



Quick Reference Guide

Flow Chart for M.G.L. c. 148 s. 26C

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Department of Fire Services Commonwealth of Massachusetts

Flow Chart for M.G.L. c. 148 s. 26C

I. INTRODUCTION

In response to inquiries from fire and building officials regarding the fire protection standards for older apartment buildings, this following flow chart is being provided to assist fire departments in determining compliance for such apartment buildings with six or more units that were built before January 1, 1975, and have not been altered in a way that would require updated fire protection measures according to the State Building Code.

This law does not apply to new buildings, as they must meet the standards outlined in the current editions of 780 CMR, the Massachusetts Building Code, and 527 CMR 1.00. Section 26C applies to existing residential buildings that were constructed before January 1, 1975 (and have not been modified since) and are not in compliance with today's codes. Specifically, it applies to buildings that lack smoke and/or heat alarms/detectors in areas where they are currently required.

This flow chart serves to provide a basic overview of the legal and regulatory considerations in determining the applicability and implementation of M.G.L. c. 148 s. 26C. As such, the information presented here is for informational purposes only and does not, nor is it intended to, constitute legal advice. Questions about specific enforcement scenarios should be directed to your city solicitor or town counsel.

Was this building permitted prior to 1975? → No, MGL c. 148 s. 26C is not applicable

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Does this building have 6 or more dwelling units? → No, MGL c. 148 s. 26C is not applicable

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The building is NOT a high rise (it is less than 70 feet) → If a high rise (more 70 feet or above), MGL c. 148 s. 26C is not applicable → See MGL c. 148 s. 26A

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Does the building have any common areas pursuant to 780 CMR (for example: hallways, corridors, common basements, common laundry facilities)? → No, MGL c. 148 s. 26C is not applicable

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Has there been any significant building alteration/modification that 780 CMR would have required the installation of a fire alarm system? → MGL c. 148 s. 26C is not applicable. Refer to the building code

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The building is NOT a condominium → If a condominium, MGL c. 148 s. 26C is not applicable

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Does the building have any smoke detection (heat detection where applicable) in the common areas? → No. MGL c. 148 s. 26C is applicable, and a fire alarm system shall be installed

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Does the building have a low-voltage fire alarm system in the common areas?

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Is there documentation that the local fire department approved the smoke detection prior to **November 17th, 1989** (the adoption of the MGL c. 148 s. 26C)?

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If yes, MGL c. 148 s. 26C compliance has been achieved

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No, see Tables below

Does the building have hardwired interconnected smoke alarms in the common area?

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Is there documentation that the local fire department approved the smoke detection prior to **November 17th, 1989** (the adoption of the MGL c. 148 s. 26C)?

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If yes, MGL c. 148 s. 26C compliance has been achieved

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No, see Tables below

Does the fire alarm system comply with the following Tables for the number of dwelling units

6 to 12 dwelling units:

13 or more dwelling units:

‘Type II System’ – 6-12 dwelling units [previous 527 CMR 527 CMR 1.00-50.00]

- Smoke detectors installed on the ceiling of the common areas (lobbies, common corridors and hallways, stairways)
- If the locations are not conducive to smoke detectors, heat detectors shall be installed
- Horns or horn/strobes provided throughout common areas
- Fire alarm annunciator at grade
- If the building has 3 or more levels, manual pulls provided at each exit

‘Type I System’ – 13 or more dwelling units [previous 527 CMR 527 CMR 1.00-50.00]

- Smoke detectors installed on the ceiling the common areas (lobbies, common corridors and hallways, stairways)
- If the locations are not conducive to smoke detectors, heat detectors shall be installed
- Horns or horn/strobes provided throughout common areas
- Fire alarm annunciator at grade
- If the building has 3 or more levels, manual pulls provided at each exit
- Automatic notification to the fire department provided

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If the provided system complies with the tables above **and** is maintained in accordance with NFPA 72; **then MGL c. 148 s. 26C compliance is achieved.**

Protection inside the dwelling unit shall comply with 527 CMR 1.00, 13.7

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If MGL c. 148 s. 26C compliance is not achieved from above tables, then the following shall be provided

527 CMR 1.00, 13.7.4.5

- Smoke detectors installed on the ceiling the common areas (lobbies, common corridors and hallways, stairways)
- Manual pull stations at all exits
- Horn/Strobes throughout the building
- Electric monitoring with automatic fire department notification

Protection inside the dwelling unit protection shall be hardwired interconnected smoke alarms

Further assistance is always available from the Division of Fire Safety on this and similar issues. If you have further questions or seek additional information, please contact the Code Compliance and Enforcement Unit at (978) 567-3375 or by email at DFS-TM-Compliance@Mass.Gov.