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

HOUSE DOCKET, NO. 2396 FILED ON: 1/15/2015

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel Cullinane

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 fire protection systems for buildings and structures.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Daniel Cullinane	12th Suffolk
Jay D. Livingstone	8th Suffolk
Aaron Michlewitz	3rd Suffolk
Michael F. Rush	Norfolk and Suffolk
Daniel J. Hunt	13th Suffolk
Joseph W. McGonagle, Jr.	28th Middlesex
Daniel J. Ryan	2nd Suffolk
William N. Brownsberger	Second Suffolk and Middlesex
Linda Dorcena Forry	First Suffolk
Nick Collins	4th Suffolk
Russell E. Holmes	6th Suffolk

By Mr. Cullinane of Boston, a petition (accompanied by bill, House, No. 3475) of Daniel Cullinane and others relative to fire protection systems for new buildings and structures. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

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

An Act relative to fire protection systems for 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. Section 201 of chapter 6 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 1, the words "automatic sprinkler appeals board" and inserting in place thereof the following words:- fire protection and life safety systems board.

SECTION 2. Section 4 of chapter 22D of the General Laws, as so appearing, is hereby amended by inserting after the third paragraph the following paragraph:-The provisions of the fire safety code shall apply to all buildings, structures and property, other than the State House, including buildings, structures and property owned, operated or controlled by the Commonwealth. The head of the fire department, as defined in section 1 of chapter 148, shall enforce the state fire code and the rules and regulations promulgated therefrom with respect to all buildings, structures and property owned, operated or controlled by the commonwealth located within such city, town or district.

SECTION 3. The second paragraph of clause (a) of section 94 of chapter 143, as so appearing, is hereby amended by adding the following sentence:- The state building code shall not include standards for fire protection or life safety systems, as defined in section 1 of chapter House 3475 Page 2

148, installed in new or substantially modified buildings in accordance with regulations prescribed by the board of fire prevention regulations.

SECTION 4. Section 95 of said chapter 143, as so appearing, is hereby amended by striking out, in line 5, the words "and fire prevention".

SECTION 5. Section 96 of said chapter 143, as so appearing, is hereby amended by striking out, in line 3, the words "or demolition promulgated" and inserting in place thereof the following words: , demolition or fire prevention promulgated.

SECTION 6. Section 1 of chapter 148 of the General Laws, as so appearing, is hereby amended by inserting after the definition of "Division" the following 2 definitions:-

"Fire Protection and Life Safety Systems", any equipment or system relating to fire protection, fire detection, fire warning, fire suppression or carbon monoxide alarms installed in residential or institutional occupancies as classified in 780 CMR or as otherwise defined by the Board through regulation.

"Fire Safety Code," the comprehensive regulations promulgated by the board of fire prevention regulations pursuant to the provisions of section 4 of chapter 22D of the General Laws and pursuant to this chapter.

SECTION 7. Section 26A of said chapter 148, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "state building code" and inserting in place thereof the following words:- state fire code.

SECTION 8. Said section 26A of said chapter 148, as so appearing, is hereby further amended by striking out, in lines 12 and 13, the words "board of appeals as provided in the state building code and section twenty-three of chapter twenty-three B" and inserting in place thereof the following words:- "fire protection and life safety systems board as provided in section 201 of chapter 6".

House 3475 Page 3

SECTION 9. Said section 26A¹/₂ of said chapter 148, as so appearing, is hereby further amended by striking out, in line 5, the words "state building code" and inserting in place thereof the following words:- state fire code.

SECTION 10. Section 26B of said chapter 148, as so appearing, is hereby amended by striking out, in lines 4 and5, the words "state building code" and inserting in place thereof the following words: state fire code.

SECTION 11. Said section 26B of said chapter 148, as so appearing, is hereby further amended by striking out, in lines 13-14, the words "board of appeals as provided in the state building code and section twenty-three of chapter twenty-three B", and inserting in place thereof the following words:- "fire protection and life safety systems board as provided in section 201 of chapter 6".

