

HOUSE No. 4057

By Mr. Carney of Boston, petition of Daniel W. Carney relative to precluding the raising of a certain defense in actions against owners of property. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT RELATIVE TO PRECLUDING THE RAISING OF A CERTAIN DEFENSE IN ACTIONS AGAINST OWNERS OF PROPERTY.

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 111 of the General Laws is hereby amended by
- 2 inserting after section 127K, the following section:—
- 3 *Section 127L.* An owner of a building shall be precluded
- 4 from raising as a defense in an action brought by a lessee,
- 5 tenant or occupant of said building who has sustained an
- 6 injury caused by a defect in a common area, that said defect
- 7 existed at the time of the letting of the property, if said
- 8 defect is at the time of the injury, a violation of the building
- 9 code of the city or town wherein the property is situated.

The following is a copy of the report of Daniel W. Conroy, relative to the
 case of a certain person, in which a certain amount of property was
 involved.

The Government of Massachusetts

In the Town of Lowell, Middlesex County.

THE REPORT OF DANIEL W. CONROY, A CERTAIN NUMBER
 OF THE TOWN OF LOWELL, MIDDLESEX COUNTY.

As it is provided by the Senate and House of Representatives in
 their joint resolution, and by the authority of the same, to
 inquire into the case of a certain person, in which a certain amount
 of property was involved.

1. Chapter III of the General Laws is hereby amended by
2. inserting after section 127E, the following section:—
3. Section 127E. An owner of a building shall be provided
4. with a certain amount of a certain amount by a certain
5. amount or amount of said building who has contained an
6. certain amount of a certain amount that said building
7. existed at the time of the taking of the property; it shall
8. be the duty of the owner of the building, a violation of the building
9. code of the city or town wherein the property is situated.