

By Mr. Businger of Brookline, petition of Ronald A. Pina, John A. Businger, Thomas H. D. Mahoney, Richard E. Kendall, Doris Bunte, Philip W. Johnston and James Segel relative to extending the rights of tenants to repair dangerous conditions. Urban Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Six.

AN ACT EXTENDING THE RIGHTS OF TENANTS TO REPAIR DANGEROUS CONDITIONS.

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 127L of Chapter 111 of the General Laws, as amended
2 by Chapter 274 of the Acts of 1975, is hereby amended by striking
3 out the first paragraph and inserting in place thereof the
4 following paragraph:—

5 When violations of the standards of fitness for human
6 habitation as established in the state sanitary code, or of other
7 applicable laws, ordinances, by-laws, rules or regulations are
8 found to exist by the board of health or local code enforcement
9 agency, or in the city of Boston by the commissioner of housing
10 inspection, or by a court of law, and if the owner or his agent has
11 been notified in writing of the existence of the violations and has
12 failed to begin all necessary repairs or to contract in writing with
13 a third party for such repairs within five days after such notice,
14 and to substantially complete all necessary repairs within
15 fourteen days after such notice, unless a board of health, local
16 code enforcement agency or court has ordered that said violations
17 be corrected within a shorter period, in which case said period
18 shall govern, the tenant or tenants may repair or have repaired
19 the defects or conditions constituting the violations. The tenant
20 or tenants may subsequently deduct from any rent which may
21 subsequently become due, subject to the provisions of the

22 following paragraph, an amount necessary to pay for such
23 repairs. The tenant or tenants may alternatively in such cases,
24 treat the lease or rental agreement as abrogated, pay only the fair
25 value of their use and occupation and vacate the premises within
26 a reasonable time. If the tenant or tenants of the premises make a
27 request for inspection of the premises to the appropriate
28 inspection agency and no inspection is made within 48 hours of
29 the request, an advance finding of violations by an agency or
30 court shall not be required.