

HOUSE No. 1357

The Commonwealth of Massachusetts

PRESENTED BY:

Nicholas A. Boldyga

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>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>	<i>1/16/2019</i>

HOUSE No. 1357

By Mr. Boldyga of Southwick, a petition (accompanied by bill, House, No. 1357) of Nicholas A. Boldyga relative to advance rent and security deposits. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 724 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

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” and
6 inserting in place thereof the following:-

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 a hearing shall require
9 the tenant or occupant claiming under this section to deposit with the clerk of the court, the
10 plaintiff’s attorney, or other secure depository in such amount and at such intervals, the amounts

11 due for use and occupancy, calculated according to the fair market value of the premises, which
12 amounts shall be held in escrow pending final disposition. Amounts held in escrow shall go first
13 to repairs. In the event that a tenant or occupant fails to comply with an order requiring deposit,
14 the court upon motion shall order the matter to be scheduled for bench trial at the earliest date
15 available and make such further orders as the court deems just.”