SECTION 12. Subsection (d) of section 26F¹/₂ of said chapter 148, as so appearing, is hereby amended by striking out the first sentence.

SECTION 13. Section 26G of said chapter 148, as so appearing, is hereby amended by striking out, in line 5, the words "state building code" and inserting in place thereof the following words:- state fire code.

SECTION 14. Said section 26G of said chapter 148, as so appearing, is hereby further amended by striking out, in line 33, the words "automatic sprinkler appeals board" and inserting in place thereof the following words:- fire protection and life safety systems board as provided in section 201 of chapter 6.

SECTION 15. Section 26G¹/₂ of said chapter 148, as so appearing, is hereby amended by striking out, in lines 6 to 7, and in lines 19 and 24, the words "state building code" and inserting in place thereof the following words:- state fire code. SECTION 16. Said section 26G¹/₂ of said chapter 148, as so appearing, is further amended by striking out, in line 62, the words "automatic sprinkler appeals board", and inserting in place thereof, the following words:- fire protection and life safety systems board.

SECTION 17. Section 26H of said chapter 148, as so appearing, is hereby amended by striking out, in line 4, the words "state building code" and inserting in place thereof the following words:- state fire code.

SECTION 18. Section 26I of said chapter 148, as so appearing, is hereby amended by striking out, in line 9, the words "state building code" and inserting in place thereof the following words:- state fire code.

SECTION 19. Said section 26I of said chapter 148, as so appearing, is further amended by adding the following sentence:-Whomever is aggrieved by the head of the fire department's interpretation, order, requirement, direction or failure to act under the provisions of this section, may, within 45 days after the service of notice thereof, appeal from such interpretation, order, requirement, direction or failure to act to the fire protection and life safety systems board as provided in section 201 of chapter 6.

SECTION 20. Section 28 of said chapter 148, as so appearing, is hereby amended by adding the following clause:-

(4) to provide adequate standards for the design, installation or maintenance of fire protection and life safety systems in buildings or structures.

SECTION 21. The provisions of this act shall not apply to any building or structure which was issued a building permit prior to January 1, 2016.

SECTION 22. This act shall take effect on January 1, 2016.

House 3475

PART I ADMINISTRATION OF THE GOVERNMENT TITLE II EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE COMMONWEALTH CHAPTER 6 THE GOVERNOR, LIEUTENANT GOVERNOR AND COUNCIL, CERTAIN OFFICERS UNDER THE GOVERNOR AND COUNCIL, AND STATE LIBRARY

Section 201Automatic sprinkler appeals board; procedures

Section 201. There shall be an automatic sprinkler appeals board <u>fire protection</u> and life safety systems board, hereinafter called the appeals board, to consist of the fire safety commission established under the provisions of section two hundred. Whoever is aggrieved by the head of the fire department's interpretation, order, requirement, direction or failure to act under the provisions of sections twenty-six A1/2 and twenty-six G1/2 and twenty-six G of chapter one hundred and forty-eight, may within forty-five days after the service of notice thereof appeal from such interpretation, order, requirement, direction, or failure to act to the appeals board. Appeals hereunder shall be on forms provided by the appeals board and shall be accompanied by such a fee as said appeals board may determine.

The state, city or town officer in charge of the records and all other papers and documents relative to an appeal shall forthwith, upon receipt of a request of the appeals board, transmit such papers and documents constituting such record to the appeals board.

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PART I ADMINISTRATION OF THE GOVERNMENT TITLE II EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE COMMONWEALTH CHAPTER 22D DEPARTMENT OF FIRE SERVICES Section 4Board of fire prevention regulations

Section 4. There shall be in the department, but not under the control of the state fire marshal except as provided under rules and regulations promulgated pursuant to the provisions of section ten of chapter one hundred and forty-eight, a board to be known as the board of fire prevention regulations, which shall consist of the state fire marshal, ex-officio, who may designate from time to time a person serving in the department to act temporarily as a member of such board, with the same powers and duties as other members of said board, the commissioner of the Boston fire department, ex-officio and 14 members to be appointed by the governor, for terms of six years each.

