

HOUSE No. 1784

The Commonwealth of Massachusetts

PRESENTED BY:

Paul McMurtry

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 to promote housing stability.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|----------------------|-----------------------|------------------|
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> | <i>2/17/2021</i> |
| <i>Vanna Howard</i> | <i>17th Middlesex</i> | <i>2/18/2021</i> |

HOUSE No. 1784

By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 1784) of Paul McMurtry and Vanna Howard relative to the recovery of withheld rent. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to promote 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:

1 SECTION 1. Section 8A of chapter 239 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by striking the fourth paragraph in its entirety and inserting
3 in place thereof the following:-

4 “There shall be no recovery of possession pursuant to this chapter pending final
5 disposition of the plaintiff’s action if the court finds that the requirements of the second
6 paragraph have been met. The court after hearing the case may require the tenant or occupant
7 claiming under this section to pay to the clerk of the court the fair value of the use and
8 occupation of the premises less the amount awarded the tenant or occupant for any claim under
9 this section. Notwithstanding the foregoing, in the event the originally scheduled trial date is
10 continued for any reason and any party to the action moves the court to establish a rent escrow
11 pending a final decision on the merits of the case, the court shall promptly hear said motion in
12 accordance with the rules governing summary process matters and order said tenant or occupant
13 to make deposits with the clerk, plaintiff’s attorney or other secure depository, the fair market

14 value of the premises on account of use and occupation of the premises in such amount(s) or in
15 such installments thereof from time to time as the court deems just. In the event any tenant or
16 occupant fails to abide by the court's rent escrow order, then in that event the court, upon the
17 filing of a motion by the aggrieved party, shall order the matter to be scheduled for a bench trial
18 on the earliest available date and make such other and/or further orders as the court deems just."