

# FREQUENTLY ASKED QUESTIONS

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## New Construction Supervisor License (CSL) Categories and Related Home Improvement Contractor (HIC) Registration issues

(Updated January 30, 2008)

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1. **QUESTION** - As of January, 2008, how many different types of Construction Supervisor Licenses (CSLs) does the Seventh Edition of Massachusetts State Building Code identify?

**ANSWER** - The New Seventh Edition of the State Building Code now identifies seven (7) categories of CSL, including (See note below):

- Unrestricted Construction Supervisor License (URCSL);
- Restricted Construction Supervisor License (RCSL);
- Restricted Masonry Construction Supervisor License (RMCSL)
- Residential Roof Covering Construction Supervisor License (RCCSL);
- Residential Window and Siding Construction Supervisor License (WSCSL);
- Residential Solid Fuel-Burning Appliance Installer Construction Supervisor License (SFCSL);
- Demolition Only Construction Supervisor License (DCSL).

Bullet items 1, 2 and 3 (Unrestricted, Restricted and Masonry) have existed since the early 1980s.

Items 4-7 are new *Specialty License Categories*. A description of these Licenses can be found in the *New Seventh Edition "1 & 2" Family Code*, Chapter 110.R5, Section 110.R5.2.1. The new license category descriptions have also been repeated at the end of this document as *Attachment A*. **The new license categories do not go into effect until July 1, 2008.**

2. **QUESTION** - Which of these CSL categories are new to the Seventh Edition State Building Code?

**ANSWER** - New Specialty Licensing includes:

- Residential Roof Covering Construction Supervisor License (RCCSL);
- Residential Window and Siding Construction Supervisor License (WSCSL);
- Residential Solid Fuel-Burning Appliance Installer Construction Supervisor License (SFCSL);
- Demolition Only Construction Supervisor License (DCSL).

3. **QUESTION** - Which of these new CSLs can be pursued via "grandfathering" and without testing?

**ANSWER** - Each of the newly created *Specialty Licenses* identified below may, until the end of June, 2008, be sought via grandfathering.

- Residential Roof Covering Construction Supervisor License (RCCSL);
- Residential Window and Siding Construction Supervisor License (WSCSL);
- Residential Solid Fuel-Burning Appliance Installer Construction Supervisor License (SFCSL);
- Demolition Only Construction Supervisor License (DCSL).

4. **QUESTION** - What needs to be done to acquire a license in one or more of the new license categories via "grandfathering" procedures?

**ANSWER** - Qualified candidates must complete the following steps.

- *Accurately complete an Application for Grandfathered Specialty Construction Supervisor License.* Please note that applications must be notarized and all information provided on the application or appended thereto is submitted under the pains and penalties or perjury.
- *Attach a letter of attestation* for each category of license sought. (See note below).
- Affix a *recent* passport-sized picture of the candidate to the application.
- Affix a check in the amount of \$150.<sup>00</sup> made payable to the *Commonwealth of Massachusetts*. The maximum fee is \$150.<sup>00</sup> whether applying for one, two, three or all four categories of license. *Please remember that you must demonstrate experience in each license category.*
- Forward the application and accompanying material to the address identified on the application form and allow up to 90 days for return of license.

For additional information, refer to the DPS Web Page ([www.mass.gov/dps](http://www.mass.gov/dps)) and in the lower center of the web page **select** "New Seventh Edition of the Code for... (including grandfathered license procedures) and then **select** "*Application for Grandfathered License*" for all necessary guidance.

5. **QUESTION** – Can a qualified candidate pursue a "grandfathered" license in any of the categories listed below?

- Unrestricted Construction Supervisor License (URCSL);
- Restricted Construction Supervisor License (RCSL);
- Restricted Masonry Construction Supervisor License (RMCSL)

**ANSWER - No.** The three (3) CSL Types identified were introduced in the early 1980s and “grandfathering” closed for these three (3) CSLs several years ago.

6. **QUESTION** – Do I need to apply for a **Specialty License** if I already have a current **Unrestricted License**?

**ANSWER - No.** A current *Unrestricted License* is superior to any and all *Specialty Licenses* and no additional specialty license is required.

7. **QUESTION** – What if I possess a current **Restricted License**, do I need to acquire one or more **Specialty Licenses**?

**ANSWER - No.** A current *Restricted License* is superior to any and all new *Specialty Licenses* and no additional specialty License is required. (A *Restricted License* is **not** superior to an *Unrestricted CSL*.)

8. **QUESTION** – What is the difference between the **Unrestricted CSL (UCSL)** and the **Restricted CSL (RCSL)**?

**ANSWER -**

- The **Unrestricted CSL (UCSL)** allows a license-holder to supervise construction on any building that is less than 35,000 cubic feet of aggregate interior volume (length x width x height) or any single or two-family home regardless of size. Buildings 35,000 cubic feet and over (excluding 1 & 2 Family homes) require the design services of a Massachusetts registered architect and/or engineer as applicable. Engineering services may also be required for the design of a single family home depending on project size and complexity. The state building code affords the municipal and/or state building official the right to determine when engineering services are required for single and two-family homes.
  - The **Restricted CSL (RCSL)** allows a license-holder to supervise construction only of single and/or two-family home buildings and their accessory structures (such as garages, sheds, etc.). There is no size limit for these types of buildings. Although a home owner may choose to engage their services, architectural design services are not required for single and two-family homes. However, as stated above engineering services may be required depending on project size and complexity.
  - See additional information at the end of this document (identified as **Attachment B**) for further details about construction supervision, architectural and engineering design services for building construction projects.
9. **QUESTION** – What about the **Masonry Only License**?

