SENATE DOCKET, NO. 696 FILED ON: 1/17/2013

SENATE . . . . . No. 1192

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

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 passage of the accompanying:

An Act relative to the illegal occupation of a building.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James E. Timilty	*Bristol and Norfolk*
Norfolk District Attorney Michael W. Morrissey	*45 Shawmut Road* *Canton, MA 02021*
John H. Rogers	*12th Norfolk*
Bruce J. Ayers	*1st Norfolk*
Louis L. Kafka	*8th Norfolk*
Elizabeth A. Poirier	*14th Bristol*
Denise Provost	*27th Middlesex*
John F. Keenan	*Norfolk and Plymouth*
James M. Murphy	*4th Norfolk*
James M. Cantwell	*4th Plymouth*
Michael R. Knapik	*Second Hampden and Hampshire*

SENATE DOCKET, NO. 696 FILED ON: 1/17/2013

SENATE . . . . . No. 1192

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1192) of James E. Timilty, Norfolk District Attorney Michael W. Morrissey, John H. Rogers, Bruce J. Ayers and other members of the General Court for legislation relative to the illegal occupation of a building. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

An Act relative to the illegal occupation of a building.

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

Chapter 148 of the General Laws is hereby amended by inserting after section 34D the following new section:

Section 34E. (a) Any owner, occupant, lessee or other person having control or supervision of any building or structure, or representing that he has control or supervision of any building or structure, who, knowingly, recklessly or negligently, causes or allows said building to be illegally occupied, shall be punished by a fine of not more than $15,000 or by imprisonment in a house of correction for not more than 2 ½ years, or both.

For the purposes of this section, “illegally occupied” shall mean: —

(1) Occupation of any dwelling unit created by formal or informal division or partition within a building or structure without issuance of a proper building permit and certificate of occupancy issued in accordance with the provisions of the State Building Code.

(2)Occupation of a building or structure without a certificate of use or occupancy, temporary certificate of use or a certificate certifying completion of work issued in accordance with the provisions of the State Building Code.

(3) Occupation of any dwelling unit created by formal or informal division or partition of space within a building or structure or occupation of any building or structure, without fully complying with all requirements for the same use group or compliance with the use group or occupying requirements specified in the certificate of occupancy or conditions and part of said certificate issued in accordance with the provisions of the State Building Code.

20 (4) Occupation of any dwelling unit, building or structure in excess of the load capacity
21 specified or referenced in the certificate of occupancy issued in accordance with the provisions
22 of the State Building Code.

23 (5) Occupation of any dwelling unit, building or structure with insufficient or blocked or
24 impeded ingress/egress as required by and in accordance with the provisions of the State
25 Building Code.

26 (6) Occupation of a dwelling unit, building or structure where said dwelling unit building
27 or structure does not contain an adequate fire protection or fire warning system or devices or
28 where such systems or device was disabled or shutoff without the permission of the head of the
29 fire department or not maintained as required by and in accordance with the provisions of the
30 State Building Code, Chapter 148 or State Fire Code.

31 (7) Occupation of a dwelling unit, building or structure, where such dwelling building or
32 structure does not comply with the required provisions of Chapter 148 or the State Fire Code.

33 (b) Whoever is convicted of a second or subsequent violation of paragraph (a) shall be
34 punished by a fine of not more than $35,000 or by imprisonment in the state prison for not more
35 than 5 years or in a house of correction for not more than 2 ½ years, or both.