

**SENATE . . . . . No. 1954**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Michael J. Barrett***

*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 to protect public health during unseasonably warm weather..

PETITION OF:

NAME:

*Michael J. Barrett*

DISTRICT/ADDRESS:

*Third Middlesex*

**SENATE . . . . . No. 1954**

---

---

By Mr. Barrett, a petition (subject to Joint Rule 12) of Michael Barrett for legislation to provide landlords and owners a heating variance during unseasonable warm weather. Public Health.

---

---

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the Year Two Thousand Thirteen**  
\_\_\_\_\_

An Act to protect public health during unseasonably warm weather..

*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: Section 127A of Chapter 111 of the General Laws, as appearing in the 2012  
2 Official Edition, is hereby amended by inserting after the last paragraph the following  
3 paragraph:-

4           At its discretion, any board of health or the department may grant a blanket heating  
5 variance relieving all landlords or owners in its jurisdiction from any obligation in the code to  
6 provide heat when the board of health or department determines such a variance is warranted by  
7 unseasonably warm outdoor temperatures; provided however, that a variance may be granted in  
8 advance of unseasonably warm outdoor temperatures based on forecasted weather, as necessary  
9 to provide sufficient notice for landlords who may provide air conditioning instead of heat during  
10 the variance; provided further, that any such variance shall last no longer than 96 hours; provide  
11 however, that multiple consecutive variances may be issued in a row when unseasonably warm  
12 temperatures continue. Upon receiving a written request for a heating variance from 10 or more  
13 residents, owners or landlords under its jurisdiction, a local board of health shall consider issuing  
14 a blanket heating variance and issue a decision within 72 hours.