

SENATE NO. 395

AN ACT TO PROMOTE FIRE SAFE MULTIPLE DWELLING RESIDENCES FOR ELDERS, INFIRM, AND AILING

*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. Section 16 of chapter 19D of the General Laws, as appearing in the 2002 Official
2 Edition, is hereby amended by inserting after the second paragraph the following paragraph:-

3 Notwithstanding any general law or regulation to the contrary, in the case of new
4 construction of a day or residential assisted living facility or in the case of a major addition to an
5 existing day or residential assisted living facility where such new construction or major addition
6 is more than 7,500 gross square feet in floor area, or contains 4 or more dwelling units, said
7 construction shall meet the construction standards of the state building code, and be of at least
8 type 1-B fireproof construction. For purposes of this section, the gross square feet of a building
9 or addition shall include the sum total of the floor areas for all floor levels, basements and sub-
10 basements, measured from outside walls, irrespective of the existence of interior fire resistive
11 walls, floors and ceilings. The inspector of buildings, building commissioner or local inspector
12 shall enforce the provisions of this section. Whomever is aggrieved by the inspector of

13 buildings, building commissioner or local inspectors interpretation, order, requirement, direction
14 or failure to act under the provisions of this section, may, within forty-five days after the service
15 of notice thereof, appeal from such interpretation, order, requirement, direction, or failure to act,
16 to the board of appeals as provided in the state building code and section 8 of chapter 40A.

17 SECTION 2. Section 51 of chapter 111 of the General Laws, as so appearing, is hereby
18 amended by inserting after the sixth paragraph the following paragraph:-

19 Notwithstanding any general law or regulation to the contrary, in the case of new
20 construction of a respite care facility, or in the case of a major addition to an existing respite
21 care facility where such new construction or major addition is more than 7,500 gross square feet
22 in floor area, or contains 4 or more dwelling units, said construction shall meet the construction
23 standards of the state building code, and be of at least type 1-B fireproof construction. For
24 purposes of this section, the gross square feet of a building or addition shall include the sum
25 total of the floor areas for all floor levels, basements and sub-basements, measured from outside
26 walls, irrespective of the existence of interior fire resistive walls, floors and ceilings. The
27 inspector of buildings, building commissioner or local inspector shall enforce the provisions of
28 this section. Whomever is aggrieved by the inspector of buildings, building commissioner or
29 local inspectors interpretation, order, requirement, direction or failure to act under the
30 provisions of this section, may, within forty-five days after the service of notice thereof, appeal
31 from such interpretation, order, requirement, direction, or failure to act, to the board of appeals
32 as provided in the state building code and section 8 of chapter 40A.