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By Messrs. Weinberg of Boston, Cloherty of Boston, Joyce of Boston, and Kaplan of Brookline, petition of Norman S. Weinberg, Peter J. Cloherty, William F. Joyce and Sumner Z. Kaplan for legislation to establish responsibility for the care and maintenance of tenement houses in cities. Mercantile Affairs.

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## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty.

### AN ACT ESTABLISHING RESPONSIBILITY FOR THE CARE AND MAINTENANCE OF TENEMENT HOUSES IN CITIES.

*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. The definition of "Tenement house" in section 2  
2 of chapter 144 of the General Laws, as appearing in the Ter-  
3 centenary Edition, is hereby amended by striking out, in line 3,  
4 the word "two" and inserting in place thereof the word:—  
5 three,— so as to read as follows:—"Tenement house", any  
6 house or building, or part thereof, which is rented, leased, let  
7 or hired out, to be occupied, or is occupied, or intended, arranged  
8 or designed to be occupied as the home or residence of **[two]**  
9 **three** or more families (a family may consist of one or more  
10 persons), living independently of each other and doing their  
11 cooking on the premises and having a common right in the  
12 halls, stairways, yard, courts, cellar, sinks, water closets or  
13 privies, or any of them. Where the occupants of dwelling houses  
14 contiguous and vertically divided, each occupied or intended,  
15 arranged or designed to be occupied as the home or residence of  
16 one family or more, have a common right in or use in common  
17 the halls, stairways, yards, cellars, sinks, water closets or privies,  
18 or any of them, such dwelling houses shall be deemed to be  
19 tenement houses and shall be subject to this chapter.

20 Said chapter 144 is hereby further amended by striking out  
21 section 66 and inserting in place thereof the following section:—

22 *Section 66.* Every tenement house, including its roof or roofs,  
23 and every part thereof and the lot upon which it is situated,  
24 shall be kept in good repair. The owner shall be responsible for  
25 compliance with the provisions of this section; but the tenant  
26 also shall be liable if a violation is caused by his own wilful act,  
27 assistance or negligence or that of any member of his family or  
28 household or his guest. Any such persons who shall wilfully  
29 violate or assist in violating any provision of this section shall  
30 also jointly and severally be subject to the civil penalties pro-  
31 vided in section eighty-nine.

1 SECTION 2. Said chapter 144 is hereby further amended by  
2 striking out section 71 and inserting in place thereof the follow-  
3 ing section:—

4 *Section 71. Carpets, Rugs and Wallpaper.*— 1. All carpets  
5 and rugs which are permitted in any public part of a tenement  
6 house shall be taken up and cleaned by the owner at least once  
7 a year or as much oftener as the department shall deem necessary.

8 2. The interior surfaces of walls throughout every part of  
9 every tenement house, whether in public or in tenant-occupied  
10 parts, shall be painted or papered and the ceilings kalsomined or  
11 painted by the owner. The walls and ceilings shall be rekal-  
12 somined, repapered or repainted by the owner whenever neces-  
13 sary to keep the said surfaces in a sanitary condition. No wall-  
14 paper shall be placed upon such a wall or ceiling surface unless  
15 all existing wallpaper shall be first removed therefrom and such  
16 wall or ceiling thoroughly cleaned and repaired.

17 3. Any tenant shall be punishable as provided in section  
18 eighty-nine for the existence of conditions in violation of the  
19 provisions of this chapter within his apartment to the extent  
20 that such conditions are caused by him, by members of his  
21 family or by his guests, and are under his control; but this pro-  
22 vision shall not be construed to relieve the owner of any liability  
23 or duty under this section, except where a violation is caused  
24 and continued solely by the tenant or those under his control.

1 SECTION 3. Said chapter 144 is hereby further amended by  
2 striking out section 89 and inserting in place thereof the follow-  
3 ing section:—

4 *Section 89.* Whoever violates any provision of this chapter  
5 shall be punished by a fine of not less than **[ten] one hundred**

6 dollars. Any person who violates any provision of this chapter  
7 after he has been served with a notice or order as provided by  
8 section ninety-five, or who fails to comply with such notice or  
9 order within ten days after such service, or continues to violate  
10 any provision or requirement of this chapter in the respect  
11 named in such notice or order, shall in addition be punished [by  
12 a fine of not less than five nor more than twenty] **by imprison-**  
13 **ment for six months in the house of correction or by a**  
14 **fine of twenty-five** dollars for each day after the first day dur-  
15 ing which the violation continues.

1 SECTION 4. Notwithstanding anything to the contrary con-  
2 tained in said chapter one hundred and forty-four, the pro-  
3 visions of sections two, sixty-six, seventy-one and eighty-nine,  
4 as hereby amended, shall also apply to the city of Boston.

