

**SENATE . . . . . No. 1161**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Michael J. Barrett***

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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 to protect public health during unseasonably warm weather.

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PETITION OF:

NAME:

*Michael J. Barrett*

DISTRICT/ADDRESS:

*Third Middlesex*

**SENATE . . . . . No. 1161**

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By Mr. Barrett, a petition (accompanied by bill, Senate, No. 1161) of Michael J. Barrett for legislation to protect public health during unseasonably warm weather . Public Health.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act to protect public health during unseasonably warm weather.

*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 127A of Chapter 111 of the General Laws, as appearing in the 2014 Official  
2 Edition, is hereby amended by adding the following paragraph:-

3           At its discretion, any board of health or the department may grant a blanket heating  
4 variance relieving all landlords or owners in its jurisdiction from any obligation in the code to  
5 provide heat when the board of health or department determines such a variance is warranted by  
6 unseasonably warm outdoor temperatures; provided however, that a variance may be granted in  
7 advance of unseasonably warm outdoor temperatures based on forecasted weather, as necessary  
8 to provide sufficient notice for landlords who may provide air conditioning instead of heat during  
9 the variance; provided further, that any such variance shall last no longer than 96 hours; provided  
10 however, that multiple consecutive variances may be issued in a row when unseasonably warm  
11 temperatures continue. Upon receiving a written request for a heating variance from 10 or more  
12 residents, owners or landlords under its jurisdiction, a local board of health shall consider issuing  
13 a blanket heating variance and issue a decision within 72 hours.