



CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LT. GOVERNOR

TERRENCE M. REIDY  
SECRETARY

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

*P.O. Box 1025 ~ State Road*

*Stow, Massachusetts 01775*

*(978) 567-3181 Fax: (978) 567-3121*

PATRICIA BERRY  
CHAIR

MAURICE M. PILETTE  
VICE CHAIR

**Notice of Meeting**  
**Massachusetts Fire Safety Commission**

Notice is hereby given of a meeting of the Massachusetts Fire Safety Commission. The meeting will be held at **10:00 a.m. on Wednesday, June 8, 2022.** This public hearing will be conducted, and open to the public, via video conference (Microsoft Teams): [Click here to join the meeting](#)  
**Or call in (audio only): +1 857-327-9245,,232728451#** U.S., Boston  
**Phone Conference ID: 232 728 451#**

**Planned Agenda**

1. Chair to open meeting. Introduction of Commission Members.
2. Approval of previous meeting minutes dated May 12, 2021
3. New Business
  - (1) Formal Introduction of New Commission Members (Chief Spanknebel and Mr. Rogers) and Department of Fire Services Deputy General Counsel (John Dean)
  - (2) Staff Docket Update
  - (3) Open Meeting Law Update (M.G.L. c. 30A)
  - (4) Discussion, consideration and vote on updating Automatic Sprinkler Appeals Board Application, Board Memoranda and Hearings Procedures, Board Decorum and adoption of Robert's Rules of Order by Board Counsel, John Dean
  - (5) Review of Legislation filed in the 2021-2022 Legislative Session regarding sprinklers and the Fire Safety Commission (Automatic Sprinkler Appeals Board)
  - (6) Nomination and Election of a Chair and Vice Chair
4. Other Business not reasonably anticipated
5. Adjourn.

Dated: June 1, 2022

John H. Dean, Legal Counsel  
Massachusetts Fire Safety Commission, Automatic Sprinkler Appeals Board

CC: Posted to the Department of Fire Services website  
<https://www.mass.gov/event/mass-fire-safety-commission-june-8-2022-2022-06-08t100000-0400-2022-06-08t110000-0400--->

Secretary of State  
State Publications and Regulations Div.  
One Ashburton Place, Room 1613  
Boston, Massachusetts 02108

Exec. Office of Administration and Finance  
State House, Room 373  
Boston, Massachusetts 02133

**MASSACHUSETTS FIRE SAFETY COMMISSION  
MINUTES OF MEETING  
May 12, 2021  
(DRAFT – not yet approved by Fire Safety Commission)**

The Massachusetts Fire Safety Commission held a meeting on Wednesday, May 12, 2021 at 2:00 p.m. Per Governor Charles D. Baker’s Emergency Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, s. 20 signed and dated March 12, 2020 and still in effect, this public hearing was conducted, and open to the public, via **video conference**.

**Present** at the meeting were the following Commission members:

Maurice M. Pilette, Chair	Professional Engineer
Patricia Berry, Vice Chair	Representative of the Massachusetts Lodging Association
Thomas Coulombe	Representative, Fire Chiefs Association of Massachusetts
Peter J. Ostroskey	State Fire Marshal
Brian Tully, Dep. Chief/Fire Marshal	Designee, Commissioner, Boston Fire Dept.
Kristin Kelly	Representative, Sprinkler Fitters Union
Alexander McLeod	Designee of the Chairman of the Board of Building Regulations and Standards Department

**Also present** were the following individuals (and their affiliations):

Glenn M. Rooney, Esq.	DFS Attorney and Counsel for the Commission
MaryElizabeth Lynch-Lent	Executive Assistant to the Commission

**Absent** at the meeting were the following Commission members:

Vacant	Representative of the Mass. Association of Realtors
George A. Duhamel	Representative, Electrical Inspectors

**1. Meeting Opening:**

The Chairman, Thomas Coulombe, opened the meeting at approximately 2:05 p.m. The Executive Assistant to the Commission conducted a roll call of the members in attendance.

**2. Approval of minutes from the previous Commission Board meeting of August 14, 2019.**

After reviewing the draft minutes from the previous meeting dated August 14, 2019, a Motion was made by Mr. Coulombe to accept the minutes. The Motion was seconded by Mr. MacLeod and was approved by a unanimous vote of the Commission.

