



MASSACHUSETTS FEDERATION OF BUILDING OFFICIALS, Inc.

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Guidelines for hiring an Inspector of Buildings/Building Commissioner

Massachusetts General Laws Chapter 143 mandates that all cities and towns in the commonwealth appoint a building official to be known as an Inspector of Buildings/Building Commissioner. Minimum qualifications and duties are specified in the law and in the Massachusetts State Building Code (780 CMR). To effectively serve your community, however, the individual you appoint to this position must exceed these minimums.

A Building Commissioner's primary responsibility is public safety. This must never be forgotten. The State Building Code is a public safety document. Following the Code to the letter ensures that the buildings in which we live, work, worship, educate and recreate are built safe, and stay safe. The Building Commissioner does not put out fires, he prevents them. The Building Official does not rescue victims from a roof collapse, they prevent the collapse. Smoke detectors, safe egress, alarm systems, sprinkler systems, fire blocking and the structural integrity of building components save lives. This is a fact. These and countless other details are the responsibility of the Building Commissioner. No one else has this responsibility or authority. Every day the local Building Commissioner quietly saves lives and prevents injury and property loss. Through enforcement of the requirements of the Massachusetts Architectural Access Board (521 CMR), the Building Commissioner ensures accessible buildings to all. As Zoning Enforcement Officer, he or she ensures the peaceful enjoyment of private property and fairly regulated commercial property. Therefore, you owe it to yourselves and your residents to consider well before appointing.

Building Commissioner minimum qualifications, In accordance with the Massachusetts State Building, Code (780 CMR):

- Must, at a minimum, be certified as a Local Inspector prior to appointment as Building Commissioner.
- A municipality may appoint anyone who is certified as a Building Commissioner.

- Anyone certified as a Local Inspector, but not certified as a Building Commissioner must be pre-qualified by the Building Officials Certification Committee (BOCC) prior to taking exams for Building Commissioner certification.
- Once approved by the BOCC, an individual who is not certified as a Building Commissioner may be appointed conditionally to the position of Building Commissioner.
- A conditional appointee must attain passing grades on all exams for the position of Building Commissioner within eighteen months from date of appointment to be certified as a Building Commissioner.
- All building officials must maintain certification through continuing education. A minimum of 45 hours of approved training is required for each three year cycle.

Important qualifications and attributes:

- Membership in a regional building officials' association
 - Building Officials of Western Massachusetts – BOWM,
 - Southeast Massachusetts Building Officials Association – SEMBOA,
 - Massachusetts Building Commissioners and Inspectors Association – MBCIA
 - MetroWest Building Officials Association MWBOA
 - Monthly trainings at membership meetings (most carry CEUs)
 - Monthly updates on current events relating to the profession
 - Networking with other building officials
- A working knowledge of the Massachusetts State Building Code
- A familiarity with the fundamentals of zoning
 - The purpose of zoning
 - The basics of the Mass. Zoning Act (MGL Chapter 40A)
 - Ability to understand, interpret and enforce zoning bylaws
- Ability to be impartial in all matters
- Willingness and ability to devote a great deal of time, during regular business hours, to attend trainings

- An understanding of the roles and duties of other boards and departments, and the ability to work in harmony with all of them. Your Building Commissioner interacts with more departments than any other appointed official.
 - Planning Board, ZBA, Assessors and Conservation Committee
 - Board of Health, Fire and Police Departments and Highway Department/DPW
- Ability to relate to all personality types
 - Architects, engineers, attorneys, realtors, appraisers, surveyors
 - Contractors, large and small
 - Homeowners and property owners in need of assistance
 - The confused, the angry, the recalcitrant, the hopeless and willfully obtuse

Tips for the appointing authority:

- Understand the duties and the limitations of duties of a Building Commissioner and Zoning Enforcement Officer (ZEO)
- Duties of the Building Commissioner are clearly defined in MGL Chapter 143 and the Mass. State Building Code. Duties of the Zoning Enforcement Officer (ZEO) are clearly defined in MGL Chapter 40A. Authority is *limited* to those duties. Do not ask for, demand or allow anything which would exceed those authorities. This puts the municipality at risk.
- Do not ask for, demand or allow preferential treatment for anyone for any reason.
- Do not ask for, demand or allow less popular persons to be discriminated against.
- Understand that what you or anyone else feels *should* be the law *is not* the law. If it is not written in black and white, it cannot be enforced. This is especially true of zoning enforcement. The Zoning Enforcement Officer cannot enforce what *may have been* the intent of those who drafted the zoning bylaw. Only the written law can be enforced.
- Realize that enforcement takes time. Sometimes lots of time.
- Other boards or departments frequently feel they have special privileges, and coerce the building official to perform duties outside the purview of the position. This is all too frequently done for personal reasons. His legitimate refusal is then construed as a failure to cooperate with other boards. Do not allow this.

- The Building Commissioner is required to report to the Board of Assessors when a building permit is issued. He is required to report monthly to his appointing authority. He is not required to perform work, collect information, or do inspections for the Assessors, Conservation Commission, Board of Health or the Fire Department.
- The ZEO is not required to act on anonymous complaints, or on any complaints not submitted in writing, signed by the complainant.
- Recognize that a well-trained Building Commissioner is a benefit to the municipality.
- Support membership and *participation* in the regional building officials association and the Mass. Federation of Building Officials. Dues should be paid by the municipality.
- Encourage the Building Commissioner to avail himself of all training available. Knowledge gained may well avert a mistake, and save thousands of dollars in legal fees.
- Insist on monthly reports, the Building Commissioner is required to maintain records, and make periodic reports to his appointing authority. Be sure you are kept in the loop regarding the activity of the department. Be certain proper records are kept. Ask questions to keep up to date and informed.
- Hire a professional, and pay a professional grade salary. This is an investment, not an expense.
- Ensure that staffing in the building department is adequate. Shortcuts could literally cost lives.
- Review your fee schedule. This should come close to paying for building department services on a five year average.
- Remember there are no fees for zoning enforcement. Costs should come from tax revenue.

Contact The Massachusetts Federation of Building Officials for further guidance through our website: www.mfbo.org. Or you can contact the president of the local building officials' association.