**ANSWER -**

- A **Masonry Only License**, as the name suggests, allows a person to supervise individuals involved in the construction of residential fireplaces, chimneys, required means of egress stairs made of masonry product, masonry retaining walls which retain four feet or more of unbalanced fill, and other masonry structures for which a building permit is required (exclusive of structures requiring construction control as defined by 780 CMR, Section 116).

10. **QUESTION** – *What is the fee to acquire more than one (1) of the new **Specialty Licenses** and what is the renewal period?*

**ANSWER** – A single License Card fee of \$150.00 will be charged although the Specialty License Card may indicate licensure in more than one category; i.e., a qualified Specialty License-holder may be licensed to perform construction supervision services in perhaps all new Specialty fields, including roofing, windows and siding, solid fuel-burning appliance installation and demolition or any combination of these Specialty Licenses. Regardless on the number of approved categories, the maximum fee is \$150.00 for the first issuance.

Like other construction supervisor licenses, *Specialty Licenses* will be renewable each two (2) year period following initial issuance for a fee of \$100.00. However, the first renewal period may be as much as 2 years 364 days. For instance, if you receive your *Specialty License* card with an effective date of July 1, 2008, but your birthday is June 30<sup>th</sup>, you receive the additional 364 days free of charge. In other words, the first renewal period will never be less that a 2 year period, but may be more. All renewal periods thereafter will be 2 years.

11. **QUESTION** – *If a person today (prior to July, 2008) only has an HIC Registration but has historically performed roofing work, installed windows and siding, installed wood or other solid fuel burning stoves, or was engaged exclusively in demolition work - will that person now need to have a **Specialty License** for the building permittable work performed?*

**ANSWER** – Yes. As of July, 2008 a license will be required to perform residential roofing and to install residential windows and siding.

A construction supervisor (either restricted or unrestricted depending on the project) has always been required to install solid fuel-burning appliances or to perform straight demolition. The *Specialty License* categories (and examinations therefore) are designed to focus on matters that are narrow to solid fuel-burning appliances and/or straight demolition projects rather than broader issues of the code.

12. **QUESTION** – *Will having one of the **Specialty Licenses** allow someone to construct a home or other building structure?*

**ANSWER** – No. In order to provide construction supervision for a building (whether a one or two family home or other type of building) one needs to be experienced in and possess an appropriate license (either restricted or unrestricted) for that type of work. A *Specialty License* indicates expertise in a narrow area of construction (or demolition).

13. **QUESTION** – *If I have a particular Specialty License such a roofing, can I also use that License to do windows and siding, or other specialty license work?*

**ANSWER** – No. A person must possess the particular expertise and must be licensed in the particular category in which he/she intends to work. So, in order to do roofing as well as windows and siding a person would have to demonstrate competency and be licensed in both *Specialty License* categories or possess a higher order CSL such as a Restricted CL or an Unrestricted CSL.

14. **QUESTION** – *If I contract a job to another who acts as a sub-contractor, will the sub-contractor need to have an appropriate Construction Supervisor or Specialty License for the work?*

**ANSWER** – If the sub-contractor is supervising the construction, then he/she must have the appropriate license for the work (whether it be one of the existing construction supervisor license categories or one of the *new Specialty License* categories). If the person sub-contracting the work is still overseeing the construction, then that person must have the appropriate license, not the subcontractor.

The regulations define this as a *licensed designee*. If you designate the authority to someone else to act as the supervisor (even though you may have secured the permit under your license), that person has been *designated* to act as the supervisor of construction activities (whether roofing, siding or an entirely new home) and therefore needs to be *licensed* in the appropriate category. The licensed designee does not require further supervision by you, although you may wish to do so.

If you secure a permit under your own license (regardless of category), but choose to sub-contract the work to another, you *must* act as the supervisor as the work progresses. In this limited instance, the sub-contractor does not need to be licensed.

15. **QUESTION** – *In general, when is a Construction Supervisor License required?*

**ANSWER** – Anytime building permittable work (work that requires the issuance of a building permit) is executed, an appropriate license is required for the intended work. However, there are some exceptions to this rule. For instance a home owner may secure a permit for work on his\her home. This is called the home owner exemption. In doing so, the homeowner incurs all responsibility for the project and forfeits any benefits and\or protections established by the Home Improvement Contractor (HIC) registration program.

Please refer to the DPS Web Page ([www.mass.gov/dps](http://www.mass.gov/dps)) for additional information on this matter. On the left side of the main web page select “Home Improvement Contractor / Construction Supervisor License” and then select “Table for aid in determining necessity of HIC/CSL”. This table provides an expanded answer to this question.

16. **QUESTION** - *When is Home Improvement Contractor (HIC) Registration required?*

**ANSWER** – This is a somewhat complex answer. Simply stated, anytime criterion defined by the Home Improvement Law (which is Massachusetts General Law (MGL) c.142A) is met, Home Improvement Contractor Registration is required. There are, however, several exceptions to this statement.

Please refer to the DPS Web Page ([www.mass.gov/dps](http://www.mass.gov/dps)) for additional information on this matter. On the left side of the main web page select “Home Improvement Contractor / Construction Supervisor License” and then select “Table for aid in determining necessity of HIC/CSL”. This table provides an expanded answer to this question.

