

**SENATE . . . . . No. 1382**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Patricia D. Jehlen***

*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 improve outdoor and indoor air quality for communities burdened by pollution.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/31/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/3/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/6/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/7/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/9/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/9/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/10/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/13/2023</i>
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	<i>2/13/2023</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/15/2023</i>
<i>Adam Gomez</i>	<i>Hampden</i>	<i>2/23/2023</i>
<i>Paul W. Mark</i>	<i>Berkshire, Hampden, Franklin and Hampshire</i>	<i>3/2/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/13/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>3/13/2023</i>
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	<i>4/24/2023</i>
<i>Pavel Payano</i>	<i>First Essex</i>	<i>10/11/2023</i>

<i>Nick Collins</i>	<i>First Suffolk</i>	<i>10/12/2023</i>
<i>Liz Miranda</i>	<i>Second Suffolk</i>	<i>10/16/2023</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>10/16/2023</i>
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>12/11/2023</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>12/15/2023</i>
<i>Robyn K. Kennedy</i>	<i>First Worcester</i>	<i>12/19/2023</i>

**SENATE . . . . . No. 1382**

---

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 1382) of Patricia D. Jehlen, Vanna Howard, Sal N. DiDomenico, Rebecca L. Rausch and other members of the General Court for legislation to improve outdoor and indoor air quality for communities burdened by transportation pollution. Public Health.

---

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1447 OF 2021-2022.]

**The Commonwealth of Massachusetts**

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

An Act to improve outdoor and indoor air quality for communities burdened by pollution.

*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. Chapter 111 of the Massachusetts General Laws is hereby amended by  
2 adding the following definitions in section 1:-

3 “black carbon” shall mean those fine particles less than or equal to 2.5 micrometers in  
4 diameter (also known as soot).

5 “environmental justice population” shall mean the populations defined in section 62 of  
6 chapter 30.

7 “HEPA filtration” shall mean a high efficiency particulate arrestance filtration system  
8 that removes at least 99 percent of dust, pollen, mold, bacteria, and any airborne particles with a

9 size of 0.3-10.0 microns and is equivalent to a MERV 17, MERV 18, MERV 19, or MERV 20  
10 filter.

11 “MERV 16 filter” shall mean a minimum efficiency reporting value filtration system that  
12 removes at least 95 percent of dust, pollen, mold, bacteria, and any airborne particles with a size  
13 of 0.3-10.0 microns.

14 “particulate matter” or “particulates” shall mean a broad class of chemically and  
15 physically diverse substances that exist as discrete particles in air, including coarse, fine, and  
16 ultrafine particles.

17 “fine particulate matter” or “fine particulates” shall mean particulate matter less than or  
18 equal to 2.5 micrometers in diameter.

19 “ultrafine particulate matter” or “ultrafine particulates” shall mean particulate matter less  
20 than or equal to .1 micrometers in diameter (.1 micrometers is equivalent to 100 nanometers).

21 SECTION 2. Chapter 21A of the General Laws, as appearing in the 2022 Official  
22 Edition, is hereby amended by inserting after section 18A, as Section 18B, the following  
23 section:-

24 The department of environmental protection, in consultation with the executive office of  
25 energy and environmental affairs and department of environmental health, shall convene a  
26 technical advisory committee comprised of: residents of environmental justice populations living  
27 adjacent to major highways; academics with expertise in air monitoring, environmental health,  
28 air toxics, and air pollution; and labor representatives; for the purpose of identifying  
29 communities with high cumulative exposure burdens for toxic air contaminants and criteria

30 pollutants. The department shall convene the technical advisory committee by December 1,  
31 2024. The technical advisory committee shall identify the likely air pollution hotspots due to  
32 high concentrations of traffic-related air pollution throughout the Commonwealth that should be  
33 equipped with new or expanded air monitors and establish a definition of “air quality” and “air  
34 quality target pollutants” that includes, but is not limited to, consideration of criteria pollutants,  
35 black carbon, and ultrafine particulate matter.

