

By Mr. Thompson of Cambridge, petition of Alvin E. Thompson for legislation to further regulate removal of covering of accessible materials containing dangerous levels of lead paint in residential premises. Health Care.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT FURTHER REGULATING REMOVAL OR COVERING OF ACCESSIBLE MATERIALS CONTAINING DANGEROUS LEVELS OF LEAD PAINT IN RESIDENTIAL PREMISES.

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 6 of chapter 62, as appearing in the 1990
2 Official Edition, is hereby amended by inserting after the word
3 "lead" in line 101 the words: — or for the replacement of windows
4 and/or sills covered by such materials.

1 SECTION 2. Section 192 of chapter 111, as appearing in the
2 1990 Official Edition, is hereby amended by adding the following
3 sentence: — The director shall cause to have prominently posted
4 in all hardware and paint and building supply stores a notice
5 warning of the dangers of ingesting dust from materials containing
6 lead paint and of performing renovation or rehabilitation work
7 in premises in which any paint, plaster or other accessible material
8 contains dangerous levels of lead.

1 SECTION 3. Section 194 of chapter 111 of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 inserting after the word "ninety-seven", in line 61 the words: —
4 or so long as paint, plaster or other material which contains
5 dangerous levels of lead has not been removed from or covered
6 on door frames below the five foot level and four inches from all
7 edges; stair rail spindles; stair treads from the lip to the riser on

8 the bottom and four inches back from the lip on the top of the
9 tread; doors below the five foot level and four inches from all
10 edges; stair rails; porch railings; and all other exterior and interior
11 surfaces or fixtures that may be readily chewed by children.

1 SECTION 4. Section 197 of said chapter 111, as appearing in
2 the 1990 Official Edition, is hereby amended by striking out
3 subparagraph (2) of paragraph c.

1 SECTION 5. Said section 197 of said chapter 111, as appearing
2 in the 1990 Official Edition, is hereby further amended by adding
3 after the word “sash”, in line 54, the following sentence: —
4 Replacing windows and/or sills is not required but shall constitute
5 compliance with this section.

1 SECTION 6. Said section 197 of said chapter 111, as so
2 appearing in the 1990 Official Edition, is hereby amended by
3 inserting after the word “removed”, in line 55, the word: — only.

1 SECTION 7. Said chapter 111, as appearing in the 1990
2 Official Edition, is hereby amended by inserting after section 197B
3 the following section: —

4 Section 197C. Prospective tenants of residential premises
5 constructed prior to nineteen hundred and seventy-eight shall be
6 notified about the hazards of lead in paint, plaster, soil and other
7 material in residential premises as follows:

8 (a) The director shall, by July first, nineteen hundred and
9 ninety-two, prepare a standard notification form and such other
10 materials as may be necessary to inform prospective tenants
11 about: the possible presence of dangerous levels of lead in such
12 premises, the symptoms and treatment of lead poisoning, the
13 availability of inspections for dangerous levels of lead, and the
14 requirements of the lead law and regulations. Such form and
15 materials shall be revised from time to time as appropriate.

16 (b) Effective July first, nineteen hundred and ninety-two, all
17 persons leasing residential premises constructed prior to nineteen
18 hundred and seventy-eight shall, prior to the signing of a lease,
19 provide a copy of the form and other materials prepared pursuant

20 to subsection (a) to the prospective tenant. In addition to and at
21 the time of providing said notification, such lessor or sublessor
22 shall provide the prospective tenant with any letter of compliance
23 for the residential premises issued pursuant to subsection (d) of
24 section one hundred and ninety-seven of this chapter and such
25 lessor or sublessor and any real estate agent involved in the leasing
26 transaction shall disclose to the prospective tenant any
27 information known to the lessor, sublessor or real estate agent
28 about the presence of paint, plaster, soil or other materials
29 containing dangerous levels of lead in the residential premises.

30 (1) The prospective tenant shall also be informed by the lessor
31 or sublessor and any such real estate agent about the availability
32 of inspections for dangerous levels of lead. If, after receiving said
33 notice, the prospective tenant chooses to have an inspection done,
34 the lessor or sublessor shall afford the prospective tenant a period
35 of ten days or such other time as the lessor or sublessor and
36 prospective tenant may agree to have the inspection performed.

37 (2) At any time prior to the signing of the lease, the lessor,
38 sublessor or any real estate agent involved in the lease transaction
39 shall obtain the prospective tenant's certification that he or she
40 has been notified.

41 (c) Any person who fails to comply with the provisions of this
42 section shall be liable for all damages caused by his failure to
43 comply and shall in addition be liable for a civil penalty not to
44 exceed one thousand dollars.