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Said board, subject to the provisions of chapter thirty A, shall promulgate a comprehensive fire safety code.

The provisions of the fire safety code shall apply to all buildings, structures and property, other than the State House, including buildings, structures and property owned, operated or controlled by the Commonwealth. The head of the fire department, as defined in section 1 of chapter 148, shall enforce the state fire code and the rules and regulations promulgated therefrom with respect to all buildings, structures and property owned, operated or controlled by the commonwealth located within such city, town or district.

No member shall act as a member of the board or vote as such, in connection with any matter as to which his private right, distinct from the public interest, is immediately concerned

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PART I ADMINISTRATION OF THE GOVERNMENT TITLE XX PUBLIC SAFETY AND GOOD ORDER CHAPTER 143 INSPECTION AND REGULATION OF, AND LICENSES FOR, BUILDINGS, ELEVATORS AND CINEMATOGRAPHS Section 94Powers and duties

Section 94. The board shall have the following powers and duties:

(a) To formulate, propose, adopt and amend rules and regulations relating to (i) the construction, reconstruction, alteration, repair, demolition, removal, inspection, issuance and revocation of permits or licenses, installation of equipment, classification and definition of any building or structure and use or occupancy of all buildings and structures and parts thereof or classes of buildings and structures and parts thereof, except bridges and appurtenant supporting structures which have been or are to be constructed by or are under the custody and control of the department of highways, the Massachusetts Department of Transportation, the Massachusetts Bay Transportation Authority, the metropolitan district commission or the Massachusetts Port Authority or for which said agencies have maintenance responsibility; (ii) the rehabilitation and maintenance of existing buildings; (iii) the standards or requirements for materials to be used in connection therewith, including but not limited to provisions for safety, ingress and egress, energy conservation, and sanitary conditions; (iv) the establishment of reasonable fees for inspections, which fees shall be collected and retained by the city or town conducting such inspections.

Such rules and regulations, together with any penalties for the violation thereof, as hereinafter provided, shall comprise and be collectively known as the state building code. The state building code shall not include standards for fire protection or life safety systems, as defined in section 1 of chapter 148, installed in new or substantially modified buildings in accordance with regulations prescribed by the board of fire prevention regulations.

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PART I ADMINISTRATION OF THE GOVERNMENT TITLE XX PUBLIC SAFETY AND GOOD ORDER CHAPTER 143 INSPECTION AND REGULATION OF, AND LICENSES FOR, BUILDINGS, ELEVATORS AND CINEMATOGRAPHS Section 95General objectives

Section 95. The powers and duties of the board set forth in section ninety-four shall be exercised to effect the following general objectives:

(a) Uniform standards and requirements for construction and construction materials, compatible with accepted standards of engineering and fire prevention practices, energy conservation and public safety.

In the formulation of such standards and requirements, performance for the use intended shall be the test of acceptability, in accordance with accredited testing standards.

(b) Adoption of modern technical methods, devices and improvements which may reduce the cost of construction and maintenance over the life of the building without affecting the health, safety and security of the occupants or users of buildings.

(c) Elimination of restrictive, obsolete, conflicting and unnecessary building regulations and requirements which may increase the cost of construction and maintenance over the life of the building or retard unnecessarily the use of new materials, or which may provide unwarranted preferential treatment of types of classes of materials, products or methods of construction without affecting the health, safety, and security of the occupants or users of buildings.

PART I ADMINISTRATION OF THE GOVERNMENT TITLE XX PUBLIC SAFETY AND GOOD ORDER CHAPTER 143 INSPECTION AND REGULATION OF, AND LICENSES FOR, BUILDINGS, ELEVATORS AND CINEMATOGRAPHS Section 96Specialized codes, rules or regulations

Section 96. The state building code shall incorporate any specialized construction codes, rules or regulations pertaining to building construction, reconstruction, alteration, repair, or demolition promulgated demolition <u>or fire prevention</u> <u>promulgated</u> by and under the authority of the various boards which have been authorized from time to time by the general court.