36 By June 30, 2026, the department of environmental protection shall install and operate  
37 stationary air monitors in at least eight air pollution hotspots that measure for at least one of the  
38 following pollutants: black carbon, nitrogen oxides, ultrafine particulate matter. By June 30,  
39 2027, the department of environmental protection shall establish baseline air quality in air  
40 pollution hotspots. Data from the air monitors shall be publicly accessible and provide near-time  
41 information. The department of environmental protection shall work with residents of  
42 environmental justice populations to conduct participatory action research where residents can  
43 use mobile air sensors to expand the number of locations where residents can track air quality.

44 Once those hotspots are determined and the baseline data is established, the department  
45 of environmental protection shall set annual targets to decrease air quality target pollutants  
46 between 2026 and 2035 to improve the air quality in that location. Air monitoring data shall be  
47 collected every three years between 2026 and 2035 to measure progress toward achieving air  
48 quality target pollutants reduction targets and make such data publicly available. By December  
49 31, 2030, the department of environmental protection shall ensure that air pollution hotspots will  
50 have achieved air quality target pollutant concentrations that are at least 50 percent below the  
51 baseline in each hotspot and certify as such by publicly reporting compliance. By December 31,  
52 2035, the department of environmental protection shall ensure that air quality target pollutants

53 concentrations in hotspots are at least 75 percent below the baseline in each hotspot and certify  
54 as such by publicly reporting compliance.

55 The department of environmental protection, in consultation with the department of  
56 public health, shall promulgate regulations for conducting indoor/outdoor assessments  
57 monitoring exposure to ultrafine particulate matter and black carbon particulate matter  
58 concentrations present in the indoor air of existing and proposed buildings, based on the best  
59 available science about the health risks associated with ultrafine particulate matter and black  
60 carbon. The department of environmental protection's regulations shall at minimum set forth  
61 standard procedures for conducting air dispersion modeling, managing air pollution, monitoring  
62 ultrafine particulate matter, and estimating exposure.

63 The provisions of this chapter may be enforced by means of an action in the superior  
64 court seeking either injunctive relief, a declaratory judgment, a writ of mandamus or any  
65 combination thereof. No such action may be commenced without the plaintiff providing written  
66 notice of the violations of this chapter to defendants at least sixty (60) days prior to filing a legal  
67 action in superior court. All persons shall have standing to commence such enforcement actions.  
68 Reasonable attorneys' fees shall be recoverable by all substantially prevailing plaintiffs who seek  
69 relief under this section.

70 SECTION 3. Section 26 of Chapter 111 shall be amended by adding the following  
71 section after the first paragraph:-

72 Boards of health shall require the installation of air filtration in eligible buildings located  
73 within 200 meters of a class 1, class 2 or class 3 roadway, marine terminal, airport, or a train  
74 station or train yard serving diesel locomotives. Eligible buildings include: (i) existing residential

75 public housing; (ii) existing residential private multifamily housing with more than two tenant-  
76 occupied units; (iii) existing public schools serving students of any age in grades kindergarten  
77 through twelfth grade; (iv) existing private schools serving students of any age in grades  
78 kindergarten through twelfth grade; (v) existing charter schools serving students of any age in  
79 grades kindergarten through twelfth grade; (vi) existing college and university buildings with one  
80 or more classrooms; (vii) existing commercial buildings with businesses that have five or more  
81 full-time employees; and (viii) existing correctional facilities, including prisons and jails. Boards  
82 of health shall require that air filtration be maintained throughout the building operation.

83           The department of environmental protection, in consultation with the department of  
84 public health, department of elementary and secondary education, and executive office of  
85 administration and finance, shall identify funding sources to provide incentives for eligible  
86 buildings that are schools, private housing, and public housing to cover the cost of installing air  
87 filtration equipment.

88           Air filtration equipment installed in eligible buildings that are schools, commercial  
89 buildings greater than 20,000 square feet, and residential buildings with more than 10 units shall  
90 be MERV 16 or other equipment that removes at least the same amount of ultrafine particulate  
91 matter as a MERV 16 filter.

