

HOUSE No. 1088

The Commonwealth of Massachusetts

PRESENTED BY:

Edward F. Coppinger

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 capital relief in a counterclaim.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>	<i>1/12/2015</i>

HOUSE No. 1088

By Mr. Coppinger of Boston, a petition (accompanied by bill, House, No. 1088) of Edward F. Coppinger relative to relief in a tenant counterclaim. Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1110 OF 2013-2014.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to capital relief in a counterclaim.

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 second paragraph of section 8A of chapter 239 of the General Laws, as
2 appearing in the 2010 Official Edition, is hereby amended by striking out, in lines 30 to 32,
3 inclusive, the words “and (4) the plaintiff does not show that the conditions complained of
4 cannot be remedied without the premises being vacated” and inserting in place thereof the
5 following words:— (4) the plaintiff does not show that the conditions complained of cannot be
6 remedied without the premises being vacated; and (5) the tenant or occupant files with any
7 counterclaim or claim of defense under this section a true copy of a bank statement evidencing
8 the deposit of all withheld rents as such rent became due.

9 SECTION 2. Said second paragraph of section 8A is hereby further amended by adding
10 the following sentence:— Any owner, tenant, or occupant may request an order requiring the

- 11 funds identified in the bank statement filed with the court under subparagraph (5) to be
- 12 maintained in escrow on such terms as the court deems equitable.