SENATE DOCKET, NO. 1821 FILED ON: 1/18/2019

SENATE . . . . . No. 1799

The Commonwealth of Massachusetts

PRESENTED BY:

Michael D. Brady

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 further regulating certain light frame residential construction.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Michael D. Brady	*Second Plymouth and Bristol*	
Jennifer E. Benson	*37th Middlesex*	*1/24/2019*
Patrick M. O'Connor	*Plymouth and Norfolk*	*1/24/2019*
Marc R. Pacheco	*First Plymouth and Bristol*	*1/24/2019*
Michael F. Rush	*Norfolk and Suffolk*	*1/25/2019*
Diana DiZoglio	*First Essex*	*2/1/2019*
Barry R. Finegold	*Second Essex and Middlesex*	*2/1/2019*
Sal N. DiDomenico	*Middlesex and Suffolk*	*2/1/2019*
Michael O. Moore	*Second Worcester*	*2/7/2019*

SENATE DOCKET, NO. 1821 FILED ON: 1/18/2019

SENATE . . . . . No. 1799

By Mr. Brady, a petition (accompanied by bill, Senate, No. 1799) of Michael D. Brady, Jennifer E. Benson, Patrick M. O'Connor, Marc R. Pacheco and other members of the General Court for legislation to further regulate certain light frame residential construction. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act further regulating certain light frame residential construction.

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 143 of the General Laws is hereby amended by adding the following section:-

Section 101. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

"Dwelling unit", a single unit providing complete, independent living facilities for 1 or more persons living as a single housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation.

"Fire barrier", a fire-resistance-rated wall assembly of materials designed to restrict the spread of fire in which continuity is maintained.

"Fire partition", a vertical assembly of materials designed to restrict the spread of fire in which openings are protected.

"Fire wall", a fire-resistance-rated wall having protected openings which restricts the spread of fire and extends continuously from the foundation to or through the roof, with sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall.

"Fire watch warden", an individual hired to monitor new residential use structure construction projects that utilize light frame construction.

"Horizontal assembly", a fire-resistance-rated floor or roof assembly of materials designed to restrict the spread of fire in which continuity is maintained.

"Horizontal separation", (i) a floor assembly separating dwelling units in the same structure; (ii) a floor assembly separating sleeping units in the same structure; and (iii) a floor assembly separating dwelling or sleeping units from other occupancies contiguous to them in the same structure.

"Light frame construction", a type or construction the vertical and horizontal structural elements of which are primarily formed by a system of repetitive wood-framing members or that utilizes metal-plate-connected wood trusses, metal-plate-connected metal-web wood trusses, pin-end connected steel-web wood trusses, wooden I-joists, solid-sawn wood joists, composite wood joists as floor or roof system structural elements or load-bearing elements made of combustible materials.

"Residential use structure", a hotel or multiple dwelling or a boarding house or rooming house.

"Sleeping unit", a room or space in which people sleep including, but not limited to, permanent provisions for living, eating and either sanitation or kitchen facilities but not both; provided, however, that "sleeping unit" shall not include such a room or space that is also part of a dwelling unit.

(b) Notwithstanding any general or special law to the contrary, the state board of building regulations and standards shall provide for regulating certain light frame residential construction pursuant to this section. A new residential use structure containing more than 2 dwelling or sleeping units under the R Occupancy in the International Building Code, or IBC, shall only be constructed utilizing light frame construction if the following requirements are satisfied:

(i) automatic sprinkler system shall be installed throughout the structure in accordance with the requirements of National Fire Protection Association, or NFPA, 13, Standard for the Installation of Sprinkler Systems;

(ii) the number of stories permitted in the structure shall be measured from grade plane which shall include any pedestal or podium;

(iii) each fire partition shall:

(1) be constructed of noncombustible materials or fire retardant treated wood pursuant to the current edition of NFPA 703;

(2) be constructed with a fire resistance rating of at least 1 hour; and

(3) comply with all other requirements for fire partitions under the code;

(iv) each horizontal assembly installed between floors separating dwelling or sleeping units shall:

(1) be constructed of noncombustible materials or fire retardant treated wood pursuant to the current edition of NFPA 703;

(2) be constructed as a horizontal assembly with a fire resistance rating of at least 1 hour; and

(3) comply with all other requirements for horizontal assemblies under the code.

(v) each fire wall shall:

(1) be constructed of noncombustible materials or fire retardant treated wood pursuant to the current edition of NFPA 703;

(2) not be adversely affected by moisture;

(3) be capable of passing the hose stream test in accordance with the code; and

(4) shall be a minimum of a 2-hour rated assembly pursuant to the IBC;

(vI) if any light framing of the structure is unprotected, the structure shall not have more than 3 stories and shall not exceed 60 feet above grade plane; and

(vii) if all light framing of the structure is protected, the structure shall not have more than 4 stories and shall not exceed 70 feet above grade plane; and

(viii) if the structure has 5 or more dwelling or sleeping units, a horizontal assembly shall not be considered to create separate and distinct structures for the purposes of determining area limitations, continuity of fire walls, limitation of number of stories and type of construction as provided in this subsection.

