

Unofficial Summary of Initiative Petition No. 23-42

“Law Relative to Local Options for Tenant Protections”

This proposed law would repeal the law prohibiting cities and towns from enacting rent control except on a limited, voluntary basis. Instead, the proposed law would give cities and towns plenary power to adopt ordinances and by-laws to implement rent control. In addition, the proposed law would give cities and towns plenary power to regulate residential evictions, the removal of rental units from the housing market (e.g., condominium conversion), and any other subject matter affecting residential tenants. Cities and towns would be allowed to adopt regulations to enforce this power and to create civil, administrative, and criminal remedies for violations of these regulations. Those regulations would apply notwithstanding any law adopted by the Legislature.

The broad power bestowed on the cities and towns would have some limits. First, ordinances or by-laws adopted by cities or towns using this power shall not deprive a building owner of a fair net operating income (not defined) or violate the Massachusetts Constitution or United States Constitution.

Second, the 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 also states that it 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/boarding houses that are rented primarily to guests for less than fourteen days; (3) hospitals, convents, monasteries, or dormitories operated for charitable or educational purposes; (4) non-profit facilities for elderly care, including nursing or rest homes; and (5) cooperatives.