

HOUSE No. 3373

The Commonwealth of Massachusetts

PRESENTED BY:

Adrian C. Madaro

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 relative to the just cause eviction of elderly lessees.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|----------------------------|------------------------------|------------------|
| <i>Adrian C. Madaro</i> | <i>1st Suffolk</i> | <i>1/18/2019</i> |
| <i>Kevin G. Honan</i> | <i>17th Suffolk</i> | <i>1/29/2019</i> |
| <i>Angelo M. Scaccia</i> | <i>14th Suffolk</i> | <i>1/29/2019</i> |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> | <i>1/30/2019</i> |
| <i>Bud L. Williams</i> | <i>11th Hampden</i> | <i>1/30/2019</i> |
| <i>Daniel J. Ryan</i> | <i>2nd Suffolk</i> | <i>1/31/2019</i> |
| <i>Edward F. Coppinger</i> | <i>10th Suffolk</i> | <i>1/31/2019</i> |
| <i>Brian M. Ashe</i> | <i>2nd Hampden</i> | <i>1/31/2019</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> | <i>1/31/2019</i> |
| <i>Liz Miranda</i> | <i>5th Suffolk</i> | <i>1/31/2019</i> |
| <i>David Biele</i> | <i>4th Suffolk</i> | <i>2/1/2019</i> |
| <i>Daniel R. Cullinane</i> | <i>12th Suffolk</i> | <i>2/1/2019</i> |
| <i>Michael O. Moore</i> | <i>Second Worcester</i> | <i>2/1/2019</i> |
| <i>Nika C. Elugardo</i> | <i>15th Suffolk</i> | <i>2/1/2019</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | <i>2/1/2019</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> | <i>2/1/2019</i> |
| <i>Chynah Tyler</i> | <i>7th Suffolk</i> | <i>2/1/2019</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> | <i>2/1/2019</i> |

| | | |
|----------------------------|-----------------------|-----------------|
| <i>Michelle L. Ciccolo</i> | <i>15th Middlesex</i> | <i>2/1/2019</i> |
| <i>Mike Connolly</i> | <i>26th Middlesex</i> | <i>2/1/2019</i> |
| <i>Nick Collins</i> | <i>First Suffolk</i> | <i>2/1/2019</i> |

HOUSE No. 3373

By Mr. Madaro of Boston, a petition (accompanied by bill, House, No. 3373) of Adrian C. Madaro and others relative to the just cause eviction of elderly lessees. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to the just cause eviction of elderly lessees.

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 239 of the General Laws is hereby amended by inserting after
2 section 2A the following section: -

3 Section 2B. In any city or town that accepts this section as provided in section 4 of
4 chapter 4 of the General Laws, a lessor may not recover possession of a leased unit within a
5 residential building consisting of six (6) units, or more, from a lessee seventy-five (75) years of
6 age, or older, unless the court finds that: (1) the lessee has failed to pay the rent to which the
7 lessor is entitled; (2) the lessee has violated an obligation or covenant of his or her tenancy not
8 inconsistent with Chapter 93A of the General Laws, or this section, or the regulations issued
9 pursuant thereto, other than the obligation to surrender possession upon proper notice; and the
10 lessee has failed to cure such violation after having received written notice thereof from the
11 lessor; (3) the lessee is committing or permitting to exist a nuisance in or is causing substantial
12 damage to the leased unit, or is creating a substantial interference with the comfort, safety or
13 enjoyment of the lessor or other occupants of the same or any adjacent accommodations; (4) the

14 lessee has used or permitted a leased unit to be used for any illegal purposes; (5) the lessee, who
15 had a written lease agreement which terminated or is a tenant at will, has refused, after written
16 request or demand by the lessor, to execute a written extension or renewal thereof or lease for a
17 further term of like duration, at a rental rate that does not exceed one-hundred five percent
18 (105%) of the rental rate under the prior lease agreement or at will tenancy, and on such terms
19 that are not inconsistent with or violative of any provision of Chapter 93A of the General Laws,
20 or of this section; (6) the lessee has refused the lessor reasonable access to the unit for the
21 purpose of making necessary repairs or improvements required by the laws of the
22 commonwealth or any political subdivision thereof, or for the purpose of inspection as permitted
23 or required by such lessee's lease agreement or by law, or for the purpose of showing the leased
24 unit to any prospective purchaser or mortgagee; (7) the person holding at the end of a lease term
25 is a sublessee not approved by the lessor; (8) the lessor seeks in good faith to recover possession
26 of a leased unit for his or her own use and occupancy or for the use and occupancy by his or her
27 spouse, children, grandchildren, great grandchildren, parents, grandparents, brother, sister,
28 father-in-law, mother-in-law, son-in-law, or daughter-in-law, and has provided the tenant with
29 180 days written notice and an offer of a relocation assistance payment equal to at least three
30 months' rent; or (9) the lessor seeks to recover possession for any other just cause, provided that
31 his or her purpose is not in conflict with the provisions and purposes of Chapter 93A of the
32 General Laws or this act.

33 A lessor must notify the clerk's office of the city or town in which the leased unit is
34 located prior to initiating judicial proceedings in compliance with this section.

35 A lessor who recovers possession of a leased unit in violation of this section shall be
36 punished by a fine not less than five thousand dollars (\$5,000.00). Each such recovery in

37 violation of this section shall constitute a separate offense. The district and superior courts and
38 the housing court shall have jurisdiction over an action arising from a violation of this section
39 and shall have jurisdiction in equity to restrain any such violation. It shall be a defense to a lessee
40 in an action pursuant to this section that a lessor attempted to recover a leased unit in violation of
41 this section.

42 SECTION 2. This act shall take effect upon its passage.