

254 CMR: BOARD OF REGISTRATION OF
REAL ESTATE BROKERS AND SALESMEN

254 CMR 7.00: APARTMENT RENTALS

Section

7.00: Apartment Rentals

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(1) Notice to Prospective Tenants. Brokers and salespersons engaged in renting real property, whether by written agreement or not, shall provide each prospective tenant for whom he or she charges a fee, with a written notice that states that the prospective tenant will pay a fee for such service, the amount of the fee, the manner and time in which the fee is to be paid and whether or not any fee or any portion thereof will be payable by the tenant if a tenancy is not created. This written notice must be given by the real estate broker or salesperson at the first personal meeting between the broker or salesperson and a prospective tenant. It must be signed by the real estate broker or salesperson, contain the license number of such broker or salesperson, be signed by the prospective tenant and contain the date such notice was given by the broker or salesperson to the prospective tenant. Where a prospective tenant declines to sign such written notice the real estate broker or salesperson must note on such written notice the tenant's name and the refusal to sign such notice.

(2) Record Maintenance and Inspection. A copy of the written notice referred to in 254 CMR 7.00 shall be maintained by the real estate broker or salesperson for a period of three years from the date on which the notice was provided to the prospective tenant. Real estate brokers or salespersons shall furnish the notice to the Board, its investigators or other agents upon request.

(a) Brokers shall maintain all rental listings and written documents that demonstrate the availability of an apartment at the time it is advertised for rental for a period of three years from the date on which such apartment is rented.

(b) Brokers shall maintain a copy of any check, money order and written cash receipt for any fees, deposits or payments made by a prospective tenant or actual tenant for a period of three years from the date of issuance. Brokers shall also maintain a copy of any check issued on an escrow account over which they have issuing authority for a period of three years from the date of issuance.

(c) Any advertisement concerning the availability of an apartment shall disclose in print no smaller than that for the apartment itself that "The apartment advertised may no longer be available for rental".

(3) Fees for Service. No real estate broker shall charge any fee to a prospective tenant unless a tenancy is created, or in those cases where no tenancy in real property is created unless the prospective tenant has agreed in writing to pay such a fee.

REGULATORY AUTHORITY

254 CMR 7.00: M.G.L. c. 112, §§ 87PP through 87DDD½.