The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Department of Fire Services
P.O. Box 1025 ~State Road
Stow, Massachusetts 01775
(978) 567~3100 Fax: (978) 567~3121
www.mass.gov/dfs

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LT. GOVERNOR

THOMAS A. TURCO, III
SECRETARY

PETER J. OSTROSKEY
STATE FIRE MARSHAL

MEMORANDUM

To: Heads of Fire Departments

From: Peter J. Ostroskey, State Fire Marshal

Date: March 20, 2020

RE: **Governor's Emergency Executive Orders Affecting Licensing and Inspections**

The Governor, pursuant to his Executive Authority during this declared state of emergency, has signed two executive orders affecting (1) the expiration of professional licenses and registrations issued by the Commonwealth and; (2) the temporary deferral of smoke and CO inspections required by M.G.L. Chapter 148 Section 26F and 26F ½ . *(Copies of both orders are attached hereto).*

The first order extends the expiration any license, certificate or registration issued by DFS/State Fire Marshal that was in good standing on March 18, 2020.

The second order defers smoke and CO inspections required under Section 26F and 26F ½ for up to ninety (90) days after this state of emergency is lifted provided:

(a) The buyer and seller agree, in writing, that the buyer **not** the seller shall be responsible to equip the property with compliant smoke and CO detectors/alarms and;

(b) The buyer agrees to equip the property in accordance with 527 CMR 1.00, Chapter 13.

In addition to notifying you of these changes, we will also be notifying other interested parties *(i.e. The Massachusetts Realtors Association and Massachusetts Mortgage Bankers Association)* and will ask those parties to widely disseminate the attached orders.

Thank you for your patience while we resolved these issues with the Governor's office. If you have any questions, please feel free to call.

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

ORDER EXTENDING THE REGISTRATIONS OF CERTAIN LICENSED PROFESSIONALS

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19");

WHEREAS, on March 11, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the number of presumptive positive and confirmed cases of COVID-19 continues to rise in the Commonwealth. As of March 17, 2020, 218 cases of COVID-19 were reported by the Department of Public Health, with 10 of the 14 counties in the Commonwealth impacted;

WHEREAS, the Federal Centers for Disease Control and Prevention and the Massachusetts Department of Public Health recommend implementation of community mitigation strategies, including the cancellation of large events;

WHEREAS, thousands of professional and occupational licenses and certificates of registration issued by the Commonwealth, its agencies, and its boards of professional licensure are renewed each month on a regular basis;

WHEREAS, the escalating COVID-19 public health emergency likely will make it difficult for licensed professionals to renew or satisfy certain requirements for renewal of their licenses or certificates during the state of emergency;

WHEREAS, licensed professionals provide significant services within the Commonwealth, and the unavailability of licensed professionals would hamper the recovery of the Commonwealth's economy; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including the

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authority to modify of the terms and conditions of licenses, permits, or certificates of registration issued by the Commonwealth or any of its agencies or political subdivisions;

NOW THEREFORE, I hereby order the following:

(1) **Extension of Registrations:** Any occupational or professional license, certificate, or registration issued by a state agency or any board of registration or division with licensing authority within a state agency to an individual person not already covered by

a. the March 17, 2020 Order Extending the Registration of Certain Licensed Health Care Professionals,
b. the March 17, 2020 Order Expanding Access to Physician Services, or
c. the March 15, 2020 Order Authorizing the Registrar of Motor Vehicles to Temporarily Extend Licenses, Permits, and Other Identification Cards

that is in good standing as of the date of this Order and that has expired or will expire during the state of emergency, is hereby extended and shall remain valid until 90 days following the termination of the state of emergency.

(2) For purposes of this Order, a "state agency" shall include an executive office listed in Section 2 of Chapter 6A of the General Laws, or a state agency, as defined in Section 1 of Chapter 29 of the General Laws, that reports to or is otherwise located within an executive office listed in Section 2 of Chapter 6A of the General Laws~~,~~.

