

HOUSE No. 1347

The Commonwealth of Massachusetts

PRESENTED BY:

F. Jay Barrows

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>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>1/16/2019</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>1/30/2019</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>2/1/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/1/2019</i>

HOUSE No. 1347

By Mr. Barrows of Mansfield, a petition (accompanied by bill, House, No. 1347) of F. Jay Barrows and others relative to rent escrow court actions. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 980 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.”

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.”