

HOUSE No. 1277

The Commonwealth of Massachusetts

PRESENTED BY:

Tricia Farley-Bouvier

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 property storage summary process.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>1/15/2015</i>

HOUSE No. 1277

By Ms. Farley-Bouvier of Pittsfield, a petition (accompanied by bill, House, No. 1277) of Tricia Farley-Bouvier that certain landlords be provided an exemption for the costs of removing tenants’ personal property after an eviction. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to property storage summary process.

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 4 of chapter 239 of the General Laws, as appearing in the 2012 Official Edition,
2 is hereby amended by inserting after the word “storage”, in line 53, the following words:-
3 ; provided, however, that a plaintiff whose household income is 125 per cent or less of
4 the current poverty threshold established annually by the Community Services Administration
5 pursuant to section 625 of the Economic Opportunity Act, as amended, or who otherwise
6 receives public assistance under: transitional aid to families with dependent children; emergency
7 aid to the elderly, disabled and children; veterans’ benefits programs; Title XVI of the Social
8 Security Act; or the medicaid program, 42 U.S.C. A. 1396, et seq. shall not be required to pay
9 such costs. A plaintiff shall demonstrate such qualifying income or receipt of public assistance
10 by providing the officer serving an execution pursuant to this section with: (i) an affidavit of
11 indigency, as issued pursuant to section 27B of chapter 261; provided, that the affidavit does not
12 appear on its face to have been denied pursuant to section 27C or 27D of said chapter 261; or (ii)

13 a written declaration to that effect, made and signed under the penalties of perjury. The officer
14 shall submit a copy of any affidavit or declaration so provided to the court that issued the
15 summary process judgment together with the receipt required by subsection (a). Any costs of
16 removing the property to the place of storage not paid by a plaintiff, who is properly exempt
17 from such payment, shall be included as a warehouse storage fee and may be included in the
18 warehouse's lien created under this section.