

## **6<sup>th</sup> Edition Basic Code**

Unofficial summary of changes between 9/26/06 and 1/1/08  
taken from the Mass Register issues during that period.

## Notice of Expiration of Emergency Regulation

<b>780CMR</b>	<b>Board of Building Regulations and Standards</b>	
9/26/06 2.00	Definitions	99
" 8.00	Interior Finishes	100
" 26.00	Plastics	101

## Emergency Regulations

<b>114 CMR</b>	<b>Division of Health Care Finance and Policy</b>	
114.5		
18.00	Health Insurance Responsibility Disclosure	103
	<i>114.5 CMR 18.00 governs the filing requirements for the Health Insurance Responsibility Disclosure (HIRD) Form. Each Massachusetts employer is required to file information about health insurance it offers to employees. Each employee that declines an employer's offer of health insurance or the offer to arrange for the purchase of health insurance is required to sign an Employee HIRD form. Data from the Forms will be used to administer and enforce the Individual Insurance Mandate under M.G.L. c. 111M, the Employer Fair Share Contribution under M.G.L., c. 149, § 188 and the Employer Surcharge for State-funded Health Costs under M.G.L. c. 118G, § 18B.</i>	
<b>204 CMR</b>	<b>Alcoholic Beverages Control Commission</b>	
2.00	Regulations of the Alcoholic Beverages Control Commission, Insurance Plans by Certain License Holders	105
	<i>Creates a new regulations to clarify and enforce and prevent violations of the provisions of M.G.L. c. 138, including § 15 as amended on July 1, 2004, by St. 2004, c. 149, § 428, while lawfully regulating all and any of its provisions for the method of carrying on the business of any license, and the proper and orderly conduct of the licensed business that exists with a view only to serve the public need and in such manner as to protect the common good. This regulation clarifies, enforces and prevents violations of M.G.L. c. 138, § 15, that addresses insurance, by expressly providing that this state law shall not be construed or interpreted to apply to, or be applied to, qualifying employee benefit plans under ERISA that are regulated by federal law.</i>	

780 CMR		<b>Board of Building Regulations and Standards</b>	
12/19/06	1.00	Administration <i>Provides regulatory guidance on temporary emergency change of use in times of state emergencies.</i>	107
//	2.00	Definitions <i>Provides regulatory guidance on temporary emergency change of use in times of state emergencies.</i>	109
//	31.00	Special Construction <i>Provides regulatory guidance on temporary emergency change of use in times of state emergencies.</i>	111
//	Appendix M	Procedures for Establishing Temporary Emergency Use in Support of Statewide Emergencies <i>Provides regulatory guidance on temporary emergency change of use in times of state emergencies.</i>	113

### Permanent Regulations

<b>105 CMR</b>	<b>Department of Public Health</b>		
150.000	Licensing of Long Term Care Facilities <i>Requires long term care facilities to participate in the Division of Health Care Quality's Nursing Home Satisfaction Survey Program.</i>		115
<b>114 CMR</b>	<b>Division of Health Care Finance and Policy</b>		
<b>114.5</b>			
17.00	Employer Surcharge for State Funded Health Costs <i>Governs the surcharge assessed on employers that do not comply with the requirements of M.G.L. c. 151F to establish a Section 125 payroll deduction program for health insurance premiums in accordance with the rules of the Commonwealth Health Insurance Connector (956 CMR). The surcharge is assessed for state funded health costs incurred for its employees or employee dependents.</i>		117

1/2/07	9.00	<b>Fire Protection Systems</b> <i>Creates a Moratorium on the sprinklering of non-combustible and limited combustibile concealed spaces and plenums that contain electrical, data, communications and other cables that are of the types and the configurations permitted in such spaces by the Massachusetts Electrical Code (527 CMR 12). Such Moratorium intended to be in effect until September 30, 2007. Sets sprinkler requirements for existing A-2 Uses. Sets CO Detector requirements consistent with 527 CMR 31 and 248 CMR.</i>	61
1/2/07	26.00	<b>Plastic</b> <i>Seeks to allow foam plastic interiorfinish in A-2 occupancies only when such occupancies are equipped with an automatic fire suppression system; defines clearly the terms cellular and foamed plastic in the building code; replaces current language of 780 CMR 2603.8 with language from the 2003 ICC ZBC for foam plastics.</i>	63
1/2/07	34.00	<b>Repair, Alteration, Addition, and Change of Use of Existing Structures</b> <i>Sets requirements for carbon monoxide (CO) detectors.</i>	65
1/2/07	36.00	<b>One and Two Family Dwellings</b> <i>Requires carbon monoxide alarms in accordance with applicable requirements of 527 CMR and/or 248 CMR.</i>	67