17. **QUESTION** - *When are both Construction Supervisor License (CSL) and Home Improvement Contractor (HIC) registration required?*

**ANSWER** - Please refer to the DPS Web Page ([www.mass.gov/dps](http://www.mass.gov/dps)) for additional information on this matter. On the left side of the main web page select "Home Improvement Contractor / Construction Supervisor License" and then select "Table for aid in determining necessity of HIC/CSL". This table provides an expanded answer to this question.

18. **QUESTION** - *In a situation where Home Improvement Contractor (HIC) registration is required - who is responsible for obtaining all "construction" permits (building permit and/or electrical permit and/or plumbing and gas permit, etc.) associated with the proposed work?*

**ANSWER** - The HIC General Law, MGL c.142A §2(10), paragraph 4, in part, reads: *"Any contract entered into between a contractor and homeowner shall require the contractor to inform the homeowner of the following: (i) any and all necessary permits, (ii) that it shall be the obligation of the contractor to obtain said permits, and (iii) that homeowners who secure their own permits will be excluded from the guaranty fund provisions of this chapter."*

19. **QUESTION** - *What do I do in the interim period between today and July 1, 2008?*

**ANSWER** -

- If you are operating a roofing business where you only install *roof covering products* and you are performing home improvement contracting work as defined by Massachusetts General Law (MGL) c 142A, you (or your company) only need to be registered as a Home Improvement Contractor (HIC). If you perform any structural work associated with your roofing contracting business (such as replace sheathing, rafters or other structural elements), you would also need to possess either a Restricted or Unrestricted license depending upon the type of work that you perform.
- If you are operating a window and siding business and you are performing home improvement contracting work as defined by Massachusetts General Law (MGL) c 142A, you (or your company) only need to be registered as a Home Improvement Contractor (HIC). If you perform any structural work associated with your window and/or siding business, (such as replace sheathing, wood studs, headers or other structural elements), you would also need to possess either a Restricted or Unrestricted license depending upon the type of work that you perform.
- If you are operating a solid fuel burning appliance installation business and you are performing home improvement contracting work as defined by Massachusetts General Law (MGL) c 142A, you (or your company) need to be registered as a Home Improvement Contractor (HIC) and you need to possess either a Restricted or Unrestricted license depending upon the type of work that you perform.
- If you are operating a demolition only business and you are performing home improvement contracting work as defined by Massachusetts General Law (MGL) c 142A (demolition is considered a home improvement), you (or your company) need to be registered as a Home Improvement Contractor (HIC) and you need to possess either a Restricted or Unrestricted license depending upon the type of work that you perform.

20. **QUESTION** - *What about after July 1, 2008?*

**ANSWER -**

- If you are operating a roofing business where you only install *roof covering products* (whether you touch the structure or not) and you are performing home improvement contracting work as defined by Massachusetts General Law (MGL) c 142A, you (or your company) will need to be registered as a Home Improvement Contractor (HIC) and you will need to possess either a Restricted, Unrestricted, or Residential Roofing Specialty Construction Supervisor license.
- If you are operating a window and siding business and you are performing home improvement contracting work as defined by Massachusetts General Law (MGL) c 142A, you (or your company) will need to be registered as a Home Improvement Contractor (HIC) and you will need to possess either a Restricted, Unrestricted, or Residential Window and Siding Specialty Construction Supervisor license.
- If you are operating a solid fuel burning appliance installation business and you are performing home improvement contracting work as defined by Massachusetts General Law (MGL) c 142A, you (or your company) will need to be registered as a Home Improvement Contractor (HIC) and you need to possess either a Restricted, Unrestricted or Solid Fuel Burning Appliance Installation Specialty license
- If you are operating a demolition only business and you are performing home improvement contracting work as defined by Massachusetts General Law (MGL) c 142A (demolition is considered a home improvement), you (or your company) will need to be registered as a Home Improvement Contractor (HIC) and you need to possess either a Restricted, Unrestricted, or Demolition Only Specialty license.

21. **QUESTION** - *What if I operate in multiple categories. For instance, what is I am involved in roofing, siding, windows and solid fuel burning appliance installation?*

**ANSWER** - You would need to possess a license in each of these *Specialty License* categories, or possess a higher level Restricted or Unrestricted License (depending on the type of work that you intend to perform). Of course, you would also need to be registered as a Home Improvement Contractor (HIC) if you intend to perform work covered by the program.

Please be aware that beginning July 1, 2008, candidates for the Unrestricted and Restricted license categories (as well as masonry and Specialty License categories) will be required to more rigorously define their qualifications in order to sit for the license exam.

22. **QUESTION** - *What if I fail to acquire a license via grandfathering procedures or I intend to begin my construction contracting services after July 1, 2008 - will I need to take and pass s license exam?*

**ANSWER** - Yes. See Attachment B, question number 2 for additional information regarding license examinations.

23. **QUESTION** - *What about insurance requirements?*

**ANSWER** - The Department of Public Safety (DPS) as the licensing agency does not require construction supervisor license holders to possess liability or other insurance types. The Department

of Industrial Accidents (DIA), however, does require building contractors (construction supervisors) and others to carry Workers Compensation Insurance. Please visit the DIA website @ [mass.gov/dia](http://mass.gov/dia) for further information on this topic.

Also, as a matter of good business practice, building contractors (construction supervisors) typically carry liability and other types of insurance. Homeowners should always ask the building contractor (construction supervisor) about what types of insurance he\she carries prior to entering into a contract.

24. **QUESTION** - *Will I need to provide plans and\or specifications when applying for work covered by the Specialty License categories?*

**ANSWER** - The state building code requires three sets of construction documents to be provided with a building permit application. However, the building official is permitted to waive, or modify the requirements for filing construction documents when he\she determines that the scope of the work is of a minor nature.

