governs the advertising of continuing education courses.

1. Advertising must be truthful and not deceptive or misleading. Courses may not be advertised in any manner as approved unless approval has been granted in writing by the BBRS.
2. No advertisement, pamphlet, circular, or other similar materials pertaining to an approved offering may be circulated or distributed in this state, unless the following statement is prominently displayed: *"This course has been approved by the Massachusetts Board of Building Regulations and Standards for (approved number of hours) hours for continuing (relevant industry) education."*
3. Advertising of approved courses must be clearly distinguishable from the advertisement of other non-approved courses and services.
4. The number of hours for which a course has been approved must be prominently displayed on an advertisement for the course. If the course offering is longer than the number of hours of credit to be given, it must be clear that credit is not earned for the entire course.
5. Advertising shall comply with the MA regulation for advertisement of private occupational schools, 603 CMR 3.14 and all advertising, including but not limited to 'false advertising' is governed by 940 CMR 3.10, violations of which are enforceable under the provisions of M.G.L. c. 93A, the Consumer Protection Act.

110.R5.4.16 Notice to Students. At the beginning of each approved offering, the following notice must be handed out in printed form or must be read to students:

"This educational offering is recognized by the Massachusetts Board of Building Regulations and Standards as satisfying (insert number of hours approved) hours of credit toward continuing (insert appropriate industry) education requirements."

110.R5.4.17 Audits. The BBRS reserves the right to audit subject offerings with or without notice to the coordinator.

110.R5.4.18 Falsification of Reports. Anyone found to have falsified an education report to the BBRS shall be subject to limitation, condition, suspension of the license, course coordinator approval or instructor approval can be revoked and/or fined up to \$1,000.00. The BBRS reserves the right to audit a licensee's continuing education records.

110.R5.4.19 Waivers and Extensions. If a licensee provides documentation to the BBRS that the licensee or its qualifying person is unable, and will continue to be unable, to attend actual classroom course work because of a physical disability, medical condition, military service or similar reason, attendance at continuing education courses shall be waived for a period not to exceed one two-year cycle. Licensee must make up delinquent credit hours and pay appropriate fees.

The BBRS may request documentation of the condition upon which the request for waiver is based as is necessary to satisfy the BBRS of the existence of the condition and that the condition does preclude attendance at continuing education courses.

110.R5.4.20 Reporting Requirements. Required continuing education must be reported in a manner prescribed by the BBRS. Licensees are responsible for maintaining copies of course completion certificates.

110.R5.4.21 Continuing Education Fees. See 801 CMR 4.02 for the following fees:

1. Course Approval:
 - a. initial course application fee for each continuing education course approval sought;
 - b. initial course approval fee for each hour or fraction of one hour. Initial course approval expires on the last day of the 24th month after the course is approved;
 - c. renewal of course approval fee for each hour or fraction of one hour. Renewal of course approval expires on the last day of the 24th month after the course is renewed.

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2. Course Coordinator:

- a. initial coordinator approval fee. Coordinator may only oversee 12 courses. Initial coordinator approval expires on the last day of the 24th month after the coordinator is approved; and
- b. renewal of coordinator approval fee. Renewal of coordinator approval expires on the last day of the 24th month after the coordinator is renewed.

780 CMR 110.R6

**REGISTRATION AND ENFORCEMENT OF HOME IMPROVEMENT
CONTRACTOR PROGRAM**

(Note: 780 CMR 110.R6 is unique to Massachusetts)

For information including but not limited to registrations, renewals, and filing of complaints against a home improvement contractor (HIC), please contact the Office of Consumer Affairs and Business Regulation, which now administers this program. Also *see* M.G.L. c. 142A for statutory requirements pertaining to HIC.

Please note that licensing of construction supervisors per 780 CMR 110.R5 is administered by the Department of Public Safety.

The requirements of what is needed, a license or HIC registration, or both, to perform building construction, remains unchanged with 780 CMR, eighth edition.

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780 CMR 110R7

**CERTIFICATION OF INSPECTORS OF BUILDINGS, BUILDING
COMMISSIONERS AND LOCAL INSPECTORS**

(Note: 780 CMR 110.R7 is unique to Massachusetts)

110.R7.1 GENERAL PROVISIONS

110.R7.1.1 Title. 780 CMR 110.R7.

