

February 11, 1974

SENATOR GOODRICH: Frankly, if the tenant can prove that the landlord knew it. Let's just assume now that the tenant gave the landlord notice in the form of verbal notice and he had a witness and he can prove that the landlord had notice of that. And I'm sure frankly the court would say, landlord whether it's in writing or not you had notice and you are liable.

SENATOR CHAMBERS: Would you accept an amendment which would say, actual notice? However the landlord came into an awareness of that defect he would be held accountable for repairing it.

SENATOR GOODRICH: Frankly, personally I wouldn't have any objection to it, except I hate to amend this set of amendments because the Legal Aid Society Lawyers and the professor, whatever his name is over at the University, Wallace something or other, has..the both sides, the attorneys for both sides came to this particular set of wording, and they said that was O.K. with them. The Legal Aid Society said it was O.K., the professor said it was O.K. and then the Attorneys said it was O.K. for the landlords.

SENATOR CHAMBERS: But, Senator Goodrich as a Senator who has a responsibility to help by putting legislation in its best possible form, regardless of an agreement between two lawyers then might I not still have the right to make recommendations if I think they might improve the bill.

SENATOR GOODRICH: There is no question about that.

SENATOR CHAMBERS: Now, do you feel that what we are trying to get at in this amendment. Is the correction of defect which the landlord has knowledge of.

SENATOR GOODRICH: And refuses to repair.

SENATOR CHAMBERS: Right. Then would you object to an amendment which substitute actual notice for the word written notice?

SENATOR GOODRICH: I personally would like to see the notice in writing, if for example, I have it in writing there is no dispute. For example, there's evidence in court as to what, if you were a tenant for example, what you had told me. If we say something other than written, then frankly I had no evidence to display in court as to what I was notified of and I would, consequently I would say written notice. It doesn't take more than three minutes for a tenant to sit down and write a letter to me as a landlord and tell me what the defect is and then I am legally liable for repair of that item, whatever it is.

SENATOR CHAMBERS: Before I go further can I see if your note tells us anything? Actual notice is O.K. We got our instructions from the lobby so we can add the amendment. I would like to amend Senator Goodrich's amendment to say, actual notice in the two places. I think it's two places that says written notice.

PRESIDENT: Would you send the amendment up please, Senator?

SENATOR GOODRICH: I will bring it up. I have no objections to it. I really prefer written notice, but then if the body wants to say actual notice, that's all right with me.

PRESIDENT: Now, we actually have an amendment to those amendments which have been offered by Senator Whitney, and that's all that is under discussion is Senator Chamber's amendment to those