

AN ACT TO PROMOTE FIRE SAFE MULTIPLE DWELLING RESIDENCES FOR ELDERS, INFIRM, AND AILING

SUMMARY: Requires new construction of a day or residential assisted living facilities new construction of a respite care facilities to meet the construction standards of the state building code, and be of at least type 1-B fireproof construction; authorizes the inspector of buildings, building commissioner or local inspector to enforce said provisions.

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Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 16 of chapter 19D of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:-

Notwithstanding any general law or regulation to the contrary, in the case of new construction of a day or residential assisted living facility or in the case of a major addition to an existing day or residential assisted living facility where such new construction or major addition is more than 7,500 gross square feet in floor area, or contains 4 or more dwelling units, said construction shall meet the construction standards of the state building code, and be of at least type 1-B fireproof construction. For purposes of this section, the gross square feet of a building or addition shall include the sum total of the floor areas for all floor levels, basements and sub-basements, measured from outside walls, irrespective of the existence of interior fire resistive walls, floors and ceilings. The inspector of buildings, building commissioner or local inspector shall enforce the provisions of this section. Whomever is aggrieved by the inspector of buildings, building commissioner or local inspectors interpretation, order, requirement, direction or failure to act under the provisions of this section, may, within forty-five days after the service of notice thereof, appeal from such interpretation, order, requirement, direction, or failure to act, to the board of appeals as provided in the state building code and section 8 of chapter 40A.

SECTION 2. Section 51 of chapter 111 of the General Laws, as so appearing, is hereby amended by inserting after the sixth paragraph the following paragraph:-

Notwithstanding any general law or regulation to the contrary, in the case of new construction of a respite care facility, or in the case of a major addition to an existing respite care facility where such new construction or major addition is more than 7,500 gross square feet in floor area, or contains 4 or more dwelling units, said construction shall meet the construction standards of the state building code, and be of at least type 1-B fireproof construction. For purposes of this section, the gross square feet of a building or addition shall include the sum total of the floor areas for all floor levels, basements and sub-basements, measured from outside walls, irrespective of the existence of interior fire resistive walls, floors and ceilings. The inspector of buildings, building commissioner or local inspector shall enforce the provisions of this section. Whomever is aggrieved by the inspector of buildings, building commissioner or local inspectors interpretation, order, requirement, direction or failure to act under the provisions of this section, may, within forty-five days after the service of notice thereof, appeal from such interpretation, order, requirement, direction, or failure to act, to the board of appeals as provided in the state building code and section 8 of chapter 40A.