

Getting a Landlord to Make Repairs

Tenants' Rights in Massachusetts

All tenants have the right to live in a safe and habitable 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 they don't fix it, they are breaking the law.

What types of problems is my landlord required to repair?

The [Massachusetts Sanitary Code](#) sets minimum requirements for housing. For example, all rental housing must have heat, hot water, and electricity. Kitchens and bathrooms must have sinks with running water. Unit doors and windows must have locks.

If you have a more serious problem like no heat or hot water, the landlord must make a good faith effort to fix the problem **within 24 hours** of notice from a Board of Health.

Document the Problem

Take photos or videos of problems.

Communicate with your landlord in writing, email and text. This way, you have a record of what you told your landlord and when.

Use **UpToCode** to document bad conditions and take action to get the repairs made.
uptocode.org

Use the **Housing Code Checklist (Booklet 2)**:
www.masslegalhelp.org/Housing-Code-Checklist

My apartment needs a repair. What can I do?

- **Tell your landlord as soon as possible.** The best way to do that is in writing (including email). Your landlord must fix the problem within a reasonable period of time.
- **Ask your landlord when a repair person will come.** It is important for you, or someone, to be home so that the repair person can get into the apartment.

If your landlord refuses to make the repairs, you can call your city's Board of Health to ask for an inspection. A housing inspector will examine your home to see if it follows the state Sanitary Code. If there are violations, an inspector can order your landlord to make repairs within a certain time.

Can my landlord evict me if I ask for repairs?

No. It is illegal for a landlord to evict you, raise your rent, or make a major change in your rental agreement because you:

- Ask in writing for needed repairs,
- Report bad conditions in your apartment or building to the Board of Health or other local officials,
- Join a tenants' organization, or
- Withhold rent because of bad conditions.

What if my landlord refuses to make repairs?

If you told your landlord about a problem (it is best to do this in writing) or the landlord has been ordered by the Board of Health to make repairs, **and** the landlord refuses to make repairs, you have the right to do these things:

Withhold rent or part of it until the landlord makes the repairs. They may try to evict you. To protect yourself from eviction, put the rent money you withhold in a separate bank account so you have this money if your landlord takes you to court. Before you are behind in rent, 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. See **When You Can Withhold Rent** at www.masslegalhelp.org/LL-refuses-repairs.

Repair and deduct. Get the repairs made and deduct (subtract) the cost from your rent. This can be complicated, and you must follow the law, including getting a Board of Health report.

Join 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. This means moving out before the end date on your lease and not paying rent after you leave. You must get a board of health inspection report first.

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

What should I know about inspections?

Board of Health housing inspections are free. If you ask for an inspection, you should:

Be prepared. Before the inspection, fill out the Housing Code Checklist: www.masslegalhelp.org/Housing-Code-Checklist

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 for inspection inside your apartment, outside of the building, and all common areas.

Point out problems. If the inspector misses a problem, point it out so it’s in 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 doesn’t make repairs by the date and time on the order, contact the inspector and ask for a re-inspection.



For more, scan the QR Code for: Legal Tactics, **Chapter 8: Getting Repairs Made** MassLegalHelp.org/LT-Repairs