



CITY OF SOMERVILLE, MASSACHUSETTS
LAW DEPARTMENT

September 26, 2013

Honorable Board of Aldermen
City Hall
Somerville, MA

Re: Response to Board Order #195035
Fire Escape Examination qualifications

Dear Honorable Board Members:

You have asked this office to supply an opinion regarding changes to the state building code, 780 CMR 10.00 which requires fire escapes to be “examined and/or tested, and certified for structural adequacy and safety every five years, *by a registered design professional, or others qualified and acceptable to the building official.*” Emphasis added.

A “registered design professional” is either a registered architect, as certified by the Board of Registration of Architects, See, G.L. c. 112 § 60A or a registered engineer, as certified by the Board of Registration of Engineers and Land Surveyors of the Commonwealth of Massachusetts. See, G.L. c. 112 §81L. The real question to interpret here is who, other than a registered design professional, may be determined to be qualified to examine and/or test fire escapes. The regulation here leaves a lot of discretion to the building official, here, the local building inspector, to determine who else may be so qualified.

It is clear that there are others who are not registered design professionals that are qualified to determine a fire escape’s structural adequacy. Presumably, an experienced licensed contractor would be qualified to make such a determination in most instances. The level of qualification required may also vary depending upon the size and complexity of the structure to which the fire escape is attached. It should be noted that there is nothing to preclude the Inspectional Services Division from developing local policies with more specific criteria setting forth some guidance as to what qualifications should be satisfactory to the building inspectors. But so long as a review of the qualifications of the person certifying the structural adequacy of

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the fire escape is conducted, and a determination is made by the building inspector that such individual's qualifications are satisfactory, that will meet the requirements of the code.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

Matthew J. Buckley
Assistant City Solicitor

cc: Honorable Joseph A. Curtatone