**New Business**

**3-1. Staff Docket Update**

Executive Assistant to the Commission, MaryElizabeth Lynch-Lent, presented the docket update. Specifically, Ms. Lynch-Lent presented information on the number of cases that had been received by the Automatic Sprinkler Appeals Board since August 14, 2019 (the last Fire Safety Commission meeting). The breakdown was as follows:

**August 1, 2019 to May 1, 2021**

**10 cases received:**

- 5 – s. 26G
- 1 – s. 26G<sup>1/2</sup>
- 3 – s. 26H
- 1 – did not specify

**Of those 10 cases:**

**2 – Withdrawn / Dismissed**

**3 - Rejected**

**5 - Decisions Rendered**

- 3 upheld FD order (2 - 26G, 1 – 26H)
- 1 modified FD order (26G)
- 1 reversed FD order (26G)

**Total Cases since January 1, 2005 to date (May 1, 2021): 558**

<b>Total 26A<sup>1/2</sup> Cases</b>	5
<b>Total 26G Cases</b>	109
<b>Total 26G<sup>1/2</sup> Cases</b>	405
<b>Total 26H Cases</b>	29

<b>Total 26I / 27A / Building Code Cases (no jurisdiction, automatic rejection)</b>	10
<b>Total Rejections (2005 to now)</b>	100
<b>Total Withdrawals / Dismissals (2005 to now)</b>	294
<b>Decisions Rendered (including Motions to reconsider denials)</b>	164

Mr. Pilette thanked the staff for their hard work to keep the Automatic Sprinkler Appeals Board running during the COVID-19 pandemic and for their work on revamping the Board's website to post additional case decisions.

### **3-2. Review of Legislation filed in the 2021-2022 Legislative Session of potential interest to members of the Fire Safety Commission (Automatic Sprinkler Appeals Board)**

Commission members reviewed legislation filed in the 2021-2022 Legislative Session regarding sprinklers and the Fire Safety Commission (Automatic Sprinkler Appeals Board). Counsel to the Commission, Attorney Glenn Rooney, provided a summary of the each bill and its impact, as well as the current status of each bill. The following bills were reviewed:

- **H. 2416** – “An act relative to fire protection”
- **H. 2417 / S. 1627** – “An act relative to enhanced fire protection in new one and two family dwellings”
- **H. 2441** – “An act enhancing the safety of high-rise buildings”
- **H. 2510** – “An act relative to fire protection systems for buildings and structures”
- **H. 2838** – “An act to protect historic buildings from fires”

Mr. Pilette asked whether or not the Commission is given an opportunity to weigh in on these bills of interest, as some of them would result in more appeals being filed with the Automatic Sprinkler Appeals Board, in addition to other impacts. Attorney Rooney and Fire Marshal Ostroskey indicated that all legislation of interest to the agency and to its Boards and Commissions, is constantly monitored and if needed, written comments and testimony are prepared and forwarded to the Executive Office of Public Safety and Security. At that time, EOPSS would make a determination on whether the comments and/or testimony can be submitted to the appropriate Legislative Committee.

Mr. Pilette expressed concerns regarding H. 2441 and whether it would be seeking to regulate sprinklers for condominiums through the Automatic Sprinkler Appeals Board. Specifically, Mr. Pilette mentioned that the Commission previously had regulations on this subject matter (530 CMR 2.00), which addressed the high-rise retrofit under the provisions of M.G.L. c. 148, s. 26A½. Mr. Pilette reminded the Commission that the regulation was rescinded in April 2017. Deputy Chief Tully questioned whether condos are even classified under the State Building Code.

Further discussion was also had regarding H. 2417 and its companion, S. 1627. Mr. Pilette expressed a concern that the bills, as drafted, may create a competing appeals process between the Automatic Sprinkler Appeals Board and another board, which may have jurisdiction to hear appeals.

#### **4-3. Review of Court Cases involving ASAB Decisions**

Attorney Rooney gave a brief overview of recent cases that either involved the Automatic Sprinkler Appeals Board, or have touched on issues raised by the Board, including sober homes:

*Daniel Burack v. Automatic Sprinkler Appeals Board*, C.A. No. 2080CV00069

*BAK Realty, LLC & another v. City of Fitchburg & another*, C.A. No. 2085CV352

*Crossing Over, Inc. and Theodore Bronson v. City of Fitchburg, Automatic Sprinkler Appeals Board & City of Fitchburg Fire Prevention Bureau*, C.A. No. 1785CV01318 (Worcester Sup. Ct.), *appeal docketed*, No. 2019-P-0903 (Mass. App. Ct. June 17, 2019).

#### **4-4. Nomination and Election of a New Chair and Vice Chair**

Mr. Pilette opened the nominations for the members to elect a new Chair and Vice Chair in accordance with M.G.L. c. 6 § 200. Mr. MacLeod made a motion to nominate Patricia Berry as Chair of the Board and Maurice Pilette as Vice Chair. Mr. Coulombe seconded the motion. A vote was taken and Ms. Berry and Mr. Pilette were voted as the new Chair and Vice Chair of the Commission/Automatic Sprinkler Appeals Board.

### **5. Other Business Not Anticipated**

Mr. Coulombe brought up the issue of what he called “creative spacing” in bars and restaurants that have started to re-open following the worst of the COVID-19 pandemic. Mr. Coulombe indicated that in Western Massachusetts, he had specifically seen establishments place tables up against bars and instead of seating two patrons, four patrons can be seated at the table. He was concerned that this could become more

commonplace and that business would try to get around existing occupancy limits listed on their Certificates of Occupancy.

