

HOUSE No. 4325

By Mr. Palumbo of Newbury, petition of Thomas G. Palumbo and others for legislation to provide for the mandatory escrowing of withheld rent to facilitate resolution of summary process cases. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Six.

AN ACT PROVIDING FOR THE MANDATORY ESCROWING OF WITHHELD RENT TO FACILITATE RESOLUTION OF SUMMARY PROCESS CASES.

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

1 That Chapter 239, Section 8A be deleted and the following
2 section be added in its place: —

3 Rent Withholding. No tenant shall withhold rent on a dwelling
4 unit if the rent is not current and unless there has been an inspection
5 conducted under 105 CMR 410.000, the owner cited for violations
6 and a determination made that the violations were sufficiently
7 serious that a withholding is justified. One month's rent is to be
8 escrowed and proof of said escrowing shall be required in order for
9 a defense of legal rent withholding to be allowed. Security deposits
10 and/or last month's rent shall not be considered as withheld rent
11 under this section. The agent to hold the monies escrowed shall be
12 the probation department of the district court or other suitable
13 department as determined by the court. Where there is jurisdiction
14 by a Housing Court, the escrow will be held by the nearest district
15 court. Upon settlement of the action, the funds will be turned over
16 to the Clerk-Magistrate who will forward them to the prevailing
17 party in the action.

