HOUSE DOCKET, NO. 2947 FILED ON: 1/21/2011

HOUSE . . . . . No. 2274

The Commonwealth of Massachusetts

PRESENTED BY:

Chris Walsh

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 passage of the accompanying:

An Act requiring the use of escrow accounts during rent disputes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Chris Walsh	*6th Middlesex*
Steven L. Levy	*4th Middlesex*
John P. Fresolo	*16th Worcester*
John W. Scibak	*2nd Hampshire*
Jennifer L. Flanagan	☐ *[District]* ☐
Michael D. Brady	*9th Plymouth*
Thomas P. Kennedy	☐ *[District]* ☐
Benjamin Swan	*11th Hampden*

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HOUSE . . . . . No. 2274

By Mr. Walsh of Framingham, a petition (accompanied by bill, House, No. 2274) of Chris Walsh and others relative to requiring the use of escrow accounts during rent disputes. The Judiciary.

The Commonwealth of Massachusetts

An Act requiring the use of escrow accounts during rent disputes.

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. In Section 8A of Chapter 239 of the General Laws, is hereby amended by changing the following in paragraph 2:

After“under this section unless: " Delete "(1)" and add the following line "(1) The tenant or occupant deposits with the clerk all rent due prior to final disposition of the plaintiff’s action; (2)", after "the plaintiff was not so caused;" delete "(3)" and add "(4)"; after "three consecutive months; and" delete "(4)", and add "(5)".

After "occupant customarily paid his rent" delete the word “knew” and add “was given written notice”

After “occupant of relief under this section”, add the following line "when the tenant otherwise applies rent pursuant to section one hundred twenty-seven of chapter one hundred eleven (L) or"

SECTION 2. Section 8A of Chapter 239 of the General Laws, is hereby amended by changing the following in paragraph 4:

After "hearing the case" delete the word "may" and add the word "shall";

After "hearing the case may require"; delete “the tenant or occupant claiming under this section to pay to”.

After “the clerk of the court” add "to pay to the landlord, from the deposit required by the second paragraph,"

After "any claim under this section." delete "or to make a deposit with the clerk of such amount or such installments thereof from time to time as the court may direct, for the occupation of the premises."

22 After "the court after a hearing" deleter the word "may" and add the word "shall"

23 After "invoke the provisions of this section" delete the word "may" and add the word
24 "shall"

25 After "any amount for rent which" delete the word "may" and add the word "shall"

26 After "clerk any amount for rent" delete "or for use and occupation"

27 After "chapter by the landlord," delete the word "voluntarily"

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