110.R7.1.2 Definitions. Any terms not defined in 780 CMR 110.R7 shall assume the definition of the term as used elsewhere in 780 CMR.

BBRS. State Board of Building Regulations and Standards.

BUILDING OFFICIAL *see* the Massachusetts Amendments to the *International Building Code 2009* (780 CMR 2.00).

REGISTRANT. Any individual registered with the Board of Building Regulations and Standards (BBRS) as a *building official* in the capacity of an inspector of buildings/building commissioner or local inspector.

110.R7.1.3 Scope. 780 CMR 110.R7 shall control all matters relating to qualifications and certification of all *building officials* engaged in or to be engaged in the administration and enforcement of 780 CMR; categories of certified *building officials*; procedures for application, issuance, denial and revocation of certifications; approval of training and/or educational programs offered to meet the requirements for certification; maintenance of certification through continuing education; application fees for certification; and enforcement of 780 CMR 110.R7. 780 CMR 110.R7 shall establish standards and procedures for certification, and shall require all persons performing duties with respect to the inspection of building construction for any political subdivision within the Commonwealth to be certified as provided in 780 CMR 110.R7.

110.R7.1.4 Powers and Duties. The BBRS, working through the Administrator and the BBRS staff, shall have the following responsibilities in addition to all others provided in 780 CMR and 780 CMR 110.R7.

110.R7.1.4.1. Upon recommendations from the Building Official Certification Committee, established under 780 CMR 110.R7.1.5, to issue certifications to individuals deemed qualified as provided for in 780 CMR 110.R7.

110.R7.1.4.2. To maintain accurate records of all applications for certification and any official action thereon and to make such records available for inspection by the public at all reasonable times.

110.R7.1.4.3. To suspend or revoke a certification upon the establishment of grounds for discipline per 780 CMR 110.R7.4.1.5.

110.R7.1.4.4. Any person aggrieved by any notice, action, ruling or order of the Board, or the Building Official Certification Committee with respect to 780 CMR 110.R7, may have a right to a hearing as provided for by law.

110.R7.1.5 Inspector Certification Advisory Committee. The BBRS has established the Inspector Certification Advisory Committee (Building Official Certification Committee (BOCC)). This committee shall be supported by such staff of the BBRS as may be required for the effective operation of 780 CMR 110.R7.

110.R7.1.5.1 Powers and Duties. The BOCC shall have the responsibility to advise and to recommend to the BBRS on all items relating to the certification of *building officials*, including, but not limited to:

1. Issuing certificates
2. Reviewing applicant credentials
3. Maintaining applicant and certified inspector records
4. Hearing complaints and appeals pertaining to inspector certification
5. Reviewing and approving all courses of study, seminars, and other educational programs as deemed necessary, for continuing education requirements.
6. Monitoring all appointments to assure compliance with 780 CMR 110.R7.
7. Considering reciprocity with other states (upon petition of BOCC on forms provided for such purpose).

110.R7.1.5.2 Make-up of the Committee. The BOCC shall consist of nine members appointed by the BBRS as follows:

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1. One member of the BBRS or his or her designee
2. Six members who are active *building officials* consisting of:
 - a. One member from each of the three Municipal Building Officials Associations (Southeastern Building Officials Association, Building Officials of Western Massachusetts, Massachusetts Building Commissioners and Inspectors Association).
 - b. Three members at large to be appointed by the BBRS.
3. One member from academia who is an educator of construction at the college level (*e.g.* architectural, civil, structural) to be appointed by the BBRS.
4. One member of the Massachusetts Municipal Association.

110.R7.1.6 Categories of Certification. Categories of certification for *building officials* are as follows:

110.R7.1.6.1 Inspector of Buildings or Building Commissioner. An individual certified as an inspector of buildings/building commissioner shall perform the duties as defined in 780 CMR and M.G.L. c. 143, as applicable.

110.R7.1.6.2 Local Inspector. An individual certified as a local inspector shall perform the duties as defined in 780 CMR and M.G.L. c. 143, as applicable.

110.R7.1.6.3 Alternate Inspector of Buildings/Building Commissioner. An alternate inspector of buildings/building commissioner shall be certified prior to appointment.

110.R7.1.7 Building Official Appointments.

110.R7.1.7.1. Permanent Appointments. No individual shall be permanently appointed to the position of inspector of buildings, building commissioner or local inspector in a municipal enforcing agency for which a certification requirement has been established by 780 CMR 110.R7, unless that individual has been deemed qualified and certified in that category by the BOCC.

