

Getting a Landlord to Make Repairs

Tenants' Rights in Massachusetts

All tenants have the right to live in a safe and decent place. You do not need a lease to have this right.

If your landlord knows about a dangerous or unhealthy problem in your apartment or building, and she does not fix it, she is breaking the law.

Your Right to a Decent Place to Live

In Massachusetts, the Sanitary Code gives tenants the right to decent housing. The Sanitary Code sets minimum requirements for housing. It covers kitchens, bathrooms, bedrooms, water, heating, electricity, locks, and common areas that you share with other tenants.

To learn about the conditions your apartment must meet, get the **Housing Code Checklist (Booklet 2)**

MassLegalHelp.org/Housing-Checklist.pdf

Protect Yourself Document the Problem

Take photographs or videos of the bad conditions. Record the date and time of the photographs or videos. Or write this information down.

The Apple store or Google Play have free apps like “Photo Date” that dates date photos on your smartphone.

Tell Your Landlord about Problems

If something in your apartment needs repair, tell your landlord as soon as possible.

Tell your landlord **immediately** if:

- You find something after you move in that needs repair, or
- You have an emergency, like a water pipe bursts or a problem with your heat.

Ask the landlord to let you know when a repair person will be coming to fix the problem. It is important for you or someone to be there so you can make sure the repair person can get into the apartment.

If your landlord does not fix the problem within a reasonable time, follow these steps:

1. Send your landlord a letter that describes the problem and asks them to fix it.
2. Keep a copy of this letter in a folder with other documents related to your tenancy.
3. If your landlord does not respond to your letter, send another copy of the letter by certified mail, with a return receipt.

Get an Inspection

If you write or tell your landlord and she still refuses to make repairs, call your town or city Board of Health to ask for an inspection. A housing inspector can be helpful.

Housing inspectors examine properties to see if they follow the state Sanitary Code. If there are violations, an inspector can order your



landlord to make repairs within a certain time. In many cases, landlords will make the repairs.

If the problems are serious, like you have a plumbing problem or no water or heat, tell the Board of Health. By law, they must try their best to come within 24 hours.

Be Ready for an Inspection

Be prepared. Before the inspection, fill out the **Housing Code Checklist (Booklet 2)** MassLegalHelp.org/HousingCodeChecklist.pdf.

Clean your home. Make sure hallways and doors are not blocked, and trash is taken out so **you** do not get in trouble for Sanitary Code violations.

Be there. If you cannot be there when the inspector comes, arrange for someone else to be there. Leave a note that says this person has your permission to let the inspector inspect your home.

Ask for a complete inspection. Ask the inspector to inspect inside your apartment, the outside of the building, and all common areas.

Point out problems. If the inspector misses a problem, point it out so it is on the report.

Ask for a copy of the inspector's report. If your apartment or building needs serious repairs, the inspector must send a repair order to your landlord within **12 hours**.

Follow-up. If the landlord does not make the repairs by the time and date on the order, contact the inspector and ask for a re-inspection.

If the Landlord Refuses to Make Repairs

If your landlord refuses to repair conditions that may put you in danger or seriously harm your health or safety, you have the right to:

Withhold Rent. You can withhold the rent or part of it until the landlord makes the repairs you requested. They may try to evict you. To protect yourself from eviction:

- Put the rent money you withhold in a bank account. Keep it separate from your other accounts so you have this money if your landlord takes you to court.
- Write your landlord a letter, list the repairs needed, and say you will withhold rent until the problems are fixed. Keep a copy of your letter in a safe place!

Repair and Deduct. Get the repairs made and deduct the cost from your rent. This can be complicated and you must follow the law.

Join together with tenants. If other tenants need repairs, work together on solutions.

Break your lease. If your landlord refuses to fix serious problems, you may be able to break your lease. Get a housing inspection before you move out. This will protect you if the landlord sues you for breaking your lease.

Take your landlord to court. If you prove the landlord broke the law, a judge may order her to make repairs or pay you money for bad conditions, or may order a temporary landlord called a “receiver.”

This is a summary. Before you take action read **Chapter 8: Getting Repairs Made.**

MassLegalHelp.org/Repairs

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