

SENATE No. 889

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/24/2021</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/24/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/26/2021</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>2/26/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>3/1/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/4/2021</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>3/4/2021</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>3/9/2021</i>
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	<i>3/16/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>4/6/2021</i>

SENATE No. 889

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 889) of Patricia D. Jehlen, Jack Patrick Lewis, Sal N. DiDomenico, Carmine Lawrence Gentile and other members of the General Court for legislation relative to the stabilization of rents and evictions in towns and cities facing distress in the housing market. 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 appearing in the 2018 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2 is repealed.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 ON ANNUAL RENT INCREASES AND EVICTIONS

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

10 an ordinance or bylaw which effectuates the provisions of this section no later than 180 days
11 after acceptance.

12 Section 2. A city or town accepting this section 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 a
15 limited number of defined just causes, for most dwelling units within the municipality.

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

17 Rental units in owner-occupied buildings with three or less units, or where the tenant
18 shares bathroom or kitchen with the owner whose principal residence is at the property.

19 Rental units whose rent is subject to regulation by a public authority. However, this
20 exemption does not apply to dwelling units in the private market where housing vouchers are
21 used.

22 Undergraduate dormitories.

23 Non-profit hospitals.

24 Facilities for the residential care of the elderly.

25 Dwelling units for which a residential certificate of occupancy was obtained for the first
26 time on or after January 1, 2021.

27 (b) Where dwelling units are exempt, a notice of exemption must be provided with the
28 lease for all tenancies.

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

32 (b) For purposes of this chapter the rent charged at the time this chapter was adopted shall
33 serve as the base upon which any annual rent increase shall be applied. If the dwelling unit is
34 currently vacant, the last rent charged shall serve as the base. If there is no previous rent for a
35 dwelling unit not exempted under Section 3(a), then whatever the owner first charges shall serve
36 as the base.

37 Section 4. (a) A lessor may not recover possession of a dwelling unit unless it can be
38 shown that lessee:

39 Failed to pay the rent entitled to the owner.

40 Violated a legitimate contractual obligation.

41 Created a nuisance or substantial damage.

42 Used the dwelling unit for illegal purposes.

43 Denied the lessor reasonable access to the unit in order to make necessary repairs or
44 improvements required by the laws of the commonwealth or any political subdivision thereof, or
45 for the purpose of inspection or of showing the leased unit to any prospective purchaser or
46 mortgagee.

47 The person holding at the end of a lease term is a sublessee not approved by the lessor.

48 Any other just cause not inconsistent with Chapter 93A of the General Laws

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

54 Section 5. (a) Any violation of the provisions of this chapter within a jurisdiction that has
55 adopted the provisions of this chapter shall be punishable by a fine of not less than \$5,000.

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