HOUSE . . . . No. 2331

The Commonwealth of Massachusetts

PRESENTED BY:

Colleen M. Garry

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 to establish a window falls prevention program within the Department of Public Health and mandate window guards in residential homes AKA "Zella Ray's Law".

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Colleen M. Garry	*36th Middlesex*	*1/10/2023*
Carol A. Doherty	*3rd Bristol*	*2/7/2023*

HOUSE . . . . No. 2331

By Representative Garry of Dracut, a petition (accompanied by bill, House, No. 2331) of Colleen M. Garry and Carol A. Doherty relative to window guards in residential homes. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2467* OF 2021-2022.]

The Commonwealth of Massachusetts

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

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An Act to establish a window falls prevention program within the Department of Public Health and mandate window guards in residential homes AKA "Zella Ray's Law".

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 237: Duty of residential premises owners; Window Falls Prevention Program

2   (a) Definitions:

3   (1) The term "Department" means the Department of Public Health.

4   (2) The term "Window guard" means a bar, screen, or grille assembly installed in a

5 window for the purpose of preventing a child from accidently falling out of the window, in

6 accordance with the regulations promulgated by the Department.

7   (b) Whenever a child under six years of age resides in any premises in which any window

8 accessible to the child is on the third floor or higher floor, the owner shall install window guards

9   in any such windows. If any such windows are an access to fire escape routes or structures, the

10   window guard shall be removable. At no time shall the window guards be removed for any

11   reason except emergency egress in times of a fire or other situation involving hazardous

12   materials

13   (c) If the owner is a landlord, the window guards shall be provided at no additional cost

14   to the tenant. The tenant shall not remove the window guards for any reason except emergency

15   egress in times of a fire or other situation involving hazardous materials. The obligation of a

16   landlord to install window guards under this section shall not affect the ability of a renter to lease

17   the unit; and any discrimination by the landlord in this regard shall be punishable by a fine of not

18   less than $500 but not more than $1000.

19   (d) There shall be a Window Falls Prevention Program established within the

20   Department of Public Health.   The purpose of said program shall be as follows:

21   Educating the public about the danger to children, age six (6) years and under, of falling

22   from windows; and the importance of installing window guards in all dwellings occupied by

23   children age six (6) and under. The Program shall conduct education and outreach efforts

24   promoting awareness about the dangers to children, age six (6) years and under falling from open

25   or otherwise unprotected windows. Information and technical assistance shall be made available

26   to the public on the steps and devices that may mitigate this serious problem. The Program shall

27   work with any and all existing agencies and departments involved with children in its outreach

28   efforts.

29   (e) No occupant or any other person, shall obstruct or interfere with the installation of

30   window guards, nor shall any person remove or otherwise render ineffective window guards.

31   (f) The Department shall, within a reasonable period of time, investigate complaints filed

32   with regard to a violation under this section, and may impose up to a $10,000 civil penalty for a

33   violation not remedied within ten business days.