

SENATE No. 76

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act directing the Department of Transitional Assistance to enact regulations providing for direct payments to property owners on behalf of department recipients..

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. Notwithstanding any general or special law to the contrary, the Department
2 of Transitional Assistance is hereby authorized and directed to promulgate regulations creating a
3 process for property owners, landlords and property managers to apply for direct payment for
4 delinquent rent and/or damage to rental property. Said regulations shall be added to the
5 appropriate section of the code of Massachusetts regulations and must contain the following
6 minimum standards:-

7 Within two weeks of a written notice from a property owner, landlord or property
8 manager that a recipient has not paid any rent for six consecutive weeks after the rent was due or
9 that a judgment has been entered against a recipient by a property owner, landlord or property
10 manager for damages caused to said owner's or manager's property which exceeds the amount of
11 the security deposit, the department shall schedule and hold a hearing with the appropriate area
12 director of the department to determine (1) whether direct payment shall be instituted and the
13 reasons therefor; (2) whether the tenant prefers that the department pay the property owner,

14 landlord or property manager directly; (3) a reasonable schedule for payment of the rent in
15 arrears or the judgment for damages. The department shall notify the property owner, landlord
16 or property manager, the recipient, and appropriate department personnel, including the
17 recipient's social worker, of the hearing and of their opportunity to testify. A party may be
18 accompanied or represented by counsel or other persons.

19 If a recipient elects to waive his right to a hearing by sending a letter to the
20 department expressly waiving said right, direct payments shall be instituted and the recipient's
21 social worker shall negotiate a payment plan for rent arrearage or for payment of the amount of
22 the judgment over such a period to be determined by the department.

23 The department is not required to hold a hearing or to issue direct payments if the
24 recipient has terminated payment of rent for cause by providing evidence to the department that
25 certifies that the property does not comply with the sanitary code or violates other state or
26 municipal health and safety regulations.

27 An amount equal to the direct rental or arrearage or the amount of judgment shall
28 be deducted from the cash grant payable to such recipient in such amounts and during such
29 duration as the department shall prescribe.