

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

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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 enabling local options for tenant protections.**

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PETITION OF:

NAME:

*James B. Eldridge*

DISTRICT/ADDRESS:

*Middlesex and Worcester*

**SENATE . . . . . No.**

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By Mr. Eldridge, a petition (accompanied by bill) (subject to Joint Rule 12) of James B. Eldridge for legislation to allow individual cities and towns to create their own laws regarding tenant protections. Housing.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 872 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act enabling local options for tenant protections.

*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. Chapter 40P of the General Laws is hereby amended by striking out its title  
2 and inserting in place thereof the following title:-

3           TENANT PROTECTION ACT.

4           SECTION 2. Said chapter 40P, as so appearing, is hereby further amended by striking out  
5 sections 1 to 5, inclusive, and inserting in place thereof the following 9 sections:-

6           Section 1. PURPOSE.

7           The purpose of this chapter is to provide municipalities with local options for rent  
8 stabilization, just cause eviction protections, condominium conversion ordinances, and other  
9 protections, including regulation of tenant deposits and fees, such as broker’s fees, along with

10 provisions for fair return standards for property owners and exemptions for owner-occupant  
11 landlords and new and recently-constructed housing.

12 Section 2. GENERAL COURT FINDINGS.

13 The general court hereby finds and declares that homelessness, displacement, foreclosure,  
14 lack of affordable rental and ownership opportunities, and excessive rent burden are  
15 commonplace throughout the commonwealth.

16 Section 3. LOCAL ACCEPTANCE OF ANY SECTION.

17 A city or town may accept any of the sections of this chapter in the manner provided in  
18 section 4 of chapter 4 and a city or town that has accepted a section may, in like manner, revoke  
19 its acceptance.

20 Section 4. LOCAL OPTION RENT STABILIZATION.

21 (a) A city or town accepting this section may, by local charter provision, ordinance or by-  
22 law regulate the rent and eviction of tenants in multi-family housing and provide for reasonable  
23 exemptions from such regulation.

24 (b) Any city or town that adopts this section may provide for fair return standards for the  
25 regulation of rent.

26 (c) For the purposes of this section the term “multi-family housing” shall not include 3 or  
27 less dwelling units in an owner occupied dwelling, and shall not include undergraduate  
28 dormitories, non-profit hospitals, facilities for the residential care of the elderly, units whose rent  
29 is subject to regulation by a public housing authority, or dwelling units for which a residential

30 certificate of occupancy was obtained for the first time fifteen years ago or less, on a rolling  
31 basis.

32 (d) Any city or town that adopts this section may ensure that certain dwelling units  
33 governed by such measures are eligible for those individuals or households who meet income-  
34 based eligibility requirements as provided for by the city or town.

35 (e) A city or town may establish or designate an administrator, board or committee to  
36 promulgate regulations and any registration and reporting requirements pursuant to this section  
37 and may partner with community-based organizations in developing public awareness campaigns  
38 and may also establish a Small Landlords and Homeowners Assistance Bureau to offer related  
39 technical assistance.

40 Section 5. JUST CAUSE EVICTION PROTECTION.

41 (a) The provisions of this section shall be applicable to all housing accommodations in  
42 any city or town of the commonwealth that adopts this section; provided however, that a city or  
43 town may provide for exemptions from the provisions of this section and any such exemption  
44 shall be included in an ordinance or by-law adopted by the municipality. A city or town that  
45 accepts this section, may by ordinance or by-law provide that a lessor shall not recover  
46 possession of a leased unit within multi-family housing or residential dwellings, as otherwise  
47 defined by the municipality, which shall not include 3 or less dwelling units in an owner  
48 occupied dwelling, unless the court finds that:

49 (1) the lessee has failed to pay the rent to which the lessor is entitled;

50 (2) the lessee has violated an obligation or covenant of his or her tenancy not inconsistent  
51 with chapter 93A, or this section, or the regulations issued pursuant thereto, other than the  
52 obligation to surrender possession upon proper notice; and the lessee has failed to cure such  
53 violation after having received written notice thereof from the lessor;

