

HOUSE No. 2103

The Commonwealth of Massachusetts

PRESENTED BY:

David M. Rogers and Samantha Montaño

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 cities and towns to stabilize rents and protect tenants.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/20/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>1/20/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/20/2023</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/20/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/24/2023</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>1/24/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/25/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/25/2023</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>1/26/2023</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>1/26/2023</i>
<i>Adrienne Pusateri Ramos</i>	<i>14th Essex</i>	<i>1/26/2023</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>1/27/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/27/2023</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>1/27/2023</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/29/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>1/30/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/1/2023</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>2/1/2023</i>

<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/1/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/1/2023</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>2/6/2023</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>2/7/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/9/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/9/2023</i>
<i>Jennifer Balinsky Armini</i>	<i>8th Essex</i>	<i>2/10/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/10/2023</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>2/14/2023</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>2/22/2023</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/27/2023</i>
<i>Brandy Fluker Oakley</i>	<i>12th Suffolk</i>	<i>3/9/2023</i>

HOUSE No. 2103

By Representatives Rogers of Cambridge and Montañó of Boston, a petition (accompanied by bill, House, No. 2103) of David M. Rogers, Samantha Montañó and others relative to enabling cities and towns to stabilize rents and protect tenants. Municipalities and Regional Government.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act enabling cities and towns to stabilize rents and protect tenants.

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 appearing in the 2020 Official Edition,
2 is repealed.

3 SECTION 2. The General Laws are hereby amended by inserting after chapter 49A the
4 following chapter:-

5 CHAPTER 49B

6 LIMITATION OF ANNUAL RENT INCREASES AND NO FAULT EVICTIONS

7 Section 1. A city or town may accept this chapter in its entirety in the manner provided in
8 section 4 of chapter 4 of the General Laws. The acceptance of this local option by a municipality
9 shall take effect no later than 180 days after adoption. A municipality that accepts this section
10 shall adopt an ordinance or bylaw which effectuates the provisions of this chapter no later than
11 180 days after acceptance.

12 Section 2. A city or town accepting this chapter may, by local charter provision,
13 ordinance, by-law, majority vote of its governing body or through a local binding ballot measure
14 impose a limit on the size of annual rent increases and require that evictions be based on defined
15 just cause reasons, for certain dwelling units within the municipality.

16 Section 3. Exemptions. (a) For the purposes of this chapter, covered dwelling units shall
17 not include:

18 (i) Dwelling units in owner-occupied buildings with four or fewer units.

19 (ii) Dwelling units whose rent is subject to regulation by a public authority. Occupancy
20 by a tenant with a mobile housing voucher does not exempt an otherwise covered dwelling unit.

21 (iii) College or university dormitories where group sleeping accommodations are
22 provided in one room, or in a series of closely associated rooms.

23 (iv) Facilities for the residential care of the elderly.

24 (v) Dwelling units for which the first residential certificate of occupancy was issued on or
25 after January 1, 2020 shall be exempt for a period of 5 years from the date at which such
26 certificate of occupancy was issued.

27 (b) Where dwelling units are exempt, a notice of exemption must be provided with the
28 lease for all tenancies. If there is no written lease for such dwelling units, the tenants-at-will must
29 be provided with a written notice of exemption.

30 Section 4. (a) The limit on any annual rent increase for a covered dwelling unit as defined
31 in Section 3(a) shall not exceed the annual change in the Consumer Price Index for the applicable
32 area or 5 per cent, whichever is lower.

33 (b) For purposes of this chapter, the rent amount in place 12 months prior to the date of
34 adoption shall serve as the base rent upon which any annual rent increase shall be applied. If the
35 dwelling unit is currently vacant, the last rent amount charged shall serve as the base rent. If
36 there was no previous rent amount, or if no rent has been charged for at least the previous five
37 years, for a dwelling unit not exempted under Section 3(a) the rent amount the owner first
38 charges shall serve as the base rent.

39 Section 5. Cities and towns adopting this chapter shall require that any landlord have just
40 cause for initiating eviction or not renewing a lease; just cause may be further defined by the
41 municipality, but must include the following:

42 (1) Nonpayment of rent

43 (2) Tenant commits a substantial violation of a material lease term or term of the
44 tenancy

45 (3) Tenant engages in criminal activity that threatens the health and safety of other
46 residents, or persons lawfully on the premises

47 (4) Owner seeks to remove the unit from the rental market to convert to cooperative
48 or condominium, to demolish or convert to non-residential use, or to occupy the unit as the
49 owner's principal residence

50 Section 6. Cities and towns adopting this chapter shall provide annual reports to the
51 department of housing and community development, which shall include but not be limited to:
52 the text of the ordinance or bylaw adopting this chapter; any studies undertaken in informing
53 adoption of the ordinance or bylaw; the number of units affected by the ordinance or bylaw; and

54 any other relevant data as determined by the department of housing and community
55 development.

56 Section 7. Any violation of this section shall be deemed an unfair and deceptive act under
57 chapter 93A of the General Laws. Any person claiming a violation of this section may pursue
58 remedies under section 9 of chapter 93A. The attorney general is hereby authorized to bring an
59 action under section 4 of chapter 93A to enforce this provision and to obtain restitution, civil
60 penalties, injunctive relief, and any other relief awarded pursuant to said chapter 93A.

61 Section 8. Nothing in this section shall be construed to interfere with any existing rights
62 or protections afforded to tenants under current state or federal law.