

HOUSE No. 3744

The Commonwealth of Massachusetts

PRESENTED BY:

Samantha Montaño

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 adoption of the accompanying bill:

An Act petition for a special law authorizing the city of Boston to implement rent stabilization and tenant eviction protections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>3/15/2023</i>

HOUSE No. 3744

By Representative Montañó of Boston, a petition (accompanied by bill, House, No. 3744) of Samantha Montañó (with the approval of the mayor and city council) that the city of Boston be authorized to implement rent stabilization and tenant eviction protections. Housing. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act petition for a special law authorizing the city of Boston to implement rent stabilization and tenant eviction protections.

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

1 ORDERED: That a petition to the General Court, accompanied by a bill for a special law
2 relating to the City of Boston to be filed with an attested copy of this order be, and hereby is,
3 approved under Clause 1 of Section 8 of Article II, as amended, of the Articles of Amendment to
4 the Constitution of the Commonwealth of Massachusetts, provided that the Legislature may
5 reasonably vary the form and substance of the requested legislation within the scope of the
6 general public objectives of this petition.

7 PETITION FOR A SPECIAL LAW AUTHORIZING THE CITY OF BOSTON TO
8 IMPLEMENT RENT STABILIZATION AND TENANT EVICTION PROTECTIONS

9 SECTION 1. Findings and purpose. The general court finds and declares that a serious
10 state of emergency exists in the City of Boston (“the City”) with respect to housing, whereby
11 there is an inadequate supply of low cost rental housing; that, further action to protect residents

12 from exorbitant rent increases and evictions is necessary to address serious threats to the public
13 health, safety and general welfare, including housing insecurity, rent burden, homelessness, and
14 displacement, and further finds that a rent stabilization ordinance will address the most egregious
15 rent increases.

16 SECTION 2. Power for local rent regulation. The City of Boston may, by ordinance,
17 regulate the rent in multi-family housing and provide for reasonable exemptions from such
18 regulation.

19 (a) This section shall not apply to the following types of residential properties or
20 residential circumstances:

21 (i) Properties with six or fewer dwelling units in which one of the dwelling units is the
22 owner's principal residence.

23 (ii) Units in hotels, motels, or other facilities occupied by transient guests.

24 (iii) Housing accommodations in a nonprofit hospital, religious facility, extended care
25 facility, or licensed residential care facility for the elderly.

26 (iv) Dormitories owned and operated by an institution of higher education.

27 (v) Dwelling units in which the tenant shares bathroom or kitchen facilities with the
28 owner who maintains their principal residence at the residential real property.

29 (vi) Dwelling units for which the permanent certificate of occupancy is less than 15 years
30 old and were created as a result of 1) Ground up new construction, 2) a physical addition to an
31 existing residential building, or 3) conversion from another use to residential.

32 (vii) Dwelling units where the tenant pays a set percentage of their income to rent, either
33 because they hold a voucher, the unit is public housing, the unit has a project based voucher, or
34 where applicable federal or state law or administrative regulations specifically exempt them from
35 rent stabilization regulations.

36 (b) The City, on an annual basis, may set an annual maximum percentage rent increase
37 for rental units covered by this section, based on the change in the consumer price index, plus six
38 percent, or a maximum percentage increase of ten percent, whichever is lower. “Consumer price
39 index” refers to the annual 12-month average change in the Consumer Price Index for All Urban
40 Consumers, Boston-Cambridge-Newton (All Items), as published by the Bureau of Labor
41 Statistics of the United States Department of Labor in September of the prior calendar year.

42 (c) For rental dwelling units covered by this section, an owner shall not, over the course
43 of any 12-month period, increase the gross rental rate for a more than the percentage allowed in
44 part (b) above, times the lowest gross rental rate charged for that tenant at any time during the 12
45 months prior to the effective date of the increase.

46 (d) For a new tenancy in which no tenant from the prior tenancy remains in lawful
47 possession of the dwelling unit, the owner may establish the initial rental rate not subject to this
48 section. This section is only applicable to subsequent increases after that initial rental rate has
49 been established.