Ms. Berry indicated that, in her experience, the placement of tables in bar areas had been permitted and became common place at most restaurants during the pandemic as a way of separate customers from each other and creating space between customers and bartenders. Deputy Chief Tully further indicated that due COVID-19 restrictions put in place by both the Governor and the City of Boston, it was his experience that most restaurants and bars continue to be a reduced capacity.

The members of the Commission all agreed that this would be an issue worth keeping an eye on to see if anything changed dramatically moving forward.

## **6. Adjourn**

Fire Marshal Ostroskey made the Motion to adjourn the meeting and Ms. Berry seconded the motion. Motion to adjourn was approved by unanimous vote of the Board at approximately 3:07 p.m.

## **Case Breakdown – Automatic Sprinkler Appeals Board**

### **May 1, 2021 to May 31, 2022**

#### **9 cases received:**

- 4 – s. 26G
- 5 – s. 26H

#### **Of those 9 cases:**

**4 – Withdrawn / Dismissed**

**1 - Rejected**

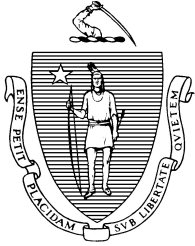
#### **4 - Decisions Rendered**

- 1 upheld FD order ( 26G)
- 1 modified FD order (26G)
- 2 reversed FD order (26G)

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**Total Cases since January 1, 2005 to date (May 31, 2022): 567**

<b>Total 26A½ Cases</b>	5
<b>Total 26G Cases</b>	113
<b>Total 26G½ Cases</b>	405
<b>Total 26H Cases</b>	34
<b>Total 26I / 27A / Building Code Cases (no jurisdiction, automatic rejection)</b>	10
<b>Total Rejections (2005 to now)</b>	101
<b>Total Withdrawals / Dismissals (2005 to now)</b>	298
<b>Decisions Rendered (including Motions to reconsider denials)</b>	168



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PETER J. OSTROSKEY  
STATE FIRE MARSHAL

**MEMORANDUM**

**TO:** All DFS Boards and Commissions

**FROM:** Board Counsel

**DATE:** May 2, 2022

**RE:** Open Meeting Law Guidance – May 2022

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On February 15, 2022, Governor Baker signed into law a new session law extending certain COVID-19 related measures. The new law, Chapter 22 of the Acts of 2022, includes an extension until **July 15, 2022**, of the remote meeting provisions of the Governor's March 12, 2020, Executive Order suspending certain provisions of the Open Meeting Law.

The Legislature is actively considering bills that would, *among other things*, amend Massachusetts General Law Chapter 30A to permanently allow for remote or hybrid meetings by public bodies.

**However, if such legislation is not enacted to take effect by July 15, 2022, all boards and commissions must be prepared to hold meetings with a quorum physically present at a meeting location which is open and accessible to the public.**

While we will continue to track any/all related legislation or updates to the Open Meeting Law, **public bodies should plan to and post notice for meetings to be held in-person beginning on July 15, 2022.**

If you have any additional questions, please contact the Department's Legal Section at 978-567-3183.



# Roberts Rules of Order – Simplified

## Guiding Principles:

- Everyone has the right to participate in discussion if they wish, before anyone may speak a second time.
- Everyone has the right to know what is going on at all times. Only urgent matters may interrupt a speaker.
- Only one thing (motion) can be discussed at a time.

A **motion** is the topic under discussion (e.g., “I move that we add a coffee break to this meeting”). After being recognized by the president of the board, any member can introduce a motion when no other motion is on the table. A motion requires a second to be considered. If there is no second, the matter is not considered. Each motion must be disposed of (passed, defeated, tabled, referred to committee, or postponed indefinitely).

## How to do things:

**You want to bring up a new idea before the group.**

After recognition by the president of the board, present your motion. A second is required for the motion to go to the floor for discussion, or consideration.

**You want to change some of the wording in a motion under discussion.**

After recognition by the president of the board, move to amend by

- adding words,
- striking words or
- striking and inserting words.

**You like the idea of a motion being discussed, but you need to reword it beyond simple word changes.**

Move to substitute your motion for the original motion. If it is seconded, discussion will continue on both motions and eventually the body will vote on which motion they prefer.

**You want more study and/or investigation given to the idea being discussed.**

Move to refer to a committee. Try to be specific as to the charge to the committee.

**You want more time personally to study the proposal being discussed.**

Move to postpone to a definite time or date.

**You are tired of the current discussion.**

Move to limit debate to a set period of time or to a set number of speakers. Requires a 2/3<sup>rd</sup>s vote.