Typically, plans are not required for residential roofing, siding and\or window projects. However, depending on complexity and peculiarity of a project (for instance, are large, new windows being added - are they subject to wind-borne debris requirements) a building official may determine that plans are required even for these types of projects. Plans would typically be required for the installation of solid fuel burning appliances and some demolition projects. The building official is the final arbiter as to whether or not plans are required.



## *Attachment A*

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To be considered for licensing under the grandfather provisions each applicant for license must prove to the Board that he/she possesses at least the minimum qualifications identified below for the category of license sought.

### *Residential Roof Covering Construction Supervisor License (RCCSL)*

Candidates for this license who can demonstrate to the satisfaction of the Board that they have had at **least five years** experience in the supervision of individuals engaged in the installation, alteration, repair, or removal of residential roof coverings as defined by this code shall receive a license in this category without being required to examine. **Said experience shall be within the period spanning January 1990 to July 2008.** Acceptable evidence in demonstration of this requirement shall be in the form of a letter of attestation by the candidate indicating that he/she possesses such minimum qualification and identifying specific projects (spanning a period of at least a five years during the noted time frame) in which the candidate was involved with residential roof projects, noting the name of the owner and address of said projects. Said letter shall be made part of the application to examine as described in Section R5.2.6.

### *Residential Window and Siding (Weather Protection) Construction Supervisor License (WSCSL)*

Candidates for this license who can demonstrate to the satisfaction of the Board that they have had at **least five years** experience in the supervision of individuals engaged in the installation, alteration, repair, or removal of residential windows and/or siding as defined by this code shall receive a license in this category without being required to examine. **Said experience shall be within the period spanning January 1990 to July 2008.** Acceptable evidence in demonstration of this requirement shall be in the form of a letter of attestation by the candidate indicating that he/she possesses such minimum qualification and identifying specific projects (spanning a period of at least a five years during the noted time frame) in which the candidate was involved with residential window and siding projects, noting the name of the owner and address of said projects. Said letter shall be made part of the application to examine as described in Section R5.2.6.

### *Residential Solid Fuel Burning Appliance Installer Construction Supervisor License (SFCSL)*

Candidates for this license who can demonstrate to the satisfaction of the Board that they have had at **least five years** experience in the supervision of individuals engaged in the installation, alteration, repair, or removal of residential solid fuel burning appliances as defined by this code shall receive a license in this category without being required to examine. **Said experience shall be within the period spanning January 1990 to July 2008.** Acceptable evidence in demonstration of this requirement shall be in the form of a letter of attestation by the candidate indicating that he/she possesses such minimum qualification and identifying specific projects (spanning a period of at least a five years during the noted time frame) in which the candidate was involved with residential solid fuel burning projects, noting the name of the owner and address of said projects. Said letter shall be made part of the application to examine as described in Section R5.2.6.

### *Demolition Only Construction Supervisor License (DCSL)*

Candidates for this license who can demonstrate to the satisfaction of the Board that they have had at **least five years** experience in the supervision of individuals engaged in the demolition or removal of single and two-family dwelling buildings and accessory structures as defined by this code shall receive a license in this category without being required to examine. **Said experience shall be within the period spanning January**

**1990 to July 2008.** Acceptable evidence in demonstration of this requirement shall be in the form of a letter of attestation by the candidate indicating that he/she possesses such minimum qualification and identifying specific projects (spanning a period of at least a five years during the noted time frame) in which the candidate was involved with the demolition or removal single and two-family dwelling buildings and accessory structures, noting the name of the owner and address of said projects. Said letter shall be made part of the application to examine as described in Section R5.2.6.

***R5.2.15.1 Responsibility for Work:*** *The license holder shall be fully and completely responsible for all work for which he/she is supervising. He/she shall be responsible for seeing that all work is done pursuant to this code and the drawings as approved by the Building Official.*

***R5.2.15.2 Responsibility to Supervise Work:*** *The license holder shall be responsible to supervise the construction, reconstruction, installation, alteration, repair, removal or demolition for the category of license held pursuant to this code and all other applicable Laws of the Commonwealth even though he, the license holder, is not the permit holder but only a subcontractor or contractor to the permit holder.*

**Note:** Massachusetts General Law (MGL) c 142A requires individuals and/or companies performing **Home Improvement Contracting** (HIC) work to be registered with the Department of Public Safety's, Board of Building Regulations and Standards. A specialty construction supervisor license cannot be approved for issuance if a candidate has been working without a registration and until an applicant files an application to be registered. Please complete the enclosed HIC application, return it along with all other information as herein required. HIC registrants who possess a valid construction supervisor license or specialty license are exempt from the registration fee and only need to pay the license fee of \$150.00 and the guaranty fund payment as specified on the HIC application. For instance, an individual registering as a sole proprietor would pay \$100.00 guaranty fund payment and \$150.00 license fee. Please provide a separate check for guaranty fund payment.

## *Attachment B*

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### Questions Relating to Licensed Construction Supervisors and Registered Home Improvement Contractors

#### 1. Question: What is a Licensed Construction Supervisor (CSL)?

**Answer:** A Licensed Construction Supervisor is an individual who directly supervises persons engaged in construction, reconstruction, alteration, repair, removal or demolition of certain limited types of buildings in the commonwealth.

There are three categories of license.