54 (3) the lessee is committing or permitting to exist a nuisance in or is causing substantial  
55 damage to the leased unit, or is creating a substantial interference with the comfort, safety or  
56 enjoyment of the lessor or other occupants of the same or any adjacent accommodations;

57 (4) the lessee has used or permitted a leased unit to be used for any illegal purposes;

58 (5) the lessee, who had a written lease agreement which terminated or is a tenant at will,  
59 has refused, after written request or demand by the lessor, to execute a written extension or  
60 renewal thereof or lease for a further term of like duration, at a rental rate that does not exceed a  
61 certain percentage, set by the municipality, of the consumer price index of the rental rate under  
62 the prior lease agreement or at will tenancy, and on such terms that are not inconsistent with or  
63 violative of any provision of said chapter 93A or of this section; provided, that for purposes of  
64 this clause, the term “consumer price index” refers to the annual 12-month average change in the  
65 Consumer Price Index for All Urban Consumers, New England Division (All Items), as  
66 published by the Bureau of Labor Statistics of the United States Department of Labor in  
67 September of the prior calendar year;

68 (6) the lessee has refused the lessor reasonable access to the unit for the purpose of  
69 making necessary repairs or improvements required by the laws of the commonwealth or any  
70 political subdivision thereof, or for the purpose of inspection as permitted or required by such

71 lessee's lease agreement or by law, or for the purpose of showing the leased unit to any  
72 prospective purchaser or mortgagee;

73 (7) the person holding at the end of a lease term is a sublessee not approved by the lessor;

74 (8) the lessor seeks in good faith to recover possession of a leased unit for his or her own  
75 use and occupancy or for the use and occupancy by his or her spouse, children, grandchildren,  
76 great grandchildren, parents, grandparents, brother, sister, father-in-law, mother-in-law, son-in-  
77 law, or daughter-in-law, and has provided the tenant with 180 days written notice and an offer of  
78 a relocation assistance payment equal to at least 3 months' rent, unless, for example, a  
79 municipality has further provided for a partial or complete exemption to the relocation assistance  
80 payment provision as it applies to low-income or moderate-income landlords; or

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

83 (b) A lessor shall notify the clerk's office of the city or town in which the leased unit is  
84 located prior to initiating judicial proceedings in compliance with this section.

85 (c) A lessor who recovers possession of a leased unit in violation of this section shall be  
86 punished by a fine not less than \$5,000. Each such recovery in violation of this section shall  
87 constitute a separate offense. The housing court shall have jurisdiction over an action arising  
88 from a violation of this section and shall have jurisdiction in equity to restrain any such violation.  
89 It shall be a defense to a lessee in an action pursuant to this section that a lessor attempted to  
90 recover a leased unit in violation of this section.

91 Section 6. CONDOMINIUM CONVERSION ORDINANCES.

92 (a) A municipality, by majority vote of its legislative body, may enact an ordinance or  
93 by-law to regulate the conversion of housing accommodations in the municipality to the  
94 condominium or cooperative form of ownership and the regulation of rent and the eviction of  
95 tenants' incident to the conversion or sale of condominiums. Said ordinance or by-law may  
96 include, but is not limited to: (i) provisions for investigations into and hearings on condominium  
97 conversions or proposed conversions; (ii) a permit process; (iii) tenant notification requirements;  
98 (iv) relocation costs for tenants and other measures to protect tenants; (v) control of evictions;  
99 (vi) penalties for violation of the ordinance or by-law; and (vii) exemptions from the provisions  
100 of this subsection. The ordinance or by-law may establish a condominium review board or vest  
101 administrative duties in an existing municipal board, commission or office. The review board  
102 may exercise such powers as it is given by ordinance or by-law.

