
By Mr. Milano of Melrose, petition of J. A. Milano for legislation to authorize actions for recovery from an owner by a tenant paying charges for water for which the owner was bound to pay. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Nine.

AN ACT PROVIDING FOR RECOVERY FROM AN OWNER BY A TENANT PAYING CHARGES FOR WATER FOR WHICH THE OWNER WAS BOUND TO PAY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter forty of the General Laws is hereby
2 amended by inserting after section forty-two F, as
3 appearing in the Tercentenary Edition, the following
4 new section:—

5 *Section 42G.* A tenant of real estate who, in order
6 to prevent the water from being shut off, has paid
7 charges for water furnished upon such real estate for
8 which the owner was bound to pay, may recover from
9 such owner in an action of contract the amount of the
10 charges so paid with all incidental charges and ex-
11 penses. If instead of bringing such action the tenant
12 deducts the amount thereof from rent otherwise due
13 to the owner, the withholding of such amount shall
14 not justify the termination of a lease between such
15 tenant and such owner, or the giving by the owner
16 to the tenant of a notice to quit for non-payment of
17 rent.

