

AFAA-NE has no opinion on this document at this time and is looking further into it.

HOUSE DOCKET, NO. 2753 FILED ON: 1/16/2015

HOUSE No. 2109

The Commonwealth of Massachusetts

PRESENTED BY:

Nick Collins

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the installation of approved smoke detectors in certain residential buildings and structures.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---------------------------|------------------------------------|
| <i>Nick Collins</i> | <i>4th Suffolk</i> |
| <i>Michelle M. DuBois</i> | <i>10th Plymouth</i> |
| <i>James R. Miceli</i> | <i>19th Middlesex</i> |
| <i>Daniel M. Donahue</i> | <i>16th Worcester</i> |
| <i>Daniel J. Ryan</i> | <i>2nd Suffolk</i> |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> |
| <i>Frank A. Moran</i> | <i>17th Essex</i> |
| <i>RoseLee Vincent</i> | <i>16th Suffolk</i> |
| <i>Louis L. Kafka</i> | <i>8th Norfolk</i> |
| <i>Denise C. Garlick</i> | <i>13th Norfolk</i> |
| <i>Kenneth I. Gordon</i> | <i>21st Middlesex</i> |
| <i>Kate Hogan</i> | <i>3rd Middlesex</i> |
| <i>Colleen M. Garry</i> | <i>36th Middlesex</i> |
| <i>Michael D. Brady</i> | <i>Second Plymouth and Bristol</i> |
| <i>Diana DiZoglio</i> | <i>14th Essex</i> |
| <i>Paul Tucker</i> | <i>7th Essex</i> |
| <i>Tom Sannicandro</i> | <i>7th Middlesex</i> |
| <i>Paul R. Heroux</i> | <i>2nd Bristol</i> |
| <i>James J. O'Day</i> | <i>14th Worcester</i> |

HOUSE No. 2109

By Mr. Collins of Boston, a petition (accompanied by bill, House, No. 2109) of Nick Collins and others relative to the installation of approved smoke detectors in certain residential buildings and structures. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1128 OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to the installation of approved smoke detectors in certain residential buildings and structures.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 148 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out section 26D and inserting in place thereof the following section:-

Section 26D. (a) Notwithstanding any general or special law to the contrary and without regard to the date of construction, every existing 1 or 2 family building or structure and every existing building or structure containing more than 1 but fewer than 6 dwelling units, occupied in whole or in part for residential purposes shall, upon sale or transfer of such building or structure, be equipped by the seller with approved smoke detectors in accordance with the rules and regulations of the board of fire prevention regulations. The head of the fire department shall inspect such building or structure at the time of sale or transfer for compliance with this section. For the purposes of this section, an existing building or structure shall not include those

buildings or structures for which a certificate of occupancy has been issued within five years prior to the date of sale or transfer.

(b) The rules and regulations of the Board of Fire Prevention Regulations, established in accordance with this section, may require the upgrade, installation or replacement of smoke detector devices based upon advances in smoke detection technology; provided, however that, in any building or dwelling unit constructed prior to January 1, 1975 which has not undergone an alteration or change of use since January 1, 1975 which would require it to comply with the smoke detector provisions of the State Building Code, the installation of approved monitored battery power smoke detectors shall be allowed; and, provided further, that the relocation or addition of any smoke detector device or the relocation or addition of any power supply wire associated with such smoke detector device, if such device location or wire location was installed in accordance with the requirements of the State Building Code in effect as of the date of such installation, shall not be required.

For purposes of this section, approved monitored battery power smoke detector, shall be a smoke detector which is activated, at a minimum, by an operable ten-year, sealed battery power source; provided that the battery is monitored to assure that the following conditions are met:

(i) a distinctive audible trouble signal is given before the battery is incapable of operating the device for alarm purposes, and that such audible trouble signal is produced at least once every minute for seven consecutive days, and

(ii) the unit is capable of producing an alarm signal for at least four continuous minutes at the battery voltage at which a trouble signal is normally obtained followed by seven days of trouble signal operation, and

(iii) the monitored batteries meeting these specifications are clearly identified on the unit.

(c) The head of the fire department shall enforce this section.

(d) Nothing in this section shall abrogate the authority of the state board of building regulations and standards to regulate smoke detector requirements for the construction of new buildings and for existing buildings undergoing repair, alteration, addition or change of use.

