

**HOUSE . . . . . No. 1380**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Edward F. Coppinger*

*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 capital relief in a counterclaim.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>	<i>2/5/2021</i>

**HOUSE . . . . . No. 1380**

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By Mr. Coppinger of Boston, a petition (accompanied by bill, House, No. 1380) of Edward F. Coppinger relative to relief in a tenant counterclaim. Housing.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1259 OF 2019-2020.]

**The Commonwealth of Massachusetts**

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

An Act relative to capital relief in a counterclaim.

*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 second paragraph of section 8A of chapter 239 of the General Laws, as  
2 appearing in the 2010 Official Edition, is hereby amended by striking out, in lines 30 to 32,  
3 inclusive, the words “and (4) the plaintiff does not show that the conditions complained of  
4 cannot be remedied without the premises being vacated” and inserting in place thereof the  
5 following words:— (4) the plaintiff does not show that the conditions complained of cannot be  
6 remedied without the premises being vacated; and (5) the tenant or occupant files with any  
7 counterclaim or claim of defense under this section a true copy of a bank statement evidencing  
8 the deposit of all withheld rents as such rent became due.

9           SECTION 2. Said second paragraph of section 8A is hereby further amended by adding  
10 the following sentence:— Any owner, tenant, or occupant may request an order requiring the

- 11 funds identified in the bank statement filed with the court under subparagraph (5) to be
- 12 maintained in escrow on such terms as the court deems equitable.