



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

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D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

TO: THE HONORABLE, THE CITY COUNCIL
FROM: ^{NMD} D. MARGARET DRURY, CITY CLERK
RE: NEW STATE LAW RE: RENT CONTROL
DATE: JANUARY 9, 1994

Attached is a copy of the new state law regarding rent control, Chapter 282 of the Acts of 1994, entitled "An Act Providing for the Alleviation of Hardship of Certain Tenants."



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

(617) 727-3600

WILLIAM F. WELD
GOVERNORARGEO PAUL CELLUCCI
LIEUTENANT-GOVERNOR

January 4, 1995

Honorable Michael Joseph Connolly
Secretary of the Commonwealth
State House - Room 340
Boston, Massachusetts 02133

Dear Secretary Connolly:

I, William F. Weld, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution of the Commonwealth of Massachusetts, the Referendum II, Emergency Measures, do hereby declare that, in my opinion, the immediate preservation of the public peace, health, safety or convenience requires that Chapter ___ of the Acts of 1994, entitled "An Act Providing for the Alleviation of Hardship of Certain Tentants," the enactment of which received my approval on January 4, 1995, should take effect immediately.

I further declare that, in my opinion, it is in the public interest that this Act take effect immediately in order to ensure an orderly transition to the end of rent control.

Sincerely,

*William F. Weld*William F. Weld
Governor

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Ninety-four

AN ACT PROVIDING FOR THE ALLEVIATION OF HARDSHIP OF CERTAIN TENANTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Declaration of Purpose.

The purpose of this act is to establish a uniform statewide policy for ending rent control, as hereinafter defined. This act shall apply notwithstanding the provisions of chapter forty O of the General Laws, or any general or special law to the contrary.

SECTION 2. Effective Date.

The provisions of this act shall be retroactive and shall take effect as of January first, nineteen hundred and ninety-five.

SECTION 3. Definitions.

When used in this act, unless the context otherwise requires, the following words or phrases shall have the following meanings:

- (a) "Board" means any rent control board, rent equity board or other agency or official authorized to administer any system of rent control.
- (b) "Controlled Rental Unit" shall mean any unit which was subject to rent control in any respect as of November eighth, nineteen hundred and ninety-four.
- (c) "Covered Rental Unit" shall mean any Controlled Rental Unit not exempt from rent control pursuant to section four which is occupied by an Income Eligible tenant who was protected by rent control as of November eighth, nineteen hundred and ninety-four.
- (d) "Income Eligible" shall mean having an income which when combined with the incomes of all other persons residing in the same unit, is sixty per cent or less of the median income for the Boston Primary Metropolitan Statistical Area as set forth in or determined based upon regulations promulgated from time to time by the United State Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of 1937 as amended, and calculated pursuant to said regulations, provided that in the case of households

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which include at least one tenant who was an occupant of a covered rental unit as of November eighth, nineteen hundred and ninety-four, and who had reached the age of sixty-two years on or before said date, or one tenant who is physically or mentally disabled, the applicable percentage shall be eighty percent; and provided further that no full-time student eighteen years of age or older, regardless of income, shall be considered Income Eligible under the provisions of this act.

(e) "Rent control" means any controls, restrictions or other regulations imposed by any city or town with respect to the rents which may be charged for any residential housing accommodations, the conversion of such housing accommodations to the condominium or cooperative form of ownership, or the removal of such housing accommodations from the rental market, including without limitation those regulatory schemes currently in effect in the City of Boston pursuant to Chapter 797 of the Acts of 1969, Chapter 863 of the Acts of 1970, Chapter 843 of the Acts of 1971, Chapter 45 of the Acts of 1987, and chapter 504 of the Acts of 1987, all as amended, in the Town of Brookline pursuant to Chapter 843 of the Acts of 1970 and Chapter 601 of the Acts of 1981, each as amended, and in the City of Cambridge pursuant to Chapter 36 of the Acts of 1976, as amended, but excluding Chapter 527 of the Acts of 1983. For purposes hereof, the term "residential housing accommodations," as used in the preceding sentence, shall not be deemed to include mobile homes or publicly-owned dwelling units, nor shall the provisions of this act be deemed to limit the operation and enforceability of agreements (other than inclusionary housing contracts, so-called, applicable to units located in the Town of Brookline) entered into by landlords in connection with the procuring of any subsidy or other form of financial assistance from a governmental agency.

(f) "Voluntarily Vacates" shall refer to a vacancy created when a tenant permanently and of his or her own free will, unconstrained by interference by the landlord, leaves a unit. A vacancy shall not be deemed voluntary when a tenant leaves as a result of the landlord's engaging in any of the following conduct:

- (1) harassment, coercion or forcible conduct;
- (2) wilful interruption of heat, utilities or other essential housing services;
- (3) locking the tenant out of the unit; or

(4) failure to correct code violations materially impairing the health or safety of the tenant within a reasonable time after written notice thereof.

SECTION 4. Exemptions.

(a) Any Controlled Rental Unit not occupied by an Income Eligible tenant who was protected by Rent Control as of November eighth, nineteen hundred and ninety-four shall be exempt from Rent Control on January first, nineteen hundred and ninety-five.

(b) Any Controlled Rental Unit classified at any time on or after November eighth, nineteen hundred and ninety-four as a vacancy decontrolled housing accommodation, so-called, pursuant to any existing system of Rent Control, shall be exempt from Rent Control on January first, nineteen hundred and ninety-five.

