

**JOINT COMMITTEE ON THE JUDICIARY
BILL SUMMARY**

BILL NO. H1664

TITLE: An Act relative to rent escrow.

SPONSOR: Rep. David DeCoste

COSPONSOR(S): None

HEARING DATE: April 22, 2025

PRIOR HISTORY: H1465 (2023 – 2024)
H1533 (2021 – 2022)
H3768 (2019 – 2020)

SENATE BILL: None

CURRENT LAW: Section 8A of Chapter 239 of the General Laws gives a tenant or occupant who is a defendant in an action to recover possession of rented premises the right to raise a defense or counterclaim for breach of warranty, breach of a material provision of the rental agreement or violation of any other law, and claim damages. The law then outlines the standards for a defense or counterclaim based on the condition of the premises. The law also permits the tenant or occupant invoking the provisions of the section to voluntarily deposit with the clerk any amount which may be in dispute.

BILL SUMMARY: This legislation removes the voluntary deposit language in Section 8A of Chapter 239 and inserts language stating that if the original trial date of the action is continued for any reason and upon motion of a party the court shall, after hearing, require the tenant or occupant to deposit in a secure depository the amount due for use and occupancy including any amount due from the start of withholding calculated according to the fair market value of the premises. These amounts will be held in escrow pending final disposition of the action and upon disposition shall go first to repairs. If the tenant or occupant fails to comply with an order requiring this deposit the court shall order the matter scheduled for a bench trial at the earliest date available.