

SENATE . . . . . No. 1299

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

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:	
Patricia D. Jehlen	Second Middlesex	
Adam Gomez	Hampden	1/20/2023
Susannah M. Whipps	2nd Franklin	1/25/2023
Jack Patrick Lewis	7th Middlesex	1/31/2023
Rebecca L. Rausch	Norfolk, Worcester and Middlesex	1/31/2023
Mike Connolly	26th Middlesex	1/31/2023
Jason M. Lewis	Fifth Middlesex	1/31/2023
Vanna Howard	17th Middlesex	2/1/2023
Liz Miranda	Second Suffolk	2/9/2023
Carmine Lawrence Gentile	13th Middlesex	2/10/2023
James B. Eldridge	Middlesex and Worcester	2/10/2023

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By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 1299) of Patricia D. Jehlen, Adam Gomez, Susannah M. Whipps, Jack Patrick Lewis and other members of the General Court for legislation to enable cities and towns to stabilize rents and protect tenants. Municipalities and Regional Government.

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**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2 is repealed.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.