

9th Edition Massachusetts State Building Code Approved With Concurrency Period

October 6, 2017

9th Edition To Become Effective October 20, 2017 with Concurrency Period Expiring on January 1, 2018

The following is an October, 2017 updated version of prior G&S Advisories dated October, 2015 and January, 2016

The long-awaited 9th Edition of the Massachusetts State Building Code has been approved by the Massachusetts State Board of Building Regulations and Standards and filed with the Secretary of State, to become effective on October 20, 2017. The “concurrency period,” during which applications for building permits can be filed under either the 8th or 9th Editions of the Building Code, will commence on October 20, 2017 and expire on January 1, 2018.

As a practical matter, this means that building permit applications must be filed prior to January 1, 2018 (and pursued to avoid lapsing) in order for the building permit to be issued under the 8th Edition. In Boston, the Inspectional Services Department has informally indicated that a building permit application filed prior to the expiration of the “concurrency period” for the purpose of having a denial letter issued, which is a condition to filing a building permit appeal, will be treated as sufficient as long as the application states that the building permit is intended to be governed by the 8th Edition.

The 8th Edition, originally adopted in 2010, was based on the 2009 versions of the International Energy Conservation Code, the International Building Code, the International Residential Code, the International Existing Building Code, the International Mechanical Code, the International Fire Code, and International Mechanical Code, all with Massachusetts amendments. In 2016, the 8th Edition was amended to incorporate the 2015 International Energy Conservation Code (“**2015 IECC**”), with Massachusetts amendments. The new energy efficiency standards under the 2015 IECC, with Massachusetts amendments, went into effect on August 12, 2016 as an amendment to the 8th Edition, with a concurrency period that expired on January 1, 2017; accordingly, all building permits and related construction and other documents must now comply with the 2015 IECC, with Massachusetts amendments. The 9th Edition will incorporate the 2015 Editions of the International Building Code, the International Residential Code, the International Existing Building Code, the International Mechanical Code, the International Swimming Pool and Spa Code, and portions of the International Fire Code, all with Massachusetts amendments.

In municipalities in which the “Stretch Energy Code” has been adopted, the 8th Edition, as amended, now requires that all buildings over 100,000 sq. ft. and new supermarkets, laboratories and conditioned warehouses over 40,000 sq. ft. demonstrate energy use per square foot at least

10% below the energy requirements of the 2013 ANSI/ASHRAE/IESNA 90.1, Appendix G, Performance Rating Method, on either a site or source energy basis. These provisions continue in effect under the 9th Edition.

If you have a question about the 9th Edition of the State Building Code and its concurrency period, we invite you to reach out directly to one of the authors of this advisory or any other member of the Goulston & Storrs Real Estate Land Use Group.

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