

**HOUSE . . . . . No. 3844**

**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:
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>Michael J. Finn</i>	<i>6th Hampden</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>David K. Muradian, Jr.</i>	<i>9th Worcester</i>
<i>David M. Nangle</i>	<i>17th Middlesex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>

**HOUSE . . . . . No. 3844**

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By Mr. Donahue of Worcester, a petition (accompanied by bill, House, No. 3844) of Daniel M. Donahue and others relative to safe building materials. Public Safety and Homeland Security.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

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 Official Edition, is hereby amended by inserting after the word code, in line 8, the following  
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 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 otherwise, have the following meanings: –

9           “Dwelling unit”, a single unit providing complete, independent living facilities for one  
10 or 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  
13 the spread of fire in which continuity is maintained.

14                   “Fire partition”, a vertical assembly of materials designed to restrict the spread of fire  
15 in 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  
25 structure, a floor assembly separating sleeping units in the same structure, and a floor assembly  
26 separating dwelling or sleeping units from other occupancies contiguous to them in the same  
27 structure.

28                   “Light frame construction”, a type or construction the vertical and horizontal  
29 structural elements of which are primarily formed by a system of repetitive wood framing  
30 members or that utilizes metal-plate-connected wood trusses, metal-plate-connected metal-web  
31 wood trusses, pin-end connected steel-web wood trusses, wooden I-joists, solid-sawn wood

32 joists, composite wood joists as floor or roof system structural elements, or load bearing  
33 elements made of combustible materials.

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

41 “Residential use structure”, a hotel, motel, resort, boarding house or inn as those terms  
42 are defined in section 12A of chapter 140; a multiple dwelling, as that term is defined in section  
43 13A of chapter 22; or rooming house, as that term is defined in section 199B of chapter 111.

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

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

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

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

55 (3) Each fire partition shall:

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

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

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

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

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

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

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

67 (5) Each fire wall shall:

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

70 (ii) not be adversely affected by moisture;

71 (iii) be capable of passing the hose stream test in accordance with the code; and

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

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

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

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

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

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

88 (1) A person shall be eligible to be a fire watch warden shall be eligible to be a fire watch  
89 warden if the

90 person is qualified pursuant to regulations issued by the marshal and is an active or  
91 retired firefighter, a retired or active building trades council member, retired or active police  
92 officer or first responder or registered/certified security guard, retired or current building or

93 zoning code official, or is a current or retired fire inspector or fire marshal (or individual deemed  
94 to comply) who is certified pursuant to regulations issued by the marshal.

95 (2) A developer or owner of a construction project subject to the provisions of this  
96 subsection shall be responsible for hiring, training, and compensating the fire watch wardens,  
97 and any expense to ensure that they are on site, including inspection by the department or the  
98 local enforcing agency.

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

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

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

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

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

119 (e) The board and the marshal shall promulgate rules and regulations to effectuate the  
120 provisions of this section, and shall revise any applicable codes accordingly.

121 (f) The marshal shall, promulgate rules and regulations to require that an identifying  
122 emblem be affixed to the front of each exterior entrance of structures with light frame or truss  
123 construction to clearly communicate that the structure in the affected area is combustible and  
124 known to the State to pose a fire hazard.

125 The emblem shall be of a bright and reflective color, or made of reflective material. The  
126 shape of the emblem shall be an isosceles triangle and the size shall be 12 inches horizontally by  
127 6 inches vertically. The following letters, of a size and color to make them conspicuous, shall be  
128 printed on the emblem: "LF" to signify light frame construction; "F" to signify a floor with truss  
129 construction; "R" to signify a roof with truss construction; or "F/R" to signify both a floor and  
130 roof with truss construction.

131 The emblem shall be permanently affixed to the left of the main entrance door at a height  
132 between four to six feet above the ground and shall be installed and maintained by the owner of  
133 the building.

134 (d) Detached 1 and 2 family residential structures with truss construction which are not  
135 part of a planned real estate development shall be exempt from the provisions of this section;



136 provided however, the legislative body of a municipality may require by ordinance that emblems  
137 be affixed on structures with truss construction.

138 Individual structures and dwelling units with truss construction which are part of a  
139 planned real estate development shall not be required to have an identifying emblem if there is an  
140 emblem affixed at each entranceway to the development.

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

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

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

148 (1) "Load-bearing concrete walls";

149 (2) "Load-bearing masonry walls";

150 (3) "Load-bearing steel stud walls";

151 (4) "Load-bearing light-framed combustible walls";

152 (5) "Structural concrete frame";

153 (6) "Structural steel frame";

154 (7) "Timber or cross-laminated timber"; or

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

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