

HOUSE No. 2394

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 adoption of the accompanying bill:

An Act to provide additional protection to local housing authority residents and local housing authority property from entry by persons after being forbidden as trespass.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Robert F. Fennell</i>	<i>10th Essex</i>	<i>1/20/2011</i>

HOUSE No. 2394

By Mr. Fennell of Lynn, a petition (accompanied by bill, House, No. 2394) of Robert F. Fennell relative to local housing residents and property trespassing. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2216 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to provide additional protection to local housing authority residents and local housing authority property from entry by persons after being forbidden as trespass.

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. Chapter 121 B of the Massachusetts General Laws is hereby amended by
2 striking Section 32 C in its entirety and inserting in its place the following:

3 Section 32 C Local housing authorities may prohibit access to public housing
4 developments a person who is not a member of a tenant household has, on or near a public
5 housing development or a subsidized housing development:

6 (a) caused serious physical harm to a member of a tenant household or employee of the
7 landlord or any other person lawfully on the premises of the housing authority;

8 (b) intentionally and willfully destroyed, vandalized, or stolen property of a member of a
9 tenant household or of the landlord or any other person lawfully on the premises of the housing
10 authority;

11 (c) intentionally and willfully destroyed, vandalized, or stolen property of a member of a
12 tenant household or of the landlord or any other person lawfully on the premises of the housing
13 authority and attempted to seriously physically harm a member of a tenant household or
14 employee of the landlord or any other person lawfully on the premises of the housing authority;

15 (d) possessed or carried a weapon in violation of section 10 of chapter 269 or possessed
16 or used an explosive or infernal machine, as such as defined in section 102A of chapter 266 with
17 the exception of fire-crackers or violated any other provision of section 101, 102, 102A or 102B
18 of said chapter 266;

19 (e) unlawfully sold or possessed with intent to distribute a controlled substance as
20 established as Class A, B, C, or D in section 31 of chapter 94C; or

21 (f) committed or threatened to commit a battery upon a person or damaged or repeatedly
22 threatened to commit damage to the property of another for the purpose of intimidation because
23 of the person's race, color, religion, or national origin or on account of the person's participation
24 in an eviction proceeding; the landlord of such premises may bring a civil action for injunctive or
25 other appropriate equitable relief in order to prohibit the person from entering or remaining in or
26 upon the public or subsidized housing development, unless there is cause to believe that such
27 unlawful conduct is unlikely to continue or to pose a serious threat to the health or safety of the
28 development, the tenant households at such development, or the employees of the landlord.

29 Whenever a tenant or member of a tenant's household residing in a public or subsidized
30 housing development has caused or threatened to cause harm to another tenant, an employee of
31 the landlord, or any other person who is known or believed to be a witness in an eviction against
32 the tenant, the landlord may bring a civil action for injunctive or other appropriate equitable
33 relief in order to protect the witness from harm threatened by the tenant or member of the tenant
34 household.

35 Nothing in this section shall be read to limit the civil and criminal remedies otherwise
36 available under section thirty-nine of chapter two hundred and sixty-five or section one hundred
37 and twenty-seven B of chapter two hundred and sixty-six.

38 Local housing authorities may prohibit access to public housing developments or remove
39 persons from public housing developments who have undertaken the herein stated conduct by
40 personally communicating to said person or persons by a police officer or other person in charge
41 thereof a request to leave the premises.

42 Whoever knowingly, regardless of his or her intent, enters or remains in or upon the
43 premises of a public housing development and defies an order not to enter or remain upon the
44 premises of the public housing development or subsidized housing development that was
45 personally communicated by a police officer or other person in charge thereof shall be subject to
46 the penalties as stated in M.G.L. Chapter 266, Section 120.

47 A person who is found committing such trespass may be arrested by a sheriff, deputy
48 sheriff, constable or police officer and kept in custody in a convenient place, not more than
49 twenty-four hours, Sunday excepted, until a complaint can be made against him for the offence,
50 and he be taken upon a warrant issued upon such complaint.