



# CODEWORD®

THE OFFICIAL NEWSLETTER OF THE BOARD OF BUILDING REGULATIONS & STANDARDS

~July 2001~

Kentaro Tsutsumi, P.E.  
Chairman

Jane Perlov  
Secretary

Jane Swift  
Governor

Thomas L. Rogers  
Administrator

**BRRS GIVES GO AHEAD FOR THE DEVELOPMENT OF THE SEVENTH EDITION OF THE MASSACHUSETTS STATE BUILDING CODE**  
At its regular meeting of June 12, 2001 held in West Springfield, the BRRS voted unanimously to move forward with adoption of the 7<sup>th</sup> edition of the Massachusetts State Building Code and to use the 2000 International Building Code, 2000 International Mechanical Code and the International Residential Code with 2001 supplements as a base. The BRRS targeted July 2002 as the date for adoption with the 6<sup>th</sup> and 7<sup>th</sup> editions running concurrently for a period of 6 months after which time the 6<sup>th</sup> edition will be phased out.

## WELCOME GOVERNOR SWIFT AND FAREWELL GOVERNOR CELLUCCI



On April 10, 2001 Governor Paul Cellucci officially transferred the governorship of the Commonwealth of Massachusetts to then Lieutenant Governor Jane Swift as he accepted an appointment as Ambassador to Canada. The Board of

Building Regulations and Standards bids a fond farewell to Ambassador Cellucci and a warm welcome to Governor Swift. The Board extends its best wishes for success in the future.

## IMPACT ANALYSIS OF 1998 RESIDENTIAL ENERGY CODE RELEASED

On May 14 a report on the impact of the 1998 amendments to the Residential Energy Conservation Provisions (Appendix J) of the Massachusetts State Building Code was released. The study looked at 186 newly built

homes throughout the Commonwealth in an effort to identify:

- Compliance rates
- Compliance problems
- Energy savings
- Emissions reductions
- Recommendations for improvement

The following is a brief summary of the report's findings, and actions that BRRS plans in response to the study.

**COMPLIANCE RATES** were found to be low. Fewer than 50% of houses met the standard for insulation and windows, as determined by MAScheck software. Only 20% of the houses met the air leakage requirements for sealing penetrations or forced air duct systems.

**COMPLIANCE PROBLEMS** Included MAScheck reports which:

- understated window area
- overstated insulation values
- claimed higher heating system efficiency than was actually installed

Also, tests performed on duct systems showed an average leakage rate of 22% of the air wasted by blowing into attics or other unconditioned spaces. This clearly indicated the lack of proper duct sealing during construction.

**ENERGY SAVINGS** were significant, despite the problems cited above. Compared to houses built in Massachusetts in 1995, houses built under Appendix J showed an average of:

- 5.9% reduction in energy consumption for air conditioning
- 23.4% reduction in energy for heating

Even houses that failed to meet the new code enjoyed energy savings compared to houses built before Appendix J took effect.

**EMISSIONS REDUCTIONS** were also significant, with annual statewide totals for all houses

constructed in accordance with Appendix J of:

- 30.4 tons of SO<sub>x</sub> (Sulfur Dioxide - acid rain production)
- 24.5 tons NO<sub>x</sub> (Nitrogen Oxides - smog)
- 26,600 tons CO<sub>2</sub> (Carbon Dioxide - global warming gas)

#### ACTIONS FOR IMPROVEMENT

BBRS plans to use the results of the study as the backbone of a renewed outreach and training program beginning this fall. Special attention will be paid to the elements of the code that are commonly missed or ignored. The importance of these shortcomings is not only in terms of wasted energy, but also poor house performance for comfort and durability. BBRS will make provide refresher training for builders and building officials that covers:

- the importance of properly sealed ducts
- a new release of software that makes it easier for builders and building officials to assure correct wall and window areas
- opportunities to ask your questions

In addition, BBRS is developing a Consumer Information Brochure for homebuyers to learn more about energy in their newly built houses.

#### THE ENERGY CORNER

##### NEW CHAPTER 13 BECOMES MANDATORY

The energy code for new "commercial" buildings took full effect on July 1<sup>st</sup> replacing the former Chapter 13. All new buildings, other than low-rise residential, must now be designed and built in accordance with the new requirements. All new permit applications for Chapter 13 projects must include mandatory *Energy Application Form* (in Appendix B, or downloaded from the Energy website), and the *Approval and Acceptance* documentation detailed in 1301.8.4 (including a report describing the HVAC, Lighting, and Power Distribution systems.) This new reporting

requirement is similar to the that for Fire Protection systems, and local building departments cannot issue permits without first collecting the report.

Free training for building officials, architects, engineers, and contractors remains available on the new code through the end of the year.

