

HOUSE No. 5301

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 26, 2026.

The committee on Housing, to whom was referred the petition (accompanied by bill, House, No. 1553) of Samantha Montañó, Amy Mah Sangiolo and others relative to fees in rental housing, reports recommending that the accompanying bill (House, No. 5301) ought to pass [Representative DeCoste of Norwell dissents].

For the committee,

RICHARD M. HAGGERTY.

HOUSE No. 5301

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act to regulate junk fees in rental housing and advance housing production.

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 15B of Chapter 186 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out subsection (1)(b) and inserting in place
3 thereof the following subsection:-

4 (b) At or prior to the commencement of any tenancy, no owner, lessor, real estate broker
5 as defined by section 87PP of chapter 112, or agent thereof may require a tenant or prospective
6 tenant to pay any amount in excess of the following:

7 (i) rent for the first full month of occupancy; and

8 (ii) rent for the last full month of occupancy calculated at the same rate as the first month

9 (iii) a security deposit received in accordance with the requirements of this section equal
10 to the first month's rent, provided that such security deposit is deposited as required by
11 subsection (3) and that the tenant is given the statement of condition as required by subsection
12 (2);

13 (iv) the purchase and installation cost for a key and lock.

14 SECTION 2. Section 15B of Chapter 186 of the General Laws, as appearing in the 2022
15 Official Edition, is hereby amended by inserting at the end of subsection (1)(c) after the word
16 “due” the following:-

17 “and such penalty shall not exceed five percent of the tenant’s monthly rental obligation.
18 Such interest or penalty may not be imposed more than once for each failure to timely pay.”

19 SECTION 3. Section 15B of Chapter 186 of the General Laws, as appearing in the 2022
20 Official Edition, is hereby amended by inserting at the end of subsection (7)(A) the following
21 words:-

22 (7B) An owner, lessor, real estate broker, or agent thereof may not impose additional
23 amounts for renewing a lease or rental agreement or substituting parties to a lease or rental
24 agreement and may not increase any security deposit amount during the tenant’s occupancy.

25 (7C) Except as permitted in Section 22 of Chapter 186, an owner, lessor, or agent thereof
26 may not require in a lease or rental agreement that the tenant be responsible to the owner, lessor,
27 or agent thereof for costs or fees in addition to the contract rent including, but not limited to,
28 amenity fees, internet fees, or renters or liability insurance, unless the owner, lessor or agent
29 provides such costs or fees as optional, at the election of the tenant, and agreed to in a writing
30 that contains (i) a description of the good or service the fee or cost is for, (ii) the amount of the
31 fee or cost for the good or service, and (iii) instructions for how the tenant can cancel or opt out
32 of the good or service in accordance with 940 CMR. Sec. 38.05. At the tenant’s election, such
33 optional fees may be included in the contract rent where the tenant’s rent is subsidized by a third
34 party.

35 SECTION 4. Section 15B of Chapter 186 of the General Laws, as appearing in the 2022
36 Official Edition, is hereby amended by inserting at the end of subsection (9) the following
37 subsections:-

38 (10) Lessors or other persons in violation of this section shall pay damages to the tenant
39 or prospective tenant in the amount of 3 times the amount charged in excess of the allowable
40 amount to which the tenant or prospective tenant is entitled, together with court costs and
41 reasonable attorney's fees.

42 SECTION 5. Section 20 of Chapter 186 of the General Laws, as appearing in the 2022
43 Official Edition, is hereby amended by inserting at the beginning of the paragraph, the following
44 sentence:-

45 "Where a lease or other written rental agreement allows for the imposition of attorney's
46 fees, an owner, lessor, or agent thereof shall be prohibited from assessing a tenant any attorney's
47 fees in connection with the operation or rental of a residential unit unless the owner, lessor or
48 agent thereof has obtained a judgment in its favor on said claim and all appeal rights have been
49 exhausted, and the court, on motion, has determined that the fees are reasonable and agreed upon
50 by both parties."

51 SECTION 6. Section 1A of Chapter 40A of the General Laws, as so appearing, is
52 amended by inserting the following definition:-

53 "Bus Station" means a building located at the intersection of two or more bus lines,
54 within which services are available to bus passengers; provided that a bus station does not
55 include a shelter or other structure without walls and a foundation.

56 Chapter 40A of the General Laws, as so appearing, is hereby amended by adding the
57 following section:-

58 Section 18. (a) Any zoning regulations adopted pursuant to Chapter 40A that allows
59 mixed-use development or multifamily housing with a minimum gross density of 15 units per
60 acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the
61 state environmental code established pursuant to section 13 of chapter 21A, and is located not
62 more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station,
63 shall require not more than 1 parking space per residential dwelling units, if applicable.

64 SECTION 7. For the purposes of this act, the term “greyfields” may include, but is not
65 limited to, land with development that is outdated, underutilized, failing, or vacant, including
66 commercial, residential, and industrial properties. This term may also include land that is owned
67 by the commonwealth, its agencies, or its political subdivisions.

