

By Mr. Businger of Brookline, petition of John A. Businger and Joseph K. Mackey relative to the duty of landlords to provide certain notices to tenants. Housing and Urban Development.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Eight.

AN ACT RELATIVE TO THE DUTY OF LANDLORDS TO PROVIDE CERTAIN NOTICES TO TENANTS.

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 15B of Chapter 186 is hereby amended by striking out
2 the first paragraph and inserting in place therefore the
3 following: —

4 The tenant shall not unreasonably withhold entry of the
5 premise.

6 A landlord may enter the dwelling unit only in the following
7 cases: a) in case of an emergency; b) to make necessary or agreed
8 repairs; supply necessary or agreed services, or exhibit the
9 dwelling unit to prospective or actual purchases, mortgages,
10 tenants, workmen or contractors; c) when the tenant has
11 abandoned or surrendered the premises; or d) pursuant to court
12 order.

13 Except in the case of emergency or when the tenant has
14 abandoned or surrendered the premises, entry may not be made
15 during other reasonable hours unless the tenant consents at the
16 time to entry.

17 The landlord shall not abuse the right of access or use it to
18 harass the tenant. Except in cases of emergency or when the tenant
19 has abandoned or surrendered the premises, the landlord shall
20 give the tenant reasonable notice of his intent to enter at a stated
21 time during reasonable hours, and of the reason for the entry.
22 Twenty-four hours shall be presumed to be reasonable notice in
23 absence of evidence to the contrary. No tenant or occupant shall
24 deny access to the premises for such permissible purposes,

25 provided that if the tenant informs the landlord or lessor that the
26 time or date designated by the landlord would unreasonably
27 interfere with the tenant's use or enjoyment of the premises, the
28 parties shall establish a reasonable alternative date and time, and
29 provided further, that the landlord shall have the right to enter
30 at the originally stated time where access to all or substantially
31 all of the units in a building is necessary on the same date in order
32 to exterminate or to make repairs. For those instances where prior
33 notice is not required, written notice shall be left after each entry
34 including the reason for the entry.