(c) Any Covered Rental Unit in a building containing no more than three units shall be exempt from Rent Control if the tenant voluntarily vacates or is lawfully evicted, or on December thirty-first, nineteen hundred and ninety-five, whichever occurs first.

(d) Any Covered Rental Unit in an owner-occupied building of at least four, but not more than twelve units shall be exempt from Rent Control if the tenant voluntarily vacates or is lawfully evicted, or on December thirty-first, nineteen hundred and ninety-five, whichever occurs first.

(e) Any Covered Rental Unit which is a condominium unit shall be exempt from Rent Control if the tenant voluntarily vacates or is lawfully evicted or on December thirty-first, nineteen hundred and ninety-five, whichever occurs first.

(f) Any Covered Rental Unit in a building of four or more units, none of which is occupied by the owner thereof, shall be exempt from Rent Control if the tenant voluntarily vacates or is lawfully evicted, or in accordance with the sunset provision of section nine of this act, whichever occurs first.

(g) Any Controlled Rental Unit which is or becomes exempt as a result of the provisions of this statute may not be re-controlled as a result of a change in future status of the residents or the rental units during the duration of this statute.

SECTION 5. Rents.

For all Covered Rental Units, rents shall be subject to Rent Control to the same extent and on the same terms and conditions otherwise lawfully prescribed by any city or town as of November eighth, nineteen hundred and

ninety-four, including without limitation any provision for decontrol or exemption after such date, provided however that, commencing as of January first, nineteen hundred ninety-five, landlords shall be entitled to increase the rent for each such Unit annually in order to ensure that (a) such rent exceeds the amount previously charged by five percent and (b) such rent constitutes no less than thirty percent of the combined incomes of all persons residing in such unit, calculated pursuant to regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of 1937 as amended.

SECTION 6. Evictions.

(a) No person may recover possession of a Covered Rental Unit, in any proceeding pursuant to Chapter 239 of the General Laws or otherwise, unless the court finds that:

(1) the tenant has failed to pay the rent to which the landlord is entitled;

(2) the tenant has violated an obligation or covenant of his or her tenancy not inconsistent with Chapter 93A of the General Laws, or this act, or the regulations issued pursuant thereto, other than the obligation to surrender possession upon proper notice; and the tenant has failed to cure such violation after having received written notice thereof from the landlord;

(3) the tenant is committing or permitting to exist a nuisance in or is causing substantial damage to the Covered Rental Unit, or is creating a substantial interference with the comfort, safety or enjoyment of the landlord or other occupants of the same or any adjacent accommodations;

(4) the tenant has used or permitted a Covered Rental Unit to be used for any illegal purposes;

(5) the tenant, who had a written lease or rental agreement which terminated, has refused, after written request or demand by the landlord, to execute a written extension or renewal thereof for a further term of like duration and on such terms that are not inconsistent with or violative of any provision of Chapter 93A of the General Laws, or of this act;

(6) the tenant has refused the landlord reasonable access to the unit for the purpose of making necessary repairs or improvements required by the laws of the commonwealth or any political subdivision thereof, or for the purpose of inspection as permitted or required by such tenant's rental agreement or by

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law, or for the purpose of showing the rental unit to any prospective purchaser or mortgagee;

(7) the person holding at the end of a lease term is a subtenant not approved by the landlord;

(8) the landlord seeks to recover possession in good faith of a unit which is a Covered Rental Unit for his or her own use and occupancy or for the use and occupancy by his or her spouse, children, grandchildren, great grandchildren, parents, grandparents, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law; or

(9) the landlord seeks to recover possession for any other just cause, provided that his or her purpose is not in conflict with the provisions and purposes of Chapter 93A of the General Laws or this act.

(b) A landlord seeking to recover possession of a Covered Rental Unit need not apply to the Board for a certificate of eviction.

SECTION 7. Severability.

If any provision of the act or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of this act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

SECTION 8. Other Laws.

Notwithstanding any general or special law to the contrary, no city or town shall have authority to enact, implement, maintain, administer or enforce rent control except to the extent expressly set forth in this act, and all such authority shall cease upon the expiration of this act pursuant to section nine. No provision of this act shall be deemed to authorize the reimposition of any form of control, restriction or regulation on any units which have been decontrolled or exempted pursuant to any existing system of rent control or pursuant to this act.

SECTION 9. Sunset.

Sections four, five and six of this act shall cease to be effective on December thirty-first, nineteen hundred and ninety-six.

ENDORSEMENTS FOLLOW ON PAGE 6.

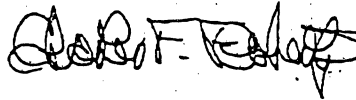
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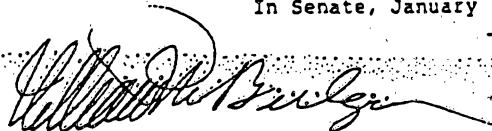
House of Representatives, January 3, 1995.

Passed to be re-enacted,

 , Speaker.

In Senate, January 3, 1995.

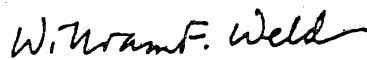
Passed to be re-enacted,

 , President.

4 January, 1995.

Approved,

9:20 AM



Governor.

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Communications and Report from
City Officer #2

A comm. was received from D. Margaret
Drury, transmitting communication from
governor Weld forwarding the new state
law regarding rent control.

In City Council January 9, 1995

Place on file