

**HOUSE . . . . . No. 980**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Chris Walsh*

*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 rent escrow.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>1/12/2017</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>	
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	
<i>Jack Lewis</i>	<i>7th Middlesex</i>	
<i>Bradford R. Hill</i>	<i>4th Essex</i>	<i>1/27/2017</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>	
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	
<i>Brian Murray</i>	<i>10th Worcester</i>	
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	
<i>Aaron Vega</i>	<i>5th Hampden</i>	
<i>James J. Lyons, Jr.</i>	<i>18th Essex</i>	
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	
<i>Kate D. Campanale</i>	<i>17th Worcester</i>	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	

*Alice Hanlon Peisch*  
*William C. Galvin*

*14th Norfolk*  
*6th Norfolk*

**HOUSE . . . . . No. 980**

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By Mr. Walsh of Framingham, a petition (accompanied by bill, House, No. 980) of Chris Walsh and others relative to rent escrow court actions. The Judiciary.

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act relative to 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: The fourth paragraph of section 8A of chapter 239 of the General Laws is  
2 hereby amended by striking out “Any tenant or occupant intending to invoke the provisions of  
3 this section may, after commencement of an action under this chapter by the landlord, voluntarily  
4 deposit with the clerk any amount for rent or for use and occupation which may be in dispute,  
5 and such payments shall be held by the clerk subject to the provisions of this paragraph.”

6           And replacing in its place thereof the following language -:

7           “Notwithstanding the foregoing, in the event that the originally scheduled trial date is  
8 continued for any reason, and upon motion of any party, the court after hearing shall require the  
9 tenant or occupant claiming under this section to deposit with the clerk of the court, the  
10 plaintiff’s attorney, or other secure depository each month (or at such other intervals as the court  
11 deems just) the amounts due for use and occupancy, calculated according to the fair market value  
12 of the premises, which amounts shall be held in escrow pending final disposition, unless the

13 court determines that such requirement would result in undue hardship to the tenant or occupant.  
14 In the event that a tenant or occupant fails to comply with an order requiring deposit, the court  
15 upon motion shall order the matter to be scheduled for bench trial at the earliest date available  
16 and make such further orders as the court deems just.”