

**HOUSE . . . . . No. 2223**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*David Henry Argosky LeBoeuf and Vanna Howard*

*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>1/18/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/18/2023</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>1/25/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/27/2023</i>

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By Representatives LeBoeuf of Worcester and Howard of Lowell, a petition (accompanied by bill, House, No. 2223) of David Henry Argosky LeBoeuf, Vanna Howard and others relative to the lead law and promoting equal access to lead-free housing. Public Health.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2346 OF 2021-2022.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

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.”

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

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

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

24 SECTION 5. Section 197 of Chapter 111 of the Massachusetts General Laws, as  
25 appearing in the 2018 Official Edition, is hereby amended by adding after the first sentence the  
26 following sentence, “This subsection shall remain in effect during the implementation of the  
27 transition schedule established as follows:” and by striking the following, “Except as provided in  
28 section one hundred and ninety-seven D, whenever any such premises containing said dangerous  
29 levels of lead undergoes a change of ownership and as a result a child under six years of age will  
30 become or will continue to be a resident therein, the new owner shall have ninety days to contain  
31 or abate said paint, plaster or other accessible structural material as required by this section, so as

32 to make the premises in compliance with the provisions of sections one hundred and eighty-nine  
33 A to one hundred and ninety-nine B, inclusive.”

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

36 (1) Effective July 1, 2022, the owner of any rental premises that is rented or leased in a  
37 designated High Risk Community, shall abate or contain lead paint, plaster, or other accessible  
38 structural material that contains dangerous levels of lead, in accordance with the requirements of  
39 (b) or (c), prior to renting or leasing said premises, without regard to the occupancy of a child  
40 under six years of age. For the purposes of this section, a high risk community shall be defined  
41 any community with a 5-year incidence rate of confirmed  $\geq 5$   $\mu\text{g}/\text{dL}$  cases that is above the state  
42 5-year incidence rate of confirmed  $\geq 5$   $\mu\text{g}/\text{dL}$  cases after adjusting for low to moderate income  
43 and housing stock built prior to nineteen hundred and seventy-eight.

44 (2) Effective July 1, 2026, the owner of any rental premises that is rented or leased shall  
45 abate or contain lead paint, plaster, or other structural material that contains dangerous levels of  
46 lead, in accordance with the requirements of (b) or (c), prior to renting or leasing said premises,  
47 without regard to the occupancy of a child under six years of age.

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

52 SECTION 7. Section 197D of Chapter 111 of the Massachusetts General Laws, as  
53 appearing in the 2018 Official Edition, is hereby further amended in the third paragraph by

54 striking the sentence, “provided, however, that the mortgagor shall not be liable for such  
55 contribution if the mortgagor establishes that no child under six years of age resided in the  
56 residential premises while the premises were owned by the mortgagor.”

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

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

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

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