

SUMMARY OF NO. 23-42

This proposed law would allow cities and towns to adopt ordinances and by-laws that would give them certain powers to protect residential tenants, including but not limited to, the ability to implement rent control, regulate residential evictions, and regulate the removal of rental units from the housing market. Cities and towns would be allowed to adopt regulations to enforce these powers and to create civil and administrative remedies and criminal penalties for violations of these local regulations.

This proposed law specifies that ordinances or by-laws adopted by cities or towns using this power shall not deprive a building owner of a fair net operating income or violate the Massachusetts Constitution or United States Constitution.

This proposed law would not apply to dwelling units that received their first residential certificate of occupancy in the past fifteen years, dwelling units owned or operated by the government, or dwelling units financed or subsidized by the government if rent limits would threaten that financing or subsidy. This proposed law would also not apply to dwelling units that are located in (1) two- or three-family owner-occupied buildings; (2) hotels, motels, inns, tourist homes and rooming/boarded houses that are rented primarily to guests for less than 14 days; (3) hospitals, convents, monasteries, public

institutions or dormitories operated for charitable or educational purposes; (4) non-profit facilities for elderly care, including nursing or rest homes; and (5) cooperatives.