

By Mr. Frank of Boston, petition of Lowell F. Richards III relative to regulating the rights of occupants to receive rents placed in escrow due to housing conditions in violation of the State Sanitary Code or other standards. Urban Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT REGULATING THE RIGHTS OF OCCUPANTS TO RECEIVE RENTS PLACED IN ESCROW DUE TO HOUSING CONDITIONS IN VIOLATION OF THE STATE SANITARY CODE OR OTHER STANDARDS.

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

1 Chapter 111 is hereby amended by inserting after section
2 127L the following section:

3 *Section 127M.* Notwithstanding any other provision of law,
4 or any agreement whether oral or in writing, whenever the
5 board of health or local code enforcement agency or, in the
6 City of Boston, the commissioner of housing inspection or a
7 court of law certifies a residential premises as being in violation
8 of the standards of fitness for human habitation established
9 under the state sanitary code or any ordinance, by-law, rule or
10 regulation and that such violation or combination of violations
11 may endanger or materially impair the health, safety, or well
12 being of the occupants of said residential premises and the
13 owner, landlord, or person or corporation in control of the
14 property and the structures thereon is notified in writing of
15 said certification by the certifying agency, the duty of any
16 occupant of such residential premises to pay rent to the owner,
17 landlord, or person or corporation in control of the property
18 and structures thereon or person or corporation authorized to
19 receive rents for the owner, landlord or person or corporation
20 in control of the property shall be suspended without altering

21 any other terms or provisions of the landlord-occupant relation-
22 ship until said residential premises is certified by the board of
23 health or local code enforcement agency, or, in the City of
24 Boston, by the commissioner of housing inspection, or by a
25 court of law as no longer being in violation of the standards of
26 fitness for human habitation established under the state sani-
27 tary code, or any ordinance, by-law, rule or regulation such
28 that said violation or combination of violations may endanger
29 or materially impair the health, safety or well being of the
30 occupants of said residential premises. Any occupant of such
31 residential premises may fulfill the requirement of notice to the
32 owner, landlord, or person in control of the property specified
33 above by notifying in writing, by regular mail or in person, the
34 corporation or person to whom he normally pays rent of said
35 certification of said premises.

36 During any period when the duty to pay rent to the owner,
37 landlord or person or corporation in control of the property
38 and structures thereon or person or corporation authorized to
39 receive the rent is suspended, and the occupant continues to
40 occupy the premises, the rent shall be deposited by the
41 occupant in an escrow account in a bank or trust company
42 approved by the local board of health or other local code
43 enforcement agency or, in the City of Boston, the commission-
44 er of housing inspection, who shall be responsible for informing
45 any occupant of such residential premises, certified, as provided
46 above, of the names and locations of such approved banks or
47 trust companies. Any monies deposited and remaining in
48 escrow shall be paid to the owner, landlord, or person or
49 corporation in control of the property or authorized to receive
50 rent only if the residential premises is certified by the board of
51 health, local code enforcement agency, or, in the City of
52 Boston, the commissioner of housing inspection as no longer
53 being in violation of the standards of fitness for human
54 habitation established under the state sanitary code, or any
55 ordinance, by-law, rule or regulation such that said violation or
56 combination of violations may endanger or materially impair
57 the health, safety, or well being of the occupants of said
58 residential premises within six (6) months from the date on
59 which the residential premises was certified as in violation of

60 the standards of fitness for human habitation established under
61 the state sanitary code or any ordinance, by-law, rule, or
62 regulation and that such violation or combination of violations
63 may endanger or materially impair the health, safety, or well
64 being of the occupants of said premises. Otherwise, after said
65 six (6) month period has expired, all moneys deposited and
66 remaining in escrow shall be returned to the depositor upon
67 demand.

68 The board of health, local code enforcement agency, or, in
69 the City of Boston, the commissioner of housing inspection
70 may authorize the release of funds from an escrow account to
71 make payments for utilities which were provided after the
72 initiation of the escrow period and for which the owner,
73 landlord, or person or corporation in control of the property
74 and structures thereon would otherwise be responsible and shall
75 authorize the final release of the escrowed moneys as provided
76 above. Return of the escrowed moneys to the occupant shall
77 not prohibit said occupant from continuing to deposit rents in
78 escrow and benefiting from all provisions of this section
79 provided each subsequent escrow period is initiated by certifi-
80 cation of the residential premises by the board of health or
81 local code enforcement agency or, in the City of Boston, the
82 commissioner of housing inspection or by a court of law as
83 being in violation of the standards of fitness for human
84 habitation established under the state sanitary code or any
85 ordinance, by-law, rule or regulation and that such violation or
86 combination of violations may endanger or materially impair
87 the health, safety, or well being of the occupants.

88 No owner, landlord, or person or corporation in control of
89 the property and structures thereon or authorized to receive
90 rents for residential premises for which the duty to pay rent
91 has been suspended as herein provided may initiate summary
92 process proceedings against any occupant of such residential
93 premises for any reason whatsoever other than arrearage pay-
94 ment into escrow as herein described. No summary process
95 proceedings shall be initiated unless payments into escrow are
96 at least one months in arrears nor while rent is deposited in
97 escrow on substantially the same schedule as rent was paid
98 prior to initiation of this escrow procedure. Any summary

99 process proceedings already initiated shall be dismissed upon
100 payment to the appropriate bank or trust company or to the
101 court of all escrow payments necessary to prevent the initiation
102 of summary process proceedings as specified above. The de-
103 positor shall receive any escrowed rents which he would
104 otherwise be entitled to notwithstanding eviction or vacation.
105 Any occupant depositing rent in escrow shall not be denied
106 benefit of any other provision of law. Any occupant may
107 petition in court as provided in sections 127C and 127F and
108 request the court to administer the provisions of this section
109 including but not limited to receiving escrow payments, re-
110 leasing funds for utility payments as herein specified, and
111 return of the funds remaining in escrow to the depositor if
112 warranted as specified in this section.