

Massachusetts State Building Code Update: Amendments to 8th Edition adopted effective August 12th with Concurrency Period until January 1, 2017

September 22, 2016

The following is an update to the G&S advisory published in January 2016 regarding the proposed amendments to the Massachusetts State Building Code.

On July 19, 2016, the Massachusetts Board of Building Regulations and Standards voted to approve certain amendments to the energy provisions of the 8th Edition of the Massachusetts State Building Code under 780 CMR 13 (commercial energy efficiency standards), section 11 of 780 CMR 51 (residential energy standards), and 780 CMR 115 Appendix AA (Stretch Energy Code). Although those amendments became effective on August 12, 2016, there is a concurrency period between August 12, 2016 and January 1, 2017 during which building permit applications and related documents submitted for a project may comply with *either* the energy provisions in effect prior to August 12, 2016 or the newly-adopted energy provisions in effect from and after August 12, 2016, but not a combination of the two. All building permit applications and related documents submitted for a project from and after January 2, 2017 must comply with the newly adopted energy provisions.

The two significant newly-adopted amendments pertain to energy efficiency standards. Prior to the August amendments, the base energy code was the 2009 International Energy Conservation Code; the August amendment adopts the 2015 International Energy Conservation Code as the new base energy code. Also, prior to the August amendments, the Stretch Energy Code, which applies to all existing stretch code communities, required that all new buildings over 100,000 square feet and new supermarkets, laboratories and warehouses over 40,000 square feet to demonstrate energy use per square foot at least 20% below the energy requirements of ASHRAE/IESNA Standard 90.1-2007, Energy Standard for Buildings Except for Low-Rise Residential Buildings, Appendix G, measured by industry-accepted energy modeling; the August amendment now requires all new buildings over 100,000 square feet, and new supermarkets, laboratories and conditioned warehouses over 40,000 square feet to demonstrate energy use per square foot at least 10% below the energy requirements of ANSI/ASHRAE/IESNA 90.1-2013 Appendix G Performance Rating Method on either a site or source energy basis.

Projects that submit a building permit application not later than January 1, 2017 in reliance on the provisions of the 8th Edition of the Massachusetts State Building Code in effect prior to the August amendments must commence work under the building permit within six (6) months after the

building permit is issued in order to avoid lapsing (and being subject to the August amendments). The building commissioner has the authority to extend this six (6) month deadline for consecutive periods of up to 90 days each for justifiable cause, but such extensions are at the discretion of the building commissioner.

The remainder of the amendments proposed for the 9th Edition of the Massachusetts State Building Code remain in draft form and will continue to be considered this fall.

Goulston & Storrs will continue to monitor the status of adoption of the 9th Edition of the State Building Code as it makes its way through the approval process. For questions about the August amendments to the 8th Edition of the State Building Code or about the proposed 9th Edition of the State Building Code, we encourage you to contact your usual Goulston & Storrs attorney or one of the authors of this advisory.

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