

## Voluntary Compliance of State Fire Code in State Owned Buildings

ADVISORY

**To:** All Heads of Fire Departments  
**From:** Stephen D. Coan, State Fire Marshal  
**Date:** January 7, 2002  
**Re:** Voluntary Compliance of State Fire Code in State Owned Buildings

It has come to my attention that some departments believe they no longer may inspect or advise State Agencies on the conditions in state owned buildings; as a result of the Attorney Generals opinion (No. 00/01-1) dated October 30, 2000.

As you recall, the Attorney General opined that the provisions of C. 148 ad 527 CMR could not be enforced as against the Commonwealth. This decision was based upon a review of the statute's construction, which led to the conclusion that the Commonwealth and its agencies, absent an explicit legislative directive, are immune from proscriptions set forth in statutes enacted by the legislature.

Although the Attorney General opined the state and its agencies could not be subjected to enforcement, he clearly stated that nothing in his opinion barred, officials controlling state buildings, from voluntary compliance with the State Fire Code. Accordingly, I remind you that you are free to work with state officials to voluntarily obtain compliance in state owned buildings. Such cooperation would serve the best interest of the state in protecting its employees and invitees and the Fire Department in minimizing fire hazards, enhancing fire fighter safety and allowing for preplanning.