



**COMMISSIONER'S BULLETIN**  
**INSPECTIONAL SERVICES DEPARTMENT**  
**CITY OF BOSTON**

**Number:** 2022-01

**Date:** March 10, 2022

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**Subject:** Certification of Roof Decks

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**Purpose:** The purpose of this Bulletin is to establish guidelines for the certification of roof decks in accordance with City of Boston Code, Ordinances Chapter 9-9.13, *Regulating Access to Roof Areas of Buildings with Residential Units*. Commissioner's Bulletin 2008-01, "Certification of Roof Decks", is rescinded and replaced.

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**Determination:**

City of Boston Code, Ordinances, Chapter 9-9.13, *Regulating Access to Roof Areas of Buildings with Residential Units* ([CBC 9-9.13](#)), regulates the use of roofs as areas of recreation and as places of assembly. The purpose of this Ordinance is to protect and preserve public safety, security, and quiet enjoyment of occupants, abutters, and neighborhoods by (i) discouraging the inappropriate use of flat roof areas of residential buildings and (ii) regulating the use of and/or assembly of persons on flat roof areas and/or roof decks.

Pursuant to the requirements defined in CBC 9-9.13, this Bulletin outlines the administrative procedures and requirements related to the certification of roof decks in the City of Boston.

**1. Policy**

- a. All roof decks, or flat roofs without structures used in the comparable manner, shall be required to be certified every five (5) years beginning with the effective date of the ordinance.
- b. The Inspectional Services Department (ISD) will compile a database containing the records of these certifications to ensure that property owners are in compliance with this ordinance.
- c. For purposes of this bulletin the term "roof deck" shall include a flat roof with no structure, but that is accessible and may be used for recreational purposes (refer to CBC 9-9.13).

## **2. Applicability**

This ordinance is not applicable in the following circumstances:

- a. Owner occupied one and two family dwellings (as defined by the Massachusetts State Building Code 780 CMR).
- b. Roof decks accessed through a single access point within owner-occupied units.
- c. Roofs not accessible to tenants or alarmed in accordance or alarmed in accordance with CBC 9-9.13.

## **3. Existing Roof Decks, Compliance Schedule**

- a. Existing roof decks which have been previously permitted through the Inspectional Services Department (ISD) must comply with the ordinance by having the premises certified.
- b. Once a roof deck has been completed and/or documented with ISD, the roof deck must be recertified as required in section 4(d) below, every five (5) years.

## **4. New, Replacement or Renovated Roof Decks**

- a. New, replacement or renovated roof decks are subject to the following permitting provisions:
  - i. Applications for new roof decks or for roof areas without structures that are intended to be used for recreational purposes shall be submitted to ISD as a Long Form building permit.
  - ii. Existing roof decks, with the exact dimensions as previously permitted, being repaired will be considered for Short Form replacement. Engineer's reports by a Commonwealth of Massachusetts registered engineer must be provided at the time of the final inspection.
  - iii. Existing roof decks, with the exact dimensions as previously permitted, requiring replacement due to roof repair work will be considered for Short Form replacement. Engineer's reports by a Commonwealth of Massachusetts registered engineer must be provided at the time of the final inspection.
- b. The Long Form building permit application must be accompanied by a plot plan and plans depicting the existing or proposed dimensions and location of the roofdeck and the applicable setbacks. The plot plan and plans must be stamped, signed, dated and approved by a Commonwealth of Massachusetts registered architect or engineer and show compliance with the requirements of the State Building Code and the City of Boston Zoning Code.

- c. Evidence of compliance with any other Historic or Design Review requirements, including but not limited to Boston Planning and Development Agency and/or Boston Landmarks Commission approval must also be submitted with the application or prior to issuance of the permit.
- d. At the completion of the project the owner must file an affidavit from a Commonwealth of Massachusetts registered architect or engineer certifying that the roof deck is in compliance with the applicable regulations at the time of the original permit issuance.
  - i. This certification shall cover all public safety aspects including live load requirements, handrail requirements (height, balusters, applied loads, etc.) access and egress requirements.

**5. Multiple Roof Decks on Same Building**

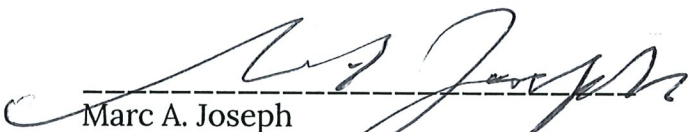
Buildings with multiple roof decks, whether or not in common ownership, shall have all roof decks or similar areas certified under the same affidavit if applicable.

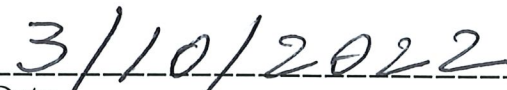
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**Signed:**

  
Sean C. Lydon  
Commissioner

  
Date

  
Marc A. Joseph  
Inspector of Buildings

  
Date