

SENATE No. 1021

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

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 rental protections for elderly, disabled and low-to-middle income tenants.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/3/2023</i>

SENATE No. 1021

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 1021) of Jason M. Lewis and Steven Ultrino for legislation relative to the termination of rental agreements or tenancy by certain tenants. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE [Refile Branch], NO. OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act relative to rental protections for elderly, disabled and low-to-middle income 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 Chapter 186 of the General Laws, as appearing in the 2020 Official Edition, is hereby
2 amended by adding the following section:-

3 Section 31. (a) As used in this section, the word “tenant” shall mean a person who has
4 entered into an oral or written lease or rental agreement for residential property located in the
5 commonwealth who is: (i) 65 years of age or older, (ii) a person with a disability as defined in 42
6 U.S.C. § 12102 or (iii) a person with income at or below 80 percent of the area median income as
7 determined by the United States Department of Housing and Urban Development.

8 (b) A tenant may terminate a rental agreement or tenancy upon written notification to the
9 property owner that the tenant applied for and is accepted for admission to housing for the

10 elderly, persons with disabilities or persons of low to moderate income, including, but not
11 limited to: (1) a nursing home licensed pursuant to section 71 of chapter 111; (2) an assisted
12 living residence certified pursuant to section 3 of chapter 19D; (3) elderly housing, as defined in
13 section 1 of said chapter 19D; (4) a public housing development, as defined in section 32B of
14 chapter 121B; (5) publicly-assisted housing, as defined in section 1 of chapter 40T; (6) age
15 restricted housing for persons 55 years of age and over; and (7) low or moderate income housing,
16 as defined in section 20 of chapter 40B; provided, that the notification is made not less than 30
17 days prior to the date of termination of the rental agreement or tenancy. A tenant who provides
18 written notification to the property owner not less than 30 days prior to the date of termination of
19 the rental agreement or tenancy shall not be subject to any penalty for such termination or
20 liability for the remaining term of the rental agreement or tenancy.

21 (c) A property owner shall not refuse to enter into a rental agreement, nor shall a housing
22 subsidy provider deny assistance, based on an applicant having terminated a rental agreement
23 pursuant to subsection (b).

24 (d) A waiver of subsection (b) in any lease or other rental agreement, except as otherwise
25 provided by law shall be void and unenforceable.

26 (e) The superior court, housing court, district court and Boston municipal court shall have
27 jurisdiction in equity to restrain violations of subsections (b) through (d), inclusive.

28 (f) The department of housing and community development shall promulgate rules and
29 regulations to implement and carry out this section, including defining additional types of
30 housing for the elderly, persons with disabilities or persons of low to moderate income for which
31 a tenancy may be terminated pursuant to subsection (b).