Exception. Conditional appointments may be made pursuant to 780 CMR 110.R7.1.7.4.

110.R7.1.7.2 Reporting by Appointing Authority. Immediately following appointment, the clerk of each city or town shall report to the BBRS, the name, title and status of each new employee who is appointed as an inspector of buildings, building commissioner or local inspector. Said report shall be provided on forms as prescribed by the BBRS for said purpose and shall be submitted in attestation under the pains and penalties of perjury that said new employee meets or exceeds the minimum qualifications as defined by M.G.L. c. 143, § 3 and 780 CMR, as applicable.

110.R7.1.7.3 Historical Note. Any individual employed as inspector of buildings, building commissioner or local inspector and who was in office on November 12, 1992 and who was qualified (in accordance with M.G.L. c. 143, § 3) to be in office at time of hire, and who presented acceptable evidence of these facts to the BBRS, shall be deemed certified in the category held on said date, and shall be provided with a certificate by the BBRS.

110.R7.1.7.4 Conditional Appointments. Individuals who meet or exceed the experience requirements pursuant to M.G.L. c. 143, § 3 and 780 CMR, but who are not certified under the provisions of 780 CMR 110.R7 may be appointed on a conditional basis only. If so appointed these requirements shall be met:

1. Immediately upon appointment, the city or town clerk shall report the conditional appointment to the BBRS in accordance with 780 CMR 110.R7.1.7.2.
2. Within the first six months of employment the conditional appointee shall make application to take the examination(s) required for the appropriate category of certification.
3. Within one year following the first six months of employment a conditional appointee who is appointed as an inspector of buildings/building commissioner shall attain a passing score on all of the examinations required for that category of certification.
4. Within six months following the first six months of employment a conditional appointee who is appointed as a local inspector shall attain a passing score on all of the examinations required for that category of certification.
5. In accordance with 780 CMR 110.R7.1.7.4.1, a conditional appointee may petition the BOCC in writing for an extension of time to comply with the examination schedule of 780 CMR 110.R7. Upon establishment of cause, the BOCC may grant an extension as it may consider appropriate.
6. Conditional appointees shall notify the BBRS of any change in the status of their employment, within one month of such change.

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7. Any individual conditionally appointed as an inspector of buildings/building commissioner shall first be certified as a local inspector.

110.R7.1.7.4.1 Requests for Exam Schedule Extension. Upon written petition to the BOCC, any conditional appointee unable to comply with the examination schedule as cited in 780 CMR 110.R7.1.7.4 may for cause, be granted an extension of time in order to comply. Petitions shall be forwarded to the clerk of the BOCC on forms for such purpose, and addressed to the office of the BBRS. The conditional appointee shall state all reasons to substantiate the request for an extension of time. Conditional appointees who have not attempted the examination schedule as herein defined during the prescribed period shall not be granted an extension, and no conditional appointee shall be afforded more than three extensions of time beyond the prescribed period for the level of certification sought.

110.R7.1.7.4.2 Notification. The BOCC shall, within ten days of any action taken by the committee pursuant to 780 CMR 110.R7, notify the appointing authority in writing of such action.

110.R7.1.7.4.3 Notice of Non-compliance. Any conditional appointee who has not attained passing scores in all examinations required for certification as a inspector of buildings/building commissioner and /or local inspector and who exhausted extension time as afforded by 780 CMR 110.R7.1.7.4.1 shall be deemed to be in non-compliance with M.G.L. c. 143, §3 and unauthorized to serve as a conditional appointee in the position for which they are not yet certified.

110.R7.2 REQUIREMENTS FOR INITIAL CERTIFICATION

110.R7.2.1 Application. Any candidate for certification in any category of *building official* issued pursuant to 780 CMR 110.R7 shall submit an application to the BBRS, accompanied by the required application fee (if any), on forms provided for this purpose by the BBRS. The application shall include such information and documentation as the BBRS may require pursuant to 780 CMR 110.R7.

110.R7.2.2 Requirements for Certification as a Local Inspector:

110.R7.2.2.1 Pre Exam Approval. All candidates shall meet or exceed the qualifications for the position of local inspector pursuant to M.G.L. c. 143, § 3 and 780 CMR prior to taking any examinations. The BOCC shall approve all candidates prior to taking any examinations and shall maintain a list of all qualified candidates for any and all city and towns appointing *building officials*.