SECTION 2. Section 10A of chapter 148, as so appearing, is hereby amended by striking out, in line 15, the term 26F and inserting in place thereof the following:- 26D.

SECTION 3. Sections 26E and 26F of chapter 148 of the General Laws are hereby repealed

House 2109

**PART I ADMINISTRATION OF THE GOVERNMENT
TITLE XX PUBLIC SAFETY AND GOOD ORDER
CHAPTER 148 FIRE PREVENTION
Section 26D Definitions applicable to Secs. 26D to 26F**

~~Section 26D. As used in this section and sections twenty-six E and twenty-six F the following terms shall have the following meanings unless the context clearly indicates otherwise:?~~

~~"Approved monitored battery power smoke detector", shall be a smoke detector which is activated by a battery power source provided that the battery is monitored to assure that the following conditions are met:~~

~~(a) a distinctive audible trouble signal is given before the battery is incapable of operating the device for alarm purposes, and that such audible trouble signal is produced at least once every minute for seven consecutive days, and~~

~~(b) the unit is capable of producing an alarm signal for at least four continuous minutes at the battery voltage at which a trouble signal is normally obtained followed by seven days of trouble signal operation, and~~

~~(c) the monitored batteries meeting these specifications are clearly identified on the unit near the battery compartment.~~

~~"Approved primary power smoke detector", shall be a smoke detector which is activated by being permanently wired to a source of alternating current electric power or connected to a source of alternating current electric power by an underwriter's laboratory approved cord with a strain relief and plug retainer; provided, that:~~

~~(a) all power supplies shall be sufficient to operate the alarm signal for at least four continuous minutes, and~~

~~(b) all such detector systems shall be installed in accordance with the Massachusetts Electrical Code.~~

~~"Common hallway", a common corridor or space separately enclosed which provides common access to the required exitways of the residential building or structure.~~

~~"Separate sleeping area", shall mean the area or areas of the dwelling unit in which the bedrooms, or sleeping rooms, are located. Bedrooms, or sleeping rooms,~~

~~separated by other use areas such as kitchens or living rooms, but not bathrooms, shall be considered as separate sleeping areas.~~

Section 26D. (a) Notwithstanding any general or special law to the contrary and without regard to the date of construction, every existing 1 or 2 family building or structure and every existing building or structure containing more than 1 but fewer than 6 dwelling units, occupied in whole or in part for residential purposes shall, upon sale or transfer of such building or structure, be equipped by the seller with approved smoke detectors in accordance with the rules and regulations of the board of fire prevention regulations. The head of the fire department shall inspect such building or structure at the time of sale or transfer for compliance with this section. For the purposes of this section, an existing building or structure shall not include those buildings or structures for which a certificate of occupancy has been issued within five years prior to the date of sale or transfer.

(b) The rules and regulations of the Board of Fire Prevention Regulations, established in accordance with this section, may require the upgrade, installation or replacement of smoke detector devices based upon advances in smoke detection technology; provided, however that, in any building or dwelling unit constructed prior to January 1, 1975 which has not undergone an alteration or change of use since January 1, 1975 which would require it to comply with the smoke detector provisions of the State Building Code, the installation of approved monitored battery power smoke detectors shall be allowed; and, provided further, that the relocation or addition of any smoke detector device or the relocation or addition of any power supply wire associated with such smoke detector device, if such device location or wire location was installed in accordance with the requirements of the State Building Code in effect as of the date of such installation, shall not be required.

For purposes of this section, approved monitored battery power smoke detector, shall be a smoke detector which is activated, at a minimum, by an operable ten-year, sealed battery power source; provided that the battery is monitored to assure that the following conditions are met:

(i) a distinctive audible trouble signal is given before the battery is incapable of operating the device for alarm purposes, and that such audible trouble signal is produced at least once every minute for seven consecutive days, and

(ii) the unit is capable of producing an alarm signal for at least four continuous minutes at the battery voltage at which a trouble signal is normally obtained followed by seven days of trouble signal operation, and

(iii) the monitored batteries meeting these specifications are clearly identified on the unit.

(c) The head of the fire department shall enforce this section.

(d) Nothing in this section shall abrogate the authority of the state board of building regulations and standards to regulate smoke detector requirements for the construction of new buildings and for existing buildings undergoing repair, alteration, addition or change of use.

SECTION 2. Section 10A of chapter 148, as so appearing, is hereby amended by striking out, in line 15, the term 26F and inserting in place thereof the following:- 26D.