- **Unrestricted License** A person who possesses an unrestricted construction supervisors license may supervise individuals involved in the activities identified above for any single or two-family dwelling (or accessory structure) regardless of its size, or any other use building as defined by 780 CMR (the State Building Code) up to 35,000 cubic feet of enclosed space, buildings used for farm purposes and retaining walls less than 10 feet in height at all points along the wall as measured from the base of the footing to the top of the wall.
- **Restricted License** A person who possesses a restricted construction supervisors license may supervise individuals involved in the activities identified above only for any single or two-family dwelling (or accessory structure) irrespective of its size.
- **Masonry Only License** As the name suggests a person who possesses a masonry only construction supervisors license may supervise individuals involved in the activities identified above for fireplaces, chimneys, required means of egress stairs of masonry construction, masonry retaining walls which retain four feet or more of unbalanced fill, and other masonry structures for which a building permit is required (exclusive of structures requiring construction control as defined by 780 CMR, Section 116).

Board members have added license categories with the issuance of the Seventh Edition of the Code (see FAQs above).

#### 2. Question: How does one become licensed as a Construction Supervisor by examination?

**Answer:** A person seeking to become licensed as a construction supervisor must first be deemed qualified. To be considered qualified, a candidate for license must document at least three years of experience in building construction or design in the field of in which the candidate desires to be licensed. The years do not have to be consecutive, but must be the equivalent of 3 years of full time employment. The BBRs has determined that successful completion of a three or four year vocational high school or other vocational school program in the field of building construction shall be deemed to satisfy one year of the required three years of experience.

Next, a candidate must successfully complete an open-book examination on the requirements of the Massachusetts State Building Code. This is now a computer based test. Candidates must complete an application, mail to the private exam administrator and wait ten days to allow for processing. Following this period, candidates must call the exam administrator in order to register to take the exam at one of the more than seven sites located throughout the commonwealth. It is the candidate's responsibility to make the call to arrange the test date.

#### 3. Question: Are there other licenses required to perform construction work?

**Answer:** The construction supervisor license is the only license issued by the state for this specific purpose. However, some cities and towns have license requirements above and beyond that required by the state. The City of Boston, for instance, has established what they call their ABC Construction Licenses. Licenses required by the city may include placement of concrete or other type of specialty categories. As long as the

city's licensing requirements do not conflict with state requirements, the license is a valid requirement. Although there are only a handful of cities\ towns that maintain licensing requirements, it is always best to check with municipal authorities to determine if there are particular requirements for construction licensing.

#### 4. Question: What is a Registered Home Improvement Contractor (HIC)?

**Answer:** A Registered Home Improvement Contractor is defined as any person who owns or operates a contracting business who, through himself or others, undertakes, purports to have the capacity to undertake, offers to undertake, or submits a bid for residential contracting work to an owner, as such work is defined in 780 CMR R6 which are the rules and regulations pertaining to the program and Massachusetts General Law c 142A. Refer to the main page of this website for the regulations and [www.state.ma.us/legis](http://www.state.ma.us/legis) for the general law.

For purposes of registration, residential contracting is defined as the reconstruction, alteration, renovation, repair, modernization, conversion, improvement, removal or demolition or the construction of an addition to any pre-existing, owner-occupied building containing at least one but not more than four dwelling units, which building or portion thereof is used or designed to be used as a residence or dwelling unit, or to structures which are adjacent and accessory to such residence or building, including but not necessarily limited to: garages, sheds, cabanas, pool houses, gazebos.

Please note that the registration pertains to home improvements to existing structures; program protection does not extend to new construction.

#### 5. Question: Is the license different from the registration (CSL vs. HIC)?

**Answer:** Yes! They are separate and distinct.

The construction supervisor license is intended to demonstrate a degree of competency in respect to the provisions of the building code, which establishes criterion ensuring public safety. As identified above, a candidate must pass an examination in order to receive a license. An examination is not required to receive registration as a home improvement contractor. The HIC registration is intended as a consumer protection mechanism.

To make an analogy; in order to legally operate a motor vehicle in the commonwealth, a person is required to be appropriately licensed by the Department of Motor Vehicles. The license demonstrates that the motor vehicle operator has been examined and is (at least minimally) qualified to operate the vehicle. However, the operator must also ensure that the vehicle is registered. The registration is meant to achieve a totally different goal. The registration is a traceable identifier to authorities should something go wrong during the operation of the vehicle. HIC registration is meant to achieve a similar goal.

#### 6. Question: Can a Home Improvement Contractor registrant perform any work without possessing a license?

**Answer:** Yes, but the extent and type of work is very limited in nature. Essentially, a person who possesses an HIC registration only would be limited to performing work which is non-structural (such as exterior painting). In most instances, a Home Improvement Contractor would also be required to possess a Construction Supervisor License.

It is best to refer to the regulations for each program to understand who is required to register as a home improvement contractor and who is required to be licensed as a construction supervisor. Refer to the main page of this website to access regulations for each program.

7. Question: How do I know if a person is appropriately and currently licensed as a construction supervisor?

**Answer:** Construction supervisors possess a picture identification card which is issued by the commonwealth. The card indicates an expiration date. Before hiring a construction supervisor, simply ask to see the picture identification card, and take notice of the expiration date. Alternatively, you may refer to the main page of the website to look up a license.

8. Question: How do I know if a person is appropriately and currently registered as a Home Improvement Contractor?

**Answer:** Different from a construction supervisor's license, a registration is not always possessed by an individual (unless such individual is a sole proprietor). Often, a Home Improvement Contractor registration is issued to a company. Consequently, the registration card is not a picture identification card. However, like the construction supervisor license, a registration card bears an expiration date. Also, you may refer to the main page of the website to look up a registration.

