
MAKING APPLICATION FOR PERMITS

Q. What is a Building Permit?

Building Departments are required to receive building permit applications with accompanying construction documents for review prior to performing construction in order to assure that the project is completed in accordance with the building code and related standards and is safe to occupy upon completion. Upon satisfactory review, a building permit card is issued to the applicant. The permit card must be posted at the job site until completion.

Q. Are permit inspections and final inspections from the Local Building Departments required?

Yes, after all necessary permits are acquired, the contractor is required to schedule inspections with the municipal inspector as the job progresses.

For example, if you were to construct a deck attached to your home, the contractor must call for inspections; at the placement of the footings, when the structural frame is completed and possibly at other points of construction as determined by the municipal inspector. Larger projects, such as the addition of a family room or bedroom, would require more points of inspection. Although inspection processes may vary slightly from town to town, typically inspections are required for the footings, foundation structural frame, insulation, exterior siding roofing, chimneys and fireplaces. Upon final inspection, a certification of occupancy may be issued.

Q. For which projects are building permits required?

Most, but not all projects require a building permit. <http://www.mass.gov/ocabr/docs/hic/inf-bbrs-work-requiring-hic-csl.pdf> which indicates which activities require a permit.

Q. May I perform my own plumbing and gas piping?

Permits to perform plumbing and gas work shall be issued in compliance with the following:

- a. Permits shall be issued to properly licensed individuals only.

Q. May I perform my own wiring? Do I need a permit?

A homeowner is permitted to perform electrical work on their primary residence providing it is a single family home. Towns are not compelled to issue, an unlicensed electrician, a permit to do electrical work. Thus, although you can do it, you may have to do it unpermitted and uninspected. The Building Department will note on the Building Permit and in the records that unlicensed electrical work has been performed. Your financial institution and or Insurance Company may have concerns.

Q. Does the Building Code define minimum requirements for building plan submissions?

At a minimum, construction documents (for single- and two-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.

Q. What are Home Improvement Contractors (HIC)?

A Home Improvement Contractor ("HIC") 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 and Massachusetts General Law chapter 142A (which are the rules and regulations pertaining to the program). All HICs must be registered with OCABR.

Q. What is the difference between a HIC and a CSL Contractor?

A CSL is required for any work that involves a building's structural elements and the holder had to have passed an examination which demonstrates knowledge of the building code. A holder of an HIC registration is not required to pass an examination. The holder is registered with the state and must pay a fee which is deposited in to the Guaranty Fund at the Office of Consumer Affairs. These serve as protections for consumers in the event of a dispute between a homeowner and an HIC.

Q. Why should I hire a registered home improvement contractor?

To protect you as the consumer! When contractors register with the Office of Consumer Affairs and Business Regulation, they must make a contribution to the Guaranty Fund. Consumers may be eligible for reimbursements through the fund should something go wrong during the construction process. Please see [M.G.L. c. 142A, § 5.](#)

Q. What if my Home Improvement; Contractor does not have a Construction Supervisor's License, and my project requires a CSL license?

A Home Improvement Contractor may enter in to contracts with homeowners, however if he/she does not hold a valid CSL, he/she must hire an active Construction Supervisor Licensee to supervise the project. It is the responsibility of both the Home Improvement Contractor and the Construction Supervisor's Licensee to obtain all building permits prior to beginning the project.

Q. I am having my roof replaced or replacement windows or siding work done. Will I need both a registered Home Improvement Contractor and a Construction Supervisor's Licensee?

Beginning July 1, 2008, all individuals who perform roof replacement, siding, and window replacement will be required to hold both a Home Improvement Registration and a Construction Supervisor's License.

Q. If I am building a new home (new construction), will I need a Home Improvement Contractor?

No. An HIC is not required for new construction. The Construction Supervisor Licensee however must apply for all required building permits and architect plans for review by the local inspector. When the local inspector is satisfied that the project meets the requirements of the [Building Code/BBRS](#) the building department of your local city/town will issue your building permit. The permit must be placed on site.

Q. Who is responsible for making application for the permit?

Application for a permit is required to be made by the owner or lessee or their agent of the building (e.g.; the HIC registrant). If application is made other than by the owner, written

authorization of the owner must accompany the application. Such written authorization shall be signed by the owner and shall include a statement of ownership and shall identify the owner's authorized agent, or shall grant permission to the lessee to apply for the permit. The full names and addresses of the owner, lessee, applicant and the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

Please note: It is the responsibility of the registered HIC to obtain all permits necessary for work covered by the Home Improvement Contractor Registration Law, [M.G.L. c. 142A](#). An owner who secures his or her own permits for such shall be excluded from the guaranty fund provisions as defined in [M.G.L. c. 142A](#).

Q. My contractor told me I need to obtain the permits for my construction. May I obtain the relevant permits from my local building department, or is the contractor required to do that?

While you may certainly obtain your own permits, be aware that if you do, you will fall into a homeowner exemption that will disqualify you from being eligible to receive recourse through [M.G.L. c. 142A](#), the HIC Law, or the statutorily authorized Guaranty Fund, should a problem arise. It is the responsibility of the registered HIC to obtain all permits necessary for work covered by the Home Improvement Contractor Registration Law, [M.G.L. c. 142A](#). If the HIC you are contracting with refuses, you may wish to reconsider using that contractor's services.

Q. What if I choose to do the work or hire unlicensed, unregistered persons?

If you choose to perform building construction work on your own home, or if you choose to hire unlicensed, unregistered persons, you must secure your own building permit under what is called the homeowner exemption. In doing so, you assume all responsibility for the project (i.e. ensuring the end product conforms with all pertinent codes, laws and ordinances) and you forfeit any and all rights under the Home Improvement Registration program.

Q. What if my registered Home Improvement Contractor does not have a Construction Supervisor's License, and the project requires a CSL holder, what do I do?

Most construction projects will require both a licensed and registered contractor. A contractor possessing only a home improvement registration may perform only small projects that would typically be considered ordinary repairs to a property (such as painting, wallpapering, repairing existing decking and similar jobs). Larger projects, such as building a deck or an addition to an existing home or any project that includes structural work (to an existing single to four family, owner occupied home) would require both a license and registration. However, the license and registration may not necessarily be possessed by the same person. AAA For example, a registered contractor could subcontract larger projects to another individual and/or company as long as that individual or company possesses both a license and registration to perform the work.

The important thing to remember is that most construction work performed on your single to four family, owner occupied home will require the services of a licensed and registered contractor and that the registered contractor is required to secure the permit for such work, clearly listing the subcontractor if he/she is to act as the supervisor of construction (in possession of the construction supervisor license). Homeowners who secure permits for such work under the homeowner exemption clause may forfeit all protective rights identified by [M.G.L., c. 142 A](#) (The Rules and Regulations for Home Improvement Contractors).

Homeowners should make sure that the contractor and/or all subcontractors that will be employed are appropriately licensed and registered. The municipal building official will also ask to see both the license and registration of a contractor (or contractors) at the time of building permit application is filed.

Q. Do you need a Construction Supervisor's License and a Home Improvement Registration to construct an addition to an existing home?

Yes. See, [M.G.L., c. 142A](#),