For dates and registration, log on to [www.state.ma.us/bbrs/energy.htm](http://www.state.ma.us/bbrs/energy.htm).

##### Low-Rise Residential Additions

There seems to be some confusion about how Appendix J handles additions to existing homes. It is true that additions may be treated the same way that whole new houses are, i.e. using MAScheck to demonstrate a compliant window and insulation package. But there is a simpler approach that builders can select. Section J 1.1.2.3.1 provides a simple table of insulation and window performance that may be used for any addition, regardless of size, as long as it does not have excessive glazing. If a builder chooses to use this method for the addition, there is no need to run MAScheck.

##### And speaking of MAScheck

There is a new version of the software that has just recently been released. It is *MECcheck for Massachusetts*, and it has some powerful new features that make using it, and enforcing it, easier. The new software has a feature called *AreaCalc* which makes calculating wall, roof, and window areas very simple. The tool also allows users to create a library of commonly used windows, so that they do not need to recreate descriptions each time they use *MECcheck*. The software is available on line at the Energy website. ([www.state.ma.us/bbrs/energy.htm](http://www.state.ma.us/bbrs/energy.htm))

#### LICENSED CONSTRUCTION SUPERVISOR DISCIPLINARY ACTIONS

Please take notice of the following disciplinary actions taken by the Board of Building Regulations and Standards at its hearings of April 26, 2001.

Licensee	CSL *	Disciplinary Action Taken
Robert Jepson	39359	License Suspended effective April 26, 2001, and must take and pass construction supervisor license examination prior to reinstatement.
William Penny	30574	License Suspended effective April 26, 2001, and must take and pass construction supervisor license examination prior to reinstatement
Andrea Hadaya	70113	Letter of Warning issued. Licensee must obtain permit for work performed and if allowed by homeowner, must return to correct problems at subject site.

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## FILING A COMPLAINT AGAINST A LICENSED CONSTRUCTION SUPERVISOR

When filing a Construction Supervisor License complaint with the Board of Building Regulations and Standards, a total of six (6) copies of the complaint, including all supplemental information and documentation must be submitted. Any complaints that are not submitted in this manner will be returned to the complainant as incomplete. Please use the forms provided on pages 5 through 7 of this issue of Codeword for all complaint filings and make copies available to anyone wishing to file a complaint.

These forms may also be printed from the BBRB website at:

[www.state.ma.us/bbrb/CSLComplaintform.pdf](http://www.state.ma.us/bbrb/CSLComplaintform.pdf)

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### WELCOME INTERNS

The BBRB and Staff welcome the college students interning with us for the summer.

Kate Bernier Suffolk University  
Criminology Major

Danielle Black Boston University  
Political Science and Sociology Major

Denise L. Carter Currently attending High School

Lisa Golobaki Bates College- Psychology and Spanish Major

Julie McEwan Wheelock College Human Development Major

Megan Winzeler, BA English - Colgate University, Candidate for Masters Degree in Public Policy University of Michigan

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### HOME IMPROVEMENT CONTRACTOR COMPLAINT PROCEDURES

On several recent occasions, some building officials have asked if there was a procedure in which complaints should be filed against Home Improvement Contractors. The following guideline should be helpful in answering some of your questions.

The Office of the Attorney General is charged with taking and maintaining formal written complaints from consumers against registered home improvement contractors. The Local Consumer Programs located throughout the state are affiliated with the Office of the Attorney General and these

offices are where consumers/homeowners should be directed if they are unsatisfied with the performance of their contractor. These programs offer no cost mediation to the homeowner in an effort to resolve the complaint. If the mediation is unsuccessful, the homeowner is given instructions on how to proceed further with their complaint. The main telephone number for the Office of the Attorney General is (617) 727-8400. For the consumer program that covers your particular city or town, feel free to contact the Home Improvement Contractor Program at 617-727-7532 ext. 25205.

Currently there is no formal complaint system for building officials who wish to file complaints against home improvement contractors. However, some of the cities and towns have been successful in reducing some of the violations of the Home Improvement Contractor Rules and Regulations (780 CMR R6) by sending written notification to the contractor informing said contractor of the infraction. A copy of this notice is also sent to the Home Improvement Contractor Program of the Board of Building Regulations and Standards. This notification to the BBRB generates a letter to the contractor informing him/her that the BBRB has been notified of the complaint; that violations are cause for suspension or revocation of the registration; and that the complaint will be referenced in the event that BBRB receives any subsequent notification regarding said contractor. It should be noted that the Office of the Attorney General has jurisdiction for complaints against contractors who are required to be registered but have failed to do so.

