

# SENATE . . . . . No. 1430

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## The Commonwealth of Massachusetts

PRESENTED BY:

*James B. Eldridge*

*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:	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>5/26/2021</i>

# SENATE . . . . . No. 1430

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By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 1430) of James B. Eldridge for legislation relative to the Massachusetts lead law and promoting equal access to lead-free housing. Public Health.

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## The Commonwealth of Massachusetts

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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 said chapter 111 of the General Laws, as appearing in the  
2   2018 Official Edition, is hereby amended by striking out, each time it appears, in lines 21 and 23,  
3   the word “fourteen” and inserting in place thereof the word:- 21

4           SECTION 2. Said section 190 of said chapter 111 is hereby further amended by striking  
5   out, in line 26, the word “two” and inserting in place thereof the following word:- 5

6           SECTION 3. Said section 190 of said chapter 111 is hereby further amended by striking  
7   out, in line 32, the word “and” and inserting in place thereof the following words:- at least 2 of  
8   said members shall be active in the field of fair housing; and at least 2 of said members shall be  
9   active in the field of environmental justice.

10          SECTION 4. Section 193 of said chapter 111, as so appearing, is hereby amended by  
11   striking out, in lines 12 and 13, the words:- or retarded

SECTION 5. Section 194 of said chapter 111, as so appearing, 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 6. The fifth paragraph of said section 194 of said chapter 111, as so appearing, is hereby amended by inserting 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 197.

SECTION 7. The fifth paragraph of said section 194 of said chapter 111, as so appearing, is hereby further amended by striking out the third sentence.

SECTION 8. Subsection (a) of section 197 of said chapter 111, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- This subsection shall remain in effect during the implementation of the transition schedule established as follows:

SECTION 9. Said subsection (a) of said section 197 of chapter 111 is hereby further amended by striking the second sentence.

SECTION 10. Said subsection (a) of said section 197 of said chapter 111, as so appearing, is hereby 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

subsection (b) or subsection (c), before renting or leasing said premises, without regard to the occupancy of a child under 6 years of age. For the purposes of this section, a high risk community shall be defined as a community with a 5-year incidence rate of confirmed greater than or equal to 5 micrograms per deciliter cases that is above the state 5-year incidence rate of confirmed greater than or equal to 5 micrograms per deciliter cases after adjusting for low to moderate income and housing stock built before 1978.

(2) Effective July 1, 2022, the owner of a 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 subsection (b) or subsection (c), before renting or leasing said premises, without regard to the occupancy of a child under six years of age.

SECTION 11. Section 197D of said chapter 111, as so appearing, is hereby amended by striking out in, lines 10 and 11, the words, “premises in which a child under the age of six resides,” and inserting in place thereof the words:- rental property.

SECTION 12. Said section 197D of said chapter 111, as so appearing, is hereby further amended by striking out, in lines 25 through 29, the words:- provided, however, that the mortgagor shall not be liable for such contribution if the mortgagor establishes that no child under six years of age resided in the residential premises while the premises were owned by the mortgagor.

SECTION 13. Section 198 of said chapter 111, as so appearing, is hereby amended by striking out, in line 16, the word “party” and inserting in place thereof the word:- person.

SECTION 14. Section 199B of said chapter 111, as so appearing, is hereby amended by striking out the first and second paragraphs.