SENATE DOCKET, NO. 2669 FILED ON: 2/13/2025

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 enabling local options for tenant protections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James B. Eldridge	*Middlesex and Worcester*

SENATE DOCKET, NO. 2669 FILED ON: 2/13/2025

SENATE . . . . . No.

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.

[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:

SECTION 1. Chapter 40P of the General Laws is hereby amended by striking out its title and inserting in place thereof the following title:-

TENANT PROTECTION ACT.

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

Section 1. PURPOSE.

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

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

Section 2. GENERAL COURT FINDINGS.

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

Section 3. LOCAL ACCEPTANCE OF ANY SECTION.

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

Section 4. LOCAL OPTION RENT STABILIZATION.

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

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

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

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

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

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

Section 5. JUST CAUSE EVICTION PROTECTION.

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

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

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

(3) the lessee 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 lessor or other occupants of the same or any adjacent accommodations;

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

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

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

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

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

(8) the lessor 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 180 days written notice and an offer of a relocation assistance payment equal to at least 3 months' rent, unless, for example, a municipality has further provided for a partial or complete exemption to the relocation assistance payment provision as it applies to low-income or moderate-income landlords; or

(9) the lessor 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.

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

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

Section 6. CONDOMINIUM CONVERSION ORDINANCES.

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

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

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

Section 7. PROTECTION FROM IMMEDIATE RENT INCREASES.

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

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

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

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

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

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

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

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

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

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

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

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

Section 9. MUNICIPAL ANTI-DISPLACEMENT ZONES.

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

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

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