50 (e) The City may provide for fair return standards for the regulation of rent, which may
51 include but are not limited to, changes to permissible rental rates based upon certain maintenance
52 and capital costs and rapid increases in property taxes.

53 (f) The City may set tenant notification and rental registration requirements as necessary
54 to effectuate this section.

55 (g) The City may establish or designate an administrator or board, to promulgate
56 regulations pursuant to this section and govern local rent regulation.

57 SECTION 3. Just cause eviction protection. The provisions of this section shall be
58 applicable to all housing accommodations in the City of Boston; provided however, that the City
59 may provide for exemptions from the provisions of this section and any such exemption shall be
60 included in an ordinance adopted by the City. The City may, by ordinance, provide that a owner
61 shall not recover possession of a leased unit within residential dwelling unit unless the Housing
62 Court finds that:

63 (a) the tenant has failed to pay the rent to which the owner is entitled;

64 (b) the tenant has violated an obligation or covenant of his or her tenancy not inconsistent
65 with Massachusetts General Law chapter 93A, or this section, or the regulations issued pursuant
66 thereto, other than the obligation to surrender possession upon proper notice; and the tenant has
67 failed to cure such violation after having received written notice thereof from the owner;

68 (c) the tenant is committing or permitting to exist a nuisance in or is causing substantial
69 damage to the leased unit, or is creating a substantial interference with the comfort, safety or
70 enjoyment of the owner or other occupants of the same or any adjacent accommodations;

71 (d) the tenant has used or permitted a leased unit to be used for any illegal purposes;

72 (e) the tenant, who had a written lease agreement which terminated or is a tenant at will,
73 has refused, after written request or demand by the owner, to execute a written extension or

74 renewal thereof or lease for a further term of like duration, at a rental rate that does not exceed
75 the percentage set by the City of Boston, in accordance with this legislation and the ordinance
76 enacted as a result of this legislation;

77 (f) the tenant has refused the owner reasonable access to the unit for the purpose of
78 making necessary repairs or improvements required by the laws of the commonwealth or the
79 City of Boston, or for the purpose of inspection as permitted or required by such tenant's lease
80 agreement or by law, or for the purpose of showing the leased unit to any prospective purchaser
81 or mortgagee;

82 (g) the person holding at the end of a lease term is a subtenant not approved by the
83 owner;

84 (h) the owner seeks in good faith to recover possession of a leased unit for his or her own
85 use and occupancy or for the use and occupancy by his or her spouse, children, grandchildren,
86 great grandchildren, parents, grandparents, brother, sister, father-in-law, mother-in-law, son-in-
87 law, or daughter-in-law, and has provided the tenant with notice and a relocation payment as
88 established by the City by ordinance; or

89 (i) the owner seeks to recover possession for any other just cause, provided that his or her
90 purpose is not in conflict with the provisions and purposes of said chapter 93A or this section.

91 SECTION 4. Condominium and cooperative conversions. The City of Boston may, by
92 ordinance, regulate the conversion of residential dwellings to condominiums or cooperatives.
93 Such ordinance may include tenant notification requirements, relocation plans, tenant relocation
94 payments, permits, permit fees, and exemptions. Notification requirements and relocation
95 payments may vary based on income, age, and disability.

96 SECTION 5. Demolitions and substantial renovations. The City of Boston may, by
97 ordinance, create
98 requirements for tenant notification requirements, relocation plans, and tenant relocation
99 payments where an owner is seeking to demolish or substantially renovate a property that
100 requires a tenant to move. Notification requirements and relocation payments may vary based on
101 income, age, and disability.

102 SECTION 6. Severance Clause. The determination or declaration that any provision of
103 this act is beyond the authority of the general court or is preempted by law or regulation shall not
104 affect the validity or enforceability of any other provisions.

105 SECTION 7. Effective Date. This act shall take effect immediately upon signing by the
106 Governor.