

HOUSE No. 02789

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:
<i>John V. Fernandes</i>	<i>10th Worcester</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>
<i>Steven L. Levy</i>	<i>4th Middlesex</i>
<i>Richard T. Moore</i>	<i>Worcester and Norfolk</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

HOUSE No. 02789

By Mr. Fernandes of Milford, a petition (accompanied by bill, House, No. 2789) of Walsh and others for legislation to further regulate the renting or leasing of illegal residential premises Joint Committee on Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 3457 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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 other
- 3 payment for the use or occupancy of any residential rental premises which is used or occupied in
- 4 violation of a zoning by-law, the State Building Code or other codes, and of which said person
- 5 has knowledge, or reason to know, and does permit.
- 6 Within 10 days following receipt of a notice to abate an unlawful occupancy violation, the owner
- 7 of a residential premises shall serve upon the occupants of such using or occupying said
- 8 residential premises a copy of this section and shall post a copy of this section in a common area

9 of the premises accessible to all occupants thereof for inspection. Such owner or person shall
10 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 \$500 not
13 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 may be
15 fined an amount equal to 6 times the monthly rented for zoning and housing code violations to be
16 paid to the city or town. In addition to the above penalties the court may impose a fine equal to
17 the tuition costs of any resident of the illegal tenant attending a public school which fine shall be
18 received in a civil action by a summary proceeding in the name of the city or town. The district
19 court and superior court divisions of the trial shall have jurisdiction of this section. The tuition
20 costs shall be determined in the manner prescribed for nonresident student and shall be paid to
21 the school district.

22 Where an owner is convicted of a violation of this section be required to permanently remove the
23 kitchen and bathroom if it exists, and all electrical and plumbing that was installed without the
24 proper permits. The term, remove the kitchen shall mean removal of the stove, refrigerator and
25 sinks in any such structure. The building inspector or his designee shall inspect the premises to
26 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 enforcement
28 activity for an illegal occupancy shall be considered a displaced person and shall be entitled to
29 relocation assistance in an amount equal to 6 times the monthly rental paid by the displaced

30 person. The owner-landlord of the structure shall be liable for the payment of relocation
31 assistance pursuant to this section.