110.R7.2.2.2 Successful Examination. All candidates shall attain a passing score in all examinations required for certification as either a Building Plans Examiner (identified as Exams 1B, 1C, 3B and 3C) or Building Inspector (identified as Exams 1A, 1B and 3B) as defined by the National Certification Program for Construction Code Inspectors (NCPCCI) or equivalent exam categories as approved by the BBRS for such purpose and as offered by the International Code Council (ICC).

110.R7.2.2.3 Prior Approval for Examination as a Local Inspector. No candidates shall be allowed to take said examinations without prior approval of the BBRS or the BOCC at the discretion of the BBRS.

110.R7.2.3 Requirements for Certification as an Inspector of Buildings/Building Commissioner.

110.R7.2.3.1 Pre Exam Approval. All candidates shall meet or exceed the qualifications for the position of inspector of buildings/building commissioner pursuant to M.G.L. c. 143, § 3 and 780 CMR prior to taking any examinations. All candidates shall meet the examination requirements for certification as a local inspector pursuant to 780 CMR 110.R7.2.2.2, or hold a certification as a local inspector pursuant to 780 CMR 110.R7.2.2. The BOCC shall approve all candidates prior to taking any examinations and shall maintain a list of all qualified candidates for any and all city and towns appointing *building officials*.

110.R7.2.3.2 Successful Examination. All candidates shall attain a passing score in all examinations required for certification as a Certified Building Official as defined by the Certified Building Official Program of the Council of American Building Officials (CABO) or equivalent exam categories as approved by the BBRS for such purpose and as offered by the International Code Council (ICC).

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110.R7.2.3.3 Prior Approval for Examination as an Inspector of Buildings/Building Commissioner. No candidates shall be allowed to take said examinations without prior approval of the BBRs or the BOCC at the discretion of the BBRs.

110.R7.2.4 Retired Persons. Any person who has been duly certified in accordance with 780 CMR 110.R7 and who retires from service in good standing, may petition the committee to receive “retired status” certification. Upon approval said certification shall be denoted “retired” and shall not be deemed revoked. Revocation shall only be invoked for cause. Any person who has been approved for “retired status” certification and who wishes to reactivate said certification shall comply with the examination schedule as defined in 780 CMR 110.R7 for the level of certification sought.

110.R7.3 REQUIREMENTS FOR MAINTENANCE OF CERTIFICATION STATUS

110.R7.3.1 Continuing Education Requirements. Within each three-year period following initial certification, the registrant to maintain certification shall complete 45 hours of continuing education credit acceptable to the BOCC. Conditional appointees as defined by 780 CMR 110.R7 shall attain at least one contact hour of education credit for each month of employment until such time as the conditional appointee has successfully completed the required examination schedule and is certified as prescribed.

110.R7.3.1.1 Requirements for Energy Code Training. *Building officials* shall be trained in the energy provisions of the building code every three years, corresponding with the adoption of the latest edition of the *International Energy Conservation Code* per M.G.L. c. 169, § 5 (The Green Communities Act of 2008) and policy of the BBRs.

110.R7.3.2 Course Curriculum. The BOCC may publish a list of acceptable educational programs, courses, seminars, and the like and may also accept educational activities in which registrants have participated after the fact, upon application and review of the course information. The BOCC shall assign credits to each educational/training event and shall issue policies and procedures, separate from 780 CMR 110.R7, relative to continuing education requirements.

110.R7.3.3 Course Log. Each certified individual shall maintain a record of his/her continuing education. Credit hours shall be reported to the BBRs or other approved agencies as prescribed by the policies and procedures of the BOCC, relative to continuing education. The BBRs shall maintain a record of each inspector’s progress towards completion of the 45-hour requirement. At the end of each three-year period, each inspector who has successfully attained his/her continuing education requirement shall be duly notified by the BBRs.

110.R7.3.4 Rights and Privileges. In accordance with M.G.L. c. 143, § 99, no *building official* attending BBRs required educational programs, shall lose any rights relative to compensation or vacation.

110.R7.4 PROCEDURES FOR COMPLAINTS

110.R7.4.1 Complaints.