**807 CMR Teachers' Retirement Board**

12.00	<b>Rollover Distributions and Trust Transfers</b> <i>Enacts expanded rollover and trust to trust transfer rules provided by the Pension Protection Act of 2006.</i>	69
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## Permanent Regulations

**105 CMR Department of Public Health**

410.000	<b>Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II</b> <i>Requires that all housing that contains fossil fuel burning equipment or an attached garage contain carbon monoxide (CO) alarms.</i>	71
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## Notice of Expiration of Emergency Regulation

There are no Emergency Expirations in this *Massachusetts Register*

### Emergency Regulations

<b>114 CMR</b>	<b>Division of Health Care Finance and Policy</b>	
<b>114.5</b>		
17.00	Employer Surcharge for State Funded Health Costs	51
	<i>Governs the surcharge assessed on employers that do not comply with the requirements of M.G.L. c. 151F to establish a Section 125 payroll deduction program for health insurance premiums in accordance with the rules of the Commonwealth Health Insurance Connector. The surcharge is assessed for state funded health costs incurred to its employees or employee dependents.</i>	
18.00	Health Insurance Responsibility Disclosure	53
	<i>Governs the filing requirements for the Health Insurance Responsibility Disclosure (HIRD) Form. Each Massachusetts employer is required to file information about health insurance it offers to employees. Each employee that declines an employer's offer of health insurance or the offer to arrange for the purchase of health insurance is required to sign an Employee HIRD Form.</i>	
<b>322 CMR</b>	<b>Division of Marine Fisheries</b>	
8.00	Coastal Fisheries Conservation and Management	55
	<i>Extends a seasonal closure in a portion of Massachusetts Bay where cod aggregate in large numbers to better achieve conservation goals for a sustainable fishery.</i>	
<b>780 CMR</b>	<b>Board of Building Regulations and Standards</b>	
1/2/07 2.00	Definitions	57
	<i>Adds the terms cellular and foamed plastic under the definitions of "Plastic".</i>	
1/2/07 8.00	Interior Finishes	59
	<i>Controls when plastic interior trim can be utilized in an A-2 occupancy; adds a definition in 802 for cellular and foamed plastics; adds a footnote to T803.4 to direct the reader to 780 CMR 803.3.1.1 where the specific controlling language regarding the use of foam plastic interior finishes in A-2 uses is found.</i>	

## Notice of Expiration of Emergency Regulation

### 780 CMR

### Board of Building Regulations and Standards

3/21/07	1.00	Administration	107
3/21/07	2.00	Definitions	108
1/2/07	8.00	Interior Finishes	109
"	9.00	Fire Protection Systems	110
3/21/07	31.00	Special Construction	111
1/2/07	34.00	Repair, Alterations, Additions, and Change of Use of Existing Buildings	112
3/21/07	Appendix M	Procedures for Establishing Temporary Emergency Use in Support of Statewide Emergencies	113

## Emergency Regulations

### 106 CMR

### Department of Transitional Assistance

204.000	Transitional Aid to Families with Dependent Children: Financial Eligibility	115
309.000	Emergency Assistance	117

*Transmits changes to regulations due to the increase in the HHS Poverty Guidelines which are used to calculate the eligibility standards in the following program: Transitional Aid to Families with Dependent Children (TAFDC): Income from the Parent(s) of a Teen Parent Under Age 18. This regulatory change is retroactive to February 1, 2007.*

309.000	Emergency Assistance	119
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*Clarifies the regulation on temporary emergency shelter benefits termination based on criminal activity. Clarifies that an EA assistance unit may have its temporary emergency shelter benefits terminated on the basis of criminal activity only if the Department concludes by a preponderance of the evidence (more likely than not) that a member of the EA assistance unit is engaging in or engaged in the activity described.*

309.000	Emergency Assistance	121
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*Clarifies that the EA AU has the right to a fair hearing regarding whether the Department: (1) placed the EA assistance unit in an available Department-approved family shelter within 20 miles of the EA AU home community; (2) transferred the EA AU to an emergency shelter placement within 20 miles of its home community at the earliest possible date. The EA AU may request the fair hearing any time after placement in an emergency shelter more than 20 miles from the EA AU home community; (3) has made every effort to ensure that a child receiving emergency shelter continues attending school in the community in which he or she lived prior to receiving EA, unless requested otherwise.*

<b>243 CMR</b>	<b>Board of Registration in Medicine</b>	
2.00	Licensure Provisions - <i>Correction</i>	25
	<i>Regulation was incorrectly complied with. Reverts back to prior regulation.</i>	
2.00	Licensure Provisions - <i>Correction</i>	27
	<i>Regulation was not complied with in error. Corrects regulation to reflect correct compliance effective date.</i>	

