

HOUSE No. 1096

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 relative to capital relief.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Robert F. Fennell</i>	<i>10th Essex</i>	<i>1/16/2015</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>	<i>9/11/2019</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>9/11/2019</i>

HOUSE No. 1096

By Mr. Fennell of Lynn, a petition (accompanied by bill, House, No. 1096) of Robert F. Fennell, Leonard Mirra and Chris Walsh relative to relief in tenant counterclaims. 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.

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 2012 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.