

HOUSE No. 1546

The Commonwealth of Massachusetts

PRESENTED BY:

Shawn Dooley

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 adoption of the accompanying bill:

An Act relative to the payment of rent while awaiting a court proceeding.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---------------------|--------------------|------------------|
| <i>Shawn Dooley</i> | <i>9th Norfolk</i> | <i>1/25/2021</i> |

HOUSE No. 1546

By Mr. Dooley of Norfolk, a petition (accompanied by bill, House, No. 1546) of Shawn Dooley relative to rental payments while awaiting court proceedings. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE [Refile Branch], NO. OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to the payment of rent while awaiting a court proceeding.

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 inserting after section 11A the
2 following section:-

3 Section 11B. (a) Upon the initiation of any court proceeding in which ultimate relief
4 would entitle the tenant to not pay rent, the tenant shall deposit their normal, timely rent
5 payments into the landlord’s escrow account that holds the tenant’s security deposit until a final
6 judgment from the court is determined. If there is no existing escrow account the landlord shall
7 open one, into which said deposits shall be made until a final judgment from the court is
8 determined. The landlord shall provide the tenant all information needed for the tenant to deposit
9 said rent payments into said escrow account.

10 (b) If the tenant fails to make the deposits required in subsection (a), the landlord may
11 initiate an eviction proceeding and, after the required fourteen-day notice period has expired,
12 may hire a sheriff or constable to move the tenant's belongings out of the dwelling and into
13 storage. Said storage shall be paid for by the tenant.

14 (c) If the pending case is resolved in favor of the landlord, the money in the escrow
15 account shall be released to the landlord; if the case is resolved in favor of the tenant, the money
16 in the escrow account shall be returned to the tenant. All interest accumulated from rent
17 payments in the escrow account shall be payable to the tenant.