SENATE DOCKET, NO. 231 FILED ON: 1/10/2019

SENATE . . . . . No. 1023

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 promoting rental housing stability.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Bruce E. Tarr	*First Essex and Middlesex*	
David Allen Robertson	*19th Middlesex*	*2/1/2019*

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SENATE . . . . . No. 1023

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1023) of Bruce E. Tarr and David Allen Robertson for legislation to promote rental housing stability. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *948* OF 2017-2018.]

The Commonwealth of Massachusetts

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

An Act promoting rental housing stability.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1A of chapter 239 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting at the end thereof the following paragraph:

A lessor of land or tenements used for residential purposes may bring an emergency action to recover possession upon a showing that significant damage to the premises is occurring or is likely to result from continued occupancy of the tenant. A hearing on such action shall be held within 14 days after the action is initiated.

SECTION 2. Section 8A of said chapter 239, as so appearing, is hereby amended by striking the second paragraph in its entirety and inserting in place thereof the following:

Whenever any counterclaim or claim of defense under this section is based on any allegation concerning the condition of the premises or the services or equipment provided therein, the tenant or occupant shall not be entitled to relief under this section unless:

(1) the owner or his agents, servants, or employees, or the person to whom the tenant or occupant customarily paid his rent knew of such conditions before the tenant or occupant was in arrears in his rent;

(2) the tenant, within 7 days of the typical rent payment date, deposited the withheld rent with the clerk to be held in escrow;

(3) the plaintiff does not show that such conditions were caused by the tenant or occupant or any other person acting under his control; except that the defendant shall have the burden of proving that any violation appearing solely within that portion of the premises under his control and not by its nature reasonably attributable to any action or failure to act of the plaintiff was not so caused;

(4) the tenant shows that, upon reasonable notice by the owner, they did not unreasonably deny access to the owner or owner's representative to make the repairs or alterations;

(5) the premises are not situated in a hotel or motel, nor in a lodging house or rooming house wherein the occupant has maintained such occupancy for less than three consecutive months; and

(6) the plaintiff does not show that the conditions complained of cannot be remedied without the premises being vacated; provided, however, that nothing in this clause shall be construed to deprive the tenant or occupant of relief under this section when the premises are

temporarily vacated for purposes of removal or covering of paint, plaster, soil or other accessible materials containing dangerous levels of lead pursuant to section one hundred and ninety-seven of chapter one hundred and eleven.

SECTION 3. Said section 8A of said chapter 239, as so appearing, is hereby further amended in the last sentence of the fourth paragraph by striking, in line 74, the word “may” and inserting in place thereof the following word:- “shall”.

SECTION 4. Said section 8A of said chapter 239, as so appearing, is hereby further amended by inserting at the end thereof the following paragraph:-

Any rent withheld and placed in escrow with the clerk based on any allegation concerning the condition of the premises or the services or equipment provided therein, shall be released to the owner or owner’s representative within 21 days following cure of the defect for which rent was withheld, provided that the local board of health has inspected the property and certified that the defect has been cured.