

By Mr. Kaplan of Brookline, petition of James J. Kelleher that landlords be required to keep premises in a safe condition for use by tenants instead of merely in same condition as at the time of the letting of such premises. Mercantile Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Eight.

AN ACT TO PROVIDE THAT LANDLORDS SHALL BE UNDER A DUTY TO EXERCISE DUE CARE TO KEEP THOSE PARTS OF THE PREMISES USED BY THE TENANT WHICH THE LANDLORD RETAINS CONTROL OF IN A SAFE CONDITION FOR USE AND NOT MERELY IN THE CONDITION IN WHICH THEY APPEARED TO BE AT THE TIME OF THE LETTING.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose which is the immediate change of an outmoded
3 rule of the common law of Massachusetts which is against the
4 weight of authority in other jurisdictions and operates to the
5 hardship and detriment of tenants, it is declared to be an emer-
6 gency law, necessary for the immediate preservation of the
7 public health and convenience.

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 186 of the General Laws is hereby
2 amended by inserting the following section at the end thereof: —

3 *Section 16.* A landlord shall be under a duty of exercising
4 reasonable care to keep all portions of the premises remaining
5 in his control safe for all uses for which the tenant shall be en-
6 titled, or shall be permitted, to use them.

1 SECTION 2. This act shall take effect upon its passage and
2 shall apply to all accidents occurring after its effective date.

