

SENATE No. 1249

The Commonwealth of Massachusetts

PRESENTED BY:

Kenneth J. Donnelly

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 the installation of approved smoke detectors in certain residential buildings and structures.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>Robert F. Fennell</i>	<i>10th Essex</i>

SENATE No. 1249

By Mr. Donnelly, a petition (accompanied by bill, Senate, No. 1249) of Kenneth J. Donnelly and Robert F. Fennell for legislation relative to the installation of approved smoke detectors in certain residential 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 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:

1 SECTION 1. Chapter 148 of the General Laws, as appearing in the 2012 Official Edition,
2 is hereby amended by striking out section 26D and inserting in place thereof the following
3 section:-

4 Section 26D. (a) Notwithstanding any general or special law to the contrary and without
5 regard to the date of construction, every existing 1 or 2 family building or structure and every
6 existing building or structure containing more than 1 but fewer than 6 dwelling units, occupied in
7 whole or in part for residential purposes shall, upon sale or transfer of such building or structure,
8 be equipped by the seller with approved smoke detectors in accordance with the rules and
9 regulations of the board of fire prevention regulations. The head of the fire department shall
10 inspect such building or structure at the time of sale or transfer for compliance with this section.
11 For the purposes of this section, an existing building or structure shall not include those buildings

12 or structures for which a certificate of occupancy has been issued within five years prior to the
13 date of sale or transfer.

14 (b) The rules and regulations of the board of fire prevention regulations, established in
15 accordance with this section, may require the upgrade, installation or replacement of smoke
16 detector devices based upon advances in smoke detection technology; provided, however that, in
17 any building or dwelling unit constructed prior to January 1, 1975, which has not undergone an
18 alteration or change of use since January 1, 1975, which would require it to comply with the
19 smoke detector provisions of the state building code, the installation of approved monitored
20 battery power smoke detectors shall be allowed; and, provided further, that the relocation or
21 addition of any smoke detector device or the relocation or addition of any power supply wire
22 associated with such smoke detector device, if such device location or wire location was installed
23 in accordance with the requirements of the state building code in effect as of the date of such
24 installation, shall not be required.

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

29 (d) The head of the fire department shall enforce this section.

30 (e) Nothing in this section shall abrogate the authority of the state board of building
31 regulations and standards to regulate smoke detector requirements for the construction of new
32 buildings and for existing buildings undergoing repair, alteration, addition or change of use.

33 SECTION 2. Section 10A of chapter 148, as so appearing, is hereby amended by striking
34 out, in line 15, the term 26F and inserting in place thereof the following:- 26D.

35 SECTION 3. Sections 26E and 26F of chapter 148 of the General Laws are hereby
36 repealed.