FILED ON: 5/15/2014

SENATE . . . . . No. 2157

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

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 the purposes of this section, approved monitored battery powered smoke detectors, shall be a U.L. Listed Smoke Detector which is activated, at a minimum, by an operable ten-year, sealed battery power source or a comparable U.L. listed low voltage system as allowed by the board.

(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