

HOUSE No. 1663

The Commonwealth of Massachusetts

PRESENTED BY:

Timothy R. Whelan

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 requiring rent escrow.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>James J. Lyons, Jr.</i>	<i>18th Essex</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>

HOUSE No. 1663

By Mr. Whelan of Brewster, a petition (accompanied by bill, House, No. 1663) of Timothy R. Whelan, James J. Lyons, Jr., and Shaunna L. O’Connell relative to rent escrow accounts in eviction actions involving counterclaims concerning the conditions of the premises. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1662 OF 2013-2014.]

The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**
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An Act requiring rent escrow.

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. Notwithstanding any law or special law to the contrary Chapter 239 General
2 Laws, Section 2 shall be amended by adding the following paragraph at the end thereof:

3 For residential housing units in a housing facility where the landlord own five or fewer
4 housing units, any tenant of residential property asserting in an answer to a complaint for
5 eviction that the conditions of the premises are reason said tenant should not be evicted or should
6 not pay the rent shall do so by verified answer or counterclaim. The tenant shall deposit with the
7 court at the time said answer or counterclaim containing such allegation is filed with the court
8 the amount of the rent alleged in the complaint or proof that the amount of the rent due has been
9 escrowed in a segregated account in a Massachusetts bank in the name of both the tenant and the

10 landlord or shall file a bond for the amount of the rent. Deposit of the rent with the court shall be
11 waived by the clerk at filing if the tenant files with said answer or counterclaim, an affidavit that
12 includes details regarding notices to the landlord concerning the conditions of the premises,
13 complaints to the local health department, copies of any correspondence to and from the landlord
14 and local health department. If said affidavit fails to provide such detail it shall be rejected by the
15 clerk and the deposit of rent as described above shall be required. If the tenant fails to provide
16 such affidavit or deposit at the time of filing said answer or counterclaim, any part of the answer
17 or counterclaim relating to the conditions of the premises shall be dismissed.