



DEVAL L. PATRICK  
GOVERNOR

TIMOTHY P. MURRAY  
LT. GOVERNOR

MARY ELIZABETH HEFFERNAN  
SECRETARY

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*  
*Department of Fire Services*

*P.O. Box 1025 ~ State Road*

*Stow, Massachusetts 01775*

*(978) 567~3100 Fax: (978) 567~3121*

*www.mass.gov/dfs*



STEPHEN D. COAN  
STATE FIRE MARSHAL

## Memorandum

**TO:** Heads of Fire Departments

**FROM:** Stephen D. Coan  
State Fire Marshal

**DATE:** December 21, 2011

**RE: Overnight Shelters in places of worship: Extension of provisions allowing the use of battery operated smoke alarms and carbon monoxide detectors (527 CMR 10.13(8))**

---

Please be advised that the Board of Fire Prevention Regulations has filed an emergency regulation (eff. 12-13-11) which extends the ability of overnight shelters in places of worship to use battery operated smoke detectors and carbon monoxide alarms from 1-1-12 to 5-1-12. After said new date the shelters will need to be equipped with monitored and interconnected devices as described in the State Building Code. In all other respects the regulation (527 CMR 10.13(8)) remains unchanged. The regulation with the modifications is attached.

Please note that that the Board of Building Regulations and Standards has also filed a companion emergency regulation in coordination with the Board of Fire Prevention Regulations.

If you have any questions please contact the Code Compliance and Enforcement Unit at 978-567-3375 or in Western MA 413-587-3181.

SDC

Revisions to 527 CMR 10.13(8) relating to 2012 extension for overnight shelters

10.13 (8) Special provisions for certain places of worship which have been issued a valid Certificate of Occupancy for use as a temporary overnight shelter Pursuant to 780 CMR , The State Building Code.

A place of worship which has been issued a valid Certificate of Occupancy for use as a temporary overnight shelter in accordance with the provisions of 780 CMR, the state building Code, shall not be deemed in violation of the provision of 527 CMR, as a result of such temporary use, as long as the facility meets the following conditions:

- (a) The temporary overnight shelter is in possession of a valid Certificate of Occupancy for such temporary use which has been reviewed and approved by the head of the fire department in accordance with 780 CMR.
- (b) The approved overnight temporary shelter is used, occupied and operated in accordance with the terms and conditions specified in said Certificate of Occupancy and said certificate of occupancy is posted in a conspicuous location.
- (c) In addition to the terms and conditions specified in the Certificate of Occupancy, the following fire safety requirements shall be applicable:
  1. The building which houses the approved temporary overnight shelter shall have no known existing or outstanding violations of 527 CMR or M.G.L. c. 148.
  2. A copy of the fire safety and evacuation plan, approved in accordance with the provisions of 780 CMR 3111.4 B., shall be kept on the premises and posted near the main entrance. The responsible person(s) identified in the application for the Temporary Certificate of Occupancy shall maintain the condition of the shelter in accordance with the layout contained in the approved fire safety and evacuation plan.
  3. The employees, volunteers or attendants of the temporary overnight shelter shall be trained and drilled in the duties that they are to perform in case of fire, panic or other emergency in accordance with the provisions of 527 CMR 10.13(3)(a). During all hours of overnight activation of an approved temporary overnight shelter, employees, volunteers and attendants shall be awake and alert.

Exception: Employees, volunteers and attendants do not need to remain awake if the building is equipped throughout with an interconnected smoke detection and notification system.
  4. No person shall be permitted to smoke within the temporary overnight shelter. Smoking may be allowed outside in an area approved by the Head of the Fire Department.
  5. A document shall be posted, in a location approved by the Head of the Fire Department, containing an accurate number of sheltered occupants on a nightly basis. Such document shall also contain the names of all workers and volunteers who are overseeing or assisting

Revisions to 527 CMR 10.13(8) relating to 2012 extension for overnight shelters

in the temporary overnight shelter usage on a nightly basis. In the event of an evacuation, a copy of the document shall be in the possession of the person in charge at a designated meeting point.

6. The temporary overnight shelter shall maintain a working landline phone that must be accessible to initiate a call for assistance in the event of an emergency. A cell phone is not acceptable for compliance with this requirement.
7. The use of battery operated smoke alarms and carbon monoxide detectors, as outlined in 527 CMR 10.13(8)(c)(7)(a and b) is permissible until ~~December 31, 2011~~. **April 30, 2012**. Effective ~~January 1, 2012~~ **May 1, 2012**, all temporary overnight shelters shall be equipped with monitored and interconnected smoke and carbon monoxide detection system as described in the State Building Code.
  - a. Carbon monoxide alarms shall be installed in accordance with 527 CMR 31.04(1). For purpose of compliance with 527 CMR 31.04, the dwelling unit of an approved temporary shelter shall be considered that portion of the building used for sleeping purposes.
  - b. An approved temporary overnight shelter shall feature working and approved smoke detectors in accordance with the requirements of the State Building Code, 780 CMR, if applicable. If smoke detectors are not currently required under 780 CMR, the shelter shall, at a minimum, feature approved working smoke detectors in accordance with the provisions of 527 CMR 32.00. Such smoke detectors shall be installed in any room or area used for sleeping purposes and in any room or area directly adjacent to said sleeping area.
- (d) The head of the Fire Department shall be notified, in writing, at least 48 hours prior to the actual activation of an approved temporary overnight shelter and shall be notified, in writing, upon the termination of such activation.
- (e) As a condition to use and occupation of an approved temporary overnight shelter pursuant to 527 CMR 10.13 (8), The operator of any such shelter shall allow the head of the fire department or any person to whom the head of the fire department may delegate, the authority to enter the shelter during any hour of operation to determine compliance with the provisions of 527 CMR or M.G.L. c. 148.
- (f) The provisions of 527 CMR 10.13(8) shall not impede the ability of the head of the fire department to take any reasonable action to protect persons or property under the authority of any provision of M.G.L. c. 148 or 527 CMR.