92           SECTION 4. Section 4A of chapter 15D of the General Laws, as so appearing, is hereby  
93 amended by adding the following paragraph:-

94           (e) The department of early education and care shall issue a new original license for a  
95 school age child care program, day care center, family day care system, group care facility or  
96 temporary shelter facility, family day care home or large family day care home which is not a

97 part of a family day care system, as defined in section 1A of chapter 15D of the General Laws,  
98 only after the applicant has:

99 (1) carried out the indoor/outdoor assessment described in section 18B of chapter 21A of  
100 the General Laws and the assessment results indicate the concentration of fine, ultrafine, and  
101 black carbon particles in indoor air is or will be mitigated to at least 80 percent below outdoor air  
102 concentrations; or

103 (2) installed a MERV 16 filter in mechanical ventilation system or standalone HEPA  
104 filtration or acceptable mitigation to be determined by the department.

105 (f) No license shall be issued until acceptable mitigation has been installed and is  
106 functioning.

107 SECTION 5. Section 1A of chapter 40A of the General Laws, as so appearing is hereby  
108 amended by inserting before the definition of “permit granting authority” the following  
109 definitions:-

110 “construction” shall mean new construction or rehabilitation up to 50 percent of assessed  
111 value.

112 “hospital” shall mean any institution in the Commonwealth of Massachusetts, however  
113 named, whether conducted for charity or for profit, which is advertised, announced, established  
114 or maintained for the purpose of caring for persons admitted thereto and staying overnight for  
115 diagnosis or medical, surgical or restorative treatment which is rendered within said institution;  
116 but shall not include clinics, day surgery centers, dialysis centers, or other such health care  
117 facilities which do not admit patients overnight.

118 “long-term care facility” shall mean any institution whether conducted for charity or  
119 profit which is advertised, announced or maintained for the express or implied purpose of  
120 providing three or more individuals admitted thereto with long-term resident, nursing,  
121 convalescent or rehabilitative care; supervision and care incident to old age for ambulatory  
122 persons; or retirement home care for elderly persons. Long-term care facility shall include  
123 convalescent or nursing homes, rest homes, and charitable homes for the aged.

124 “particulate matter mitigation” shall mean strategies, structural and nonstructural, that  
125 verifiably reduce indoor ultrafine particle levels by 80 percent, relative to outdoor levels.

126 “publicly funded” shall mean any entity or institution which receives federal, state or  
127 municipal monies, grants, and/or subsidies.

128 “publicly subsidized” shall mean any project receiving any form of direct funding, loan,  
129 loan guarantee, tax credit, TIF funding, publicly bonded funds, or property tax incentives, issued  
130 or granted by any public or quasi-public entity.

131 “school” shall mean any public or private institution primarily engaged in the education  
132 of persons aged 18 years and younger. This definition does not include institutions of higher  
133 education.

134 SECTION 6. Section 94 of chapter 143 of the General Laws, as so appearing, is hereby  
135 amended by inserting the following paragraphs after section (r):-

136 (s) No permit granting authority shall grant a building permit for any proposed residential  
137 development, hospital, school, long-term care facility, school aged child care program, day care  
138 center, family day care home or large family day care home which is not a part of a family day

139 care system, family day care system, or group care facility or temporary shelter facility as  
140 defined in section 1A of chapter 15D of the General Laws unless:

141 (a) the owner or applicant carries out an indoor/outdoor particulates assessment  
142 consistent with the regulations adopted pursuant to section 18B of chapter 21A of the General  
143 Laws, and the assessment results indicate that the concentration of ultrafine particulate matter  
144 and black carbon is or will be mitigated to at least 80 percent below outdoor concentrations; or

145 (b) the owner or applicant has installed a MERV 16 filter in the building's mechanical  
146 ventilation system.

147 SECTION 7. Subsection a of section 6 of chapter 70B of the General Laws, as so  
148 appearing, is hereby amended by inserting after subparagraph (6) the following paragraph:-

149 (7) If the school project includes structures, apart from parking structures and accessory  
150 structures, as defined in Section 21 of Chapter 17 of the General Laws or a train station or train  
151 yard serving diesel locomotives, the applicant shall:

152 (a) carry out the indoor/outdoor particulates assessment described in section 18B of  
153 chapter 21A of the General Laws and the assessment results indicate that the concentration of  
154 ultrafine particulate matter and black carbon is or will be mitigated to at least 80 percent below  
155 outdoor concentrations; or

156 (b) install a MERV 16 filter in the mechanical ventilation system or standalone HEPA  
157 filtration or acceptable mitigation to be determined by the department.

158 SECTION 8. Section 51 of Chapter 111 of the General Laws, as so appearing, is hereby  
159 amended by inserting after the second paragraph the following paragraph:-

160 No original license shall be issued to establish a hospital so as to place structures  
161 inhabited by patients unless the developer:

162 (1) has carried out the indoor/outdoor particulates assessment described in section 18B of  
163 chapter 21A of the General Laws and the assessment results indicate that indoor ultrafine  
164 particulate matter and black carbon levels are or will be mitigated to at least 80 percent below  
165 that of outdoor levels. In the case of a facility previously licensed as a hospital in which there is  
166 only a change in ownership, no such particulates assessment shall be required, in the absence of  
167 expansions or new construction; or

168 (2) has installed a MERV 16 filter in the mechanical ventilation system or standalone  
169 HEPA filtration or acceptable mitigation to be determined by the department.

170 SECTION 9. Section 71 of Chapter 111 of the General Laws, as so appearing, is hereby  
171 amended by inserting after the second paragraph the following paragraph:-

172 No original license shall be issued to establish a convalescent or nursing home, rest home  
173 or charitable home for the aged so as to place residential structures unless the developer:

174 (1) has carried out the particulates assessment described in section 18B of chapter 21A of  
175 the General Laws and the assessment results indicate indoor ultrafine particulate matter and  
176 black carbon levels are or will be mitigated to at least 80 percent below those of outdoor levels.  
177 In the case of a facility previously licensed in which there is only a change in ownership, no such  
178 health risk assessment shall be required, in the absence of expansion or new construction; or

179 (2) has installed a MERV 16 filter in the mechanical ventilation system or standalone  
180 HEPA filtration or acceptable mitigation to be determined by the department.

181 SECTION 10. Section 1 of chapter 111 of the General Laws is hereby amended by  
182 inserting the following definitions:-

183 “Indoor mold,” visible living or dead fungi or related products or parts, including spores,  
184 hyphae, and mycotoxins, on an interior surface of a building, including common spaces, utility  
185 spaces, HVAC, or other systems.

186 “Indoor mold assessment,” an indoor mold assessment conducted by an indoor mold  
187 remediation professional.

188 “Indoor mold hazard,” indoor mold growth of ten square feet (10 ft.2) or more in an  
189 affected area.

190 “Owner,” as provided in section 189A of chapter 111.

191 “Premises,” any residential premises, dwelling unit, or residential property.

192 SECTION 11. Section 127A of chapter 111 shall be amended to add the following  
193 sections after the second paragraph:-

194 Section 1.

195 (a) An owner leasing a premises shall notify tenants of the premises and prospective  
196 tenants who are about to enter an agreement to rent the premises about the hazards of indoor  
197 mold as follows:

198 (1) The department shall, by July 1, 2024, prepare a standard notification brochure and  
199 such other materials as may be necessary to inform occupants and owners about the hazards  
200 associated with indoor mold; measures which can be taken by occupants and owners to reduce

201 the risk of indoor mold; and tenants' rights and owners' obligations pursuant to sections 127A,  
202 127B, and 127C of chapter 111, inclusive, and regulations promulgated thereunder. Such  
203 materials shall also describe the need for tenants to promptly notify owners of the appearance of  
204 indoor mold. The department shall produce these materials in multiple languages other than  
205 English to accommodate the diverse multicultural population of Massachusetts.

206 (2) The department shall, by July 1, 2024, prepare a disclosure form for owners to  
207 provide the following notice to tenants and prospective tenants:

208 (i) Prior violations of the State Sanitary Code involving indoor mold or moisture, within  
209 the past three years; and

210 (ii) Current instances of indoor mold on the premises, of which the owner knows, or has  
211 reasonable cause to believe exist.

212 (3) Effective August 1, 2025, prior to entering into a tenancy agreement, the owner of a  
213 premises, or such other person to whom rent is to be regularly paid, shall provide any prospective  
214 tenant who is about to enter such an agreement to rent the premises with, and the prospective  
215 tenant shall sign prior to entering into a tenancy agreement:

216 (i) A copy of the materials specified in subsection (1);

217 (ii) A written disclosure on the form specified in subsection (2) regarding any existing  
218 indoor mold on the premises, when the owner knows, or has reasonable cause to believe, that  
219 such indoor mold is present.

220 (4) Effective August 1, 2025, prior to any renewal of an existing tenancy agreement, the  
221 owner of premises, or such other person to whom rent is to be regularly paid, shall provide the  
222 tenant with the materials specified in subsection (3).

223 (b) All persons selling a premises shall, prior to the signing of a purchase and sale  
224 agreement, provide the prospective purchaser with the materials specified in subsection (3). The  
225 prospective purchaser shall sign these materials prior to the signing of a purchase and sale  
226 agreement. The department may adapt these materials as appropriate for the context of real estate  
227 purchases.

228 Section 2. Inspection Requirements.

229 (a) Notwithstanding sections 3(b) and 4, an owner shall inspect or hire a third party to  
230 inspect for indoor mold in all occupied premises and in common areas at least once a year  
231 between the months of June and August and more often, if necessary, such as when, in the  
232 exercise of reasonable care, an owner knows or should have known of a condition that is  
233 reasonably foreseeable to cause indoor mold, or an occupant makes a complaint concerning a  
234 condition that is likely to cause indoor mold or requests an inspection, or the department issues a  
235 notice of violation or orders the correction of a violation that is likely to cause indoor mold.

236 (b) An owner who receives written or electronic notice from a tenant that indoor mold or  
237 suspected indoor mold exists in the premises or in a common area of the property shall inspect  
238 the property within five (5) calendar days.

239 (c) An owner who conducts or provides for an inspection under subsections (a) and (b)  
240 within five (5) calendar days of such inspection shall:

241 (1) Provide written, in the form of paper or electronic, notice to the tenant that states:

242 (i) That the owner inspected the apartment for indoor mold; and

243 (ii) Whether the owner found indoor mold and, if so, whether the indoor mold constitutes  
244 an indoor mold hazard.

245 (2) Report to the local board of health:

246 (i) The information specified under subsection (c)(1), provided the inspection is an  
247 annual inspection required under subsection (a), or any other inspection where the inspection  
248 reveals an indoor mold hazard.

249 (ii) The receipt of any written or electronic complaint from the tenant regarding indoor  
250 mold or suspected indoor mold.

251 (d) Local boards of health will keep a record of, and make public, the information  
252 received under subsection (c)(2) through a publicly accessible online database.

253 Section 3. Remediation Requirements.

254 (a) The presence of indoor mold in a leased premises constitutes a violation of the State  
255 Sanitary Code. Owners of leased premises shall take reasonable measures to keep such premises  
256 free from indoor mold and from any condition conducive to indoor mold and shall take  
257 reasonable measures to prevent the reasonably foreseeable occurrence of such conditions and  
258 shall expeditiously take reasonable measures to remediate such conditions and any underlying  
259 defect, when such underlying defect exists, consistent with this section and the rules promulgated  
260 thereunder.

261 (b) If an inspection or examination as provided for in section 3 or the State Sanitary Code  
262 reveals the presence of indoor mold, the owner shall:

263 (1) Cause the indoor mold to be remediated in accordance with subsections (c) or (d), as  
264 applicable;

265 (2) Begin necessary remediation or contract in writing with a third party within five (5)  
266 days of the inspection provided for in section 3 or receiving notice of a violation pursuant to the  
267 State Sanitary Code, unless a shorter timeframe is ordered by the local board of health; and

268 (3) Make a good faith effort to substantially correct all violations within thirty (30) days  
269 of the inspection provided for in section 3 or receiving notice of a violation pursuant to the State  
270 Sanitary Code, unless a shorter timeframe is ordered by a local board of health.

271 (c) If remediation of indoor mold is required under subsection (b) and the indoor mold is  
272 not an indoor mold hazard, the owner shall:

273 (1) Remediate the indoor mold in accordance with the guidelines established under  
274 subsection (e)(2); and

275 (2) Within five (5) days of the completed remediation of the indoor mold:

276 (i) Provide written or electronic notice to the tenant stating that the indoor mold is  
277 remediated; and

278 (ii) Report to the local board of health that the indoor mold is remediated. Local boards of  
279 health will keep a record of, and make public, this report.

280 (d) If remediation of indoor mold is required under subsection (b) and the indoor mold is  
281 an indoor mold hazard, the owner shall:

282 (1) Cause an indoor mold remediation professional to remediate the indoor mold hazard.  
283 The indoor mold remediation professional shall remediate the indoor mold hazard in accordance  
284 with the performance standards and work practices established under subsection (e)(1); and

285 (2) Within five (5) days of the completed remediation of the indoor mold:

286 (i) Provide written or electronic notice to the tenant stating that the indoor mold is  
287 remediated; and

288 (ii) Inform the local board of health of the violation and request an inspection following  
289 the remediation, provided that the local board of health is not aware of the violation and does not  
290 plan to conduct a follow-up inspection pursuant to the State Sanitary Code. Local boards of  
291 health will keep a record of, and make public, this report, through a publicly accessible online  
292 database.

293 (e) Consistent with applicable U.S. Environmental Protection Agency or U.S. Department  
294 of Labor, Occupational Safety and Health Administration guidelines and regulations relating to  
295 the assessment and remediation of mold, within one year of the effective date the department  
296 shall:

297 (1) Establish minimum performance standards and work practices for conducting  
298 professional indoor mold remediation in Massachusetts, including the use of a moisture meter  
299 before and following remediation to ensure that moisture levels for building materials are at  
300 appropriate levels as determined by the department.

301 (2) Establish guidelines for the safe and effective remediation of indoor mold that is not  
302 an indoor mold hazard. At a minimum, these guidelines shall require an owner to:

303 (i) Investigate and correct any underlying defect, including moisture or leak conditions,  
304 that are causing or may cause mold violations;

305 (ii) Remove or securely cover with plastic sheeting any furniture or other items in the  
306 work area that cannot be removed;

307 (iii) Minimize the dispersion of dust and debris from the work area to other parts of the  
308 dwelling unit through methods such as: sealing ventilation ducts/grills and other openings in the  
309 work area with plastic sheeting; isolating the work area with plastic sheeting and covering egress  
310 pathways; cleaning or gently misting surfaces with a dilute soap or detergent solution prior to  
311 removal; the use of HEPA vacuum-shrouded tools or a vacuum equipped with a HEPA filter at  
312 the point of dust generation;

313 (iv) Clean mold with soap or detergent and water;

314 (v) Remove and discard materials that cannot be cleaned properly;

315 (vi) Properly remove and discard plastic sheeting, cleaning implements, and  
316 contaminated materials in sealed, heavy weight plastic bags;

317 (vii) Clean any remaining visible dust from the work area using wet cleaning methods or  
318 HEPA vacuuming; and

319 (viii) Leave the work area dry and visibly free from mold, dust, and debris.

320 (f) Failure of the department to issue minimum performance standards, work practices,  
321 and guidelines shall not excuse an owner from the remediation requirements under this section.

322 (g) If mold remediation required under subsection (b) results in the premises being  
323 uninhabitable, the owner shall pay for the cost of a hotel or other reasonable alternative housing  
324 arrangement during the mold remediation for each 24-hour period for which the premises is  
325 uninhabitable.

326 Section 4. Fines.

327 (a) An owner who violates any provision of this section, or the rules promulgated  
328 thereunder, shall be punishable by fine as follows:

329 (1) By a fine of not less than \$250 nor more than \$500 for each violation of section 2,  
330 section 3, and section 4(b), 4(c), and 4(d).

331 (2) If remediation is not completed within the required timeframe under section 4(b),  
332 each subsequent day until remediation is completed constitutes a separate violation under  
333 subsection (a)(1).