**You have heard enough discussion.**

Move to close the debate. Also referred to as calling the question. This cuts off discussion and brings the assembly to a vote on the pending question only. Requires a 2/3<sup>rd</sup>s vote.

**You want to postpone a motion until some later time.**

Move to table the motion. The motion may be taken from the table after 1 item of business has been conducted. If the motion is not taken from the table by the end of the next meeting, it is dead. To kill a motion at the time it is tabled requires a 2/3<sup>rd</sup>s vote. A majority is required to table a motion without killing it.

You believe the discussion has drifted away from the agenda and want to bring it back.  
 “Call for orders of the day.”

You want to take a short break.  
 Move to recess for a set period of time.

You want to end the meeting.  
 Move to adjourn.

You are unsure the president of the board announced the results of a vote correctly.  
 Without being recognized, call for a “division of the house.” A roll call vote will then be taken.

You are confused about a procedure being used and want clarification.  
 Without recognition, call for "Point of Information" or "Point of Parliamentary Inquiry." The president of the board will ask you to state your question and will attempt to clarify the situation.

You have changed your mind about something that was voted on earlier in the meeting for which you were on the winning side.  
 Move to reconsider. If the majority agrees, the motion comes back on the floor as though the vote had not occurred.

You want to change an action voted on at an earlier meeting.  
 Move to rescind. If previous written notice is given, a simple majority is required. If no notice is given, a 2/3<sup>rds</sup> vote is required.

### Unanimous Consent:

If a matter is considered relatively minor or opposition is not expected, a call for unanimous consent may be requested. If the request is made by others, the president of the board will repeat the request and then pause for objections. If none are heard, the motion passes.

- **You may INTERRUPT a speaker for these reasons only:**
  - to get information about business –point of information to get information about rules– parliamentary inquiry
  - if you can't hear, safety reasons, comfort, etc. –question of privilege
  - if you see a breach of the rules –point of order
  - if you disagree with the president of the board's ruling –appeal
  - if you disagree with a call for Unanimous Consent –object

Quick Reference					
	Must Be Seconded	Open for Discussion	Can be Amended	Vote Count Required to Pass	May Be Reconsidered or Rescinded
Main Motion	√	√	√	Majority	√
Amend Motion	√	√		Majority	√
Kill a Motion	√			Majority	√
Limit Debate	√		√	2/3 <sup>rds</sup>	√
Close Discussion	√			2/3 <sup>rds</sup>	√
Recess	√		√	Majority	
Adjourn (End meeting)	√			Majority	
Refer to Committee	√	√	√	Majority	√
Postpone to a later time	√	√	√	Majority	√
Table	√			Majority	
Postpone Indefinitely	√	√	√	Majority	√

## **Bills of Potential Interest to the Mass. Fire Safety Commission**

- **H. 2416** – “An act relative to fire protection”

### **HISTORY FOR HB2416**

01/19/2021 H - Filed in the House

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04/13/2021 H - Referred to Joint Committee on Public Safety and Homeland Security

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04/13/2021 S - Concurred in committee referral

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05/27/2021 H - Hearing Scheduled  
06/09/2021 10:00 AM - Public Hearing, Virtual Hearing   
*Public Safety and Homeland Security*

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02/02/2022 H - Reported favorably by Joint Committee on Public Safety and Homeland Security

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03/17/2022 H - Referred to House Committee on Steering, Policy and Scheduling

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05/17/2022 H - Placed in the Orders of the Day for the next session

- **H. 2417 / S. 1627** – “An act relative to enhanced fire protection in new one and two family dwellings”

### **HISTORY FOR HB2417**

01/29/2021 H - Filed in the House

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04/13/2021 H - Referred to Joint Committee on Public Safety and Homeland Security

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04/13/2021 S - Concurred in committee referral

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05/27/2021 H - Hearing Scheduled  
06/09/2021 10:00 AM - Public Hearing, Virtual Hearing   
*Public Safety and Homeland Security*

---

02/02/2022 H - Reported favorably by Joint Committee on Public Safety and Homeland Security

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03/17/2022 H - Referred to House Committee on Steering, Policy and Scheduling

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05/05/2022 H - Placed in the Orders of the Day for the next session

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05/05/2022 H - Ordered to a third reading

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05/18/2022 H - House Session  
05/18/2022 11:00 AM - Full Formal Session, House Chamber   
*House Session*

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05/25/2022 H - House Session  
05/26/2022 11:00 AM - Full Formal Session, House Chamber

### **HISTORY FOR SB1627**

02/12/2021 S - Filed in the Senate

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03/29/2021 S - Referred to Joint Committee on Public Safety and Homeland Security

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03/29/2021 H - Concurred in committee referral

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05/27/2021 H - Hearing Scheduled  
06/09/2021 10:00 AM - Public Hearing, Virtual Hearing   
*Public Safety and Homeland Security*

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02/02/2022 S - Reported favorably by Joint Committee on Public Safety and Homeland Security

