

**HOUSE . . . . . No. 1440**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***David M. Rogers***

*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 relative to the stabilization of rents and evictions in towns and cities facing distress in the housing market.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/18/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/22/2021</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>2/22/2021</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>2/22/2021</i>
<i>Steven C. Owens</i>	<i>29th Middlesex</i>	<i>2/22/2021</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>2/22/2021</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>2/22/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/22/2021</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>2/22/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/22/2021</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>2/24/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/24/2021</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>2/25/2021</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/25/2021</i>
<i>Brandy Fluker Oakley</i>	<i>12th Suffolk</i>	<i>2/25/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/26/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/26/2021</i>

<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>2/26/2021</i>
<i>Maria Duaiame Robinson</i>	<i>6th Middlesex</i>	<i>2/26/2021</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/26/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>2/26/2021</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>3/5/2021</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>3/2/2021</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>3/8/2021</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>3/2/2021</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>3/5/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>3/8/2021</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>3/8/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>3/10/2021</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>3/10/2021</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>3/10/2021</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>3/11/2021</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>3/16/2021</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>4/1/2021</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>4/12/2021</i>

**HOUSE . . . . . No. 1440**

By Mr. Rogers of Cambridge, a petition (accompanied by bill, House, No. 1440) of David M. Rogers and others relative to rent and evictions. Housing.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

An Act relative to the stabilization of rents and evictions in towns and cities facing distress in the housing market.

*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, as found in the Official Edition of 2018, is  
2 hereby repealed.

3 Section 2: LOCAL OPTION

4 Notwithstanding any general law to the contrary, any municipality, by majority vote of its  
5 governing body or through a local binding ballot question, may impose a limit on the size of  
6 annual rent increases and require that evictions be based on a limited number of defined just  
7 causes, for most dwelling units within the municipality.

8 Section 3: COVERAGE AND EXEMPTIONS

9 All dwelling units shall be covered, except for:

10 (1) Rental units in owner-occupied buildings with three or less units, or where the  
11 tenant shares bathroom or kitchen with the owner whose principal residence is at the property.

12           (2)     Rental units whose rent is subject to regulation by a public authority. However,  
13 this exemption does not apply to dwelling units in the private market where housing vouchers are  
14 used.

15           (3)     Undergraduate dormitories.

16           (4)     Non-profit hospitals.

17           (5)     Facilities for the residential care of the elderly.

18           (6)     Dwelling units for which a residential certificate of occupancy was obtained for  
19 the first time on or after January 1, 2021.

20           Where dwelling units are exempt, a notice of exemption must be provided with the lease  
21 for all tenancies.

#### 22           Section 4: LIMITATION ON ANNUAL RENT INCREASES

23           Section 4(a): The limit on any annual rent increase for a covered dwelling unit as defined  
24 in Section 3 shall not exceed the annual change in the Consumer Price Index for the applicable  
25 area or 5 percent, whichever is less.

26           Section 4(b): For purposes of this section the current rent charged shall serve as the base  
27 upon which any annual rent increase shall be applied. If the dwelling unit is currently vacant, the  
28 last rent charged shall serve as the base. If there is no previous rent for a dwelling unit not  
29 exempted under Section 3(6), then whatever the owner first charges shall serve as the base.

#### 30           Section 5: LIMITATION ON EVICTIONS TO JUST CAUSE

31 No eviction shall take place unless a court finds that the lessee of a covered dwelling unit  
32 has met the terms of one of the following:

33 (1) Failed to pay the rent entitled to the owner.

34 (2) Violated a legitimate contractual obligation.

35 (3) Created a nuisance or substantial damage.

36 (4) Used the dwelling unit for illegal purposes.

37 (5) Denied the lessor reasonable access to the unit in order to make necessary repairs  
38 or improvements required by the laws of the commonwealth or any political subdivision thereof,  
39 or for the purpose of inspection or of showing the leased unit to any prospective purchaser or  
40 mortgagee.

41 (6) The person holding at the end of a lease term is a sublessee not approved by the  
42 lessor.

43 (7) In addition, it shall be a just cause if the owner seeks in good faith to recover  
44 possession of a leased unit for his or her own use and occupancy or for the use and occupancy by  
45 his or her spouse, children, grandchildren, great grandchildren, parents, grandparents, brother,  
46 sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law, and has provided the tenant  
47 with six-months written notice and an offer of relocation assistance of at least three-months rent.

48 (8) Any other just cause not inconsistent with the Consumer Protection Act (Chapter  
49 93A of the General Laws).

50 Section 6: ENFORCEMENT AND JURISDICTION FOR ADJUDICATION

51           (1)     Individual violations of sections 3, 4, and 5 of this Act call for a fine of at least  
52     \$5,000.

53           (2)     Jurisdiction for adjudication shall take place in the applicable housing court for  
54     the town or city in which any claims of violation are alleged to have occurred.

55           Section 7: Any municipality that has accepted and adopted the local option in section 2  
56     may, by majority vote of its governing body or through a local binding ballot question, end its  
57     exercise of said option. Such action does not preclude the municipality from accepting and  
58     adopting the local option in section 2 at a later date.