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NOTICE OF PUBLIC HEARING

Under the provisions of G.L. c. 30A, the Department of Public Safety (“DPS”) will hold a public hearing for the purposes of gathering comments, ideas, and information concerning the amendments of the following regulations:

780 CMR, State Board of Building Regulations and Standards:

CHAPTER 13.00: Energy Efficiency

CHAPTER 51.00: Massachusetts Residential Code

APPENDIX 115.AA: Stretch Energy Code

The proposed changes to the regulations at this time amend Chapters 13, 51, and 115.AA to the latest IECC 2015 and ASHRAE 90.1-2013 energy standards to lower consumption requirements, modernize building envelope, ventilation, insulation systems and other measures, and promote cost savings for builders, owners, and residents through offsets and improved efficiency.

Scheduled Hearing Date: June 14, 2016, at 1 PM

Location: Ashburton Café, One Ashburton Place, Boston, MA, 02108

Anyone who desires to be heard on the matter should appear at the designated time and place. A written public comment period will follow and such comments should be submitted to The Department of Public Safety, One Ashburton Place, Room 1301, Boston, MA, 02108, attention Stephen Carley. Comments will be accepted until 4:30 PM on June 28, 2016.

Small Business Impact Statement

(As required by M.G.L. c. 30A §§ 2, 3 & 5)

CMR No: 780 CMR 13.00, 51.00, 115.00

Estimate of the Number of Small Businesses Impacted by the Regulation: 60,000

Select Yes or No and Briefly Explain

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Will small businesses have to create, file, or issue additional reports?</p> <p>Certain small businesses will be required to create, file, and issue reports. These may include, but are not limited to: Construction Control documents; certain engineering analyses; project completion affidavits; project cost substantiation documents; design and shop drawings; and compliance alternative substantiation. They may also be required to prepare other documents if submitting an appeal to the Building Code Appeals Board.</p>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Will small businesses have to implement additional recordkeeping procedures?</p> <p>In certain circumstances, records will need to be created and maintained. These may include, but are not limited to: records of specialized inspections; maintenance records; design changes; and records related to cost (if needed to substantiate building permit valuation).</p>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Will small businesses have to provide additional administrative oversight?</p> <p>Projects requiring a Construction Supervisor License (“CSL”) will require oversight by a licensed construction supervisor (“CSL holder”). In addition to oversight by a CSL holder, installations incorporating engineered designs need to be reviewed by the Registered Design Professional (“RDP”) approving the design. For projects beyond the scope of a CSL, compliance with Construction Control practices is required. This includes administrative oversight responsibilities by both the RDP and General Contractor responsible for the project.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Will small businesses have to hire additional employees in order to comply with the proposed regulation?</p> <p>Small businesses will typically already employ the necessary personnel, though when necessary they are able to hire outside consultants and experts to perform the duties required by this regulation.</p>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?</p> <p>Overall, small businesses will be able to perform most of the required tasks themselves, as long as they are duly-licensed to perform those tasks. In certain circumstances, such as specialized inspections requiring independent third-party verification (e.g., HERS Raters and Inspectors, BPI certified professionals, and Concrete and Steel Inspections).</p>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?</p> <p>These regulations have certain prescriptive- and performance-based requirements, which may require specialized products, meeting certain national (or international) standards, in order to comply.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective?</p> <p>(Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) The regulations incorporate both performance- and prescriptive-based requirements for use in various types of projects. Designers and developers may choose to use performance-based requirements, as long as they are substantiated through verifiable documentation.</p>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Do any other regulations duplicate or conflict with the proposed regulation?</p> <p>The Board of Building Regulations and Standards (“BBRS”) has duplicative jurisdiction, in certain areas, with the Department of Public Health, the Division of Professional Licensure, and the specialized codes listed in G.L. c. 143, § 96. Provisions of other regulations, which the BBRS feels is in conflict</p>

		with its jurisdiction, are currently being addressed between the BBRS and the respective regulation-promulgating bodies.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? The regulation requires compliance with certain permit and maintenance requirements. This includes inspection and audit findings, and other enforcement activities, as required by the regulation.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? The regulation requires continuing education for many of those licenses and certifications regulated by the regulation, including: CSL holders, Building Officials (local inspectors, building commissioners, and inspectors of buildings), certain staff in Concrete Testing Laboratories, and Concrete Field Testing Technicians.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? Regardless of place of formation, the licensure and permitting requirements are the same for in-state and out-of-state businesses and individuals doing business in Massachusetts.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? Regardless of place of formation, the licensure and permitting requirements are the same for in-state and out-of-state businesses and individuals doing business in Massachusetts.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? The regulation does not provide any different reporting or compliance requirements for small businesses. However, the code does not require all design plans to be completed by an RDP, and therefore small businesses are permitted to submit less formal construction documents, which can and do satisfy code requirements.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? The regulation does not provide any less stringent schedules or deadlines for compliance or reporting requirements for small businesses. However, small businesses may apply for, and are frequently granted, permit extensions that offer financial and other relief, on the basis of their small size.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? The regulation does not provide any simplified compliance or reporting requirements for small businesses. However, other than licensure and business registration renewals, the building code imposes no genuine deadlines on businesses, small or large.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? Certain aspects of building design must be prescriptive, but the regulation does incorporate multiple performance-based options for compliance.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? These regulations establish a minimum level of requirements in order to ensure the safety of the public. The process followed in order to develop this regulation utilized extensive stakeholder participation and considerations for cost and safety, as is required by the enabling legislation.