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03/21/2022 S - Referred to Senate Committee on Ways and Means

- **H. 2441** – “An act enhancing the safety of high-rise buildings”

#### HISTORY FOR HB2441

02/18/2021	H - Filed in the House
04/13/2021	H - Referred to Joint Committee on Public Safety and Homeland Security
04/13/2021	S - Concurred in committee referral
05/27/2021	H - Hearing Scheduled 06/09/2021 10:00 AM - Public Hearing, Virtual Hearing  <i>Public Safety and Homeland Security</i>
02/02/2022	H - Accompanied study order

- **H. 2510** – “An act relative to fire protection systems for buildings and structures”

#### HISTORY FOR HB2510

02/19/2021	H - Filed in the House
04/13/2021	H - Referred to Joint Committee on Public Safety and Homeland Security
04/13/2021	S - Concurred in committee referral
05/27/2021	H - Hearing Scheduled 06/09/2021 10:00 AM - Public Hearing, Virtual Hearing  <i>Public Safety and Homeland Security</i>
02/02/2022	H - Accompanied study order

- **H. 2838** – “An act to protect historic buildings from fires”

#### HISTORY FOR HB2838

02/19/2021	H - Filed in the House
04/13/2021	H - Referred to Joint Committee on Revenue
04/13/2021	S - Concurred in committee referral
12/03/2021	H - Hearing Scheduled 12/13/2021 10:00 AM - Public Hearing, Written Testimony Only <i>Revenue</i>
12/09/2021	H - Hearing Scheduled 12/14/2021 10:00 AM - Public Hearing, Written Testimony Only <i>Revenue</i>
12/09/2021	H - Hearing Scheduled 12/15/2021 10:00 AM - Public Hearing, Written Testimony Only <i>Revenue</i>
12/14/2021	H - Hearing Scheduled 12/22/2021 10:00 AM - Public Hearing, Virtual Hearing  <i>Revenue</i>
02/02/2022	H - Accompanied study order

# HOUSE . . . . . No. 2416

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## The Commonwealth of Massachusetts

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PRESENTED BY:

***Ruth B. Balser***

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*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 fire protection.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Ruth B. Balser</i>	<i>12th Middlesex</i>	<i>1/19/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/23/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/24/2021</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>4/26/2021</i>

# HOUSE . . . . . No. 2416

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By Ms. Balser of Newton, a petition (accompanied by bill, House, No. 2416) of Ruth B. Balser, Brian W. Murray and Lindsay N. Sabadosa relative to clarifying the standards for requiring the installation of automatic sprinkler systems in rehabilitated buildings. Public Safety and Homeland Security.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2028 OF 2019-2020.]

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-Second General Court  
(2021-2022)  
\_\_\_\_\_

An Act relative to fire protection.

*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 148 of the General Laws is hereby amended by striking out in its  
2 entirety section 26I and inserting in its place the following new section:

3           Section 26I. In a city, town or district which accepts the provisions of this section, any  
4 building hereafter constructed or which undergoes a major alteration or modification and is  
5 occupied in whole or in part for residential purposes and containing not less than four dwelling  
6 units including, but not limited to, lodging houses, boarding houses, fraternity houses,  
7 dormitories, apartments, townhouses, condominiums, hotels, motels and group residences, shall  
8 be equipped with an approved system of automatic sprinklers in accordance with the provisions  
9 of the State Building Code. In the event that adequate water supply is not available, the head of

10 the fire department shall permit the installation of an alternative or modified fire suppression  
11 system as prescribed by the State Building Code in lieu of automatic sprinklers. Owners of  
12 buildings with approved and properly maintained installations may be eligible for a reduction on  
13 fire insurance. The head of the fire department shall enforce the provisions of this section.

14         Whoever is aggrieved by the fire department's interpretation, order, requirement,  
15 direction or failure to act under the provisions of this section, may within forty-five days after the  
16 service of notice thereof, appeal from such interpretation, order, requirement, direction or failure  
17 to act to the automatic sprinkler appeals board as provided in section two hundred and one of  
18 chapter six. The board may grant a reasonable waiver from the provisions of this section, or may  
19 allow the installation of a reasonable alternative, modified or partial system of automatic  
20 sprinklers based upon the characteristics of the building or for those buildings that have  
21 architectural or historical significance.

22         SECTION 2. Nothing in this act shall be construed as limiting the State Building Code  
23 from requiring more stringent requirements for installation of automatic sprinklers in residential  
24 buildings.

25         SECTION 3. The provisions of section one shall not apply to construction projects  
26 approved by permit within one year prior to the effective date of this act.

