

SENATE No. 1284

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1284) of Joseph F. Timilty and John A. Businger for legislation to clarify penalties for violations of the state sanitary code. Urban Affairs.

The Commonwealth of Massachusetts

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

AN ACT CLARIFYING PENALTIES FOR VIOLATIONS OF 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 Chapter 186 of the General Laws is hereby amended by
2 striking out Section 14 as appearing in section 2 of Chapter 778
3 of the Acts of 1973 and inserting in place thereof the follow-
4 ing section: —

5 *Section 14.* No lessor or landlord of any building or part
6 thereof occupied for dwelling purposes, other than a room or
7 rooms in a hotel but including a mobile home or land therefor
8 shall willfully fail to furnish water, hot water, heat, light, pow-
9 er gas, elevator service, telephone service, janitor service or
10 refrigeration service to any occupant of such building or part
11 thereof, if required to provide such service by law or by the
12 express or implied terms of any contract or lease or tenancy
13 at will.

14 No such lessor or landlord shall directly or indirectly inter-
15 fere with the furnishing by another of any of such utilities or
16 services or transfer the responsibility for payment for any such
17 utility or service to the occupant without his knowledge and
18 consent.

19 No such lessor or landlord shall after notice in writing of the
20 existence on the premises of violations of the standards of fit-
21 ness for human habitation established in the state sanitary
22 code or other laws, city ordinances, rules or regulations of a
23 city, town, or state agency, which may endanger or materially
24 impair the health, safety or well-being of a tenant or tenants

25 of said premises, either to begin all necessary repairs to cor-
26 rect said violations within five days or substantially to com-
27 plete all necessary repairs within fourteen days after such no-
28 tice; provided that if a board of health, local code enforce-
29 ment agency, or court has ordered that said violations be cor-
30 rected within a shorter period, said shorter period shall gov-
31 ern.

32 No such lessor or landlord shall directly or indirectly inter-
33 fere with the quiet enjoyment of any residential premises by
34 the occupant, or attempt to regain possession of said premises
35 by force without the **benefit of judicial process**.

36 Any person who commits any act in violation of this section
37 shall be punished by a fine of not less than twenty-five dol-
38 lars nor more than three hundred dollars or by imprisonment
39 for not more than six months. Any person who commits any
40 act in violation of this section shall also be liable for actual
41 and consequential damages or three months rent, whichever is
42 greater, and the cost of the action, including a reasonable
43 attorney's fee, all of which may be applied or setoff to or in
44 recoupment against any claim for rent owed or owing. The
45 superior or district courts shall have jurisdiction to restrain
46 violations of this section. The provisions of section 18 of
47 Chapter 186 and Chapter 239 shall apply to any act taken as
48 a reprisal against any person for reporting or proceeding
49 against violations of this section.