Does this mean that every contract that comes across your desk should be thoroughly scrutinized for full compliance? Or, should you submit a letter to the BBRB every time a truck, which advertises the company name, passes through your town without a registration number on it? In these types of instances, discretion can and should be used. While ideally we would all like to see full compliance by all home improvement contractors, realistically the challenges of the caseloads of all of us do not allow for this type of enforcement. Of course habitual and flagrant

violators should be brought to the attention of the BBRs since the Home Improvement Contractor Registration Law was enacted in order to protect consumers from becoming victims of the conduct of unscrupulous contractors.

As always, feel free to contact Marian Doyle directly (617-727-7532 ext. 25205) if you have any questions regarding the Home Improvement Contractor Registration Program.

**LIST OF BOCA INTERNET COURSES ACCREDITED BY THE BBRs FOR BUILDING OFFICIAL  
CERTIFICATION CONTINUING EDUCATION**  
1-800-323-1103 - [www.bocal.org](http://www.bocal.org):

Course Name	Course #	Credit Hours
Issuing Temporary Certificates of Occupancy/1996	C-630	2.0 hrs
Building the Media Relationship	C-631	2.0 hrs
Keys to Successful Building Department Management	C-632	2.0 hrs
Rights to Entry	C-633	2.0 hrs
Structural Loads/1996	C-634	2.0 hrs
Concepts of Exterior Wall Fire Resistance Rating/1996	C-635	2.0 hrs
Fire Suppression Systems/1996	C-636	2.0 hrs
Soils Investigation Basics/1996	C-637	2.0 hrs
Water Heating Systems	C-638	2.0 hrs
Basic Business Writing	C-646	2.0 hrs
Advanced Business Writing	C-647	2.0 hrs
Calming Upset Customers	C-648	1.0 hrs
Technical Presentation Skills	C-649	1.0 hrs
The Basics of Budgeting	C-650	1.0 hrs
The Business of Listening	C-651	1.0 hrs
OSHA Flammable and Combustible Liquids	C-652	2.0 hrs
OSHA Hazard Mitigation	C-653	2.0 hrs
Understanding Financial Statements	C-654	1.0 hrs
Successful Negotiation	C-655	1.0 hrs
The New Supervisor	C-656	2.0 hrs
I Have to Fire Someone	C-657	1.0 hrs
The Human Touch Performance Appraisal	C-658	1.0 hrs
OSHA Fire Prevention	C-659	1.0 hrs
Team Building	C-660	1.0 hrs
Preventing Job Burnout	C-661	1.0 hrs
Personal Time Management	C-662	1.0 hrs
Ethics in Business	C-663	1.0 hrs
Delegating for Results	C-664	1.0 hrs
Sexual Harassment	C-665	1.0 hrs
Technical Presentation Skills	C-666	1.0 hrs
Motivation in the Workplace	C-667	1.0 hrs
Basic Business Math	C-668	1.0 hrs
Developing Self Esteem	C-669	1.0 hrs
Effective Meeting Skills	C-670	1.0 hrs
Empowerment	C-671	1.0 hrs
Quality at Work	C-672	1.0 hrs
Legal Issues for Managers	C-673	1.0 hrs
Risk Taking	C-674	1.0 hrs
Basic Code Enforcement: Unit One	C-696	2.0 hrs
Basic Code Enforcement: Unit Two	C-697	2.0 hrs
Basic Code Enforcement: Unit Three	C-698	2.0 hrs
1998 International Mechanical Code Ventilation	C-727	2.0 hrs
Day Care Assistive Living Facilities	C-728	2.0 hrs
2000 Accessibility Inspection and Plans Examination On-Line Practice Set	C-730	2.0 hrs



The Commonwealth of Massachusetts  
 Executive Office of Public Safety  
 Board of Building Regulations and Standards  
 McCormack State Office Building  
 One Ashburton Place Room 1301  
 Boston, Massachusetts 02018

JANE SWIFT  
 Governor

Tel: (617) 727-7532

Fax: (617) 227-1754

KENTARO TSUTSUMI  
 Chairman

JANE PERLOY  
 Secretary

THOMAS L. ROGERS  
 Administrator

**SIX (6) COPIES OF THE COMPLAINT MUST BE SUBMITTED**

Construction Supervisor License Complaint Form

This Section for State Use Only:		COMPLAINT NUMBER	
Complaint Received:		License Number:	
State Inspector Assigned:		Expiration Date:	
Date Assigned:		DPS Recommendation:	
Report Received:		Hearing 0 Dismiss 0	

Please Print

**Complainant:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
 \_\_\_\_\_

Tel: ( ) - Fax: ( ) -

**Property Location:**

Address: \_\_\_\_\_  
 \_\_\_\_\_

**Construction Supervisor License Holder:**

Name: \_\_\_\_\_ License Number: \_\_\_\_\_

Address: \_\_\_\_\_  
 \_\_\_\_\_

Tel: ( ) - Fax: ( ) -



Complainant Name -Print

Signature

Date



The Commonwealth of Massachusetts  
Executive Office of Public Safety  
Board of Building Regulations and Standards  
McCormack State Office Building  
One Ashburton Place Room 1301  
Boston, Massachusetts 02108

