

HOUSE No. 2467

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:
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>1/25/2021</i>

HOUSE No. 2467

By Miss Garry of Dracut, a petition (accompanied by bill, House, No. 2467) of Colleen M. Garry relative to window guards in residential homes. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2067 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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 accidentally 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.