For the purposes of this section, "specialized codes" shall include, but not be limited to, the state plumbing code, electrical code, architectural barriers regulations, fire safety code, fire prevention regulations, sheet metal regulations and elevator regulations.

PART I ADMINISTRATION OF THE GOVERNMENT TITLE XX PUBLIC SAFETY AND GOOD ORDER CHAPTER 148 FIRE PREVENTION Section 1Definitions

Section 1. In this chapter the following words, unless a different meaning is required by the context or is specifically prescribed, shall have the following meanings:

"Department", the department of fire services.

"Division", the division of fire safety of the department of fire services. "Head of the fire department", the chief executive officer of the fire department in a city, town, fire district, the 104th fighter wing fire department or the Massachusetts military reservation fire department having such an officer, otherwise the fire commissioner, board of fire commissioners or fire engineers, or commissioner of public safety; and, in towns not having a fire department, the chief engineer, if any, otherwise the chairman of the board of selectmen.

<u>"Fire Protection and Life Safety Systems", any equipment or system</u> relating to fire protection, fire detection, fire warning, fire suppression or carbon monoxide alarms installed in residential or institutional occupancies as classified in 780 CMR or as otherwise defined by the Board through regulation.</u>

"Fire Safety Code," the comprehensive regulations promulgated by the board of fire prevention regulations pursuant to the provisions of section 4 of chapter 22D of the General Laws and pursuant to this chapter.

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PART I ADMINISTRATION OF THE GOVERNMENT TITLE XX PUBLIC SAFETY AND GOOD ORDER CHAPTER 148FIRE PREVENTION Section 26A Automatic sprinklers in high rise buildings; enforcement; appeals

Section 26A. Every building or structure of more than seventy feet in height above the mean grade shall be protected with an adequate system of automatic sprinklers in accordance with the provisions of the state building code **state fire code**, except that sprinklers shall not be required to be installed in patient rooms in hospitals.

The head of the fire department shall enforce the provisions of this section. Whoever is aggrieved by the head of the fire department's interpretation, order, requirement, direction or failure to act under the provisions of this section, may, within forty-five days after the service of notice thereof, appeal from such interpretation, order, requirement, direction, or failure to act, to the board of appeals as provided in the state building code and section twenty three of chapter twenty three B fire protection and life safety systems board as provided in <u>section 201 of chapter 6.</u>

PART I ADMINISTRATION OF THE GOVERNMENT TITLE XX PUBLIC SAFETY AND GOOD ORDER CHAPTER 148 FIRE PREVENTION Section 26A1/2Automatic sprinklers in older high rise buildings; enforcement; installation schedule

Section 26A1/2. Every building or structure of more than seventy feet in height above the mean grade and constructed prior to January first, nineteen hundred and seventy-five, shall be protected with an adequate system of automatic sprinklers in accordance with the provisions of the state building code **state fire code**; provided, however, that sprinklers shall not be required to be installed in patient rooms in hospitals, or in public or private libraries, or in houses of religious worship; provided, further, that sprinklers shall not be required to be installed in buildings where construction has commenced prior to January first, nineteen hundred and seventy-five and which have been submitted to the provisions of chapter one hundred and eighty-three A; and provided, further, that automatic sprinklers shall not be required in rooms or areas of a telephone central office equipment building when such rooms or areas are protected with an automatic fire alarm system.

PART I ADMINISTRATION OF THE GOVERNMENT TITLE XX PUBLIC SAFETY AND GOOD ORDER CHAPTER 148 FIRE PREVENTION Section 26B Automatic fire warning and smoke detection systems in certain buildings; enforcement; appeals

Section 26B. Every building or structure not exceeding seventy feet in height above the mean grade erected or substantially altered to be occupied for residential purposes shall be protected with an approved automatic fire warning system in accordance with the provisions of the state building code **state fire code**. Such system shall include the features of automatic smoke detection in conjunction with the approved fire detection devices.

