

HOUSE No. 3255

The Commonwealth of Massachusetts

PRESENTED BY:

Mike Connolly

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 protecting vulnerable tenants from displacement.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/18/2019</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>1/31/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/28/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/23/2019</i>
<i>Joan Meschino</i>	<i>3rd Plymouth</i>	<i>2/1/2019</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>1/30/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/28/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>2/1/2019</i>

HOUSE No. 3255

By Mr. Connolly of Cambridge, a petition (accompanied by bill, House, No. 3255) of Mike Connolly and others relative to the eviction of certain tenants. The Judiciary.

The Commonwealth of Massachusetts

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

An Act protecting vulnerable tenants from displacement.

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. The general court finds and declares that:
- 2 (i) a serious public health issue exists regarding the eviction of persons with disabilities,
- 3 the elderly, minor children, caretakers of households, and the poor;
- 4 (ii) mothers who are evicted are more than twice as likely to report that their child is in
- 5 poor health;
- 6 (iii) evictions that occur at a crucial developmental phase in children’s lives, have a
- 7 durable impact on their wellbeing;
- 8 (iv) homeless children are less likely to have a regular source of medical care and more
- 9 likely to use emergency rooms; and

10 (v) therefore it is in the public interest of the commonwealth and necessary for local
11 boards of public health to protect the public by certifying that a public health emergency exists
12 for these protected categories of persons who are at risk of eviction for no cause.

13 SECTION 2. Chapter 111 of the General Laws is hereby amended by inserting after
14 section 127P the following section: –

15 Section 127Q. (a) A city or town that accepts this section, in the manner provided in
16 section 4 of chapter 4, may provide for residential tenant protections as set forth in this section.

17 (b) Upon application of a residential tenant who has received initiation of a summary
18 process action under chapter 186 for termination of tenancy, the board of health or local code
19 enforcement agency, or in the cities of Boston, Worcester and Cambridge; by the commissioner
20 of housing inspection, the department of inspectional services, the Boston Public Health
21 Commission or the department of public health, in such city or town accepting the section, shall
22 issue a tenant protection order to a tenant who: (i) is being evicted for nonrenewal of the lease or
23 tenancy at will or (ii) the tenant has received a notice, either orally or in writing of an increase
24 intent in rent and is being evicted for the reason of failure to pay an increase in rent; provided,
25 however, that the tenant does not reside in an owner-occupied 1 to 3 family residential dwelling.

26 (c) A tenant eligible for a tenant protection order under this section shall include anyone
27 pursuant to subsection (b) who resides in a household whose income is at or below 150 per cent
28 of the area median income and who is at least 1 of the following: (1) residing in a household with
29 a minor child; (2) is or resides with an individual with a severe impairment that has either lasted,
30 or can be expected to last, for a minimum of 1 year; (3) is, or resides with, a person over the age

31 of 62; (4) a caretaker of a household member who qualifies for a tenant protection order under
32 clause (1) to (3), inclusive.

33 (d) The board of health or local code enforcement agency, or in the cities of Boston,
34 Worcester and Cambridge by the commissioner of housing inspection in such city or town shall
35 issue to the applicant a certified copy of the tenant protection order within 2 business days of the
36 tenant's application under this section.

37 SECTION 3. Chapter 239 of the General Laws is hereby amended by inserting after
38 section 1A the following section: –

39 Section 1B. (a) In a summary process matter for possession based on a notice to quit for
40 termination of a tenancy or nonpayment of rent for a rent increase as alleged by the tenant, the
41 court, upon receipt of a certified copy of a tenant protection order issued pursuant to section
42 127P of chapter 111 shall:-

43 (i) issue an order prohibiting the lessor from obtaining possession of the premises for a
44 period not to exceed 1 year, unless the court pursuant to its equitable jurisdiction finds
45 exceptional circumstances; and

46 (ii) issue an order for monthly use and occupancy payments equal to the last agreed upon
47 rent.

48 SECTION 4. Section 1B of chapter 239 of the General Laws is hereby repealed.

49 SECTION 5. Section 4 shall take effect on January 1, 2030.