

HOUSE No. 1316

The Commonwealth of Massachusetts

PRESENTED BY:

Kip A. Diggs

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 reducing barriers to housing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kip A. Diggs</i>	<i>2nd Barnstable</i>	<i>1/17/2023</i>

HOUSE No. 1316

By Representative Diggs of Barnstable, a petition (accompanied by bill, House, No. 1316) of Kip A. Diggs relative to reducing barriers to housing. Housing.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to reducing barriers to housing.

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

1 Clause (iii) of paragraph (b) of subsection (1) of section 15B of chapter 186 of the
2 General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the
3 words “subsection (2)”, the following words:-

4 provided however, that instead of requiring payment of a security deposit, a lessor and a
5 tenant or prospective tenant may agree to a fee for the purchase of security deposit insurance.
6 The lessor shall utilize the security deposit insurance fee to purchase insurance coverage for
7 unpaid rent or unit damage that applies to that tenant’s lease. The security deposit insurance fee
8 may: (A) be entirely or partially non-refundable, if disclosed in the lease and separately agreed to
9 by the tenant; and (B); (C) be a recurring monthly fee, or payable upon any schedule and in an
10 amount that the lessor and tenant choose, the total of which shall not exceed the first month’s
11 rent. A court, arbitrator, mediator or any other dispute resolution adjudicator shall not consider a
12 security deposit insurance fee to be a security deposit or consider it to be governed by any laws
13 or regulations governing security deposits. A lessor shall not be obligated to offer a security

14 deposit insurance fee option, but if a lessor chooses to offer the insurance fee option, they shall:
15 (1) ensure that it is optional for the tenant, and that the tenant may choose to pay a full security
16 deposit rather than a security deposit insurance fee; (2) not use a prospective tenant's choice to
17 pay a security deposit insurance fee or a traditional security deposit as a criterion in the
18 determination of whether to approve an application for occupancy; (3) offer the insurance fee
19 option to every prospective tenant whose application for occupancy has been approved,
20 regardless of income, race, gender, disability, sexual orientation, immigration status, size of
21 household or credit score; and (4) allow any tenant that agrees to pay a security deposit insurance
22 fee to opt-out of a continuing security deposit insurance fee obligation upon full payment of the
23 security deposit that is otherwise in effect for the tenant's apartment on the day of the opt-out;