

By Mr. Liederman of Malden, petition of David S. Liederman relative to the approval of forms of leases used in housing for the elderly. Urban Affairs.

**The Commonwealth of Massachusetts**

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

**AN ACT REQUIRING THE APPROVAL BY THE SECRETARY OF ELDER AFFAIRS OF FORMS OF LEASES USED IN HOUSING FOR THE ELDERLY.**

*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. Section 40 of chapter 121B of the General  
2 Laws, as most recently amended by chapter 853 of the acts of  
3 1970, is hereby further amended by adding at the end thereof  
4 the following paragraph: —  
5 (g) No lease, occupancy agreement, or document relating to  
6 the tenancy of an elderly person of low income shall be  
7 effective unless the precise form of such lease, agreement or  
8 document has been approved by the secretary of elder affairs  
9 and evidence of such approval is endorsed thereon. The secre-  
10 tary shall review all forms proposed for use as leases, occu-  
11 pancy agreements, or other documents relating to tenancy  
12 promptly upon submission to him. He shall not approve any  
13 form requiring security deposits or any similar deposits of sums  
14 of money for application toward unaccrued rent or other  
15 expenses. He shall not approve any form if it contains provi-  
16 sions deemed by him to be inequitable, lacking in mutuality or  
17 contrary to public policy having due regard for the status of  
18 the tenants as elderly persons of low income. He shall require  
19 the inclusion of such provisions as he shall determine to be  
20 necessary to protect tenants as elderly persons of low income  
21 from their unequal bargaining position in the landlord-tenant  
22 relationship. The provisions of this paragraph shall apply to all  
23 elderly persons of low income residing in any housing within

24 the commonwealth with respect to which any financial assist-  
 25 tance has been given or loaned, directly or indirectly, by the  
 26 commonwealth or by any city or town or by any public  
 27 authority or agency thereof or as to which the commonwealth  
 28 or any city or town or any public authority or agency thereof  
 29 has financially assisted, directly or indirectly, the builder,  
 30 owner or developer in any manner in connection with the  
 31 construction, operation or maintenance of the said housing.

1 SECTION 2. This act shall take effect on June 1, 1971.