

# HOUSE . . . . . No. 2321

## The Commonwealth of Massachusetts

PRESENTED BY:

*Daniel M. Donahue*

*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 safe building materials.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>1/18/2023</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>2/28/2023</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/28/2023</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/28/2023</i>
<i>Aaron L. Saunders</i>	<i>7th Hampden</i>	<i>2/28/2023</i>
<i>Steven George Xiarhos</i>	<i>5th Barnstable</i>	<i>2/28/2023</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>2/28/2023</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>3/9/2023</i>

**HOUSE . . . . . No. 2321**

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By Representative Donahue of Worcester, a petition (accompanied by bill, House, No. 2321) of Daniel M. Donahue and others relative to the use of safe building materials in residential construction. Public Safety and Homeland Security.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
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An Act relative to safe building materials.

*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 96 of chapter 143 of the General Laws, as appearing in the 2016 2  
2 Official Edition, is hereby amended by inserting after the word code, in line 8, the following 3  
3 words: –, light frame construction code under section 26J of chapter 148.

4 SECTION 2. Chapter 148 of the General Laws, as so appearing, is hereby amended by 5  
5 inserting after section 26I the following section: –

6 Section 26J. Light Frame Construction Code.

7 (a) As used in this section the following terms shall, unless the context clearly requires 8  
8 otherwise, have the following meanings: –

9 “Dwelling unit”, a single unit providing complete, independent living facilities for one or  
10 more persons living as a single housekeeping unit, including permanent provisions for living,  
11 sleeping, eating, cooking, and sanitation.

12           “Fire barrier”, a fire-resistance rated wall assembly of materials designed to restrict the  
13 spread of fire in which continuity is maintained.

14           “Fire partition”, a vertical assembly of materials designed to restrict the spread of fire in  
15 which openings are protected.

16           “Fire wall”, a fire-resistance rated wall having protected openings, which restricts the  
17 spread of fire and extends continuously from the foundation to or through the roof, with  
18 sufficient structural stability under fire conditions to allow collapse of construction on either side  
19 without collapse of the wall.

20           “Fire watch warden”, an individual hired to monitor new residential use structure  
21 construction projects that utilize light frame construction.

22           “Horizontal assembly”, a fire-resistance rated floor or roof assembly of materials  
23 designed to restrict the spread of fire in which continuity is maintained.

24           “Horizontal separation”, a floor assembly separating dwelling units in the same structure,  
25 a floor assembly separating sleeping units in the same structure, and a floor assembly separating  
26 dwelling or sleeping units from other occupancies contiguous to them in the same structure.

27           “Light frame construction”, a type of construction the vertical and horizontal structural  
28 elements of which are primarily formed by a system of repetitive wood framing members or that  
29 utilizes metal-plate-connected wood trusses, metal-plate-connected metal-web wood trusses, pin  
30 end connected steel-web wood trusses, wooden I-joists, solid-sawn wood joists, composite wood  
31 joists as floor or roof system structural elements, or load bearing elements made of combustible  
32 materials.

33 “Planned real estate development” or “development”, any real property, whether  
34 contiguous or not, which consists of or will consist of, separately owned areas, irrespective of  
35 form, be it lots, parcels, units, or interest, and which are offered or disposed of pursuant to a  
36 common promotional plan and providing for common or shared elements or interests in real  
37 property. This definition shall not apply to any form of timesharing, but it shall include;  
38 condominiums, any form of homeowners' association, any housing cooperative or any  
39 community trust or other trust device.

40 “Residential use structure”, a hotel, motel, resort, boarding house or inn as those terms 41  
41 are defined in section 12A of chapter 140; a multiple dwelling, as that term is defined in section  
42 13A of chapter 22; or rooming house, as that term is defined in section 199B of chapter 111.

43 “Sleeping unit”, a room or space in which people sleep, which can also include  
44 permanent provisions for living, eating, and either sanitation or kitchen facilities but not both,  
45 but does not include such a room or space that is also part of a dwelling unit.

46 (b) A new residential use structure containing more than two dwelling or sleeping units  
47 under the R Occupancy in the International Building Code (IBC) may only be constructed  
48 utilizing light frame construction if the following requirements are satisfied:

49 (1) Notwithstanding any other provision in this chapter, an automatic sprinkler system  
50 shall be installed throughout the structure in accordance with the requirements of National Fire  
51 Protection Association (NFPA) 13, Standard for the Installation of Sprinkler Systems.

52 (2) The number of stories permitted in the structure shall be measured from grade plane  
53 and includes any pedestal or podium.

54 (3) Each fire partition shall:

55 (i) be constructed of noncombustible materials or fire-retardant treated wood as per the  
56 current edition of NFPA 703;

57 (ii) be constructed with a fire-resistance rating of at least one hour; and

58 (iii) comply with all other requirements for fire partitions under the IBC.

