

**HOUSE . . . . . No. 2356**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***David Henry Argosky LeBoeuf and Patricia A. Duffy***

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*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 problem properties and enhancing fire safety.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/10/2023</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>1/10/2023</i>

**HOUSE . . . . . No. 2356**

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By Representatives LeBoeuf of Worcester and Duffy of Holyoke, a petition (accompanied by bill, House, No. 2356) of David Henry Argosky LeBoeuf and Patricia A. Duffy relative to establishing and administering a program to assist landlords and lessors with providing fire safety education and fire prevention measures in multi-unit residential properties. Public Safety and Homeland Security.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 4168 OF 2021-2022.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

An Act relative to problem properties and enhancing fire safety.

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

1 SECTION 1. Chapter 22D of the General Laws is hereby amended by adding the  
2 following section:-

3 Section 7. (a) There shall be established and set up on the books of the commonwealth a  
4 Tenant Fire Safety Trust Fund to be expended, without further appropriation, by the state fire  
5 marshal for the purposes of establishing and administering a program to assist landlords and  
6 lessors with providing fire safety education and fire prevention measures in multi-unit residential  
7 properties. There shall be credited to the trust fund: (i) any funds deposited in the trust fund  
8 pursuant to paragraphs (2) and (3) of subsection (b) of section 101 of chapter 143; (ii) any funds  
9 that may be appropriated or transferred for deposit into the trust fund; and (iii) any income

10 derived from investment of amounts credited to the trust fund. Any balance in the fund at end of  
11 the fiscal year shall not revert to the General Fund, but shall remain available for expenditure in  
12 subsequent fiscal years. No expenditure made from the fund shall cause the fund to become  
13 deficient at any point during a fiscal year.

14 (b) Annually, not later than October 1, a report shall be filed with the clerks of the house  
15 of representatives and the senate and the house and senate committees on ways and means that  
16 shall include expenditures made and income received by the fund.

17 SECTION 2. Chapter 143 of the General Laws is hereby amended by adding the  
18 following section:-

19 Section 101. (a) An apartment or dwelling unit in any structure containing 3 or more  
20 dwelling units in any municipality that accepts this section in the manner provided in section 4 of  
21 chapter 4 shall not be occupied for human habitation, after a vacancy, until a certificate of  
22 occupancy has been issued by the building inspector, certifying that such apartment or dwelling  
23 unit: (i) conforms to the requirements of the applicable housing ordinances of the municipality;  
24 (ii) the state building code, as codified in 780 CMR, and (iii) until necessary fire safety  
25 inspections have been completed pursuant to chapter 148; provided, however, that this section  
26 shall not apply to any structure occupied by the owner thereof and containing 3 or less dwelling  
27 units; provided, further, that this section shall not prohibit human occupancy of such apartment  
28 or dwelling unit during the pendency of an application for a certificate of occupancy.

29 The state fire marshal, head of the fire department as defined in section 1 of said chapter  
30 148, or any person to whom the marshal or head of the fire department may delegate the

31 authority to perform fire safety inspections pursuant to section 4 of said chapter 148 shall notify  
32 the building inspector of the completion of necessary fire inspections pursuant to this subsection.

33 (b) (1) Any owner or lessor who recovers rent for the occupation of any apartment or  
34 dwelling unit for which a certificate of occupancy has not been obtained or for which necessary  
35 fire safety inspections have not been completed prior to the rental thereof in violation of  
36 subsection (a) shall be subject to a civil fine of not more than \$20 per day per violation for not  
37 more than 200 days for such period of unlawful occupation.

38 (2) Notwithstanding 105 CMR 410.900 of the state sanitary code, any owner or lessor of  
39 a structure not occupied by the owner or lessor who refuses entry to any apartment or dwelling  
40 unit for the purposes of completing an inspection for the issuance of a certificate of occupancy or  
41 fire safety inspection shall receive a warning for the first offense and be subject to a civil fine of  
42 not more than \$250 for the second offense and \$500 for a third or subsequent offense; provided,  
43 however, that an owner or lessor may not be subject to an escalated penalty if the owner or lessor  
44 has shown good faith in complying with this section. All fines imposed pursuant to this  
45 paragraph and unpaid after 45 days shall become a lien upon the property, which shall have  
46 priority over all other liens.

47 (3) Notwithstanding 105 CMR 410.900 of the state sanitary code, any owner or lessor of  
48 a structure who refuses entry to any apartment or dwelling unit of a structure that is occupied by  
49 the owner or lessor for the purposes of completing an inspection for the issuance of a certificate  
50 of occupancy or fire safety inspection shall receive a warning for the first offense and be subject  
51 to a civil fine of not more than \$100 for the second offense and \$250 for a third or subsequent  
52 offense; provided, however, that an owner or lessor may not be subject to an escalated penalty if

53 the owner or lessor has shown good faith in complying with this section. All fines imposed  
54 pursuant to this paragraph and unpaid after 45 days shall become a lien upon the property, which  
55 shall have priority over all other liens.

56 (4) Fifty per cent of any fine collected pursuant to this subsection shall be deposited in a  
57 fund established for each municipality collecting such fine to be used for inspections for the  
58 issuance of a certificate of occupancy or fire safety inspection and the remaining 50 per cent of  
59 any fine collected shall be deposited in the tenant fire safety trust fund established pursuant to  
60 section 7 of section 22D.

61 SECTION 3. Section 99 of chapter 175 of the General Laws, as so appearing in the 2018  
62 Official Edition, is hereby amended by striking out clause fifteenth A and inserting in place  
63 thereof the following clause:- Fifteenth A, Every policy which insures multi-unit residential  
64 property against loss or damage by fire shall provide additional benefits, by endorsement  
65 attached to the policy, up to a limit of \$750, without deductible, for each rental unit to cover the  
66 actual costs of relocation of any tenant or lawful occupant displaced by fire or by damage  
67 resulting from fire; provided, however, that every policy which insures a multi-unit residential  
68 property containing 6 or more units against loss or damage by fire shall provide additional  
69 benefits, by endorsement attached to the policy, of not less than \$1,500, without deductible, for  
70 each rental unit to cover the actual costs of relocation of any tenant or lawful occupant displaced  
71 by fire or by damage resulting from fire.

72 The actual costs of relocation shall include, but not be limited to, hotel room rental, a  
73 security deposit and first month's rent for a new rental unit if the security deposit or last month's  
74 rent is not already due and owing from the landlord to the tenant, clothing replacement, furniture

75 replacement and other reasonable costs and living expenses as a result of being displaced or  
76 damaged by fire. Benefits under this clause shall be paid by the insurer to the tenant or lawful  
77 occupant after taking into account benefits available under any other policy. The terms and  
78 conditions of such clause shall be approved or prescribed by the commissioner. The landlord or  
79 lessor of the property shall notify each tenant or lawful occupant in writing of the benefits  
80 payable under this clause at the beginning of the lease or tenancy period. A waiver of this  
81 provision in any lease or other rental agreement shall be void and unenforceable.