HOUSE No. 980

The Commonwealth of Massachusetts

PRESENTED BY:

Chris Walsh

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 rent escrow.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Chris Walsh	6th Middlesex
Robert M. Koczera	11th Bristol
Carmine L. Gentile	13th Middlesex
Jack Lewis	7th Middlesex
Bradford R. Hill	4th Essex
James R. Miceli	19th Middlesex
Paul R. Heroux	2nd Bristol
Brian Murray	10th Worcester
Kate Hogan	3rd Middlesex
Mary S. Keefe	15th Worcester
Aaron Vega	5th Hampden
James J. Lyons, Jr.	18th Essex
David T. Vieira	3rd Barnstable
David F. DeCoste	5th Plymouth
Jonathan D. Zlotnik	2nd Worcester
Kate D. Campanale	17th Worcester
Bruce E. Tarr	First Essex and Middlesex
Michael O. Moore	Second Worcester

Alice Hanlon Peisch	14th Norfolk
William C. Galvin	6th Norfolk

HOUSE No. 980

By Mr. Walsh of Framingham, a petition (accompanied by bill, House, No. 980) of Chris Walsh and others relative to rent escrow court actions. The Judiciary.

The Commonwealth of Alassachusetts

In the One Hundred and Ninetieth General Court (2017-2018)

An Act relative to rent escrow.

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 fourth paragraph of section 8A of chapter 239 of the General Laws is
- 2 hereby amended by striking out "Any tenant or occupant intending to invoke the provisions of
- 3 this section may, after commencement of an action under this chapter by the landlord, voluntarily
- 4 deposit with the clerk any amount for rent or for use and occupation which may be in dispute.
- 5 and such payments shall be held by the clerk subject to the provisions of this paragraph."
- 6 And replacing in its place thereof the following language -:
- 7 "Notwithstanding the foregoing, in the event that the originally scheduled trial date is
- 8 continued for any reason, and upon motion of any party, the court after hearing shall require the
- 9 tenant or occupant claiming under this section to deposit with the clerk of the court, the
- plaintiff's attorney, or other secure depository each month (or at such other intervals as the court
- deems just) the amounts due for use and occupancy, calculated according to the fair market value
- of the premises, which amounts shall be held in escrow pending final disposition, unless the

- court determines that such requirement would result in undue hardship to the tenant or occupant.
- 14 In the event that a tenant or occupant fails to comply with an order requiring deposit, the court
- upon motion shall order the matter to be scheduled for bench trial at the earliest date available
- and make such further orders as the court deems just."