

By Mr. Birmingham of Boston, petition of Leo M. Birmingham that unjust, unreasonable and oppressive agreements be made a defence in actions for rent. The Judiciary (Joint). Jan. 21.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twenty-Five.

An Act providing that Unjust, Unreasonable and Oppressive Agreements shall be a Defence in Actions for Rent.

1 *Whereas*, The deferred operation of this act
2 would defeat its purpose to provide immediate
3 relief from hardship incident to the present
4 scarcity of houses and buildings available for
5 habitation, it is accordingly declared to be an
6 emergency law, necessary for the immediate
7 preservation of the public safety and con-
8 venience.

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. Unjust, unreasonable and op-
2 pressive agreements for the payment of rent
3 or for the use and occupation of premises oc-
4 cupied for dwelling purposes, other than a room
5 or rooms in a hotel, lodging house or rooming
6 house, shall be unenforceable by action, where
7 it appears that the rent has been increased more

8 than twenty-five per cent over the rent as it
9 existed one year prior to the time of the agree-
10 ment under which rent is sought to be recov-
11 ered, except in cases where unusual repairs and
12 alterations have been made, the agreement shall
13 be presumptively unjust, unreasonable and op-
14 pressive; but nothing herein contained shall
15 prevent either party from pleading and prov-
16 ing in an action that a greater increase was a
17 fair and reasonable rent or that a lesser in-
18 crease was an unjust, unreasonable and oppres-
19 sive rent for the premises in such action, or
20 from instituting a separate action for the re-
21 covery thereof. In any action on such an
22 agreement or in a separate action the landlord
23 may recover the fair rental of his premises.

1 SECTION 2. The provisions of this act shall
2 not apply to pending causes of action.

1 SECTION 3. The act shall become null and
2 void on the first day of May in the year nine-
3 teen hundred and twenty-six.