110.R7.4.1.1 Complaint Intake. A complaint about a certified *building official* must be in writing and shall be received and reviewed by the Administrator, or his designee. The Administrator may cause the complaint to be investigated further, dismissed for failure to assert a cognizable or actionable claim, or referred to the BOCC for a hearing on the merits. Actions taken pursuant to this section shall be left to the sound discretion of the Administrator.

110.R7.4.1.2 Notice of Hearing. If the Administrator refers a matter to the BOCC for hearing, reasonable notice of the hearing shall be provided to the certification holder. Mailing of the notice via first class mail to the address on record with the BBRs shall be deemed satisfactory notice to the holder. The notice of hearing shall contain:

1. The name of the complainant.
2. The date, time and place of said hearing.
3. The basis of the complaint.
4. Notice that the holder may review the Board's complaint file by appointment.

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110.R7.4.1.3 Hearing. Hearings held pursuant to 780 CMR 110.R7.4.1 shall be conducted in accordance with M.G.L. c. 30A and 801 CMR 1.02: *Informal/Fair Hearing Rules*. Any party may be represented by legal counsel at such a hearing. At the hearing, the certification holder shall be permitted to present an opening statement, testify on their own behalf, cross-examine all witnesses, present any relevant witness testimony, present any relevant documentary evidence, and offer a closing argument. Any person offering testimony at the hearing shall be sworn in. The BOCC may question any witness and include any records on file with the BBRS as exhibits. The BOCC may, at their discretion, conclude the hearing at any time and issue a recommended decision based on the evidence presented.

If a certification holder does not appear for the hearing, the BOCC may conduct a hearing and render a recommended decision based upon the evidence presented only after making a finding that the certification holder was provided reasonable and proper notice of the hearing as required by 780 CMR 110.R7.4.1.2.

110.R7.4.1.4 Decisions and Discipline of Certification Holders. The BOCC shall issue a written decision after the hearing. Decisions shall be issued in a reasonably prompt manner. The decision of the BOCC shall serve as a recommendation to the BBRS and shall be promptly forwarded by the Administrator to the full board for review. If after a hearing the BOCC finds that the holder has violated any provision of 780 CMR 110.R7.4.1.5, it may recommend suspension of a certification for a fixed period of time, revocation of a certification permanently, or a reprimand of the certification holder. Further, the BOCC may recommend that any order include appropriate remedial or disciplinary conditions. Once forwarded to the BBRS, the board shall either, adopt the recommendation in its entirety, adopt the recommendation with amendment, reject the recommendation in its entirety, or remand the matter to the BOCC further proceedings. A certificate holder whose certification is revoked may apply in writing to the Board for reinstatement no sooner than one year from the date of the revocation.

110.R7.4.1.5 Grounds for Discipline. The following shall be grounds for discipline of a certification holder.

1. The holder has obtained a certification by fraud or misrepresentation;
2. The holder has aided or abetted in practice as a certified *building official* any person not authorized to practice as a certified *building official* under the provisions of 780 CMR 110.R7;
3. The holder has fraudulently or deceitfully practiced as a certified *building official*;
4. The holder has been grossly negligent or has engaged in misconduct in the performance of any of his or her duties;
5. The holder has failed to maintain continuing education requirements as specified in 780 CMR 110.R7;
6. The holder has been found to have failed to report an offer, or bribe, or other favor in a proceeding under 780 CMR 110.R7;
7. The holder has made a false or misleading statement to the BBRS, or has made a material omission in any submission to the BBRS;
8. The holder has failed to appropriately enforce the provisions of 780 CMR as prescribed by M.G.L. c. 143, § 3;
9. The holder has engaged in any conduct in violation of 780 CMR or any state or federal law rendering them unsuitable to be certified as a building official.
10. The holder has been found to have violated state ethics laws by the State Ethics Commission.
11. The holder failed to cooperate in an investigation being conducted by the BBRS or Administrator.

110.R7.4.1.6 Appeal. A decision made after a hearing shall be considered final when it is issued by the BBRS. Any party aggrieved by a final decision of the BBRS may appeal to superior court within 30 days of receipt thereof pursuant to M.G.L. c. 30A, § 14.

110.R7.4.1.7 Employment of an Uncertified Individual. In accordance with M.G.L. c. 143, § 3, no municipality may offer employment to, retain for employment or permanently appoint any individual who is not certified in accordance with 780 CMR 110.R7, except on a conditional basis in accordance with 780 CMR 110.R7.1.7.4.

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