103 (b) A municipality that adopted an ordinance or by-law for the regulation of the  
104 conversion of housing accommodations to the condominium or cooperative forms of ownership  
105 and evictions related thereto pursuant to the authority conferred upon the municipality by general  
106 law or special act prior to the effective date of this section may continue to exercise such  
107 authority. This section shall not be construed to restrict the authority of said municipality to  
108 amend or repeal any ordinance or by-law in accordance with the provisions of said general law  
109 or special act.

110 (c) A municipality may, by majority vote of its legislative body, accept this section in the  
111 manner provided in section 4 of chapter 4 and a municipality that has accepted this section may,  
112 in like manner, revoke its acceptance.

113 Section 7. PROTECTION FROM IMMEDIATE RENT INCREASES.

114 Unless otherwise provided for in this chapter, the maximum rent of a regulated rental unit  
115 shall be the rent charged the occupant for the month 12 months prior to the acceptance of this  
116 section by a municipality. If the rental unit was unoccupied at that time but was occupied at any  
117 time prior to acceptance of this section, the maximum rent shall be the rent charged therefor for  
118 the month closest to 12 months prior to the effective date of this section. If the maximum rent is  
119 not otherwise established, it shall be established by the city or town as provided for in this  
120 chapter. Any maximum rent may be subsequently adjusted under the provisions of this chapter.

121 Section 8. REGULATION OF TENANT DEPOSITS AND FEES, INCLUDING  
122 BROKERS FEES.

123 (a) A city or town that adopts this section may regulate by ordinance or by-law the  
124 payment of deposits and non-refundable move-in fees paid by a residential tenant or prospective  
125 tenant, notwithstanding any general or special law to the contrary; provided however, that no by-  
126 law or ordinance shall provide that a lessor may require a tenant or prospective tenant to pay any  
127 amount in excess of the amount provided for in section 15B of 186.

128 (b) Such regulation may include installment payment options for a tenant's last month's  
129 rent and security deposit pursuant to this section.

130 (c) A city or town ordinance or by-law may provide that a tenant may elect to pay a  
131 security deposit and last month's rent in installments as follows:

132 (1) for any rental agreement term that establishes a tenancy for 6 months or longer, the  
133 tenant may elect to pay the security deposit and last month's rent in 6 consecutive, equal monthly  
134 installments that begin at the inception of the tenancy or the tenant may propose an alternative



135 installment schedule. If the landlord agrees to the tenant's alternative installment schedule the  
136 schedule shall be described in the rental agreement;

137 (2) for any other rental agreement term that establishes a tenancy, the tenant may elect to  
138 pay the security deposit and last month's rent in no more than 4 equal amounts that begin at the  
139 inception of the tenancy and are paid in installments of equal duration or the tenant may propose  
140 an alternative installment schedule. If the landlord agrees to the tenant's alternative installment  
141 schedule the schedule shall be described in the rental agreement.

142 (d) Landlords may not impose any fee, charge any interest, or otherwise impose a cost on  
143 a tenant because a tenant elects to pay the last month's rent in installments.

144 (e) A landlord who fails to comply with the requirements of any ordinance or by-law  
145 promulgated pursuant to this section shall be liable to the tenant for \$1,000 plus reasonable  
146 attorney fees and costs in addition to any other remedy available at law.

147 (f) This section shall not apply to a tenant who rents a unit in an owner occupied dwelling  
148 with 3 or less dwelling units.

149 (g) In addition to the powers granted to a city or town in this section and notwithstanding  
150 section 87DDD½ of chapter 112, a city or town may by local charter provision, ordinance or by-  
151 law regulate, limit or prohibit the business of finding dwelling accommodations for a fee.

## 152 Section 9. MUNICIPAL ANTI-DISPLACEMENT ZONES.

153 (a) A city or town accepting any section in this chapter may, in addition to municipal-  
154 wide implementation of such section, provide for the implementation or exemption of such  
155 section's provisions, in distinct anti-displacement zones, in which it has been determined that

156 residential households of low, moderate or middle income have been displaced or are at risk of  
157 displacement, as defined by the municipality.

158 (b) A community organization, as defined by the municipality, may petition the  
159 municipality for the establishment of an anti-displacement zone.