

SENATE No. 2858

Senate, July 29, 2020 -- Text of the Senate amendment (Senator Brady) to the Senate Bill enabling partnerships for growth (Senate, No. 2842).

The Commonwealth of Massachusetts

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

1 by inserting the following new section:-

2 SECTION 1. Chapter 143 of the General Laws is hereby amended by adding the
3 following section:-

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

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

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

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

13 “Fire wall”, a fire-resistance-rated wall having protected openings which restricts the
14 spread of fire and extends continuously from the foundation to or through the roof, with

15 sufficient structural stability under fire conditions to allow collapse of construction on either side
16 without collapse of the wall.

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

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

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

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

31 “Residential use structure”, a hotel or multiple dwelling or a boarding house or rooming
32 house.

33 “Sleeping unit”, a room or space in which people sleep including, but not limited to,
34 permanent provisions for living, eating and either sanitation or kitchen facilities but not both;

35 provided, however, that “sleeping unit” shall not include such a room or space that is also part of
36 a dwelling unit.

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

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

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

47 (iii) each fire partition shall:

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

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

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

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

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

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

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

59 (v) each fire wall shall:

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

62 (2) not be adversely affected by moisture;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

118 The emblem shall be of a bright and reflective color or made of reflective material. The
119 shape of the emblem shall be an isosceles triangle and the size shall be 12 inches horizontally by
120 6 inches vertically. The following letters, of a size and color to make them conspicuous, shall be
121 printed on the emblem: (i) "LF" to signify light frame construction; (ii) "F" to signify a floor
122 with truss construction; (iii) "R" to signify a roof with truss construction; or (iv) "F/R" to signify
123 both a floor and roof with truss construction.

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

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

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

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

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

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

- 142 (1) load-bearing concrete walls;
- 143 (2) load-bearing masonry walls;
- 144 (3) load-bearing steel stud walls;
- 145 (4) load-bearing light-framed combustible walls;
- 146 (5) structural concrete frame;
- 147 (6) structural steel frame;or
- 148 (7) timber or cross-laminated timber. or

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

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