

HOUSE No. 3768

The Commonwealth of Massachusetts

PRESENTED BY:

David F. DeCoste

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 rent escrow.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>

HOUSE No. 3768

By Mr. DeCoste of Norwell, a petition (accompanied by bill, House, No. 3768) of David F. DeCoste and John J. Lawn, Jr., relative to rent escrow. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to rent escrow.

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

1 The fourth paragraph of section 8A of chapter 239 of the General Laws, as appearing in
2 the 2016 Official Edition, is hereby amended by striking out the last sentence and inserting in
3 place thereof the following 4 sentences:- If the originally scheduled trial date is continued for
4 any reason, and upon motion of any party, the court shall, after a hearing, require the tenant or
5 occupant intending to invoke this section to deposit with the clerk of the court, the plaintiff's
6 attorney or other secure depository the amount: (1) due for use and occupancy each month or (2)
7 due upon the frequency required pursuant to the rental agreement; provided, that said amounts
8 shall include any amount due from the start of withholding, calculated according to the fair
9 market value of the premises. Said amounts shall be held in escrow pending final disposition of
10 the summary process action. Upon final disposition of the summary process action, amounts held
11 in escrow shall go first to repairs. If a tenant or occupant fails to comply with an order requiring
12 deposit, the court, upon motion, shall order the matter to be scheduled for bench trial at the
13 earliest date available and make such further orders as the court deems just.