9. Question: What if I am not satisfied with the work of licensed construction supervisor, are complaint procedures available?

**Answer:** Yes. However, it is important to recognize that the license does not ensure that the construction supervisor is a skilled builder. Rather, it indicates that the construction supervisor is knowledgeable in matters of the building code; it does not guarantee quality workmanship.

With that said, if a construction supervisor has violated the provisions of the code in some manner, a complaint may be filed. Once filed, a hearing *may* be scheduled before the License Review Committee or a single hearings officer. Once scheduled, the license holder is required to appear before the Committee or hearings officer to address matters of the complaint. The hearing is designed to offer the license holder and involved parties an opportunity to address members of the licensing authority directly.

At the hearing, the state building inspector who investigated the matter (if that in fact occurred – not all complaints are reviewed by a state inspector) would first provide his\her findings for the record. The license holder would then be afforded the opportunity to dispute or affirm these findings. The Committee chair or the hearings officer may allow testimony by the homeowner or other aggrieved party. However, it must be stressed that the matter is really an issue concerning the BBRS (as the licensing authority) and the construction supervisor (as the license holder) to determine whether or not the license should or should not remain in tact. Following the hearing, and based upon the evidence, Committee members or the hearings officer may revoke the license, suspend the license (for a definitive period of time), may require the license holder to be examined or re-examined, or may issue a letter of reprimand.

The hearing is not intended to address monetary losses and does not result in monetary damages awarded to the complaining party. However, this is not to suggest that monetary damages are not warranted. In order to be successful in pursuit of monetary, a complainant may use the determination of the License Review Committee (or hearings officer) in court proceedings. In certain instances, a complainant may recoup monetary losses through Home Improvement Contractor registration procedures (see question 9, below).

Interested parties may download Construction Supervisor License Complaint Forms by visiting the main page of this website.

10. Question: What about complaint procedures relative to registered Home Improvement Contractors?

**Answer:** When things go wrong because of poor or incomplete work, contract disputes, cost overruns,

improper materials, or other home improvement problems that you cannot resolve with your contractor, you have several options available for help:

**Mediation Services:**

The Attorney General's Office and your local consumer groups have well-trained and experienced mediators who may be able to help you and the contractor resolve disputes without any additional cost to you. For information and to see if you qualify for mediation, call the Attorney General's Consumer Complaint and Information Section at (617) 727-8400.

**Arbitration, Court Action, and the Home Improvement Guaranty Fund Arbitration:**

If you hired a registered home improvement contractor you may be able to submit your dispute to a neutral arbitrator through the State Arbitration Program. In this arbitration program, the homeowner and the contractor will present evidence and testimony to an impartial person, often referred to as a neutral or an arbitrator. The arbitrator will resolve the dispute by issuing a legally binding decision. A registered home improvement contractor, by law, automatically consents to arbitration by entering into contracts with homeowners for residential contracting on a 1-4 unit, owner occupied dwelling.

Your decision to seek arbitration through the Massachusetts Home Improvement Contractor Arbitration Program should be based on whether you qualify for arbitration, whether arbitration is an effective method of pursuing your claim, and whether you objectively have sufficient evidence to support your case. Review the following questions in order to determine whether or not you qualify for arbitration:

- Is there a written contract for the job? \_\_\_\_\_
- Will this Request for Arbitration be filed within 2 years of the contract date? \_\_\_\_\_
- Was the contractor registered with the state as a Home Improvement Contractor on the date the contract was signed? \_\_\_\_\_
- Was the contract for improvements, repairs, renovations, alterations, or additions to a preexisting owner-occupied residence with no more than 4 units? \_\_\_\_\_
- Is the property or residence located in Massachusetts? \_\_\_\_\_
- Is the property your primary residence? \_\_\_\_\_

If the answer to any of the above questions is no, you do not meet the basic qualifications for the Home Improvement Contractor Arbitration Program. You may want to consult an attorney to explore other legal remedies for your claim. Note: If you obtained your own building permit you may be eligible for arbitration (provided you satisfy the qualifications above), but may not be eligible for payment from the Guaranty Fund. Even if you do qualify, is the Home Improvement Contractor Arbitration Program the most effective way for you to pursue your claim?

The Massachusetts Home Improvement Contractor Act establishes two means by which you may recover your damages: arbitration or a traditional suit in court. You should carefully weigh the costs of pursuing your claim through arbitration versus the costs of pursuing a claim in court.

**Court Action**

You may pursue your claim through the court system. For claims under \$2,000, small claims court is the least costly alternative. Consumer Affairs publishes a Consumer's Guide to Small Claims Court, available upon request. Larger claims may be more suitable to District or Superior Court. You should seek legal advice for all claims.

**The Guaranty Fund:**

The Home Improvement Contractor Act establishes a Guaranty Fund to compensate consumers up to \$10,000 for unpaid judgments against registered home improvement contractors. The Guaranty Fund is supported by a one time fee that contractors are required to pay at the time of registration.

After a consumer is paid from the Guaranty Fund, the responsible registered contractor is obligated to reimburse the Fund with interest within 30 days. Failure to repay the Fund may result in administrative fines,

revocation of the contractor's registration, and in extreme cases, criminal prosecution.

The Arbitration Program and the Guaranty Fund are managed by the Office of Consumer Affairs and Business Regulations. A comprehensive Website on the program is available at:  
[www.state.ma.us/consumer/Info/const.htm](http://www.state.ma.us/consumer/Info/const.htm)

For further information on filing a consumer complaint against a registered contractor, please consult the above website, or call the Consumer Hotline at (617)-973-8787 or toll free (888)-283-3757.

