

HOUSE No. 2108

By Mr. Wojtkowski of Pittsfield, petition of William Broderick and Thomas C. Wojtkowski relative to the procedures for inspection of premises under the State Sanitary Code. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE PROCEDURES FOR INSPECTION OF PREMISES UNDER THE STATE SANITARY CODE.

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 127A of chapter 111 of the General Laws is hereby
2 amended by adding the following paragraph: —

3 No inspection of a private dwelling unit other than a periodic
4 inspection required by law, shall be made under the state sanitary
5 code, unless the board of health or other appropriate inspection
6 agency gives written notice in hand to the owner or occupant of
7 the premises at least seven days prior to the date set for such
8 inspection and unless such notice contains a statement of the
9 areas, items and things to be inspected and a statement that the
10 owner or occupant shall have the right to refuse to permit such
11 inspection, as hereinafter provided. If an owner or occupant of a
12 private dwelling unit after receipt of such notice, or if the owner
13 or occupant of any other type of premises, refuses to allow any
14 inspection officer to enter and inspect the premises, the officer
15 may apply to the appropriate court for the issuance of a warrant
16 authorizing the inspection of said premises, provided, however,
17 that no warrant shall issue unless the application therefor is
18 supported by oath or affirmation and by an affidavit setting
19 forth facts establishing probable cause that the owner or
20 occupant has committed a violation of the state sanitary code or
21 facts showing that the premises are a hazard to the health or

22 safety of the owner or occupant and unless the requirements
 23 imposed by the provisions of chapter two hundred and seventy-
 24 six are complied with. Whoever makes an inspection of premises
 25 under the state sanitary code after a refusal to allow inspection
 26 of such premises, without a warrant as hereinbefore provided
 27 shall be punished by a fine of not more than one thousand
 28 dollars.