<b>250 CMR</b>	<b>Board of Registration of Professional Engineers and Land Surveyors</b>	
3.00	Application and Examination	29
	<i>Clarifies the procedures for the Board's examination and interview of candidates for registration as professional engineers or professional land surveyors. Eliminates the oral examination option for certain candidates with 20 years of engineering or land surveying experience. Requires all applicants for licensure, including applicants with 20 years experience, to pass the written principles and practice examination prepared by the National Council of Examiners for Engineering and Surveying (NCEES) prior to licensure. Enhances public safety by ensuring that all applicants demonstrate their competence to practice by successfully passing a standard written examination.</i>	

<b>603 CMR</b>	<b>Department of Education</b>	
28.00	Special Education	31
	<i>Governs the provision by Massachusetts public schools of special education and related services to eligible students and the approval of public or private day and residential schools seeking to provide special education services to publicly funded eligible students. Updates citations to the federal special education law, the Individuals with Disabilities Education Act (IDEA-ZOO#), and make three typographical corrections.</i>	

<b>780 CMR</b>	<b>Board of Building Regulations and Standards</b>	
3/23/07 36.00	One and Two Family Dwellings	33
	<i>Allows use of a basement area if the free height <b>from floor</b> to underside of a drop ceiling is six feet-eight inches or greater.</i>	

<b>807 CMR</b>	<b>Teachers' Retirement Board</b>	
12.00	Rollover Distributions and Trust to Trust Transfers - <i>Compliance</i>	35

## Notice of Expiration of Emergency Regulation

There are no Emergency Expirations in this *Massachusetts Register*

## Emergency Regulations

<b>527 CMR</b>	<b>Board of Fire Prevention Regulations</b>	
31.00	Carbon Monoxide Alarms	29
	<i>Contains requirements for the type, installation, location, maintenance and inspection of carbon monoxide alarms, in accordance with M.G.L. c. 148, § 26F½, in every dwelling, building or structure occupied in whole or in part for residential purposes that contains fossil-fuel burning equipment or incorporates enclosed parking within its structure.</i>	
<b>780 CMR</b>	<b>Board of Building Regulations and Standards</b>	
3/21/07 1.00	Administration	31
	<i>Provides regulatory guidance on temporary emergency change of use in times of state emergencies.</i>	
3/21/07 2.00	Definitions	33
	<i>Provides regulatory guidance on temporary emergency change of use in times of state emergencies.</i>	
1/2/07 2.00	Definitions - <i>Emergency Re-file</i>	35
1/2/07 8.00	Interior Finishes - <i>Emergency Re-file</i>	37
1/2/07 9.00	Fire Protection Systems - <i>Emergency Re-file</i>	39
1/2/07 26.00	Plastic - <i>Emergency Re-file</i>	41
3/21/07 31.00	Special Construction	43
	<i>Provides regulatory guidance on temporary emergency change of use in times of state emergencies.</i>	
1/2/07 34.00	Repair, Alteration, Addition, and Change of Use of Existing Structure - <i>Emergency Re-file</i>	45
1/2/07 36.00	One and Two Family Dwellings - <i>Emergency Re-file</i>	47
3/21/07 Appendix M	Procedures for Establishing Temporary Emergency Use in Support of Statewide Emergencies	49
	<i>Provides regulatory guidance on temporary emergency change of use in times of state emergencies.</i>	

**524 CMR Board of Elevator Regulations**

17.00 Power Passenger and Freight Elevators (for installations made prior to July 1, 1989)

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*These regulations were promulgated pursuant to a legislative mandate set forth in Section 8 of Chapter 45 of the Acts of 2006 which requires the Board to "adopt rules and regulations to provide for the safe operation of freight elevators excluded under chapter 288 of the acts of 1962." These regulations fulfill that mandate by enhancing the safety requirements of the previously exempted freight elevators.*

**780 CMR State Board of Building Regulations and Standards**

5/10/07 1

Administration

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*When a variance is granted under this section for a bulk merchandising retail building as defined in 780 CMR 426.2.1, and when the condition appealed is common to future buildings of the owner, the State Building Code Appeals Board, upon request of the owner, may provide that the variance shall be applicable to such future buildings. If such request is made, the Board shall hear the appeal. Each such applicability to a future building will be subject to determination as prescribed in 780 CMR 110.8 by the building official in conjunction with the head of the local fire department that its use is in conformity with the terms of the variance.*

5/14/07 9.00

Fire Protection Systems

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*Requires that when a variance is granted under 780 CMR 903.2.1 for a bulk merchandising retail building as defined in 780 CMR 426.2.1, and when the condition appealed is common to future buildings of the owner, the State Building Code Appeals Board, upon request of the owner, may provide that the variance shall be applicable to such future buildings. If such request is made, the Board shall hear the appeal. Each such applicability to a future building will be subject to determination as prescribed in 780 CMR 110.8 by the building official in conjunction with the head of the local FD that its use is in conformity with the terms of the variance.*