**HOUSE . . . . . No. 2417****The Commonwealth of Massachusetts**

PRESENTED BY:

***Ruth B. Balser and Paul J. Donato****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 enhanced fire protection in new one- and two-family dwellings.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Ruth B. Balser</i>	<i>12th Middlesex</i>	<i>1/29/2021</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>2/3/2021</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/2/2021</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>2/3/2021</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/11/2021</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>2/12/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/23/2021</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/24/2021</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>2/24/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/24/2021</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>3/2/2021</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>4/26/2021</i>



# HOUSE . . . . . No. 2417

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By Representatives Balser of Newton and Donato of Medford, a petition (accompanied by bill, House, No. 2417) of Ruth B. Balser, Paul J. Donato and others relative to the installation of automatic sprinkler systems in certain new family dwellings. Public Safety and Homeland Security.

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## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-Second General Court  
(2021-2022)  
\_\_\_\_\_

An Act relative to enhanced fire protection in new one- and two-family dwellings.

*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 148 of the General laws, as appearing in the 2012 “Official  
2 Edition”, is hereby amended by adding the following new section: -

3           Section 26J. In any city or town which accepts the provisions of this section, every newly  
4 constructed building, designed or used for residential occupancy and containing not more than  
5 two dwelling units, shall be protected throughout with an adequate system of automatic  
6 sprinklers installed in accordance with the provisions of the state building code. The provisions  
7 of this section shall apply to any such newly constructed building for which a building permit is  
8 issued on or after one year from the acceptance of this act by a city or town. Nothing in this  
9 section shall require any existing building designed or used for residential occupancy, to be  
10 required to retrofit said property with an automatic sprinkler system.

11           The head of the fire department shall enforce the provisions of this section.

Whoever is aggrieved by the head of the fire department's interpretation, order, requirement, direction or failure to act under the provisions of this section, may, within forty-five days after the service of notice thereof, appeal from such interpretation, order, requirement, direction, or failure to act, to the board of appeals as provided in section 201 of chapter six.

SECTION 2. Section 27A of chapter 148, as so appearing, is amended by inserting, after the word "service", in lines 17 and 18, the following new sentence: - This section shall not apply to the seasonal shut-off of automatic sprinklers installed in accordance with the provisions of section 26J of chapter 148, when such shut off has been conducted in accordance with the procedures established by the Board of Fire Prevention Regulations. For purposes of this section, the Board shall determine what constitutes a seasonal shutoff of automatic sprinklers.

# SENATE . . . . . No. 1627

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## The Commonwealth of Massachusetts

PRESENTED BY:

***Michael O. Moore***

*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 enhanced fire protection in new one- and two-family dwellings.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/24/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/3/2021</i>

# SENATE . . . . . No. 1627

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By Mr. Moore, a petition (accompanied by bill, Senate, No. 1627) of Michael O. Moore, Lindsay N. Sabadosa and Joanne M. Comerford for legislation relative to enhance fire protection in new one- and two-family dwellings. Public Safety and Homeland Security.

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## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-Second General Court  
(2021-2022)  
\_\_\_\_\_

An Act relative to enhanced fire protection in new one- and two-family dwellings.

*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 148 of the General laws, as appearing in the 2018 Official Edition,  
2 is hereby amended by adding after section 26I, the following new section: -

3           Section 26J. In any city or town which accepts the provisions of this section, every newly  
4 constructed building, designed or used for residential occupancy and containing not more than  
5 two dwelling units, shall be protected throughout with an adequate system of automatic  
6 sprinklers installed in accordance with the provisions of the state building code. The provisions  
7 of this section shall apply to any such newly constructed building for which a building permit is  
8 issued on or after one year from the acceptance of this act by a city or town. Nothing in this  
9 section shall require any existing building designed or used for residential occupancy, to be  
10 required to retrofit said property with an automatic sprinkler system.

11           The head of the fire department shall enforce the provisions of this section.

Whoever is aggrieved by the head of the fire department's interpretation, order, requirement, direction or failure to act under the provisions of this section, may, within forty-five days after the service of notice thereof, appeal from such interpretation, order, requirement, direction, or failure to act, to the board of appeals as provided in section 201 of chapter six.

SECTION 2. Section 27A of chapter 148, as so appearing, is amended by inserting, after the word "service", in lines 17 and 18, the following new sentence: - This section shall not apply to the seasonal shut-off of automatic sprinklers installed in accordance with the provisions of section 26J of chapter 148, when such shut off has been conducted in accordance with the procedures established by the Board of Fire Prevention Regulations. For purposes of this section, the Board shall determine what constitutes a seasonal shutoff of automatic sprinklers.

# HOUSE . . . . . No. 2441

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## The Commonwealth of Massachusetts

PRESENTED BY:

*Marjorie C. Decker*

*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 enhancing the safety of high-rise buildings.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/18/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/23/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/24/2021</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>3/8/2021</i>

# HOUSE . . . . . No. 2441

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By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 2441) of Marjorie C. Decker and others relative to automatic sprinklers in certain older high rise buildings. Public Safety and Homeland Security.