JANE SWIFT  
Governor

Tel: (617) 727-7532

Fax: (617) 227-1754

KENTARO TSUTSUMI  
Chairman

JANE PERLOV  
Secretary

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Administrator

FILING A COMPLAINT AGAINST A LICENSED CONSTRUCTION SUPERVISOR

-AN OVERVIEW OF THE COMPLAINT PROCESS-

*Introduction:*

In accordance with section MGL c 143 94(1) & section 108.3.5 of the Massachusetts State Building Code (780 CMR), the Board of Building Regulations and Standards (BBRS) issues licenses to individuals responsible for the supervision of construction, remodeling and renovation of one and two family dwellings and buildings of less than 35,000 cubic feet of enclosed space. The State Building Code provides exemptions from the licensing requirement for the following construction activities:

Roofing, siding; the erection of rooftop solar collectors; the construction of swimming pools; the erection of signs and; the installation of replacement windows not involving structural modifications and all buildings (except 1 or 2 family dwellings) over 35,000 cf of enclosed space. (Refer to 780 CMR 108.3.5.2 for complete list of exemptions)

A construction supervisor's license is issued after successful completion of an examination related to the Massachusetts State Building Code and demonstration of necessary construction experience as required by 780 CMR R-5, "Construction Supervisors".

The BBRS has established a License Review Committee (the Committee) which has jurisdiction over disciplinary matters relative to Licensed Construction Supervisors. Disciplinary action can only occur after receipt of a written complaint and only after a hearing in which all interested parties are afforded the opportunity to address the Committee.

The License Review Committee is not authorized to adjudicate contractual disputes and must limit its hearings to alleged violations of the Massachusetts State Building Code. The License Review Committee comprises three members of the BBRS as appointed by the chairman.

*What happens when a complaint is filed?*

If building code violations are alleged in the complaint, the BBR&S will forward the complaint to a District State Building Inspector of the Department of Public Safety for investigation. Following the investigation, the District State Building Inspector will recommend to the BBR&S whether, or not, a disciplinary hearing should be held. If the District State Building Inspector recommends that a hearing should not be held, the case is dismissed. If the District State Building Inspector finds that there is probable cause to hold a hearing, the Construction Supervisor License Review Committee will schedule a hearing to determine whether disciplinary action should be taken against the license holder. Disciplinary action may be in the form of a reprimand, license revocation, license suspension and/or an order to take or retake the Construction Supervisor Examination. Hearings are held in accordance with MGL c 30A 13 and 801 CMR 1.02.

If building code violations are not part of the complaint, the complaint will be dismissed for lack of jurisdiction.

*What filing a written complaint will not achieve.*

The License Review Committee cannot award damages or order repairs to property. The jurisdiction of the Committee is to determine whether disciplinary action should be taken against a license holder and if so, to determine the extent of the disciplinary action.

**WELCOME FRANCINE AND DAN**

The BBR&S extends a warm welcome to new staff members Francine Hoffman and Dan Plaza who both recently joined the BBR&S.

Francine was formerly employed by the City of Boston Inspectional Services Department and more recently the City of Revere School District. In addition to being an avid hockey fan, Francine enjoys listening to music, attending concerts, and watching Broadway plays. Francine is also involved in the City of Revere Japanese exchange program.

Danny Plaza joined the BBR&S staff in June 2001. Danny is anxiously awaiting the birth of his first child this summer. In his spare time Danny enjoys skiing and snowboarding, fishing and hiking and is an avid movie watcher. Danny's main hobby is working on and racing cars and has raced at Loudon, NH. Danny is also bilingual, speaking English and Spanish fluently.

- BBR&S Approves Development of 7th Edition of the Massachusetts State Building Code
- Welcome Governor Swift      Farewell Governor Cellucci
- Impact Analysis of 1998 Residential Energy Code
- Energy Corner      New Chapter 13 Becomes Mandatory
- Licensed Construction Supervisor Disciplinary Actions
- Filing a Complaint Against a Licensed Construction Supervisor
- Welcome Interns
- Licensed Construction Supervisor Complaint Form
- Welcome Francine and Dan

Editor in Chief:	Thomas L. Rogers
Supervising Editor:	Brian Gore, P.E.
Graphic Design & Layout:	Brian Gore, P.E.
Subscriptions Accountant:	Anne Marie Rose

	<p>In This Issue of <i>Codeword:</i></p>
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*Codeword*

Board of Building Regulations and Standards  
One Ashburton Place, Room 1301  
Boston, MA. 02108

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