(c) A contractor or subcontractor for a construction project proposed in accordance with this section shall be registered and shall be classified by the division of property management and construction.

The construction of a new residential use structure containing more than 2 dwelling or sleeping units utilizing light frame construction shall not commence unless a fire watch warden who meets the requirements and is present 24 hours a day to monitor construction and alert firefighters, medical, rescue or law enforcement personnel if a fire or other emergency occurs.

A person shall be eligible to be a fire watch warden if the person is qualified and is an active or retired firefighter, a active or retired building trades council member, an active or retired police officer or first responder or registered or certified security guard or a retired or current building or zoning code official or a current or retired fire inspector or fire marshal or other individual who is deemed to fit the requirements and who is certified.

A developer or owner of a construction project subject to this subsection shall be responsible for hiring, training and compensating the fire watch wardens and for the payment of any expenses necessary to ensure that they are on site; provided, however, that this paragraph shall include providing for compliance with inspection requirements of the department or the local enforcing agency.

A fire watch warden shall make regular inspections and patrols of the area assigned to the fire watch warden for supervision by the developer or owner. A fire watch warden shall not be assigned any other responsibilities that would interfere with or prevent the fire watch warden from carrying out the fire watch warden’s responsibilities under this subsection.

A fire watch warden shall maintain a record of activities performed in connection with the construction project that constitute a potential threat to fire safety. The records shall be submitted to the division of fire safety on a weekly basis and the division may, in its discretion, take any action appropriate to abate any fire safety issues which may include, but shall not limited to, requesting that the local enforcing agency revoke the construction permit for the project.

A fire watch warden shall be present throughout the construction project each weekday after 4 p.m., Monday through Friday, inclusive, and 24-hours a day on weekends and all legal holidays when construction is not taking place and shall continue to monitor the construction project until the final sprinkler inspection is completed and a certificate of occupancy has been issued.

The division of fire safety may assess upon a developer or owner of a construction project that is utilizing a fire watch warden pursuant to this subsection reasonable administrative fees incurred by the division in performing its duties under this subsection.

This subsection shall not apply to a townhouse or other single-family dwelling. For the purposes of this subsection, “townhouse” shall mean single-family dwelling unit constructed in a group of 2 or more attached units in which each unit extends from the foundation to the roof and with open space on at least 2 sides.

The commissioner shall adopt regulations necessary to effectuate this section and shall revise the code accordingly.

(d) The director of housing and community development shall promulgate rules and regulations to require that an identifying emblem be affixed to the front of each exterior entrance

of structures with light frame or truss construction to clearly communicate that the structure in the affected area is combustible and known to the commonwealth to pose a fire hazard.

The emblem shall be of a bright and reflective color or made of reflective material. The shape of the emblem shall be an isosceles triangle and the size shall be 12 inches horizontally by 6 inches vertically. The following letters, of a size and color to make them conspicuous, shall be printed on the emblem: (i) “LF” to signify light frame construction; (ii) "F" to signify a floor with truss construction; (iii) "R" to signify a roof with truss construction; or (iv) "F/R" to signify both a floor and roof with truss construction.

The emblem shall be permanently affixed to the left of the main entrance door at a height between 4 to 6 feet above the ground and shall be installed and maintained by the owner of the building.

Detached 1 and 2-family residential structures with truss construction which are not part of a planned real estate development shall be exempt from this section; provided, however, that the governing body of a municipality may require by ordinance that emblems be affixed to structures with truss construction.

Individual structures and dwelling units with truss construction which are part of a planned real estate development shall not be required to have an identifying emblem if there is an emblem affixed at each entranceway to the development.

(e) The director of housing and community development shall adopt regulations to require that placards identifying the primary structural system of a structure shall be affixed adjacent to the fire alarm control panel and to an exterior wall within 10 feet of the main entrance to the structure.

The placards shall be eight inches vertically by 11 inches horizontally and shall have a white background, black letters, and a black border. The letters shall be in at least 72-point boldface type. The letters and border shall be visible and readable from at 10 feet.

One of the following descriptions shall be printed on a placard, as appropriate:

(1) load-bearing concrete walls;

(2) load-bearing masonry walls;

(3) load-bearing steel stud walls;

(4) load-bearing light-framed combustible walls;

(5) structural concrete frame;

(6) structural steel frame;or

(7) timber or cross-laminated timber. or

If the primary structural system of the structure is not any of the descriptions in clauses (1) to (7), inclusive, a description approved by the enforcing agency shall be printed instead.

(f) The state current building shall require noncombustible materials to be used in any construction project of 4 stories or more.