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## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-Second General Court  
(2021-2022)  
\_\_\_\_\_

An Act enhancing the safety of high-rise buildings.

*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 26A ½ of Chapter 148 of the General Laws as appearing in the  
2   2018 Official Edition is hereby amended by deleting the following phrase from the first  
3   paragraph of said Section 26A ½: “provided, further, that sprinklers shall not be required to be  
4   installed in buildings where construction has commenced prior to January first, nineteen hundred  
5   and seventy-five and which have been submitted to the provisions of chapter one hundred and  
6   eighty-three A;” and replacing it with the following: ”any building where construction has  
7   commenced prior to January first, nineteen hundred and seventy-five and which have been  
8   submitted to the provisions of chapter one hundred and eighty-three A shall comply with the  
9   following schedule for the installation of automatic sprinklers: - one-third of the gross square  
10   footage of the building or structure shall be equipped with automatic sprinklers by March  
11   thirtieth, two thousand and twenty- four; two-thirds of the gross square footage of the building or  
12   structure shall be equipped with automatic sprinklers by March thirtieth, two thousand and  
13   twenty- seven; and the entire gross square footage of the building or structure shall be equipped

14 with automatic sprinklers by March thirtieth, two thousand and thirty-one; provided, however,  
15 that the owner of said building or structure may apply to the board of appeals of the fire safety  
16 commission for an extension or a waiver of the provisions of this section as provided for in  
17 section two hundred and one of chapter six. Any building or structure subject to the provisions of  
18 this section shall have the option of complying with the following schedule: the entire gross  
19 square footage of the building or structure shall be equipped with automatic sprinklers by March  
20 thirtieth, two thousand and twenty-seven; provided, however, that under said option the owner of  
21 said building or structure shall be deemed to have waived his right to any such extension of  
22 time.”



# HOUSE . . . . . No. 2510

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## The Commonwealth of Massachusetts

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PRESENTED BY:

***Edward R. Philips***

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*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 fire protection systems for buildings and structures.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>2/19/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/23/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/24/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>4/14/2021</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>4/23/2021</i>

# HOUSE . . . . . No. 2510

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By Mr. Philips of Sharon, a petition (accompanied by bill, House, No. 2510) of Edward R. Philips, Brian W. Murray and Lindsay N. Sabadosa relative to fire protection systems for buildings and structures. Public Safety and Homeland Security.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2086 OF 2019-2020.]

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-Second General Court  
(2021-2022)  
\_\_\_\_\_

An Act relative to fire protection systems for buildings and structures.

*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 4 of Chapter 22D, as so appearing, is hereby amended by inserting,  
2   in line 80, after the word “code”, the following paragraph:-

3           “The provisions of the fire safety code shall apply to all buildings and structures, other  
4   than the State House, including buildings and structures owned, operated, or controlled by the  
5   Commonwealth, its agencies, departments, boards, commissions, or political subdivisions. The  
6   State Fire Marshal or his/her designee shall enforce the State Fire Code in all state owned or  
7   controlled buildings.”

SECTION 2. Subsection (a) of Section 94 of Chapter 143 of the Massachusetts General Laws, as so appearing in the 2012 Official Edition, is hereby amended by adding the following sentence to the second paragraph:-

This shall not include standards for fire protection or life safety systems, as defined in Section 1 of Chapter 148, installed in new or substantially modified buildings in accordance with regulations prescribed by the Board of Fire Prevention Regulations.

SECTION 3. Section 95 of Chapter 143 of the Massachusetts General Laws, as so appearing, is hereby amended by striking out, in subsection (a), in line 5, the words:- and fire prevention.

SECTION 4. Section 96 of Chapter 143 of the Massachusetts General Laws, as so appearing, is hereby amended by inserting in line 3, between the words “demolition” and “promulgated”, the following words:- or fire prevention.

SECTION 5. Section 1 of Chapter 148 of the Massachusetts General Laws, as so appearing in the 2012 Official Edition, is hereby amended by inserting, between the definitions of “Division” and “Head of the Fire Department”, the new definition:-

Fire Protection and Life Safety Systems, any equipment or system relating to fire protection, fire detection, fire warning, fire suppression or carbon monoxide alarms installed in any occupancy defined in 780 CMR or as otherwise defined by the Board of Fire Prevention Regulations through regulation.

SECTION 6. Section 1 of Chapter 148 of the Massachusetts General Laws, as so appearing in the 2012 Official Edition, is hereby amended by inserting, after the definition of Fire Protection and Life Safety Systems, the following definition:-

Fire Safety Code, the comprehensive regulations promulgated by the Board of Fire Prevention Regulations pursuant to the provisions of Section 4 of Chapter 22D of the General Laws and pursuant to this chapter.

SECTION 7. Section 26A of Chapter 148 of the Massachusetts General Laws, as so appearing in the 2012 Official Edition, is hereby amended by striking out in lines 3 and 4, the words “state building code”, and substituting in place thereof the following words:- state fire code.

