

SENATE No. 275

To accompany the petition of Benjamin Goldman for legislation to make unenforceable certain provisions of leases of housing accommodations executed pursuant to the Federal Housing and Rent Act of 1947. [To the joint committee on Ways and Means and the committees on Mercantile Affairs and Municipal Finance, sitting jointly.]

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Eight.

AN ACT MAKING UNENFORCEABLE CERTAIN PROVISIONS OF LEASES OF HOUSING ACCOMMODATIONS EXECUTED PURSUANT TO THE FEDERAL HOUSING AND RENT ACT OF NINETEEN HUNDRED AND FORTY-SEVEN.

1 *Whereas*, Unjust, unreasonable and oppressive
2 leases and agreements for the payment of rent for
3 housing accommodations in many cities and towns
4 of the commonwealth have been and now are being
5 exacted by landlords from tenants under stress of
6 prevailing conditions accelerated by World War II,
7 and an abundance of eviction proceedings against
8 tenants have been commenced or threatened by
9 landlords, whereby breakdown has taken place in
10 normal processes of bargaining and freedom of con-
11 tract has become an illusory concept, and whereby
12 there have come into existence conditions threatening
13 the production and distribution of essential civilian
14 commodities and the rendition of essential services,

15 professional and otherwise, and causing inflation,
16 such being a threat to the public safety, health and
17 general welfare of the people of the commonwealth;
18 and it being hereby found, as a matter of legislative
19 determination, that an emergency exists; therefore
20 this act is declared to be an emergency law, necessary
21 for the immediate preservation of the public safety,
22 health and general welfare.

*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 is hereby amended
2 by adding at the end thereof the following section:—
3 *Section 16.* Any lease of housing accommodations
4 executed pursuant to section 204(b) of the Federal
5 Housing and Rent Act of 1947 (chapter 163 of 1947,
6 U. S. Public Law 129) shall not be enforceable by the
7 landlord, in any court at law or in equity, for the
8 purpose of recovering the excess over the maximum
9 rent, established under the authority of the Federal
10 Emergency Price Control Act of 1942 (50 U. S. C. A.
11 Appendix, Section 901, et seq.) as amended, and in
12 force at the time of the execution of the said lease,
13 where the tenant executed the same under duress,
14 threats or fear that he would be evicted at the termi-
15 nation of the said housing and rent act, or that his
16 rent would be substantially increased at the said
17 termination, or that other unconscionable demands
18 would be made upon him, or that he could find no
19 other similar housing accommodations; and the said
20 lease may be avoided by the tenant to the extent of
21 the said excess.