

## **Building Code Board of Appeals/Massachusetts Amendments**

### **SECTION 113 APPEALS**

113.1 General. Appeals of orders, decisions, determinations and failures to act made by any state or local agency or any person or state or local agency charged with the administration or enforcement of the state building code or any of its rules and regulations, except the specialized codes of M.G.L. c. 143, § 96, relative to the application and interpretation of 780 CMR shall be addressed by the Building Code Appeals Board in accordance with M.G.L. c. 143, § 100. An application to file an appeal may be found at: <http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/opsi/>

**113.2 Limitations on Authority.** Reserved.

**113.3 Qualifications.** Reserved

**113.4 Local and Regional Boards of Appeals.** If a city, region or town had not duly established by ordinance or bylaw or otherwise a local or regional building code board of appeals prior to January 1, 1975 said city, region or town may establish a local or regional board of appeals in accordance with section 113, referred to as the local board of appeals, consisting of not less than three nor more than five members appointed by the chief administrative officer of the city, region or town. Any appeal originating in a city or town that has a local board shall be heard by the local board before being heard by the state building code appeals board.

**113.4.1 Review.** Any person, including the Building Code Appeals Board, aggrieved by a decision of the local board of appeals, whether or not a previous party to the decision, or any municipal officer or official board of the municipality, may, not later than 45 days after the mailing of the decision of the local board, apply to the Building Code Appeals Board for a hearing de novo, in accordance with section 113. All local appeal decisions are to be reviewed by the BBRS and are to be summarized in a manner acceptable to the BBRS. Forms and other information pertaining to this review process are found at <http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/opsi/>.

**113.4.2 Qualifications of Local Board Members.** Each member of a local board of appeals established under M.G.L. c. 143, § 100 shall have had at least five years' experience in the construction, alteration, repair and maintenance of building and building codes. At least one member shall be a registered structural or civil professional engineer and one member a licensed registered architect.

**113.4.3 Chairman of Local or Regional Board.** The board shall select one of its members to serve as chairman and a detailed record of all proceedings shall be kept on file in the building department.

**113.4.4 Absence of Members.** During the absence of a member of a local board of appeals for reason of disability or disqualification, the chief administrative officer of the city, region or town shall designate a substitute who shall meet the qualifications as outlined in section 113.