

HOUSE No. 4452

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 26, 2020.

The committee on Consumer Protection and Professional Licensure, to whom were referred the petition (accompanied by bill, House, No. 214) of Tackey Chan for legislation to prohibit certain supplemental fees levied against prospective tenants or current tenants, and the petition (accompanied by bill, House, No. 342) of Paul A. Schmid, III and others for legislation to require that real estate brokers fees be paid by lessors, reports recommending that the accompanying bill (House, No. 4452) ought to pass.

For the committee,

TACKEY CHAN.

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

An Act relative to consumer rights of renters.

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. Section 87DDD ½ of chapter 112 of the General Laws, as appearing in the
2 2018 Official Edition, is hereby amended by adding at the end thereof the following:- This fee
3 shall only be paid by the lessor of the residential dwelling and shall not be transferred to or paid
4 by an other party.

5 SECTION 2. Section 15B of chapter 186 of the General Laws, as so appearing, is hereby
6 amended by inserting after the word “lessor” in line 16, the following words:- , or agent thereof,

7 SECTION 3. Said section 15B of said chapter 186 is hereby further amended by inserting
8 at the end of subsection (1)(e), in line 42, the following new subsection:-

9 (f) No lessor, or agent thereof, may charge a tenant or prospective tenant a supplemental
10 fee. No supplemental fee may be included as a condition of a lease. For the purpose of this
11 subsection “supplemental fee” shall mean a fee charging tenants for, but not limited to,
12 background checks, credit checks, state mandated property inspections, commission payments,
13 cleaning of the residential dwelling, lawn care and landscaping maintenance, pest control, and

14 personal out of pocket expenses. A supplemental fee may also be referred to as a processing fee,
15 administrative fee, transactional fee, compliance fee, or additional fee. Supplemental fees shall
16 not include a reasonable brokerage fee for the service of finding a property for lease.

17 SECTION 4. Said section 15B of said chapter 186 is hereby further amended by inserting
18 at the end thereof the following:-

19 (10) A lessor, or agent thereof, of a residential property shall not require the signing of a
20 lease more than three months in advance of the termination date of the current lease.