

By Mr. Murphy of Peabody, petition of Barbara E. Gray, Sandra Graham, John E. Murphy, Jr., and John A. Businger for legislation to require good cause for termination of residential tenancies. Urban Affairs.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy-Nine.

AN ACT TO REQUIRE GOOD CAUSE FOR TERMINATIONS OF RESIDENTIAL TENANCIES.

*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. No tenancy of residential premises shall be termi-  
2 nated by the landlord unless: —
- 3 (1) the tenant has failed to pay the rent to which the owner is  
4 entitled pursuant to an oral or written rental agreement;
- 5 (2) the tenant is committing or permitting to exist a nuisance  
6 and waste in, or is causing substantial damage to, the premises, or  
7 is substantially interfering with the comfort, safety, or enjoyment  
8 of the owner or other occupants of the same or adjoining premises;
- 9 (3) the tenant has been convicted of using the premises, or  
10 permitting the premises to be used, for the commission of a felony  
11 or other violent crime, or for any illegal activity which may subject  
12 the owner to possible prosecution, fine, forfeiture or other penalty;
- 13 (4) the tenant has violated a material obligation or covenant of  
14 his tenancy or lease other than the obligation to surrender posses-  
15 sion upon notice; and has failed to cure such violation within a  
16 reasonable time after receiving written notice thereof from the  
17 owner;
- 18 (5) the tenant has engaged in activity which creates a reasonable

19 likelihood of imminent danger to the health or safety of the owner  
20 or other occupants of the same or adjoining premises;

21 (6) the owner seeks to recover the premises in order to remedy  
22 conditions constituting violations of the standards of fitness for  
23 human habitation established under the state sanitary code or any  
24 ordinance, by-law, rule or regulation provided that the owner  
25 proves that such violations may endanger or materially impair the  
26 health or safety of persons occupying the premises, the conditions  
27 constituting the violations cannot be remedied without the prem-  
28 ises being vacated, and the tenant, upon reasonable notice in  
29 writing from the owner, has refused to temporarily relocate for a  
30 period of time necessary for the owner to remedy the conditions;

31 (7) the tenant has after reasonable notice refused the owner  
32 access at reasonable times for inspections required by law, or for  
33 the purpose of showing the premises to a prospective purchaser or  
34 mortgagee;

35 (8) the tenant has after reasonable notice refused the owner  
36 access to the unit at reasonable times for the purpose of making  
37 necessary repairs or improvements required by law;

38 (9) the owner seeks to recover possession in good faith for use  
39 and occupancy by himself or his children, parents, brother, sister,  
40 father-in-law, mother-in-law, son-in-law, or daughter-in-law, and  
41 the term of any written lease or rental agreement has expired,  
42 provided that termination pursuant to this subsection shall be  
43 considered an unfair and deceptive act within the meaning of  
44 Section two of Chapter ninety-three A on the part of the owner if  
45 the premises are rented to other than the designated party within 90  
46 days after termination of the tenancy unless the owner shows that  
47 the failure to rent to such person was in good faith and was based  
48 upon the circumstances not reasonably foreseeable at the time of  
49 termination;

50 (10) the owner seeks to recover possession in good faith to  
51 demolish the premises, or otherwise remove the premises from  
52 rental housing use for not less than 90 days, and has made specific  
53 plans and commitments to do so, and the term of any written lease  
54 or rental agreement has expired, provided that termination pursu-  
55 ant to this subsection shall be considered an unfair and deceptive

56 act within the meaning of section two of chapter ninety-three A on  
57 the part of the owner if within 90 days the owner has failed to  
58 demolish the premises or has rented the premises for housing use  
59 unless the owner shows that such rental or failure to demolish was  
60 undertaken in good faith and was based on changes in circum-  
61 stances not reasonably foreseeable at the time of termination; or  
62 (11) the owner has requested in good faith, and the tenant has  
63 refused or failed to pay, an increase in rent, provided that (1) such  
64 increase in rent is requested by means of a written notice received  
65 by the tenant at least (30) days prior to the effective date of the  
66 requested increase, (1) such increase is not otherwise in violation of  
67 any state or federal statute or regulation or municipal by-law or  
68 ordinance; (3) such increase is not requested for the purpose of  
69 circumventing this act; and (4) such increase is not contrary to any  
70 other oral or written agreement between the owner and tenant or  
71 any oral or written representation made by the owner to tenant.  
72 Any owner who, within 90 days after any termination of tenancy  
73 pursuant to this section, rents the premises at less than the highest  
74 rent demanded of the previous tenant shall be guilty of an unfair  
75 and deceptive act and practice within the meaning of section two of  
76 chapter ninety-three A unless such rental is in good faith and  
77 results from circumstances not reasonably foreseeable at the time  
78 of termination.

79 Any termination of tenancy under clause six, nine, ten or eleven  
80 shall be treated for the purpose of chapter two hundred thirty-nine  
81 as a termination not the fault of the tenant.

82 Any notice of termination of any such tenancy shall specify  
83 therein in plain language the reasons for and effective date of such  
84 termination and the amount of rent due, if any.

1 SECTION 2. No person may bring any action to recover pos-  
2 session of residential premises pursuant to chapter two hundred  
3 thirty-nine of the General Laws, unless the tenancy thereof has  
4 been lawfully terminated pursuant to section one of this act.

1 SECTION 3. This Act shall take effect 90 days after its passage  
2 in every city and town of more than 25,000 residents with respect to  
3 tenancies commenced on or after the passage of this act. This Act  
4 shall further take effect with respect to such tenancies in any city or  
5 town on the thirtieth day following acceptance of its provisions by  
6 such city or town. A city or town which has accepted this act may,  
7 in like manner, evoke its acceptance.

8 This Act shall not restrict an owner from refusing to renew a  
9 written lease of twelve months or more duration except that such  
10 refusal to renew shall be subject to the provisions of section  
11 eighteen of chapter one hundred and eighty-six and section two A  
12 of chapter two hundred and thirty-nine.

13 This act shall not apply to tenancies in two or three-unit build-  
14 ings in which the owner resides at the time such tenancy is created.  
15 As used in this paragraph, owner shall mean the beneficial owner.

16 This act shall not be construed to limit, impair or otherwise  
17 affect any prerequisites for, or restrictions on, the termination of  
18 any tenancy otherwise required by law. Any waiver of any of the  
19 benefits of this act shall be void and unenforceable.