### **Action Against the Contractor's Registration**

The Board of Building Regulations may take action against a contractor's registration as a result of complaint filed with Consumer Affairs, or filed directly with the Board by a consumer. These actions may include a written reprimand, suspension, or revocation of the contractor's registration; and may also include administrative penalties which must be paid to the Guaranty Fund.

The Office of Consumer Affairs generally forwards copies of consumer complaints to the Board of Building Regulations for action. If you choose to send a complaint directly to the Board of Building Regulations, please use the form available by visiting the main page of this website.

### **Registration Information**

Please visit the DPS website [mass.gov/dps](http://mass.gov/dps) for information.

### **Questions Relating to Professional Registration and Construction Control**

1. Question: The construction supervisor license appears to pertain only to single and two-family homes and other fairly small buildings and structures; does the commonwealth require a license to supervise construction of larger projects?

**Answer:** The Board of Building Regulations and Standards does not issue a license for these larger projects. However, that does not mean that larger projects are not subject to construction supervision; quite the contrary.

In explanation, Massachusetts General Law c 112 § 60L establishes registration criterion for the practice of architecture in the commonwealth. The following is excerpted directly from the general laws. Items 1(a) through 1(c) establishes that a registered architect is not required to prepare plans for or to supervise construction of certain small projects. Essentially, this is the derivative for the construction supervisor license; i.e. the construction supervisors license is intended to fill the void (in terms of supervision) for the small projects not under the control of a registered professional. (Logically, the larger projects are under the control of registered professionals; either a registered architect or registered professional engineer depending on the circumstance. See more details relating to this question below the requirements of the general law.)

Please be cautioned that the following is merely an excerpt from the general law, and that the legal authority pertaining to such general law rests with another agency, not the BBRS. Please visit the Board of Registered Professionals website @ [mass.gov/dpl](http://mass.gov/dpl) for more detailed information regarding the practice of architecture and engineering.

Of course, a building owner may choose to employ the services of a registered professional even if not required by the law or by the code.

Chapter 112: Section 60L. Services in practice of architecture

Section 60L. Nothing in sections sixty A to sixty M, inclusive, shall be construed to prevent

1. The preparation of plans and specifications for and the supervision of the construction, enlargement or alteration of
  - (a) Any building containing less than thirty-five thousand cubic feet of enclosed space, the computation to be made according to rules to be established by the board;
  - (b) Any single or two-family house or any accessory building thereto;
  - (c) Any building used for farm purposes;
2. The preparation of plans and specifications for and the supervision of the alteration of any building not involving substantial and major structural change;
3. The preparation of any detailed or shop plans required to be furnished by a contractor, or the administration of construction contracts by persons customarily engaged in contracting work;
4. The employees of a registered architect or persons acting under his direction from carrying out their normal duties in the preparation of plans and specifications or in the administration of construction contracts;
5. A registered professional engineer as defined in section eighty-one D of this chapter from performing, agreeing to perform, or holding himself out as able to perform such services included in the practice of architecture as may be incidental to his engineering work;
6. Officers and employees of the United States of America, while working in the commonwealth, from engaging in the practice of architecture as employees of said United States of America, and officers and employees of the commonwealth or any subdivision thereof from engaging in the practice of architecture as employees of the commonwealth or any subdivision thereof;
7. The practice of landscape architects, city planners and regional planners insofar as their work consists in consultations and preparation of master plans of parks, land areas, sites, organized groups of buildings, or communities, or the preparation of detailed plans and the supervision of planting, grading, paving, and such structural features as fences, steps, walls, pools, garden structures, and minor utilities normally included as a part of their work;
8. A partnership or corporation from entering into agreements to perform or holding itself out as able to perform any of the services involved in the practice of architecture; provided, that any agreement to perform such services shall be executed on behalf of the partnership or corporation by the partner or partners or by the officer or officers who shall be the registered architect or registered architects exercising professional and supervisory control over the particular services contracted for by the partnership or corporation, and provided, further, that any partnership or corporation holding itself out as of January first, nineteen hundred and fifty-seven, as able to perform any of the services involved in the practice of architecture and having a place of business in the commonwealth as of that date, and of which a majority of the partners of such partnership or officers of such corporation are registered architects or registered engineers and of which at least one of such partners or officers is a registered architect, may, until January first, nineteen hundred and seventy-seven, execute any such agreement by any duly authorized partner of such partnership or by any duly authorized officer of such corporation whether such duly authorized partner or officer is, or is not a registered architect or a registered engineer, provided that a registered architect who is such a partner or such an officer shall exercise professional and supervisory control over the particular services contracted for by the partnership or corporation.
9. A non-resident who holds a certificate of registration to practice architecture in the state in which he resides and in addition holds a certificate of qualification issued by the National Council of Architectural Registration Boards from agreeing to perform or holding himself out as able to perform any of the professional services involved in the practice of architecture; provided, that he shall not perform any of the professional services involved in the practice of architecture until registered as hereinbefore provided.

Such larger projects as mentioned above (i.e. projects that are not exempt from registration) require the services of registered professionals. As the general law indicates, these services are required for the preparation of plans (construction documents) for these projects, and the building code requires these projects to be supervised during construction by a registered professional. The pertinent section of code is called



construction control.

2. Question: Does that mean (the answer to question 1, above) that a building owner is required to hire a full-time, registered professional architect or engineer to supervise the construction of all large building projects.

