

**HOUSE . . . . . No. 4081**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*David Henry Argosky LeBoeuf and Patricia A. Duffy*

*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 problem properties, enhancing fire safety and addressing resident displacement.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/16/2025</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/11/2025</i>

**HOUSE . . . . . No. 4081**

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By Representatives LeBoeuf of Worcester and Duffy of Holyoke, a petition (accompanied by bill, House, No. 4081) of David Henry Argosky LeBoeuf and Patricia A. Duffy relative to taxation and fire safety of problem properties, so-called. Revenue.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**  
\_\_\_\_\_

An Act relative to problem properties, enhancing fire safety and addressing resident displacement.

*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 22D of the General Laws is hereby amended by adding the  
2 following 2 sections:-

3 Section 7. (a) There shall be established and set up on the books of the commonwealth a  
4 Tenant Fire Safety Trust Fund to be expended, without further appropriation, by the state fire  
5 marshal for the purposes of establishing and administering a program to assist landlords and  
6 lessors with providing fire safety education and fire prevention measures in multi-unit residential  
7 properties. There shall be credited to the fund: (i) any funds deposited in the fund pursuant to  
8 section 9 of chapter 143, paragraphs (2) and (3) of subsection (b) of section 101 of said chapter  
9 143 or section 14 of chapter 186; (ii) revenue from appropriations or other monies authorized by  
10 the general court and specifically designated to be credited to the fund; (iii) monies from public  
11 and private sources including gifts, grants and donations; and (iv) any income derived from  
12 investment of amounts credited to the fund. Any balance in the fund at end of the fiscal year

13 shall not revert to the General Fund, but shall remain available for expenditure in subsequent  
14 fiscal years. No expenditure made from the fund shall cause the fund to become deficient at any  
15 point during a fiscal year.

16 (b) Annually, not later than October 1, the state fire marshal shall file a report with the  
17 clerks of the house of representatives and the senate and the house and senate committees on  
18 ways and means that shall include expenditures made and income received by the fund.

19 Section 8. The department of fire services shall develop a fire victims bill of rights, which  
20 shall include requirements that landlords provide to renters displaced by a fire in their residential  
21 dwelling unit a list of available resources and the name of the landlord's insurance company.

22 SECTION 2. Paragraph (2) of subsection (a) of section 2 of chapter 62 of the General  
23 Laws, as appearing in the 2022 Official Edition, is hereby amended by adding the following 2  
24 subparagraphs:-

25 (S) Any amount paid by a residential landlord, lessor, property manager or tenant for the  
26 maintenance of a renters insurance policy.

27 (T) Any amount paid by a landlord, lessor or property manager for the installation or  
28 improvement of a sprinkler system, smoke detector, carbon monoxide detector or other fire  
29 safety and prevention device or system in their residential leasing property; provided, that such  
30 rental leasing property is located in the commonwealth; provided further, that the fire safety and  
31 prevention device or system is in compliance with the state sanitary code.

32 SECTION 3. Chapter 63 of the General Laws is hereby amended by inserting after  
33 section 38S the following section:-

34 Section 38S½. (a) In determining the net income subject to tax under this chapter, a  
35 business corporation engaged in the leasing of residential property in the commonwealth may,  
36 for the purposes of the depreciation deduction allowed under section 168 of the Federal Internal  
37 Revenue Code, classify any sprinkler system, smoke detector, carbon monoxide detector or other  
38 fire safety and prevention device or system in use in its residential leasing property and in  
39 compliance with the state sanitary code as 5-year property as defined under 168(e)(3) of the  
40 Federal Internal Revenue Code.

41 (b) Such depreciation deduction for the fire safety and prevention device or system shall  
42 be allowed only upon the condition that the net income for the taxable year and all succeeding  
43 taxable years be

44 computed without any depreciation deduction upon the property other than the deduction  
45 allowed by this section.

46 SECTION 4. Section 9 of chapter 143 of the General Laws, as so appearing, is hereby  
47 amended by striking out, in lines 20 and 21, the words “one hundred dollars” and inserting in  
48 place thereof the following words:- \$200, 50 per cent of which shall be deposited in the Tenant  
49 Fire Safety Trust Fund established pursuant to section 7 of chapter 22D.

50 SECTION 5. Said chapter 143 is hereby amended by adding the following section:-

51 Section 102. (a)(1) In any municipality that accepts this section in the manner provided in  
52 section 4 of chapter 4, an apartment or dwelling unit in any structure containing 3 or more  
53 dwelling units shall not be occupied for human habitation, after a vacancy, until a certificate of  
54 occupancy has been issued by the building inspector, certifying that such apartment or dwelling  
55 unit: (i) conforms to the requirements of the applicable housing ordinances of the municipality;

56 (ii) conforms to the requirements of the state building code, as codified in 780 CMR, and (iii) has  
57 undergone the necessary fire safety inspections pursuant to chapter 148; provided, however, that  
58 this section shall not apply to any structure occupied by the owner thereof and containing 3 or  
59 fewer dwelling units; provided, further, that this section shall not prohibit human occupancy of  
60 such apartment or dwelling unit during the pendency of an application for a certificate of  
61 occupancy.

62 (2) The state fire marshal, head of the fire department, as defined in section 1 of said  
63 chapter 148, or any person to whom the marshal or head of the fire department may delegate the  
64 authority to perform fire safety inspections pursuant to section 4 of said chapter 148 shall notify  
65 the building inspector of the completion of necessary fire inspections pursuant to this subsection.

66 (b)(1) Any owner or lessor who recovers rent for the occupation of any apartment or  
67 dwelling unit for which a certificate of occupancy has not been obtained or for which necessary  
68 fire safety inspections have not been completed prior to the rental thereof in violation of  
69 subsection (a) shall be subject to a civil fine of not more than \$20 per day per violation for such  
70 period of unlawful occupation.