SECTION 8. Section 26A of Chapter 148, as so appearing, is hereby amended by striking out, in lines 12 and 13, the words “board of appeals as provided in the state building code and section twenty-three of chapter twenty-three B”, and substituting in place thereof the following words:- Fire Prevention Regulations Appeals Board as provided in Chapter 22D, section 5.

SECTION 9. Section 26A of Chapter 148 , as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “state building code” and substituting in place thereof the following words:- state fire code

SECTION 10. Section 26B of Chapter 148, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words “state building code” and substituting in place thereof the following words:- state fire code.

SECTION 11. Section 26B of Chapter 148, as so appearing, is hereby further amended by striking out, in lines 13 and 14, the words the “board of appeals as provided in the state building code and section twenty-three of chapter twenty-three B”, and substituting in place thereof the following words:- Fire Prevention Regulations Appeals Board as provided in Chapter 22D, section 5

SECTION 12. Subsection (d) of Section 26F½ of Chapter 148 , as so appearing, is hereby amended by striking out, in lines 25-28, the first sentence of the subsection.

SECTION 13. Section 26G of Chapter 148, as so appearing, is hereby amended by striking out, in line 5, the words “state building code” and substituting in place thereof the following words:- state fire code.

SECTION 14. Section 26G½ of Chapter 148, as so appearing, is hereby amended by striking out in lines 6, 7, 19 and 24 the words “state building code” and substituting in place thereof the following words:- state fire code

SECTION 15. Section 26H of Chapter 148, as so appearing, is hereby amended by striking out, in line 4, the words “state building code” and substituting in place thereof the following words:- state fire code.

SECTION 16. Section 26I of Chapter 148, as so appearing, is hereby amended by striking out, in line 9, the words “state building code” and substituting in place thereof the following words:- state fire code.

SECTION 17. Section 26I of Chapter 148, as so appearing, is further amended by adding the following sentence at the end of the section:

68           Whoever is aggrieved by the head of the fire departments interpretation, order,  
69   requirement, direction, or failure to act under the provisions of this section, may, within forty-  
70   five days after the service of notice thereof, appeal from such interpretation, order, requirement,  
71   direction, or failure to act to the automatic sprinkler appeals board as provided in Section 201 of  
72   Chapter 6.

73           SECTION 18. Section 28 of Chapter 148, as so appearing, is hereby amended by adding,  
74   after subsection (3), the following new subsection:

75           (4) to provide adequate standards for the design, installation, or maintenance of fire  
76   protection and life safety systems in buildings or structures.

77           SECTION 19. The provisions of this act shall take effect on January 1, 2017. The  
78   provisions of this act shall not apply to any building or structure which was issued a building  
79   permit prior to January 1, 2017.

# HOUSE . . . . . No. 2838

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## The Commonwealth of Massachusetts

PRESENTED BY:

*Antonio F. D. Cabral*

*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 to protect historic buildings from fires.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>2/19/2021</i>

# HOUSE . . . . . No. 2838

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By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 2838) of Antonio F. D. Cabral for legislation to establish an historic building fire prevention tax credit. Revenue.

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## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-Second General Court  
(2021-2022)  
\_\_\_\_\_

An Act to protect historic buildings from fires.

*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 62 of the General Laws, as appearing in the 2018 Official Edition, is hereby  
2 amended by adding the following section:-

3 “Section 6O. Historic Building Fire Prevention Tax Credits.

4 (a) There is hereby established a historic building fire prevention tax credit. A person,  
5 firm, partnership, trust, estate, limited liability company or other entity subject to the income tax  
6 imposed by the provisions of this chapter or chapter 63 of the General Laws shall be allowed a  
7 credit, to be computed as hereinafter provided, against taxes owed to the commonwealth under  
8 chapter 62 or chapter 63 toward the cost of the installation of a fire protection sprinkler system,  
9 as defined in section 81 of chapter 146 of the General Laws, in a qualified historic structure, as  
10 defined in section 6J of chapter 62 of the General Laws.

11 (b) The credit allowed under this section shall be equal to 50 per cent of the costs  
12 incurred installing said system, with a maximum credit of \$10,000 per taxpayer in any fiscal



year. The Massachusetts fire Prevention regulations board shall determine the criteria for eligibility for the credit, the criteria to be set forth in regulations promulgated under this section. The credit allowable under this section shall be allowed for any taxable year until 2031.

(c) Tax credits allowed under this section shall be allowed for the taxable year in which the costs are incurred; provided, however, that a tax credit allowed under this section shall not reduce the tax owed below \$0. A taxpayer allowed a credit under this section for a taxable year may carry over and apply against such taxpayer's tax liability in any of the succeeding 5 taxable years, the portion, as reduced from year to year, of those credits which exceed the tax for the taxable year.