

HOUSE No. 01261

The Commonwealth of Massachusetts

PRESENTED BY:

Robert F. Fennell

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 capital relief in a counterclaim.

PETITION OF:

NAME:

Robert F. Fennell

DISTRICT/ADDRESS:

10th Essex

HOUSE No. 01261

By Mr. Robert F. Fennell of Lynn, petition (accompanied by bill, House, No. 01261) of Robert F. Fennell relative to relief in a tenant counterclaim. Joint Committee on Housing.

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Eleven
—————

An Act relative to capital relief in a counterclaim.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The second paragraph of section 8A of chapter 239 of the General Laws, as
2 appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 30 to 32,
3 inclusive, the words “and (4) the plaintiff does not show that the conditions complained of
4 cannot be remedied without the premises being vacated” and inserting in place thereof the
5 following words:— (4) the plaintiff does not show that the conditions complained of cannot be
6 remedied without the premises being vacated; and (5) the tenant or occupant files with any
7 counterclaim or claim of defense under this section a true copy of a bank statement evidencing
8 the deposit of all withheld rents as such rent became due.

9 SECTION 2. Said second paragraph of section 8A is hereby further amended by adding the
10 following sentence:— Any owner, tenant, or occupant may request an order requiring the funds
11 identified in the bank statement filed with the court under subparagraph (5) to be maintained in
12 escrow on such terms as the court deems equitable.