SENATE DOCKET, NO. 2499 FILED ON: 1/17/2025

SENATE . . . . . No. 960

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

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 authorizing the town of Brookline to implement rent stabilization and tenant eviction protections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cynthia Stone Creem	*Norfolk and Middlesex*

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SENATE . . . . . No. 960

By Ms. Creem, a petition (accompanied by bill, Senate, No. 960) of Cynthia Stone Creem (by vote of the town) for legislation to authorize the town of Brookline to implement rent stabilization and tenant eviction protections. Housing. [Local Approval Received.]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *2623* OF 2023-2024.]

The Commonwealth of Massachusetts

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

An Act authorizing the town of Brookline 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:

SECTION 1. FINDINGS AND PURPOSE.

The general court finds and declares that a serious state of emergency exists in the Town of Brookline ("the Town") with respect to housing, whereby there is an inadequate supply of low-cost rental housing; that, further action to protect residents from exorbitant rent increases and evictions is necessary to address serious threats to the public health, safety and general welfare, including housing insecurity, rent burden, homelessness, and displacement, and further finds that a rent stabilization bylaw will address the most egregious rent increases.

SECTION 2. POWER FOR LOCAL RENT REGULATION.

The Town of Brookline may, via bylaw, regulate the rent in multi-family housing and provide for reasonable exemptions from such regulation.

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

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

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

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

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

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

(vi)Dwelling units for which the permanent certificate of occupancy is less than 15 years old and were created as a result of:

(1) Ground up new construction,

(2) a physical addition to an existing residential building, or

(3) conversion from another use to residential.

(vii)Dwelling units where the tenant pays a set percentage of their income to rent, either because they hold a voucher, the unit is public housing, the unit has a project-based voucher, or

where applicable federal or state law or administrative regulations specifically exempt them from rent stabilization regulations.

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

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

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

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

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

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

SECTION 3. JUST CAUSE EVICTION PROTECTION.

The provisions of this section shall be applicable to all housing accommodations in the Town of Brookline; provided however, that the Town may provide for exemptions from the provisions of this section and any such exemption shall be included in a bylaw adopted by the Town. The Town may, via bylaw, provide that an owner shall not recover possession of a leased unit within a residential dwelling unless the Housing Court finds that:

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

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

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

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

(e) the tenant, who had a written lease agreement which terminated or is a tenant at will, has refused, after written request or demand by the owner, to execute a written extension or renewal thereof or lease for a further term of like duration, at a rental rate that does not exceed

the percentage set by the Town of Brookline, in accordance with this legislation and the ordinance enacted as a result of this legislation;

(f) the tenant has refused the owner reasonable access to the unit for the purpose of making necessary repairs or improvements required by the laws of the Commonwealth or the Town of Brookline, or for the purpose of inspection as permitted or required by such tenant's lease agreement or by law, or for the purpose of showing the leased unit to any prospective purchaser or mortgagee;

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

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

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

SECTION 4. CONDOMINIUM AND COOPERATIVE CONVERSIONS.

The Town of Brookline may, via bylaw, regulate the conversion of residential dwellings to condominiums or cooperatives. Such bylaw may include tenant notification requirements, relocation plans, tenant relocation payments, permits, permit fees, and exemptions. Notification requirements and relocation payments may vary based on income, age, and disability.

SECTION 5. DEMOLITIONS AND SUBSTANTIAL RENOVATIONS.

The Town of Brookline may, via bylaw, create requirements for tenant notification requirements, relocation plans, and tenant relocation payments where an owner is seeking to demolish or substantially renovate a property that requires a tenant to move. Notification requirements and relocation payments may vary based on income, age, and disability.

SECTION 6. SEVERANCE CLAUSE.

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

SECTION 7. EFFECTIVE DATE.

This act shall take effect immediately upon signing by the Governor.