

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

John V. Fernandes

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 relative to the renting or leasing of illegal residential premises.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John V. Fernandes	10th Worcester
Christine E. Canavan	10th Plymouth
James R. Miceli	19th Middlesex
Denise Provost	27th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 5136 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE RENTING OR LEASING OF ILLEGAL RESIDENTIAL PREMISES.

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 186 of the General Laws is hereby amended by adding the following section:-

2

3 SECTION 1. Section 23. No person shall charge, demand, receive or accept any rent or other payment
4 for the use or occupancy of any residential rental premises which is used or occupied in violation of a
5 zoning by-law, the State Building Code or other codes, and of which said person has knowledge, or
6 reason to know, and does permit.

7

8 Within 10 days following receipt of a notice to abate an unlawful occupancy violation, the owner of a
9 residential premises shall serve upon the occupants of such using or occupying said residential premises
10 a copy of this section and shall post a copy of this section in a common area of the premises accessible
11 to all occupants thereof for inspection. Such owner or person shall serve such occupants a notice to
12 vacate the property, requiring that the property be vacated within ten (10) days.

13

14 Any person found in violation of this section shall be subject to a fine of not less than \$500 not more
15 than \$2,000, or by imprisonment of not more than 90 days, or both.

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17 In addition to requiring relocation assistance to displaced tenants, the owner-landlord may be fined an
18 amount equal to 6 times the monthly rented for zoning and housing code violations to be paid to the
19 city or town. In addition to the above penalties the court may impose a fine equal to the tuition costs of
20 any resident of the illegal tenant attending a public school which fine shall be received in a civil action by
21 a summary proceeding in the name of the city or town. The district court and superior court divisions of
22 the trial shall have jurisdiction of this section. The tuition costs shall be determined in the manner
23 prescribed for nonresident student and shall be paid to the school district.

24

25 Where an owner is convicted of a violation of this section be required to permanently remove the
26 kitchen and bathroom if it exists, and all electrical and plumbing that was installed without the proper
27 permits. The term, remove the kitchen shall mean removal of the stove, refrigerator and sinks in any
28 such structure. The building inspector or his designee shall inspect the premises to insure all such
29 removal is accomplished within 30 days of the notice to remove.

30

31 Any tenant who receives a notice of eviction that results from zoning or code enforcement activity for
32 an illegal occupancy shall be considered a displaced person and shall be entitled to relocation assistance
33 in an amount equal to 6 times the monthly rental paid by the displaced person. The owner-landlord of
34 the structure shall be liable for the payment of relocation assistance pursuant to this section.