

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:Edward F. Coppinger10th Suffolk

HOUSE No. 654

By Mr. Coppinger of Boston, a petition (accompanied by bill, House, No. 654) of Edward F. Coppinger relative to relief in a tenant counterclaim. Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION SEE HOUSE, NO. 1088 OF 2015-2016.]

The Commonwealth of Alassachusetts

In the One Hundred and Ninetieth General Court (2017-2018)

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.