

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

John F. Keenan

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 preventing fires and secondhand smoke in non-smoking rental housing.

PETITION OF:

NAME:

John F. Keenan

DISTRICT/ADDRESS:

Norfolk and Plymouth

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act preventing fires and secondhand smoke in non-smoking rental housing.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 239 of the General Laws is hereby amended by adding after Section 15 the
2 following section:-

3 Section 16. In any case brought for cause where the complaint refers to smoking, it shall
4 be a rebuttable presumption that there is smoking in a rented premises if any smoke detector has
5 been removed, covered or caused or suffered to be without batteries or power, or if a renter
6 refuses an inspection of said detectors, provided that the inspection of the detectors is by a
7 disinterested third party, the report is in writing and the lessor proves the detectors were present
8 and working prior to the inception of the tenancy. If such presumption shall not be rebutted, the
9 court shall find for the lessor to the extent the case has been brought for smoking in a rented
10 premises where smoking is disallowed by written rental agreement; in any such case the court
11 shall award attorneys' fees and court costs to the prevailing party. The board of health, division
12 of inspectional services, fire department or the municipality in which the premises reside shall
13 take requests for inspection of smoke detectors and shall attempt to perform such inspections

14 within 3 business days, and may charge a fee to the lessor, provided the fee is published and not
15 waived except for hardship of the lessor. Lessor proof of detectors may be provided by a
16 statement of condition inventorying the quantity and locations of the detectors, photographs or
17 printouts of images of the detectors installed with the renter's signature, or a pre-occupancy
18 inspection performed by a disinterested third party for any purpose, including an inspection prior
19 to lease-up for subsidized housing. A case brought for cause shall not become a case for
20 nonpayment solely on the basis of the complaint demanding court costs, attorneys' fees or other
21 monetary damages deriving from the cause. Nothing in this section shall be construed to limit the
22 claims of renters not a party to the action harmed by the removal of smoke detectors in no-
23 smoking housing.