

Date: April 30, 2020

From: Dan Walsh, Assistant Chief of Inspections Building- Engineering

Re: Guidance About the Executive Order Extending Licenses and BBRs Action Suspending In-Person Ed.

The Office of Public Safety and Inspections (OPSI) has received many inquiries from license holders seeking information about possible modifications to the continuing education and renewal requirements for Construction Supervisor Licenses (CSL) because of the COVID-19 state of emergency. Two significant actions relating to this question have occurred. The first involves Governor Baker's March 18, 2020 Executive Order (the Order) extending the registrations of individual licensed professionals up to 90 days after the state of emergency ends. The second is the Board of Building Regulations and Standards (BBRS), waived the in-person classroom training requirement for construction supervisor license (CSL) renewal applications, during the state of emergency and up to 90 days following the end of the state of emergency. Additionally, the BBRS will also accept live webinars to serve in place of the in-person training requirement during the state of emergency and for 90 days after the state of emergency ends.

Order Extending Licensed Professionals.

The Order applies to licenses, certificates, or registrations, *in good standing* as of the date of the Order that expire during the state of emergency. This action effectively keeps these licenses current until 90 days after the end of the state of emergency. Licensees will be able to utilize the 90-day window to complete their license requirements. A licensee in good standing at the time of the declaration of the state of emergency (March 10, 2020), can continue to practice for 90 days after the state of emergency ends.

Board of Building Regulations and Standards Actions.

The BBRS, because of the public health emergency, suspended the in-person education requirement for all CSL renewal applications submitted to DPL during the state of emergency and up to 90 days following the declared end of the state of emergency. This action allows all 10 or 12 hours of required education to be completed through previously approved online courses. The BBRS also decided to accept approved courses delivered by way of a webinar during this period. The in-person class requirement suspension will stop 90 days after the state of emergency ends, at which time the in-person requirement will be reinstated.

The series of questions below should help licensees understand how the Order and the BBRS actions will apply to different situations.

Question 1. *How does the Order apply to a CSL who cannot acquire the required in-person continuing education hours prescribed in 780 CMR Section 110.R5.4.3 for reasons related to the state of emergency?*

Answer: A CSL holder, in good standing as of March 10, 2020, can continue to practice for the period of time encompassing the state of emergency and 90 days post termination of the state of emergency, or until the Order is rescinded, whichever happens first. The Order does not apply to licenses that expired prior to March 10, 2020; licenses that expire after the state of emergency ends; or to licenses that have been suspended or revoked.

Question 2. *Does the Order waive the in-person, classroom training required in the state building code, 780 CMR 110.R5.4.3?*

Answer: The Order does not waive any educational requirements. However, the BBRS suspended the in-person class requirement for all CSL renewal applications submitted to DPL during the state of emergency and up to 90 days following the end of the state of emergency.

Question 3. *If my CSL expires right after the emergency ends, can I complete the continuing education requirements on-line to renew my license.*

Answer: Yes. The BBRS did suspend the in-person class requirement for all CSL renewal applications submitted to DPL during the state of emergency and up to 90 days following the declared end of the state of emergency, allowing all 10 or 12 hours to be completed through approved online classes.

Question 4. *If my CSL expires right after the emergency ends, can I continue to use my license to acquire building permits for the 90 days following the declared end of the state of emergency while I complete the continuing education requirements to renew my license.*

Answer: No. The Order and the actions of the BBRS only extend to those CLS licenses that expire during the state of emergency. If your CLS license expires AFTER the state of emergency ends, you will not be allowed to use your license to acquire building permits. The BBRS suspended the in-person classroom requirement for 90 days after the end of the state of emergency, allowing for all 10 or 12 hours to be completed through previously approved online classes for those renewing during this period.

Question 5. *Does the waiver of in-person classroom continuing education classes apply to every CSL?*

Answer: No. CSL's renewing more than 90 days after the state of emergency ends must follow the usual rules for obtaining continuing education, including meeting the live classroom requirement