71 (2) Any owner or lessor of a structure not occupied by the owner or lessor who refuses  
72 entry to any apartment or dwelling unit for the purposes of completing an inspection for the  
73 issuance of a certificate of occupancy or fire safety inspection shall receive a warning for the first  
74 offense and be subject to a civil fine of not more than \$250 for the second offense and \$500 for a  
75 third or subsequent offense; provided, however, that an owner or lessor may not be subject to an  
76 escalated penalty if the owner or lessor has shown good faith in complying with this section. All

77 fines imposed pursuant to this paragraph and unpaid after 45 days shall become a lien upon the  
78 property, which shall have priority over all other liens.

79 (3) Any owner or lessor of a structure who refuses entry to any apartment or dwelling  
80 unit of a structure that is occupied by the owner or lessor for the purposes of completing an  
81 inspection for the issuance of a certificate of occupancy or fire safety inspection shall receive a  
82 warning for the first offense and be subject to a civil fine of not more than \$100 for the second  
83 offense and \$250 for a third or subsequent offense; provided, however, that an owner or lessor  
84 may not be subject to an escalated penalty if the owner or lessor has shown good faith in  
85 complying with this section. All fines imposed pursuant to this paragraph and unpaid after 45  
86 days shall become a lien upon the property, which shall have priority over all other liens.

87 (4) Fifty per cent of any fine collected pursuant to this subsection shall be deposited in a  
88 fund established by each municipality collecting such fine to be used for inspections for the  
89 issuance of a certificate of occupancy or fire safety inspection and the remaining 50 per cent of  
90 any fine collected shall be deposited in the Tenant Fire Safety Trust Fund established pursuant to  
91 section 7 of chapter 22D.

92 SECTION 6. Section 99 of chapter 175 of the General Laws, as appearing in the 2022  
93 Official Edition, is hereby amended by striking out clause Fifteenth A and inserting in place  
94 thereof the following clause:-

95 Fifteenth A, Every policy that insures multi-unit residential property against loss or  
96 damage by fire shall provide additional benefits, by endorsement attached to the policy, of \$750,  
97 without deductible, for each rental unit in which any tenant or lawful occupant has been  
98 displaced by fire or by damage resulting from fire; provided, however, that every policy that

99 insures a multi-unit residential property containing 6 or more units against loss or damage by fire  
100 shall provide additional benefits, by endorsement attached to the policy, of not less than \$1,500,  
101 without deductible, for each rental unit to cover the actual costs of relocation of any tenant or  
102 lawful occupant displaced by fire or by damage resulting from fire.

103         The costs of relocation shall include, but not be limited to, hotel room rental, a security  
104 deposit and first month's rent for a new rental unit if the security deposit or last month's rent is  
105 not already due and owing from the landlord to the tenant, clothing replacement, furniture  
106 replacement and other reasonable costs and living expenses incurred as a result of being  
107 displaced or property being damaged by fire. Benefits under this clause shall be paid by the  
108 insurer to the tenant or lawful occupant after taking into account benefits available under any  
109 other policy. The terms and conditions of such clause shall be approved or prescribed by the  
110 commissioner. The landlord or lessor of the property shall notify each tenant or lawful occupant  
111 in writing of the benefits payable under this clause at the beginning of the lease or tenancy  
112 period. A waiver of this provision in any lease or other rental agreement shall be void and  
113 unenforceable.

114         SECTION 7. Section 14 of chapter 186 of the General Laws, as so appearing, is hereby  
115 amended by inserting, in line 21, after the word "months" the following words:- ; provided, that  
116 any such lessor or landlord that fails to furnish heat shall be punished by a fine of not more than  
117 \$600, 50 per cent of which shall be deposited in the Tenant Fire Safety Trust Fund established  
118 pursuant to section 7 of chapter 22D.

119         SECTION 8. Said section 14 of said chapter 186, as so appearing, is hereby further  
120 amended by adding the following paragraph:-

121 Any lessor or landlord of any building or part thereof occupied for dwelling purposes,  
122 other than a room or rooms in a hotel, but including a manufactured home or land therefor fails  
123 to furnish pest control services, who directly or indirectly interferes with the furnishing by  
124 another of pest control services or who transfers the responsibility for payment for pest control  
125 services to the occupant without their knowledge or consent shall be punished by a fine of not  
126 less than \$50 nor more than \$600, 50 per cent of which shall be deposited in the Tenant Fire  
127 Safety Trust Fund established pursuant to section 7 of chapter 22D.

128 SECTION 9. Said chapter 186 is hereby further amended by inserting after section 21 the  
129 following section:-

130 Section 21A. (a) The landlord or lessor of any residential property shall maintain an  
131 insurance policy against loss or damage by fire, which shall include coverage for alternative  
132 housing as a result of displacement from fire or damage from fire, pursuant to subsection (c). No  
133 landlord or lessor shall require a tenant to sign a waiver of liability as a condition for utilizing  
134 insurance policy benefits. Whoever violates the provisions of this section shall be punished by a  
135 fine of not more than \$500. A waiver of this section in any lease or other rental agreement shall  
136 be void and unenforceable.

137 (b) The landlord, lessor or property manager of a residential property shall have annual  
138 fire prevention training.

139 (c) In the case of the displacement of a tenant or lawful occupant of a multi-unit  
140 residential property as a result of a fire or damage from fire, the landlord shall arrange for  
141 immediate alternative housing for the tenant or lawful occupant until such time as the tenant or

142 lawful occupant can return to their dwelling unit, the expiration of the lease or 2 months,  
143 whichever occurs sooner.