The head of the fire department as defined in section one shall enforce the provisions of this section.

Whoever is aggrieved by the head of the fire department's interpretation, order, requirement, direction or failure to act under the provisions of this section, may, within forty-five days after the service of notice thereof, appeal from such interpretation, order, requirement, direction, or failure to act, to the board of appeals as provided in the state building code and section twenty-three of chapter twenty three B. fire protection and life safety systems board as provided in section 201 of chapter 6.

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

Section 26F1/2 Carbon monoxide alarms required in certain residential structures; regulation; inspections; enforcement

Section 26F1/2. (a) Every dwelling, building or structure, including those owned or operated by the commonwealth, occupied in whole or in part for residential purposes, that:

(1) contains fossil-fuel burning equipment including, but not limited to, a furnace, boiler, water heater, fireplace or any other apparatus, appliance or device that burns fossil fuel; or

(2) incorporates enclosed parking within its structure shall be equipped by the owner with working, approved carbon monoxide alarms in conformance with the requirements of the board of fire prevention regulations; provided, however, that such requirements shall include, but not be limited to, a requirement that a landlord or superintendent shall install either approved monitored battery-powered alarms or approved electrical wiring alarms as defined by the board, as are required to make the alarms operational at the beginning of any rental period by lease or otherwise and shall maintain and, if necessary, replace batteries or such batteryoperated or electric hardwired carbon monoxide alarms annually thereafter to insure their continued operability.

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(d) The state building code may impose stricter carbon monoxide alarm requirements for new construction or dwellings, buildings, or structures substantally renovated so as to constitute the equivalent of new construction. Every such dwelling building or structure, occupied in whole or in part for residential purposes, shall, upon sale or transfer of such dwelling, building or structure, be inspected by the head of the fire department for compliance with the carbon monoxide alarm requirements of the state building code in effect on the date of the issuance of the relevant building permit.

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PART I ADMINISTRATION OF THE GOVERNMENT TITLE XX PUBLIC SAFETY AND GOOD ORDER CHAPTER 148 FIRE PREVENTION Section 26G Automatic sprinkler systems required for buildings and structures totaling more than 7,500 gross square feet

Section 26G. Every building or structure, including any additions or major alterations thereto, which totals, in the aggregate, more than 7,500 gross square feet in floor area shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code **state fire code**. No such sprinkler system shall be required unless sufficient water and water pressure exists. For purposes of this section, the gross square footage of a building or structure shall include the sum total of the combined floor areas for all floor levels, basements, sub-basements and additions, in the aggregate, measured from the outside walls, irrespective of the existence of interior fire resistive walls, floors and ceilings. This section shall not apply to buildings used for agricultural purposes as defined in section 1A of chapter 128.

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The head of the fire department shall enforce the provisions of this section. Whoever is aggrieved by the head of the fire department's interpretation, order, requirement, direction or failure to act under the provisions of this section, may, within forty-five days after the service of notice thereof, appeal from such interpretation, order, requirement, direction or failure to act to the automatic sprinkler appeals board **fire protection and life safety systems board** as provided in section two hundred and one of chapter six. The board may grant a reasonable waiver from the provisions of this section, or may allow the installation of a reasonable alternative or modified system of automatic sprinklers upon reviewing the characteristics of buildings that have architectural or historical significance.

PART I ADMINISTRATION OF THE GOVERNMENT TITLE XX PUBLIC SAFETY AND GOOD ORDER CHAPTER 148 FIRE PREVENTION Section 26G1/2 Nightclubs, dance halls, discotheques, bars; adequate system of automatic sprinklers

Section 26G1/2. For the purpose of this section the term "adequate system of automatic sprinklers" shall include: (1) a working automatic sprinkler system; (2) fire alarm system control equipment which provides notice of an emergency within a place of assembly; and (3) adequate monitoring of and reporting of any activation of the automatic sprinkler system and fire alarm equipment, in accordance with the state building code **state fire code** in effect at the time of the installation of such system and equipment.

