HOUSE DOCKET, NO. 2238 FILED ON: 1/20/2011

HOUSE . . . . . No. 2789

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 adoption of the accompanying bill:

An Act relative to the renting or leasing of illegal residential premises.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John V. Fernandes	*10th Worcester*
Cory Atkins	*14th Middlesex*
Robert L. Hedlund	
Steven L. Levy	*4th Middlesex*
Richard T. Moore	
Chris Walsh	*6th Middlesex*

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HOUSE . . . . . No. 2789

By Mr. Fernandes of Milford, a petition (accompanied by bill, House, No. 2789) of John V. Fernandes and others for legislation to further regulate the renting or leasing of illegal residential premises. 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:

Chapter 186 of the General Laws is hereby amended by adding the following section:-

SECTION 1. Section 23. No person shall charge, demand, receive or accept any rent or other payment for the use or occupancy of any residential rental premises which is used or occupied in violation of a zoning by-law, the State Building Code or other codes, and of which said person has knowledge, or reason to know, and does permit.

Within 10 days following receipt of a notice to abate an unlawful occupancy violation, the owner of a residential premises shall serve upon the occupants of such using or occupying said residential premises a copy of this section and shall post a copy of this section in a common area of the premises accessible to all occupants thereof for inspection. Such owner or person

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

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