

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Robert F. Fennell**

*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 passage of the accompanying bill:

**An Act To Provide Additional Protection To Local Housing Authority Residents and Local Housing Authority Property From Entry By Persons After Being Forbidden As Trespass.**

PETITION OF:

NAME:

Robert F. Fennell

DISTRICT/ADDRESS:

10th Essex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT TO PROVIDE ADDITIONAL PROTECTION TO LOCAL HOUSING AUTHORITY RESIDENTS AND LOCAL HOUSING AUTHORITY PROPERTY FROM ENTRY BY PERSONS AFTER BEING FORBIDDEN AS TRESPASS.

*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. Chapter 121 B of the Massachusetts General Laws is hereby amended by striking Section 32 C  
2 in its entirety and inserting in its place the following:

3 Section 32 C Local housing authorities may prohibit access to public housing developments a person  
4 who is not a member of a tenant household has, on or near a public housing development or a  
5 subsidized housing development:

6 (a) caused serious physical harm to a member of a tenant household or employee of the landlord  
7 or any other person lawfully on the premises of the housing authority;

8 (b) intentionally and willfully destroyed, vandalized, or stolen property of a member of a tenant  
9 household or of the landlord or any other person lawfully on the premises of the housing  
10 authority;

11 (c) intentionally and willfully destroyed, vandalized, or stolen property of a member of a tenant  
12 household or of the landlord or any other person lawfully on the premises of the housing  
13 authority and attempted to seriously physically harm a member of a tenant household or  
14 employee of the landlord or any other person lawfully on the premises of the housing authority;

15 (d) possessed or carried a weapon in violation of section 10 of chapter 269 or possessed or used  
16 an explosive or infernal machine, as such as defined in section 102A of chapter 266 with the  
17 exception of fire-crackers or violated any other provision of section 101, 102, 102A or 102B of said  
18 chapter 266;

19 (e) unlawfully sold or possessed with intent to distribute a controlled substance as established as  
20 Class A, B, C, or D in section 31 of chapter 94C; or

21 (f) committed or threatened to commit a battery upon a person or damaged or repeatedly  
22 threatened to commit damage to the property of another for the purpose of intimidation because  
23 of the person's race, color, religion, or national origin or on account of the person's participation  
24 in an eviction proceeding; the landlord of such premises may bring a civil action for injunctive or  
25 other appropriate equitable relief in order to prohibit the person from entering or remaining in or  
26 upon the public or subsidized housing development, unless there is cause to believe that such  
27 unlawful conduct is unlikely to continue or to pose a serious threat to the health or safety of the  
28 development, the tenant households at such development, or the employees of the landlord.

29 Local housing authorities may prohibit access to public housing developments or remove persons from  
30 public housing developments who have undertaken the herein stated conduct by personally  
31 communicating to said person or persons by a police officer or other person in charge thereof a request  
32 to leave the premises.

33 Whoever knowingly, regardless of his or her intent, enters or remains in or upon the premises of a  
34 public housing development and defies an order not to enter or remain upon the premises of the public  
35 housing development or subsidized housing development that was personally communicated by a police  
36 officer or other person in charge thereof shall be subject to the penalties as stated in M.G.L. Chapter  
37 266, Section 120.

38 A person who is found committing such trespass may be arrested by a sheriff, deputy sheriff, constable  
39 or police officer and kept in custody in a convenient place, not more than twenty-four hours, Sunday  
40 excepted, until a complaint can be made against him for the offence, and he be taken upon a warrant  
41 issued upon such complaint.