59 (4) Each horizontal assembly installed between floors separating dwelling or sleeping  
60 units shall:

61 (i) be constructed of noncombustible materials or fire-retardant treated wood as per the  
62 current edition of NFPA 703;

63 (ii) be constructed as a horizontal assembly with a fire-resistance rating of at least one  
64 hour; and

65 (iii) comply with all other requirements for horizontal assemblies under the code.

66 (5) Each fire wall shall:

67 (i) be constructed of noncombustible materials ;

68 (ii) not be adversely affected by moisture;

69 (iii) shall be a minimum of a 2-hour rated assembly (per the IBC).

70 (6) (i) If any light framing of the structure is unprotected, the structure shall not have  
71 more than three stories and shall not exceed 60 feet above grade plane.

72 (ii) If all light framing of the structure is protected, the structure shall not have more than  
73 four stories and shall not exceed 70 feet above grade plane.

74 (7) If the structure has five or more dwelling or sleeping units, a horizontal assembly  
75 shall not be considered to create separate and distinct structures for the purposes of determining  
76 area imitations, continuity of fire walls, limitation of number of stories, and type of construction  
77 a provided under this subsection and the code.

78 (c) The contractor, or subcontractor for a construction project proposed in accordance  
79 with this section shall be registered with the board of building regulations.

80 (d) The construction of a new residential use structure containing more than two dwelling  
81 or sleeping units utilizing light frame construction shall not commence unless a fire watch  
82 warden who meets the requirements of paragraph (1) of this subsection is present 24 hours a day  
83 to monitor the construction and alert firefighters, medical, rescue, or law enforcement personnel  
84 if a fire or other emergency occurs.

85 (1) A person shall be eligible to be a fire watch warden shall be eligible to be a fire watch  
86 warden if the person is qualified pursuant to regulations issued by the marshal and is an active or  
87 retired firefighter, a retired or active building trades council member, retired or active police  
88 officer or first responder or registered/certified security guard, retired or current building or  
89 zoning code official, or is a current or retired fire inspector or fire marshal (or individual deemed  
90 to comply) who is certified pursuant to regulations issued by the marshal.

91 (2) A developer or owner of a construction project subject to the provisions of this  
92 subsection shall be responsible for hiring, training, and compensating the fire watch wardens,

93 and any expense to ensure that they are on site, including inspection by the department or the  
94 local enforcing agency.

95 (3) A fire watch warden shall make regular inspections and patrols of the area assigned to  
96 the fire watch warden for supervision by the developer or owner. A fire watch warden shall not  
97 be assigned any other responsibilities that would interfere with or prevent the fire watch warden  
98 from carrying out the fire watch warden's responsibilities under this subsection.

99 (4) A fire watch warden shall maintain a record of activities performed in connection  
100 with the construction project that constitute a potential threat to fire safety. The records shall be  
101 submitted to the department on a weekly basis and the division may, in its discretion, take any  
102 action appropriate to abate any fire safety issues, including, but not limited to, requesting that the  
103 local enforcing agency revoke the construction permit for the project.

104 (5) A fire watch warden shall be present after 4pm Monday through Friday, 24-hours a  
105 day on weekends, and all legal holidays where construction is not taking place throughout the  
106 construction project and shall continue to monitor the construction project until the final  
107 sprinkler inspection is completed and a certificate of occupancy is issued.

108 (6) The department may assess a developer or owner of a construction project, utilizing a  
109 fire watch warden pursuant to this subsection, reasonable administrative fees incurred by the  
110 division in performing its duties as set forth in this subsection.

111 (7) The provisions of this subsection shall not apply to a townhouse or other single-  
112 family dwelling. For purposes of this section, "townhouse" means a single-family dwelling unit  
113 constructed in a group of 3 or more attached units in which each unit extends from the  
114 foundation to roof and with open space on a least 2 sides.

115 (e) The marshal shall, adopt regulations to require that placards identifying the primary  
116 structural system of a structure are affixed adjacent to the fire alarm control panel and to an  
117 exterior wall within 10 feet of the main entrance to the structure.

118 (f) The placards shall be 8 inches vertically by 11 inches horizontally and shall have a  
119 white background, black letters, and a black border. The letters shall be in at least 72-point  
120 boldface type. The letters and border shall be visible and readable from at 10 feet.

121 (g) One of the following descriptions shall be printed on a placard, as appropriate:

122 (1) “Load-bearing concrete walls”;

123 (2) “Load-bearing masonry walls”;

124 (3) “Load-bearing steel stud walls”;

125 (4) “Load-bearing light-framed combustible walls”;

126 (5) “Structural concrete frame”;

127 (6) “Structural steel frame”;

128 (7) “Timber or cross-laminated timber”; or

129 (8) if the primary structural system of the structure is not one of the foregoing, a  
130 description approved by the enforcing agency shall be printed instead.

131 (h) The following language shall be printed on each placard following the description of  
132 154 the structural system: “serves as the primary structural system of this structure”.