(3) For purposes of this Order "in good standing" shall include a registration that is subject to probation or non-disciplinary conditions, but shall not include a license that is revoked, cancelled, surrendered, suspended, or subject to disciplinary restrictions.

(4) Nothing in this Order shall prevent any secretariat, agency, or board with licensing authority from exercising its statutory and regulatory enforcement authority during the state of emergency.

The head of every secretariat, agency, and division that issues professional licenses, certificates or registrations, as well as every Commonwealth board of registration and examination, is directed forthwith to issue guidance, subject to my approval, to implement the terms of this Order. Such guidance shall include any clarifying exclusions for licenses, certificates or registrations issued to individual persons that do not constitute an "occupational or professional license, certificate, or registration." Those secretariats, agencies, divisions, and boards shall enforce this Order.

This Order is effective immediately and shall remain in effect until rescinded or until 90 days after the state of emergency is terminated, whichever happens first.

Given in Boston at 2:05 PM this 18th day of March, two thousand and twenty

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

ORDER PERMITTING THE TEMPORARY CONDITIONAL DEFERRAL OF CERTAIN INSPECTIONS OF RESIDENTIAL REAL ESTATE

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19");

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the number of presumptive positive and confirmed cases of COVID-19 continues to rise in the Commonwealth. As of March 19, 2020, 328 cases of COVID-19 were reported by the Department of Public Health, with 12 of the 14 counties in the Commonwealth impacted;

WHEREAS, the Federal Centers for Disease Control and Prevention and the Massachusetts Department of Public Health recommend implementation of community mitigation strategies, including avoiding close personal contact with others and practicing social distancing when outside of the home;

WHEREAS, ensuring the ability to engage in residential real estate transfers assures the continued availability of housing stock in the Commonwealth, protects an important component of personal and family investment for our residents, and supports a critical component of the Commonwealth's private sector economy;

WHEREAS, the continued well-being of those responsible for the health, safety, and welfare of the residents of the Commonwealth, particularly fire department personnel, is of paramount importance, and it is therefore necessary to minimize the risk of unnecessarily or unknowingly exposing any such individual to COVID-19, and the consequent risk of subsequent transmission to other frontline responders; and

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WHEREAS, Sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over the policing, protection, and preservation of all private property by the owner or person in control thereof;

NOW, THEREFORE, I hereby order the following:

During the state of emergency, any inspection of a dwelling, building, or structure that is required by Sections 26F and 26F½ of Chapter 148 of the General Laws may be deferred as a condition of a sale or transfer of said dwelling, building or structure. Such inspection may only be deferred, however, provided that:

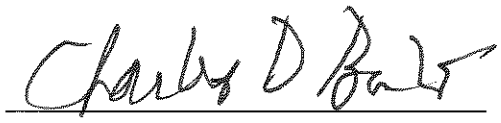
(a) the parties to the sale or transfer have agreed in writing that the buyer, not the seller, shall be responsible for equipping the dwelling, building, or structure with approved smoke detectors and carbon monoxide alarms;

(b) the buyer agrees as a condition of taking title to equip the dwelling, building, or structure with approved smoke detectors and carbon monoxide alarms immediately upon taking title according to the provisions of 527 CMR 1.00, Chapter 13; and

(c) any inspection that would otherwise be required by Sections 26F and 26F½ of Chapter 148 of the General Laws is conducted no more than 90 days after the state of emergency is terminated; and provided further that the head of the fire department for the municipality in which the dwelling, building, or structure is located shall ensure that such inspection is conducted within the required period pursuant to the authority granted by Sections 26E, 26F, and 26F½ of Chapter 148.

This Order is effective immediately and shall apply to any sale or transfer that occurs while the Order is in effect. This Order shall remain in effect until rescinded or until the state of emergency is terminated, which ever happens first. Any such rescission or termination shall not invalidate any inspection deferral that was agreed to pursuant to the terms of this Order during the period in which this Order was in effect.

Given in Boston at 1:20 PM this 20th day of March, two thousand and twenty



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts