

SENATE No. 1362

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:

James B. Eldridge

DISTRICT/ADDRESS:

Middlesex and Worcester

SENATE No. 1362

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 1362) of James B. Eldridge for legislation relative to the Massachusetts lead law and promoting equal access to lead-free housing. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1430 OF 2021-2022.]

The Commonwealth of Massachusetts

**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 said chapter 111 of the General Laws, as appearing in the
2 2020 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

12 SECTION 5. Section 194 of said chapter 111, as so appearing, is hereby amended in the
13 fourth paragraph by inserting at the end thereof the following:- “including any local board of
14 health or code enforcement agency.”

15 SECTION 6. The fifth paragraph of said section 194 of said chapter 111, as so appearing,
16 is hereby amended by inserting after the first sentence the following:- The owner of such
17 building shall abate or contain paint, plaster or other accessible structural materials containing
18 dangerous levels of lead in accordance with the requirements of subsection (b) or (c) of section
19 197.

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

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

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

27 SECTION 10. Said subsection (a) of said section 197 of said chapter 111, as so
28 appearing, is hereby further amended by inserting after the first paragraph the following two
29 paragraphs:-

30 (1) Effective July 1, 2022, the owner of any rental premises that is rented or leased in a
31 designated High Risk Community, shall abate or contain lead paint, plaster, or other accessible
32 structural material that contains dangerous levels of lead, in accordance with the requirements of
33 subsection (b) or subsection (c), before renting or leasing said premises, without regard to the
34 occupancy of a child under 6 years of age. For the purposes of this section, a high risk
35 community shall be defined as a community with a 5-year incidence rate of confirmed greater
36 than or equal to 5 micrograms per deciliter cases that is above the state 5-year incidence rate of
37 confirmed greater than or equal to 5 micrograms per deciliter cases after adjusting for low to
38 moderate income and housing stock built before 1978.

39 (2) Effective July 1, 2022, the owner of a rental premises that is rented or leased shall
40 abate or contain lead paint, plaster or other structural material that contains dangerous levels of
41 lead, in accordance with the requirements of subsection (b) or subsection (c), before renting or
42 leasing said premises, without regard to the occupancy of a child under six years of age.

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

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

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

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