

By Mr. King of Boston, petition of Melvin H. King, Mary H. Goode, Doris Bunte, Royal L. Bolling, Jr., Robert L. Fortes, Bill Owens and another that the Department of Public Health be authorized to enforce certain sanitary code violations. Health Care.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE ENFORCEMENT OF CERTAIN SANITARY CODE VIOLATIONS BY THE DEPARTMENT OF PUBLIC HEALTH.

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 striking out the section and inserting in place
3 thereof the following: — Said department shall adopt, and may
4 from time to time amend, public health regulations to be known
5 as the state sanitary code, which may provide penalties for
6 violations thereof not exceeding five hundred dollars for any one
7 offense. Said code shall become effective and have the force of
8 law upon filing with the state secretary or at such later date as
9 may be specified by the department. The code shall deal with
10 matters affecting the health and well-being of the public in the
11 commonwealth in subjects over which the department takes
12 cognizance and responsibility. Nothing contained in the code
13 shall be in conflict with any general or special law. This section
14 shall not be deemed to limit the right of any board of health to
15 adopt such rules and regulations as, in its opinion, may be
16 necessary for the particular locality under its jurisdiction;
17 provided, such rules and regulations do not conflict with the
18 laws of the commonwealth or the provisions of the code. Said
19 code may provide for the demolition, removal, repair or
20 cleaning by the department, local boards of health and, in a city,
21 by the commissioner of housing inspection, of any structure

22 which fails to comply with the standards of fitness for human
23 habitation or other regulations in said code, as to endanger or
24 materially impair the health or well-being of the public.

25 Said code shall be enforced by the department and by the
26 local boards of health acting under the supervision of said
27 department. In the event any local board of health fails after a
28 reasonable length of time, not to exceed thirty days, to enforce
29 said code against a violator, then the department shall enforce
30 said code against the violator. The aforementioned period of
31 time shall be stipulated in the following manner: if a local board
32 of health fails to take reasonable steps to effect compliance after
33 a reasonable length of time, not to exceed thirty days, after
34 receiving a complaint, the department shall, after receiving a
35 complaint, perform an inspection to confirm that said code has
36 been violated: after confirmation, the department shall issue a
37 warning to the local board instructing it to enforce said code.
38 Whenever any local board of health has failed after a reasonable
39 length of time, not to exceed thirty days, to enforce this code,
40 the commissioner of public health of the commonwealth or his
41 designated representative may act for the commonwealth in any
42 way that the local board of health is authorized to act to affect
43 compliance. The superior court and district court shall have
44 jurisdiction in equity to enforce the provisions of said code and
45 any actions brought to enforce said provisions shall be advanced
46 for speedy trial.

47 Whenever the department incurs any costs in any such
48 enforcement proceedings as authorized by the aforementioned
49 paragraphs, such costs shall be paid initially by the com-
50 monwealth; and, upon certification by the commissioner of
51 public health of the expense of such enforcement, the state
52 treasurer shall issue his warrant requiring the assessors of the
53 cities and towns concerned and of the towns in which a district
54 is located to assess a tax to the amount of said expense, and
55 such amounts shall be collected and paid to the state treasurer as
56 provided by section twenty of chapter fifty-nine. Any balance
57 due shall be assessed, collected and paid in succeeding years in
58 like manner.