**PART I ADMINISTRATION OF THE GOVERNMENT
TITLE XX PUBLIC SAFETY AND GOOD ORDER
CHAPTER 148 FIRE PREVENTION**

Section 10A Heads of fire departments; permits; inspections; records; fees; list of fire department heads

Section 10A. The head of the fire department in each city, town or fire district shall grant, in accordance with the rules and regulations of the board, such permits for use in such city, town or fire district as may be required by such rules and regulations, and make such inspections therein, and have and exercise such powers and duties in connection therewith, as the marshal may direct. The head of the fire department shall keep a record of every permit so issued, and shall furnish the marshal with such information in respect to such permits as he may require. The head of the fire department or the marshal may revoke any such permit for cause. A fee of \$25 may be charged by the head of the fire department for any permit granted under this section, unless otherwise set in a town by the board of selectmen or town council, or in a city by the mayor, but such fee shall not exceed \$50 except as provided in this paragraph. If a smoke detector inspection, conducted pursuant to section ~~26F~~ 26D, and a carbon monoxide alarm inspection, conducted pursuant to section 26F1/2, are conducted simultaneously, the owner shall not be subject to an additional fee for the carbon monoxide alarm inspection. The fee for either a carbon monoxide alarm inspection or a smoke detector inspection, conducted separately, shall not exceed: \$50 for a single-family dwelling or a single dwelling unit; \$100 for a 2?family dwelling; \$150 for any building or structure with 6 or fewer residential units; and \$500 for any building or structure with more than 6 units.

The clerk of each city and town shall annually, not later than April first, transmit to the marshal in writing the name and official address of the head of the fire department in his city or town, or in the fire district or districts in which his town is located or which is or are established within his town.

SECTION 3. Sections 26E and 26F of chapter 148 of the General Laws are hereby repealed

**PART I ADMINISTRATION OF THE GOVERNMENT
TITLE XX PUBLIC SAFETY AND GOOD ORDER
CHAPTER 148 FIRE PREVENTION**

~~Section 26E Residential buildings or structures; installation of smoke detectors~~

~~Section 26E. (a) All one and two family dwellings occupied in whole or in part for residential purposes and not regulated by section twenty six A or twenty six B shall be equipped with approved smoke detectors. Owners of such buildings or structures~~

~~shall install either an approved monitored battery powered smoke detector or an approved primary power smoke detector on each level of habitation and on the basement level; provided, however, that the head of the fire department shall allow the installation of approved monitored battery powered smoke detectors. Such approved smoke detectors shall be installed in the following manner; an approved smoke detector shall be installed on the ceiling of each stairway leading to the floor above, near the base of, but not within each stairway and an approved smoke detector shall be installed outside each separate sleeping area.~~

~~(b) Buildings or structures occupied in whole or in part for residential purposes and containing not less than three nor more than five units and not regulated by section twenty six A, twenty six B or twenty six C shall be equipped with approved smoke detectors. Owners of such buildings or structures shall install either an approved monitored battery powered smoke detector or an approved primary power smoke detector outside each separate sleeping area; provided, however, that the head of the fire department shall allow the installation of approved monitored battery powered smoke detectors; and provided, further, that in all common hallways and basements of said residential buildings or structures a series of interconnected approved primary power smoke detectors shall be installed.~~

~~(c) For the purposes of this section, approved primary power shall mean an alternating current primary source of electric power furnished by an electric power or light company municipally operated or operating under the authority of the department of telecommunications and energy which is the primary source of electricity or is a secondary source but is permanently wired thereto and will become operational upon the failure of the primary source of power.~~

~~(d) The head of the fire department shall enforce the provisions of this section. The provisions of section thirty shall not apply to this section.~~

**PART I ADMINISTRATION OF THE GOVERNMENT
TITLE XX PUBLIC SAFETY AND GOOD ORDER
CHAPTER 148 FIRE PREVENTION**

~~Section 26F Residential buildings or structures; equipping with smoke detectors upon sale or transfer~~

~~Section 26F. All buildings or structures occupied in whole or in part for residential purposes and not regulated by sections twenty six A, twenty six B or twenty six C shall, upon the sale or transfer of such building or structure, be equipped by the seller with approved smoke detectors as provided in section twenty six E.~~

~~The head of the fire department shall enforce the provisions of this section. The provisions of section thirty shall not apply to this section.~~