

HOUSE No. 2625

By Mr. DeFilippi of West Springfield, petition of Walter A. DeFilippi that provision be made for the mandatory escrowing of withheld rents to facilitate the resolution of summary process cases. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Four.

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
5 inspection conducted under 105 CMR 410.00, the owner cited for
6 violations and a determination made that the violations were
7 sufficiently serious that a withholding is justified. One month's
8 rent is to be escrowed and proof of said escrowing shall be required
9 in order for a defense of legal rent withholding to be allowed.
10 Security deposit and/or last month's rent shall not be considered
11 as withheld rent under this section. The agent to hold the monies
12 escrowed shall be the probation department of the district court
13 of other suitable department as determined by the court. Where
14 there is jurisdiction by a Housing Court, the escrow will be held
15 by the nearest district court. Upon settlement of the action, the
16 funds will be turned over to the prevailing party in the action.

