

SENATE No. 1041

By Mr. Backman, a petition (accompanied by bill, Senate, No. 1041) of Jack H. Backman and Barbara Hildt for legislation to enable cities and towns to regulate rents and evictions in rental housing accommodations. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Six.

AN ACT TO ENABLE CITIES AND TOWNS TO REGULATE RENTS AND EVICTIONS IN RENTAL HOUSING ACCOMMODATIONS.

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. Declaration of Emergency. The general court
2 finds and declares that a serious public emergency exists with
3 respect to housing a substantial number of the citizens in the
4 commonwealth, which emergency has been created by housing
5 demolition, decay of a substantial portion of the existing hous-
6 ing stock, insufficient new housing construction, increased costs
7 of construction and finance, inflation, and in the case of costs of
8 construction and finance, inflation, which has resulted in a sub-
9 stantial and increasing shortage of rental housing accommoda-
10 tions and mobile home park accommodations for the elderly,
11 handicapped and tenants of low and moderate income, as well
12 as abnormally high rents; that unless residential rents and evic-
13 tions are regulated and controlled, such emergency and the
14 further inflationary pressure resulting therefrom will produce
15 serious threats to the public health, safety, and general welfare
16 of the citizens of the commonwealth. The purpose of this act is
17 to maintain rents at an affordable level for low and moderate
18 income tenants in rental housing accommodations as defined in
19 this act.

1 SECTION 2. Any city or town may, by ordinance or bylaw,
2 impose provisions or requirements to regulate, for the protec-

3 tion of tenants, rents and evictions in rental housing accommo-
4 dations as specified in section 3 of this act, upon a majority
5 vote of the city council with the approval of the mayor, in the
6 case of the city, or a majority vote of a town meeting, or town
7 council, in the case of a town.

8 Any city or town which has adopted an ordinance or bylaw
9 for the regulation of rents and evictions for rental housing
10 accommodations pursuant to the authority conferred upon
11 such city or town by special act, shall not be restricted by this
12 act in amending or repealing any such ordinance or bylaw.

13 Local legislative action shall be accompanied by a declara-
14 tion of findings, that local conditions constitute an acute rental
15 housing emergency requiring local action.

1 SECTION 3. Definitions. The following words or phrases as
2 used in this act shall have the following meanings: —

3 “Rental housing accommodations”, any building, structure,
4 or part thereof or land appurtenant thereto, or any other real or
5 personal property rented or offered for rent for living or dwell-
6 ing purposes, together with all services connected with the
7 use or occupancy of such property, but not including the
8 following:

9 (i) housing accommodations which the United States or the
10 commonwealth or any authority created under the laws thereof
11 either owns or operates;

12 (ii) housing accommodations in any hospital, convent, mon-
13 astery, asylum, public institution or college or school dormi-
14 tory operated exclusively for charitable or educational purposes,
15 or in any nursing or rest home for the aged;

16 (iii) buildings containing fewer than three housing accommo-
17 dations or buildings with three housing accommodations one
18 of which is occupied by the owner of the building;

19 (iv) housing accommodations in hotels, motels, inns, tourist
20 homes, and rooming and boarding houses which are occupied
21 by transient guests staying for a period of fewer than fourteen
22 consecutive days;

23 (v) housing accommodations which were constructed or sub-
24 stantially rehabilitated pursuant to any federal mortgage insur-
25 ance program;

26 (vi) housing accommodations which were constructed or
27 substantially rehabilitated with financing by the Massachusetts
28 Housing Finance Agency with an interest subsidy attached
29 thereto.

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