

By Ms. Jehlen of Somerville, petition of Patricia D. Jehlen for legislation to require the installation and maintenance of window guards in certain dwelling units for the protection of children. Housing and Urban Development.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Ninety-Five.  
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AN ACT RELATIVE TO THE PROTECTION OF CHILDREN IN DWELLING UNITS.

*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 one hundred eleven of the General Laws  
2 is amended by inserting the following new section: —

3 Section 127Q. (a) The owner, lessee, agent or other person who  
4 manages or controls a multi-unit dwelling shall provide, install  
5 and maintain a window guard on the windows of a unit in which  
6 (i) a child or children of six years of age or younger reside if such  
7 unit is (a) located on the second floor or above or (b) located on  
8 the first floor, and the room in which the window guards are to be  
9 installed has more than one window and (ii) in any case in which  
10 a tenant requests such window guards to be installed, if such  
11 request is in accordance with the provisions of this section. Such  
12 owner, lessee, agent or other person shall also provide, install, and  
13 maintain window guards or windows in the public halls of a  
14 multi-unit dwelling in which such child or children reside. This  
15 section shall not apply to windows giving access to fire escapes or  
16 to a window on the first floor that is a required means of egress  
17 from the dwelling unit.

18 (b) All leases offered to tenants in multi-unit dwellings shall  
19 contain a notice, conspicuously set forth therein, which advises  
20 tenants of the obligation of the owner, lessee, agent or other

21 person who manages or controls a multi-unit dwelling to install all  
22 window guards, as provided for in this section. Said notice shall  
23 be separately signed and dated by the tenant who signed the lease  
24 indicating clearly whether a child six years of age or younger is,  
25 or will be, residing in the leased premises, or, if no such children  
26 reside therein, if a tenant requests such window guards.

27 (c) The owner, lessee, agent or other person who manages or  
28 controls a multi-unit dwelling must cause to be delivered to each  
29 residential unit a notice advising occupants of the obligation of  
30 such owner, lessee, agent or other person who manages or controls  
31 a multi-unit dwelling to provide, install and maintain window  
32 guards, as required by this section, and where further information  
33 regarding the procurement of such window guards is available.  
34 Such notice may be delivered by first class mail or hand delivery  
35 to the tenant at the dwelling unit. Such notice must be provided  
36 within five days of the beginning of any tenancy, if the tenant has  
37 not signed such notice as part of a lease, and on an annual basis  
38 thereafter to all tenants to be delivered no earlier than the first day  
39 of January and no later than the sixteenth day of January of the  
40 year for which the notice is delivered, except if such notice is  
41 delivered with the rent bill, and such bill is delivered at a later  
42 time during the month of January.

43 The notice provided to the tenant shall inquire as to whether  
44 there is, or will be, any child or children six years of age or  
45 younger residing in the apartment, or, if no such child resides  
46 therein, whether the tenants requests window guards and if  
47 existing window guards need to be repaired. Return of this notice  
48 to the person who controls or manages the multi-unit dwelling, by  
49 first class mail or hand delivery, shall constitute notice to the  
50 person who controls or manages the multi-unit dwelling of the  
51 obligation to provide, install and maintain window guards, as  
52 described in this section. Such window guards shall be installed or  
53 maintained within thirty days of receipt of such notice by the  
54 person who controls or manages the multi-unit dwelling.

55 No notice from a person who controls or manages a multi-unit  
56 dwelling to a tenant therein shall indicate that the installation of  
57 window guards, as required by this section, is optional or in any  
58 manner dependent upon payment by the tenant.

59 (d) No tenant in a dwelling unit shall (i) refuse or unreasonably  
60 fail to provide accurate and truthful information regarding the res-  
61 idency of children therein, (ii) obstruct or interfere with the instal-  
62 lation of window guards as required in subsection (a) hereof, or  
63 (iii) remove such window guards.

64 (e) Failure to install window guards as required by this section  
65 shall be deemed a violation of the sanitary code and violators shall  
66 be subject to a fine not to exceed five hundred dollars or impris-  
67 onment for up to six months or both.

68 (f) A tenant or a person who manages or controls a multi-unit  
69 dwelling may appeal to the commissioner of the department of  
70 public health, or the commissioner's designee, if the requirements  
71 of this section create a practical difficulty or unusual hardship.  
72 The commissioner or his designee may modify the application of  
73 this section consistent with the section's general purposes if such  
74 modification is necessary to protect life and health.

75 (g) Nothing herein shall be construed so as to conflict with the  
76 provisions of the State Building Code regarding emergency  
77 escape and egress.

1 SECTION 2. Window guards provided and installed under this  
2 act shall be of a type which meet guidelines developed by the  
3 state fire marshall. Such guidelines shall be approved within six  
4 months of the effective date of this act, and shall be made gener-  
5 ally available to tenants and persons who manage or control multi-  
6 unit dwellings.