5/10/07 Appendix H

Historic Structures

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*Adds the Emily Dickinson Museum, 280 Main Street, Amherst, MA to the list of historic structures eligible for individual listing in the National Register of Historic Places, qualifying as totally preserved buildings per 780 CMR 3409.0.*

10.00	Procedures for Hearings and Appeals <i>Describes the procedures for hearings and appeals applicable to home inspectors in Massachusetts.</i>	49
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**310 CMR Department of Environmental Protection**

7.00	Air Pollution Control <i>Ends the carbon dioxide emissions standards for six electric power plants included in 310 CMR 7.29 on December 31, 2008. The purpose is to avoid overlapping regulations on carbon dioxide emissions from these six power plants after 310 CMR 7.70, the Massachusetts CO<sub>2</sub> Budget trading Program, takes effect on January 1, 2009.</i>	51
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7.00	Air Pollution Control <i>Creates a cap-and-trade system to regulate emissions of carbon dioxide, a greenhouse gas, from fossil fuel fired electric power plants in MA. Amendments to 310 CMR 7.29 phase out existing CO<sub>2</sub> emissions for the 6 highest emitting power plants in MA, and also phases out the associated Greenhouse Gas Credit program (310 CMR 7.00: Appendix B(7)). The purpose of the regulation is to limit the impacts of fossil fuel fired electric power plants in MA on Earth's climate.</i>	53
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7.00	Air Pollution Control <i>Provides for a smooth transition to 310 CMR 7.70, the Massachusetts CO<sub>2</sub> Budget Trading Program, including the relevant offset provisions. The amendments phase out the Greenhouse Gas Credit program, 310 CMR 7.00: Appendix B(7), which allows for the creation of offset credits that can be used for compliance with the carbon dioxide emissions standards of 310 CMR 7.29, Provide for the continued creation, until 2012, of GHG Credits from some projects that have already been approved, and for the exchange of such credits for CO<sub>2</sub> Budget Trading Program CO<sub>2</sub> allowances at a ratio of two GHG Credits for one CO<sub>2</sub> Allowances.</i>	55
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**520 CMR Department of Public Safety**

5.00	Amusement Devices <i>Provides reasonable standards for the design, construction, inspection and operation of amusement devices, including challenge courses and climbing walls, for the safety of the general public.</i>	57
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**780 CMR Board of Building Regulations and Standards**

11/1/08	36.00	One and Two Family Dwellings - Correction	59
4/1/07	110.00	Special Regulations - Correction	61

CHAPTER  
~~PAGE NUMBERING~~ REMOVES 36  
PAGE NUMBERING

74.00	Removal and Recycling of Mercury-added Components in Vehicles <i>Prohibits the sale of mercury-added vehicle switches, establishes requirements for the removal of mercury-added vehicle switches and other components containing mercury before a vehicle is crushed or shredded and requires a performance-based compliance certification as per 310 CMR 70.00.</i>	77
75.00	Collection and Recycling of Mercury-added Products <i>Prohibits the sale of mercury-added products in Massachusetts unless the manufacturer of the product creates, and implements a collection plan for mercury-added products at the end-of-life. It also requires manufacturers of mercury-added lamps to implement a plan to educate their consumers regarding proper management of end-of-life lamps and established recycling targets for these lamps and requires a performance-based compliance certification as per 310 CMR 70.00.</i>	79
<b>314 CMR</b>	<b>Division of Water Pollution Control</b>	
9.00	401 Water Quality Certification for Discharge of Dredged or Fill Material, Dredging, and Dredged Material Disposal in Waters of the United States Within the Commonwealth <i>Revises the Stormwater Management Standards to promote increased recharge, the use of low impact development techniques and the elimination of illicit discharges. Incorporates the revised Standards into the 401 Water Quality Certification Regulations 314 CMR 9.00</i>	81
<b>527 CMR</b>	<b>Board of Fire Prevention Regulations</b>	
12.00	2008 Massachusetts Electrical Code - <i>Re-published</i>	83
<b>780 CMR</b>	<b>State Board of Building Regulations and Standards</b>	
1/1/08 36.00	One and Two Family Dwellings <i>Repeals 780 CMR 36.00 One- and Two-Family Dwelling Code, sixth edition.</i>	85
51.00	Administration for Single- and Two- Family Dwellings <i>Governs applicability, validity, duties, rules and regulations, approval, permits, fees, licenses, safety, appeals and other administrative issues.</i>	87
52.00	Definitions <i>Governs the meanings or words and terms used in 780 CMR 51.00 through 99.00 unless otherwise stated.</i>	89
53.00	Building Planning for Single- and Two-family Dwellings <i>Governs loads, lot location, dimensions, sanitation, electrical, safety, egress, access, insulation, flooding and other criteria.</i>	91