

Offered by Councilor Garrison



CITY OF BOSTON

IN THE YEAR TWO THOUSAND NINETEEN

HOME RULE PETITION

AN ACT REGARDING THE NEED FOR A FORM OF RENT CONTROL IN THE CITY OF BOSTON

- WHEREAS,* There is a major housing crisis in the City of Boston and individuals and families are being evicted at massive rates without just cause and are therefore becoming homeless; and,
- WHEREAS,* Elected officials ought to be concerned that their fellow citizens are being evicted without just cause and made to become homeless, often times simply because of the greed and callousness of landlords; and,
- WHEREAS,* Many elected officials refuse to admit that there is indeed a housing crisis in the City of Boston and to take the necessary steps to help residents of the City in this regard; and,
- WHEREAS,* Although satisfactory shelter for our citizens is a basic human right, landlords often refuse to compassionately assist their tenants in adequately maintaining this most basic human right and need for survival; and,
- WHEREAS,* There is currently no real affordable housing for working families and low-income residents in the City of Boston and so residents are forced to rent at astronomically high costs and are often not offered adequate subsidized rent; and,
- WHEREAS,* The 80th Oregon Legislative Assembly 2019 Regular Session recently passed Senate Bill 608, which is groundbreaking rent control legislation that concretely addresses the housing crisis of its citizens and can serve as a model for prohibiting landlords from terminating month-to-month tenancy without cause after 12 months of occupancy; and,
- WHEREAS,* The Massachusetts Rent Control Prohibition Initiative, also known as Question 9, was on the November 8, 1994 ballot in Massachusetts as an initiated state statute and it narrowly passed and thus prohibited rent control for most privately owned housing units and nullified certain existing rent control laws, yet it also authorized city and towns to adopt a restricted form of rent control for a six month period, after which compliance by property owners would be voluntary; and,

THEREFORE BE IT

ORDERED: That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston to be filed with an attested copy of this order be, and hereby is, approved under Clause 1 of Section 8 of Article II, as amended, of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

PETITION FOR A SPECIAL LAW RE:
AN ACT REGARDING THE NEED FOR A FORM OF RENT CONTROL IN THE CITY OF
BOSTON

Section 1. As used in this act, the following words shall have the following meanings: “Rent Control,” regulations that require below-market rents for residential properties, including the regulation of occupancy, services, evictions, condominium conversion and the removal of properties from such rent control regulations.

Section 2. Notwithstanding any general or special law to the contrary, landlords shall be prohibited from terminating month-to-month tenancy without cause after 12 months of occupancy. The only exception would be for certain tenancies in a building or on a lot used by a landlord as a residence. Landlords may only terminate tenancy with a mandatory 90 day written notice.

Section 3. Notwithstanding any general or special law to the contrary, fixed term tenancy becomes month-to-month tenancy upon ending date if not renewed or terminated. Landlords are allowed to not renew fixed term tenancy if a tenant receives three lease violation warnings within 12 months during the term and when the landlord gives the mandatory 90 day notice.

Section 4. Notwithstanding any general or special law to the contrary, rent increases for residential tenancies shall be limited to one per year. Maximum annual rent increase shall be limited to seven percent above annual change in consumer price index as determined by the Bureau of Labor Statistics.

Section 5. The Massachusetts Rent Control Prohibition Act, *Chapter 40p, Section 4 of the General Laws* is hereby amended by striking part “a” in section 4 and replacing it with the following: - Section 4 (a). After six months from the date of the initial adoption of rent control regulation by a particular city or town, compliance on the part of property owners as to the rent control regulation or any subsequently adopted rent control regulation shall be mandatory, and the property of a person or entity declining to have his or its property subjected to such regulation shall be duly affected by any aspect of the rent control regulation or any subsequently adopted rent control regulation.

Section 6. The Massachusetts Rent Control Prohibition Act, *Chapter 40p, Section 4 of the General Laws* is hereby amended by striking part “b” in section 4 and replacing it with the following: - Section 4 (b). Such regulation includes the regulation of occupancy, services,

evictions, condominium conversion and the removal of properties from such regulation, and it shall exempt one, two, three and four family homes and all condominiums shall be subject to the law

Section 7. The Massachusetts Rent Control Prohibition Act, *Chapter 40p, Section 4 of the General Laws* is hereby amended by striking part “c” in section 4 and replacing it with the following: - Section 4 (c). A municipality adopting such regulation shall not be required to compensate owners of rent controlled units and the cost of any rent control shall not be borne by taxpayers of a municipality, but by the owners of regulated units.

Section 8. The provisions of this act shall take effect upon its passage.

Filed in Council: April 10, 2019