

By Mr. King of Boston, petition of Melvin H. King, Doris Bunte, Robert E. McCarthy, Ronald A. Pina and John A. Businger for legislation to further regulate the rights of tenants to be reimbursed by their landlords for the cost of certain repairs made to cure violations of certain health and safety laws involving the lack of adequate heat. Urban Affairs.

The Commonwealth of Massachusetts

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

AN ACT FURTHER REGULATING THE RIGHTS OF TENANTS TO BE REIMBURSED BY THEIR LANDLORDS FOR THE COST OF CERTAIN REPAIRS MADE TO CURE VIOLATIONS OF CERTAIN HEALTH AND SAFETY LAWS INVOLVING THE LACK OF ADEQUATE HEAT.

1 *Whereas*, the deferred operation of this act would tend to
2 defeat its purpose which is, in part, to help alleviate the severe
3 shortage of energy in the commonwealth and the nation,
4 therefore this act is hereby declared to be an emergency law,
5 necessary for the immediate preservation of the public health,
6 safety 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 127L of Chapter 111 of the General Laws, inserted by
2 Chapter 799 of the Acts of 1972, is hereby amended by adding
3 the following paragraph:

4 When violations of the standards of fitness for human
5 habitation as established in the state sanitary code, or of other
6 applicable laws, ordinances, by-laws, rules or regulations, involve
7 the failure to provide adequate heat, heating facilities, or heating
8 fuel, or to maintain residential premises in substantially weather-
9 tight condition so as to prevent excessive loss or waste of heat,
10 including the installation of storm windows or insulating
11 materials, and if the owner or his agent knows or should
12 reasonably know of the existence of the violation and has failed

13 to begin all necessary repairs or obtain the necessary fuel within
14 two days after receipt of such notice, and to substantially
15 complete all necessary repairs within five days after the receipt of
16 said notice, unless any board, agency, municipal department or
17 court has ordered that said violations be corrected within a
18 shorter period, in which case said period shall govern, the tenant
19 or tenants may repair or have repaired the defects or conditions
20 constituting the violations or obtain the necessary fuel. The
21 tenant or tenants may subsequently deduct from any rent which
22 subsequently becomes due an amount necessary to pay for such
23 repairs or fuel. Said amount shall not exceed one month's rent or
24 one hundred-fifty dollars, whichever is greater, in any twelve-
25 month period or period of occupancy, whichever is shorter, or if
26 fuel has been obtained the actual cost of such fuel. Any
27 deductions taken pursuant to this paragraph shall not reduce the
28 amount of any deduction a tenant may otherwise claim pursuant
29 to the remainder of this section. All provisions of the second
30 through six paragraphs, inclusive, of this section shall apply to
31 this paragraph except to the extent they are specifically
32 inconsistent therewith.