Every building or structure, or portions thereof, of public assembly, with a capacity of 100 persons or more, that is designed or used for occupancy as a nightclub, dance hall, discotheque, bar, or for similar entertainment purposes, including all rooms, lobbies, and other spaces connected thereto and all means of egress and entrances, including any such public assembly located within a mixed use building or structure, including a building or structure owned or controlled by the commonwealth or a political subdivision thereof, (a) which is existing, or (b) for which an approved building permit was issued before December 1, 2004, shall be protected throughout with an adequate system of automatic sprinklers, in accordance with the state building code state fire code.

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Whoever is aggrieved by an interpretation, order, requirement or direction of the head of the fire department under this section, or, whoever is aggrieved by a failure of the head of the fire department to take action under this section, may, within 45 days after the service of notice of such interpretation, order, requirement or direction, or, after 45 days of such failure to act, appeal from such interpretation, order, requirement, direction or failure to act to the automatic sprinkler appeals board <u>fire protection and life safety systems board</u> as provided in section 201 of chapter 6.

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PART I ADMINISTRATION OF THE GOVERNMENT TITLE XX PUBLIC SAFETY AND GOOD ORDER CHAPTER 148 FIRE PREVENTION Section 26H Lodging or boarding houses; automatic sprinkler systems

Section 26H. In any city or town which accepts the provisions of this section, every lodging house or boarding house shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code state fire code. No such sprinkler system shall be required unless sufficient water and water pressure exists. In such buildings or in certain areas of such buildings, where the discharge of water would be an actual danger in the event of a fire, the head of the fire department shall permit the installation of such other fire suppressant systems as are prescribed by the state building code in lieu of automatic sprinklers. The head of the fire department shall enforce the provisions of this section.

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PART I ADMINISTRATION OF THE GOVERNMENT TITLE XX PUBLIC SAFETY AND GOOD ORDER CHAPTER 148 FIRE PREVENTION Section 26I Multiple dwelling units; new construction; automatic sprinkler systems

Section 26I. In a city, town or district which accepts the provisions of this section, any building hereafter constructed or hereafter substantially rehabilitated so as to constitute the equivalent of new construction and occupied in whole or in part for residential purposes and containing not less than four dwelling units including, but not limited to, lodging houses, boarding houses, fraternity houses, dormitories, apartments, townhouses, condominiums, hotels, motels and group residences, shall be equipped with an approved system of automatic sprinklers in accordance with the provisions of the state building code **state fire code**. In the event that adequate water supply is not available, the head of the fire department shall permit the installation of such other fire suppressant systems as are prescribed by the state building code in lieu of automatic sprinklers. Owners of buildings with approved and properly maintained installations may be eligible for a rate reduction on fire insurance.

Whomever is aggrieved by the head of the fire department's interpretation, order, requirement, direction or failure to act under the provisions of this section, may, within 45 days after the service of notice thereof, appeal from such interpretation, order, requirement, direction or failure to act to the fire protection and life safety systems board as provided in section 201 of chapter 6.

PART I ADMINISTRATION OF THE GOVERNMENT TITLE XX PUBLIC SAFETY AND GOOD ORDER CHAPTER 148 FIRE PREVENTION Section 28 Regulations to prevent fire hazards and fires

Section 28. The board shall make such rules and regulations, and the head of the fire department shall make such orders or rules not inconsistent therewith, as may be necessary to promulgate a comprehensive fire safety code for the following purposes:

(1) to prevent or remedy any condition in or about any building, structure or other premises or any ship or vessel which may tend to become a fire hazard or to cause a fire.

(2) to provide adequate safety requirements for the protection of the public in the event of a fire in or about any building, structure or other premises or any ship or vessel, including the regulation of fire drills for theaters, schools, hospitals and elderly housing complexes.

(3) to provide for the safe storage, use, handling and manufacturing of corrosive liquids, oxidizing materials, toxic materials or poisonous gases.

(4) to provide adequate standards for the design, installation or maintenance of fire protection and life safety systems in buildings or structures.