

SENATE NO. 117

AN ACT DIRECTING THE DEPARTMENT OF TRANSITIONAL ASSISTANCE TO ENACT REGULATIONS PROVIDING FOR DIRECT PAYMENTS TO PROPERTY OWNERS ON BEHALF OF DEPARTMENT RECIPIENTS

*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. Notwithstanding any general or special law to the contrary, the Department of
2 Transitional Assistance is hereby authorized and directed to promulgate regulations creating a process
3 for property owners, landlords and property managers to apply for direct payment for delinquent rent
4 and/or damage to rental property. Said regulations shall be added to the appropriate section of the
5 code of Massachusetts regulations and must contain the following minimum standards:-

6 Within two weeks of a written notice from a property owner, landlord or property manager that
7 a recipient has not paid any rent for six consecutive weeks after the rent was due or that a judgment
8 has been entered against a recipient by a property owner, landlord or property manager for damages
9 caused to said owner's or manager's property which exceeds the amount of the security deposit, the
10 department shall schedule and hold a hearing with the appropriate area director of the department to
11 determine (1) whether direct payment shall be instituted and the reasons therefor; (2) whether the
12 tenant prefers that the department pay the property owner, landlord or property manager directly; (3) a
13 reasonable schedule for payment of the rent in arrears or the judgment for damages. The department

14 shall notify the property owner, landlord or property manager, the recipient, and appropriate
15 department personnel, including the recipient's social worker, of the hearing and of their opportunity to
16 testify. A party may be accompanied or represented by counsel or other persons.

17 If a recipient elects to waive his right to a hearing by sending a letter to the department
18 expressly waiving said right, direct payments shall be instituted and the recipient's social worker shall
19 negotiate a payment plan for rent arrearage or for payment of the amount of the judgment over such a
20 period to be determined by the department.

21 The department is not required to hold a hearing or to issue direct payments if the recipient has
22 terminated payment of rent for cause by providing evidence to the department that certifies that the
23 property does not comply with the sanitary code or violates other state or municipal health and safety
24 regulations.

25 An amount equal to the direct rental or arrearage or the amount of judgment shall be deducted
26 from the cash grant payable to such recipient in such amounts and during such duration as the
27 department shall prescribe.