**Answer:** The answer to this question is both yes and not necessarily.

Yes, an owner of a building project is required to employ the services of a registered architect or a registered professional engineer to supervise a larger building project (35,000 cubic feet of enclosed space or greater), but not necessarily on a full-time basis.

Construction Control methods are defined by Section 116 of the State Building Code. Essentially, the section identifies that supervision of a building project is commensurate with the complexity of the building. Therefore, it is necessary to consult the municipal building official in the city or town in which the building is to be constructed in order to determine the level of construction control that should be afforded a building project.

A building's size is not necessarily the only factor to consider. A small factory producing hazardous materials, for instance, may require far greater supervision (as well as expertise on the part of the registered professional) than a large residential complex. Consequently, it is essential for parties involved in projects subject to construction control to consult with the municipal building inspector (or state inspector if it is a state project) to determine details about frequency of inspection, reporting procedures, and general supervision of the project by the registered professional. Each project will (or may) be different.

3. Question: Who determines whether such projects should be in the care of a registered architect or professional engineer?

**Answer:** This is really a question that needs to be answered by the Boards of registration for each profession.

As an opinion only, a registered architect usually can and will design both the aesthetics of and the structure of a single or two-family home if employed by a building owner (even though the building owner is not required employ the services of a registered architect for such a project). For a more complex or larger building, the answer is less clear.

Applicable laws state that an architect may practice engineering that is incidental to a building project and an engineer may practice architecture that is also considered to be incidental to the project. However, the term incidental is not adequately defined.

If there are specific questions relating to this topic, interested parties should consult the appropriate website @ [www.state.ma.us/reg](http://www.state.ma.us/reg) or contact appropriate board representatives directly.

4. Question: What about operation of machinery on the jobsite; are licenses and\certifications necessary?

**Answer:** Yes, but these licenses are not issued by the BBRS. Most such heavy machinery licensing\certification requirements are determined by the Division of Inspection for the Department of Public Safety. Please refer to the main page of this website for information regarding

engineering licensing.

#### 5. Question: What about job safety on a construction site in general?

**Answer:** Construction site safety is truly a shared responsibility. Obviously, construction sites can be dangerous, and all who work at such sites or visit should take every precaution to observe safety rules.

The State Building Code defines some safety procedures for construction sites in Chapter 33 which is titled Site Work, Demolition and Construction. However, these requirements pertain mainly to protecting members of the general public as they pass by a site.

527 CMR, which is the State Fire Prevention Regulations, defines criterion to avoid the outbreak of fire on a site. Visit the Department of Fire Services website @ [www.state.ma.us/dfs](http://www.state.ma.us/dfs) for further information regarding such requirements.

Other agencies such as the Occupational Safety and Health Administration (OSHA) also establish criterion for job safety for certain employees of a construction site. Visit the OSHA website @ [www.osha.gov](http://www.osha.gov) for more information.

### Questions Relating to Building Plan Submission (Construction Documents)

#### 1. Question: Does the State Building Code define minimum requirements for building plan submissions?

**Answer:** Currently the Sixth Edition does not specify minimum plan submissions. However, may change in the Seventh edition.

As mentioned in questions relating to the building code at the beginning of this section, the BBRS is considering the adoption of the Seventh Edition of the building code. If approved by the BBRS, the code will be split into two documents (the code for one-and two-family dwellings and the code for all other building types). If the Code for One- and Two-Family Dwellings is approved as written, Section 110.6 would define minimum plan submissions for 1 and 2 family dwelling buildings. The proposed section identifying minimum plan submission is repeated below.

At a minimum, construction documents (for 1 and 2 family dwellings) shall include the following:

1. Site plan;
2. Foundation plan and details (as necessary);
3. Floor plans (including basement and attic levels, if applicable);
4. Exterior building elevations;
5. Framing plans and/or building section(s) adequately depicting structural systems;
6. Schedules, legends and/or details, adequately depicting doors, windows and related material installations;
7. Fire protection system locations;
8. Energy conservation information.

Neither the Seventh Edition of the code, nor the current Sixth Edition defines minimum plan submissions for other building types. The reason is that it would be next to impossible to accurately define minimally (and generically) acceptable plans for, say a hospital. As with construction control criterion (defined above), plans

submissions for such an intricate project would be commensurate with the job's complexity. Therefore, it is the obligation of the design professional to provide construction documents that accurately depict the building, its structure and all building systems that are acceptable to the building official. The building official shall make the determination as to whether the documents are acceptable or require further detail.

The code does currently (and will in the future) make it clear that building plans (or construction documents as they are more appropriately referred to) are required to accurately depict the design and construction of the building. The code is very specific in some regards; requiring that construction documents identify the construction type of the building, its use group(s), information relative to the building's (and/or spaces within) occupant load, clear identification of fire separation and fire wall assemblies with ratings requirements and how such assemblies will maintain required ratings when/if penetrated; among other things. In most every chapter, the code sets some criteria relative to plan content. Those involved in the production of plans should take care to note these requirements.

Also, the code makes it clear that the building official may waive plan requirements for smaller, less complex structures (as he/she so determines). Additionally, the code clearly states that three sets of construction documents shall be submitted to the building official (when required) with an application for building permit. The building official has 30 days to review the documents and take an action. (Construction documents for buildings that require fire protection systems are required to be forwarded to the municipal (or state) fire official for review of said systems. The fire official has 10 days to review the systems and make note of potential code deficiencies. If the fire official requires more than 10 days to review the plans, he/she must request additional time from the building official, in writing. (See questions relating to appeals procedures above if action is not taken within prescribed time periods).