334 Section 5. Indoor Mold Assessment and Remediation Fund.

335 (a) There is established the Indoor Mold Assessment Fund, which shall be administered  
336 by the department in accordance with subsection (c) of this section.

337 (b) The Fund shall consist of the revenue from: fees collected in accordance with  
338 subsection (d) of section 4; fines collected in accordance with section 6; and any other money  
339 accepted for the benefit of the Fund.

340 (c) The Fund shall be used to meet the department’s education and research support  
341 obligations under section 6; and to provide financial assistance grants to low-income residents  
342 for the purpose of having a professional mold assessment conducted in their premises in the  
343 event that the owner fails to comply with the requirements in sections 2 through 4 or for small  
344 property owners of buildings up to nine units for the purpose of covering mold assessments and  
345 inspections.

346 Section 6. Education and Research Support.

347 (a) The department shall create educational materials and guidance to support owners in  
348 meeting their obligations under sections 2 through 4.

349 (b) The department shall promulgate a comprehensive written procedure to guide local  
350 boards of health and code enforcement agencies in implementing and enforcing sections 2  
351 through 7.

352 (c) The department shall institute an educational and publicity program, to inform the  
353 general public, and particularly owners, tenants, local boards of health and code enforcement  
354 agencies, and health services personnel, of: the dangers of mold; the causes of mold and how to  
355 identify these causes; occupant behaviors that can contribute to indoor mold growth; and  
356 methods for preventing and remediating mold growth.

357 (d) The department shall prioritize the use of available funding sources to fund research  
358 focused on the health impacts of mold and strategies for mitigating mold.

359 (e) The department shall seek comments from time to time from residents of  
360 environmental justice populations as defined by section 62 of chapter 30 of the general laws  
361 regarding mold and air quality concerns.

362 Section 7. Violations/Remedies for Injured Tenants.

363 (a) In a private cause of action, claim, or defense by a tenant against an owner for a  
364 violation under this Section:

365 (1) A professional indoor mold assessment finding indoor mold contamination in a leased  
366 premises or a common area of the property shall create a rebuttable presumption of a violation of  
367 the owner's obligation to maintain the premises as required under this Section and the State  
368 Sanitary Code. To establish the presumption, the tenant must demonstrate that the owner  
369 received a professional indoor mold assessment in written or electronic form that determined that  
370 indoor mold contamination existed in the tenant's leased premises.

371 (2) When ruling in favor of a tenant with respect to a violation of this Section or the State  
372 Sanitary Code based on a professional indoor mold assessment, the court shall have discretion to  
373 reimburse indoor mold assessment costs and award attorney fees and court costs to the tenant.

374 The court may award treble damages to a tenant when:

375 (i) The tenant discovered the indoor mold;

376 (ii) A professional indoor mold assessment determined that indoor mold contamination  
377 existed in the tenant's premises;

378 (iii) The owner received the indoor mold assessment in written or electronic form;

379 (iv) The owner did not remediate the indoor mold within the timeline required under  
380 section 4; and

381 (v) The court finds that the residential property owner acted in bad faith.

382 (b) The housing court department established pursuant to section 1 of chapter 211B shall  
383 establish a dedicated process to handle claims involving a violation of this Section or violation of  
384 the State Sanitary Code involving mold. This process shall include the opportunity for mediation  
385 prior to a hearing.

386 SECTION 12. (1) Notwithstanding any special or general law, rule or regulation to the  
387 contrary the board of building regulations and standards shall, commencing with the next edition  
388 of the International Energy Conservation Code adopted after January 1, 2022 under section 94 of  
389 chapter 143 of the General Laws, adopt, approve, codify, and publish mandatory building  
390 standards:

391 (a) for mandatory building standards for the installation of air filtration systems at a  
392 minimum of MERV 16; and

393 (b) do not permit the installation of gas stoves for use in residential construction.

394 (2) In proposing and adopting standards and regulations under this section, the Board of  
395 Building Regulations and Standards shall actively consult with interested parties, including, but  
396 not limited to, the Department of Public Health and the Department of Energy Resources.