

HOUSE No. 2346

The Commonwealth of Massachusetts

PRESENTED BY:

David Henry Argosky LeBoeuf

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 the Massachusetts lead law and promoting equal access to lead-free housing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/19/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/26/2021</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>2/26/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>4/25/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>5/26/2021</i>

HOUSE No. 2346

By Mr. LeBoeuf of Worcester, a petition (accompanied by bill, House, No. 2346) of David Henry Argosky LeBoeuf, Vanna Howard and Nika C. Elugardo relative to the lead law and promoting equal access to lead-free housing. Public Health.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act relative to the Massachusetts lead law and promoting equal access to lead-free housing.

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 190 of Chapter 111 of the Massachusetts General Laws, as
2 appearing in the 2018 Official Edition, is hereby amended by striking in the third paragraph the
3 word “fourteen” and inserted instead the word, “twenty” and by further amending said paragraph
4 by striking the word “two” and inserting instead the word, “four,” and by further amending said
5 paragraph by striking out after the words “representative of the Massachusetts Association of
6 Realtors;” the word, “and” and by further amending said paragraph by inserting after the words,
7 “casualty insurance industry”, the following, “at least two of said members shall be active in the
8 field of fair housing; and at least two of said members shall be active in the field of
9 environmental justice.”

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SECTION 2. Section 193 of Chapter 111 of the Massachusetts General Laws, as appearing in the 2018 Official Edition, is hereby amended in the first paragraph by striking after the words “cognitive development is delayed” the words, “or retarded.”

SECTION 3. Section 194 of Chapter 111 of the Massachusetts General Laws, as appearing in the 2018 Official Edition, is hereby amended in the fourth paragraph by inserting at the end thereof the following, “including any local board of health or code enforcement agency.”

SECTION 4. Said Section 194 of Chapter 111 of the Massachusetts General Laws, as appearing in the 2018 Official Edition, is hereby further amended in the fifth paragraph by adding after the first sentence the following, “The owner of such building shall abate or contain paint, plaster or other accessible structural materials containing dangerous levels of lead in accordance with the requirements of subsection (b) or (c) of section one hundred and ninety-seven.” and by further striking the following sentence, “Except as otherwise provided, abatement or containment of lead shall not be required unless the premises has been occupied by a poisoned child within the past twelve months or is occupied by a child under six years of age.”

SECTION 5. Section 197 of Chapter 111 of the Massachusetts General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding after the first sentence the following sentence, “This subsection shall remain in effect during the implementation of the transition schedule established as follows:” and by striking the following, “Except as provided in

section one hundred and ninety-seven D, whenever any such premises containing said dangerous levels of lead undergoes a change of ownership and as a result a child under six years of age will become or will continue to be a resident therein, the new owner shall have ninety days to contain or abate said paint, plaster or other accessible structural material as required by this section, so as to make the premises in compliance with the provisions of sections one hundred and eighty-nine A to one hundred and ninety-nine B, inclusive.”

Said Section 197 is further amended by inserting after the first paragraph the following two paragraphs:

(1) Effective July 1, 2022, the owner of any rental premises that is rented or leased in a designated High Risk Community, shall abate or contain lead paint, plaster, or other accessible structural material that contains dangerous levels of lead, in accordance with the requirements of (b) or (c), prior to renting or leasing said premises, without regard to the occupancy of a child under six years of age. For the purposes of this section, a high risk community shall be defined any community with a 5-year incidence rate of confirmed ≥ 5 $\mu\text{g/dL}$ cases that is above the state 5-year incidence rate of confirmed ≥ 5 $\mu\text{g/dL}$ cases after adjusting for low to moderate income and housing stock built prior to nineteen hundred and seventy-eight.

(2) Effective July 1, 2024, the owner of any rental premises that is rented or leased shall abate or contain lead paint, plaster, or other structural material that contains dangerous levels of lead, in accordance with the requirements of (b) or (c), prior to renting or leasing said premises, without regard to the occupancy of a child under six years of age.

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55 SECTION 6. Section 197D of Chapter 111 of the Massachusetts General Laws, as
56 appearing in the 2018 Official Edition, is hereby amended in the second paragraph by striking
57 the words, “premises” and “in which a child under the age of six resides,” and inserting instead
58 the words “rental property.”

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60 SECTION 7. Section 197D of Chapter 111 of the Massachusetts General Laws, as
61 appearing in the 2018 Official Edition, is hereby further amended in the third paragraph by
62 striking the sentence, “provided, however, that the mortgagor shall not be liable for such
63 contribution if the mortgagor establishes that no child under six years of age resided in the
64 residential premises while the premises were owned by the mortgagor.”

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66 SECTION 8. Section 198 of Chapter 111 of the Massachusetts General Laws, as
67 appearing in the 2018 Official Edition, is hereby amended by striking the second paragraph the
68 word “party” and inserting instead the word, “person.”

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70 SECTION 9. Section 199B of Chapter 111 of the Massachusetts General Laws, as
71 appearing in the 2018 Official Edition, is hereby amended by striking the following two
72 paragraphs:

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74 “The provisions of sections one hundred and eighty-nine A to one hundred and ninety-
75 nine A, inclusive, shall not apply to any dwelling unit having fewer than two hundred and fifty
76 square feet of floor space calculated on the basis of total habitable room area or which is used as
77 a rooming house; provided, that no person occupying said dwelling unit may be less than six
78 years of age.”

79 “For the purpose of this section, “rooming house” shall mean every dwelling or part
80 thereof which contains one or more rooming units in which space is let or sublet for
81 compensation by the owner or operator to four or more persons not within the second degree of
82 kindred to the person compensated. Boarding houses, hotels, inns, lodging houses, dormitories
83 and other similar dwelling places shall be included, and “rooming units” shall mean the room or
84 group of rooms let to an individual or household for use as living and sleeping quarters.”