

Initiative Petition for a Law Relative to Local Options for Tenant Protections

Be it enacted by the People, and by their authority:

SECTION 1. The General Laws are hereby amended by striking out chapter 40P and inserting in place thereof the following chapter:-

CHAPTER 40P. TENANT PROTECTION ACT.

Section 1. A city or town shall have plenary power, to the extent of that of the general court and notwithstanding any other general or special law, to adopt ordinances or by-laws protecting residential tenants, following procedures in the municipal charter, including the municipal initiative and referendum. This power includes but, except as provided by section 2, is not limited to, the power to:

- (a) regulate residential rents and associated fees and deposits, including brokers fees;
- (b) regulate residential evictions;
- (c) regulate removal of housing units from the rental market, such as by demolition or condominium conversion, notwithstanding chapters 157 and 183A of the General Laws and chapter 527 of the acts of 1983;
- (d) provide for or designate an officer, administrator, board, or committee to administer and enforce the ordinance or by-law, including the power to adopt regulations; and
- (e) provide for civil, administrative, and criminal remedies, including money damages, civil penalties, declaratory and injunctive relief, and criminal fines, notwithstanding sections 21 and 21D of chapter 40 and chapter 40U;

Section 2. An ordinance or by-law under this chapter, or an action taken under such an ordinance or by-law, shall not:

- (a) deprive an owner of a fair net operating income;
- (b) violate the constitution of the United States or of the commonwealth;
- (c) apply to dwelling units for which a residential certificate of occupancy was obtained for the first time fifteen years ago or less, on a rolling basis;
- (d) apply to dwelling units:
 - (1) in a 2- or 3-family owner-occupied dwelling;

(2) in hotels, motels, inns, tourist homes and rooming or boarding houses which are rented primarily to transient guests for a period of less than 14 consecutive days;


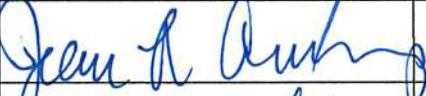
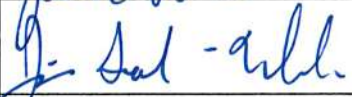



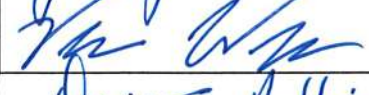
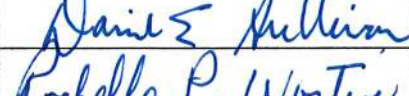

(3) which a governmental unit, agency, or authority: (i) owns or operates; or (ii) regulates the rents, other than units regulated under this chapter or any other general or special law authorizing municipal control of rental levels for all or certain rental units within a municipality; or (iii) finances or subsidizes, if the limitation of rents under this chapter would result in the cancellation or withdrawal, by law, of such financing or subsidy;

(4) in cooperatives;

(5) in a hospital, convent, monastery, public institution or college or school dormitory operated exclusively for charitable or educational purposes; or facilities for the residential care of the elderly, nursing home or rest home or charitable home for the aged, not organized or operated for profit; and

(6) in cases where further local exemptions have been established by applicable ordinance or by-law.

SECTION 2. This act shall take effect as soon as the governor and council certify its passage.

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