

**HOUSE . . . . . No. 1112**

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The Commonwealth of Massachusetts

PRESENTED BY:

*John V. Fernandes*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the renting or leasing of illegal residential premises.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

*John V. Fernandes*

*10th Worcester*

*Richard T. Moore*

*Worcester and Norfolk*

**HOUSE . . . . . No. 1112**

By Mr. Fernandes of Milford, a petition (accompanied by bill, House, No. 1112) of John V. Fernandes and Richard T. Moore for legislation to further regulate the renting or leasing of illegal residential premises. Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE

□ □ HOUSE  
□ , NO. 2789 OF 2011-2012.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act relative to the renting or leasing of illegal residential premises.

*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 adding the following section:-

2 SECTION 1. Section 23. No person shall charge, demand, receive or accept any rent or  
3 other payment for the use or occupancy of any residential rental premises which is used or  
4 occupied in violation of a zoning by-law, the State Building Code or other codes, and of which  
5 said person has knowledge, or reason to know, and does permit.

6 Within 10 days following receipt of a notice to abate an unlawful occupancy violation,  
7 the owner of a residential premises shall serve upon the occupants of such using or occupying  
8 said residential premises a copy of this section and shall post a copy of this section in a common  
9 area of the premises accessible to all occupants thereof for inspection. Such owner or person  
10 shall serve such occupants a notice to vacate the property, requiring that the property be vacated  
11 within ten (10) days.

12 Any person found in violation of this section shall be subject to a fine of not less than  
13 \$500 not more than \$2,000, or by imprisonment of not more than 90 days, or both.

14 In addition to requiring relocation assistance to displaced tenants, the owner-landlord  
15 may be fined an amount equal to 6 times the monthly rented for zoning and housing code  
16 violations to be paid to the city or town. In addition to the above penalties the court may impose  
17 a fine equal to the tuition costs of any resident of the illegal tenant attending a public school  
18 which fine shall be received in a civil action by a summary proceeding in the name of the city or  
19 town. The district court and superior court divisions of the trial shall have jurisdiction of this  
20 section. The tuition costs shall be determined in the manner prescribed for nonresident student  
21 and shall be paid to the school district.

22 Where an owner is convicted of a violation of this section be required to permanently  
23 remove the kitchen and bathroom if it exists, and all electrical and plumbing that was installed  
24 without the proper permits. The term, remove the kitchen shall mean removal of the stove,  
25 refrigerator and sinks in any such structure. The building inspector or his designee shall inspect  
26 the premises to insure all such removal is accomplished within 30 days of the notice to remove.

27 Any tenant who receives a notice of eviction that results from zoning or code  
28 enforcement activity for an illegal occupancy shall be considered a displaced person and shall be  
29 entitled to relocation assistance in an amount equal to 6 times the monthly rental paid by the  
30 displaced person. The owner-landlord of the structure shall be liable for the payment of  
31 relocation assistance pursuant to this section.