

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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 to regulate junk fees in rental housing.

PETITION OF:

NAME:

James B. Eldridge

DISTRICT/ADDRESS:

Middlesex and Worcester

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act to regulate junk fees in rental housing.

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

12 and (iii) the purchase and installation cost for a key and lock.

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

16 “and such penalty shall not exceed fifty dollars or five percent of the tenant’s monthly
17 rental obligation, whichever is less. Such interest or penalty may not be imposed more than once
18 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, or agent thereof may not require a tenant to pay a fee or an
23 additional amount solely for holding over after the expiration of a fixed term lease.

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

27 (7D) Except as permitted in section 22 of chapter 186, an owner, lessor, or agent thereof
28 may not require in a lease or rental agreement that the tenant be responsible to the owner, lessor,
29 or agent thereof for costs or fees in addition to the contract rent including but not limited to,
30 amenity fees, internet fees, or renters or liability insurance. Any such costs or fees must be
31 optional, at the election of the tenant, and agreed to in a writing that contains (i) a description of
32 the good or service the fee or cost is for, (ii) the amount of the fee or cost for the good or service,
33 and (iii) instructions for how the tenant can cancel or opt out of the good or service. At the

34 tenant's election, such optional fees may be included in the contract rent where the tenant's rent
35 is subsidized by a third party.

36 (7E) An owner, lessor, or agent thereof shall not require a tenant to use an electronic
37 billing and/or payment system as the only method for the payment of rent. An owner, lessor, or
38 agent thereof shall not assess any fee or other charge for a tenant that chooses not to use an
39 electronic billing and/or payment system.

40 (7F) Any rental agreement provision that provides that fees and costs may be considered
41 "additional rent" shall be void as contrary to public policy. Notwithstanding a provision in a
42 rental agreement regarding the order of application of tenant payments, the owner, lessor, or
43 agent thereof shall apply tenant payments in the manner designated by the tenant or, if there is no
44 such designation, in the following order:

45 (i) Rent for the current rental period;

46 (ii) Outstanding rent from prior rental periods;

47 (iii) Utility charges;

48 (iv) Late rent payment charges; and

49 (v) Any other fees or charges owed by the tenant pursuant to rental agreement or by
50 law.

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

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

58 SECTION 5. Section 20 of chapter 186 of the General Laws, as appearing in the 2022
59 Official Edition, is hereby amended by inserting at the beginning of the paragraph, the following
60 sentence:-

61 “Where a lease or other written rental agreement allows for the imposition of attorney's
62 fees, an owner, lessor, or agent thereof shall be prohibited from assessing a tenant any attorney's
63 fees in connection with the operation or rental of a residential unit unless the owner, lessor or
64 agent thereof has obtained a judgment in its favor on said claim and all appeal rights have been
65 exhausted, and the court, on motion, has determined that the fees are reasonable.”