68 The secretary of housing and livable communities, secretary of energy and environmental
69 affairs, the secretary of transportation, and the executive director of the Massachusetts
70 Development Finance Agency shall jointly submit a report to the joint committee on housing
71 identifying greyfields sites across the commonwealth, options for redevelopment or reuse that
72 may include housing, public use or facilities, mixed use development, or natural restoration and
73 open space, and identify programs within the appropriate state and quasi-public agencies that can
74 be used to support communities in repurposing underutilized land.

75 SECTION 8. Section 34 of Chapter 7C of the General Laws, as so appearing, are hereby
76 amended by inserting the following paragraph:-

77 (c) Prior to disposition of publicly owned real property of the commonwealth pursuant to
78 chapter 7C, the commissioner of capital asset management and maintenance in coordination with
79 the secretary of the executive office of housing and economic development shall determine
80 whether such real property shall be made available for low or moderate income housing pursuant
81 to this chapter. In making such determination the commissioner and the secretary shall take into
82 account the following factors:

83 (i) existing zoning that limits the siting of low or moderate income housing in the city or
84 town in which the publicly owned real property is located;

85 (ii) financial or other deterrents to the production of low or moderate income housing in
86 the city or town in which the real property is located; and

87 (iii) ensuring that real property for disposition under this chapter is fairly made available
88 to all regions of the commonwealth, including gateway municipalities, rural areas and suburban
89 areas.

90 Upon making the determination that publicly owned real property shall be made available
91 for disposition under this chapter, the commissioner and the secretary shall, notwithstanding
92 chapter 7C or any other law to the contrary, declare the property available for development of
93 low or moderate income housing in accordance with this chapter.

94 SECTION 9. Section 13 of Chapter 21A is hereby amended by striking out the first
95 paragraph and inserting in place thereof the following paragraph:-

96 A board of health may adopt a local on-site sewage disposal systems regulation, only to
97 the extent that it imposes standards or other requirements that are more stringent than or

98 otherwise exceed those set forth in Title 5 of the State Environmental Code, 310 CMR 15.000,
99 and only if, prior to adoption by the board of health, the Department of Environmental Protection
100 shall review and approve any such proposed on-site sewage disposal systems regulation based
101 upon findings that the proposed regulation has a generally recognized scientific basis, is a
102 recommended best practice technique, is necessary to protect unusual local resources that
103 warrant special or enhanced protection, and does not conflict with Title 5 of the State
104 Environmental Code, 310 CMR 15.000.

105 SECTION 10. Section 17 of Chapter 40A is hereby amended by striking in the first
106 paragraph the words "may appeal" and replacing them with "may pursuant to G.L. c.423, § 4
107 petition for certiorari"; and is further amended by striking the seventh sentence in the second
108 paragraph of said section.

109 Section 3A of Chapter 184 is hereby amended by striking the first sentence in the fourth
110 paragraph and replacing it with:-

111 "Notwithstanding any other general or special law to the contrary, any action not
112 commenced in the permit session, but within the jurisdiction of the permit session as provided in
113 this section, either (i) shall be transferred to the permit session if the underlying project or
114 development involves 25 or more dwelling units, or (ii) may be transferred to the permit session,
115 in either case upon motion by any party to the chief justice of the trial court."

116 SECTION 11. Section 31 of Chapter 111 is hereby amended by striking the first
117 paragraph and replacing it with:-

118 "Boards of health may make reasonable health regulations provided that no regulation or
119 amendment thereto which relates to the minimum requirements for subsurface disposal of

120 sanitary sewage shall exceed the requirements of the state environmental code A summary which
121 shall describe the substance of any regulation made by a board of health under this chapter shall
122 be published once in a newspaper of general circulation in the city or town, and such publication
123 shall be notice to all persons. Whoever, himself or by his servant or agent, or as the servant or
124 agent of any other person or any firm or corporation, violates any reasonable health regulation,
125 made under authority of this section, for which no penalty by way of fine or imprisonment, or
126 both, is provided by law, shall be punished by a fine of not more than one thousand dollars."

127 SECTION 12. Section 40 of Chapter 131 is hereby amended by adding the following at
128 the end of said section:-

129 "No city or town may enforce an ordinance or bylaw that exceeds the requirements of this
130 section or of regulations promulgated by the department of environmental protection pursuant to
131 this section."

132 SECTION 13. Section 3 of Chapter 40A is hereby amended by adding the following
133 sentence to the end of the first sentence beginning "No zoning ordinance or by-law shall prohibit,
134 unreasonably restrict or require a special permit or other discretionary zoning approval for the
135 use of land or structures for a single accessory dwelling unit":-

136 "Provided further that no zoning ordinance or by-law may prohibit the use of Accessory
137 Dwelling Units as of right on lots where the principal dwelling contains more than one dwelling
138 unit,"

139

140 SECTION 14. The General Court may adopt the recommendations of the Housing
141 Advisory Council established by Executive Order Number 621, issued on October 18th, 2023, to
142 establish a Housing Production Plan which identifies existing limitations on the production of
143 affordable and market rate housing in each region of the state and develops a comprehensive
144 statewide housing plan to guide the production, rehabilitation, preservation, operation, and
145 subsidization of housing.