

OFFERED BY COUNCILORS GABRIELA COLETTA ZAPATA AND BENJAMIN J. WEBER



CITY OF BOSTON IN CITY COUNCIL

AN ORDINANCE INCREASING TENANT PROTECTION DURING RENTAL INSPECTION CODE VIOLATIONS

WHEREAS, Boston is facing a historic housing shortage that has driven rents among the highest in the nation. As population growth continues to outpace regional housing production, the resulting tight housing market reinforces a sustained imbalance of power between landlords and tenants. Under these conditions, tenants may be reluctant to report unsafe living conditions or assert their legal rights for fear of retaliation or loss of housing. This dynamic can allow substandard conditions to persist and too often results in the displacement of the City's least affluent and most vulnerable residents; *and*

WHEREAS, Housing displacement carries significant costs for all parties, particularly for individuals and families already in precarious situations. When displacement leads to housing instability or even homelessness, it can trigger serious declines in physical and mental health and often results in lasting socioeconomic harm. These outcomes also place substantial financial and service burdens on local governments working to respond to and mitigate homelessness; *and*

WHEREAS, Boston has one of the largest housing stocks in the Commonwealth, with more than 300,000 housing units and a rental-heavy market in which approximately two-thirds of households are renters. As a result, the City hosts the largest concentration of renter households in Massachusetts, many of whom face heightened vulnerability to housing instability, eviction, and displacement when tenancy disputes arise; *and*

WHEREAS, In a housing market defined by persistently high costs and limited vacancy, even minor tenancy issues can quickly escalate into housing insecurity. These conditions underscore the importance of strong local policies and interventions that stabilize tenancies, prevent unnecessary displacement, and protect residents from the cascading economic and public health consequences associated with housing loss; *and*

WHEREAS, The traditional civil litigation process has proven to be an insufficient mechanism for deterring landlord misconduct and protecting tenants from maltreatment. The cost, time, procedural complexity, and uncertainty associated with pursuing relief through the courts often place meaningful legal recourse out of reach for many tenants. At the same time, landlords frequently prefer alternatives to litigation due

to similar concerns about expense, delay, and risk. These shared limitations highlight the need for proactive City intervention and stronger enforcement mechanisms that can address disputes more efficiently while safeguarding housing stability; *and*

WHEREAS, The Inspectional Services Department (ISD) plays a critical role in enforcing Boston’s housing and sanitary codes and has long served as a frontline resource for both tenants and property owners navigating housing conditions and compliance issues. However, the Department’s enforcement of existing tenant protections has at times been constrained by limited staffing capacity, resource demands, and the growing volume of cases across the city’s housing stock; *and*

WHEREAS, These constraints have revealed underlying policy and coordination gaps, including inconsistent mechanisms for ensuring that tenants facing serious code violations are systematically connected with the Office of Housing Stability (OHS) and other available support services. Strengthening coordination, resources, and enforcement tools would help build on the important work already being carried out by these departments while ensuring tenants and responsible property owners receive timely assistance and clear pathways to resolution; *and*

WHEREAS, Even with aggressive efforts to increase housing production, new residential construction cannot meet the scale of current demand in the near term. The City must ensure that strong tenant protection policies are in place to mitigate the ongoing impacts of the housing crisis. This includes strengthening safeguards against landlord retaliation, improving coordination among City departments, and ensuring tenants facing habitability issues are proactively connected to the resources and support necessary to remain safely housed; ***NOW, THEREFORE BE IT***

Be it ordained by the City Council of Boston as follows:

The City of Boston Municipal Code, Ordinances, *Chapter 9, Section 1.3, Inspection and Re-Inspection of Rental Units*, is hereby amended with the following provisions:

SECTION 1.

City of Boston Code, Ordinances, Chapter 9, Section 1.3 (A), is hereby amended by inserting after the words “chronic and priority offenders.” the following:

“This Section implements a joint dataset between the Inspectional Services Department (ISD) and the Office of Housing Stability (OHS) where all rental unit data will be shared to aid in tenant support and available resources.”

SECTION 2.

City of Boston Code, Ordinances, Chapter 9, Section 1.3 (B), is hereby amended by inserting the following definitions:

COMPLEX. Any building with seven or more rental units.

MULTI-FAMILY HOME. Any building with six or fewer rental units.

RETALIATION. Any adverse actions taken by a residential property owner against a tenant seeking to understand or assert their rights regarding this Section or housing in general.

Retaliatory actions by the rental property owner include:

- (a) Threatening or forcing eviction without due cause (e.g.) changing locks, shutting off utilities, serving a Notice of Quit);
- (b) Physical or psychological harassment (i.e. manipulation, bullying, intimidation, humiliation);
- (c) Revoking access to amenities stated in the signed lease (i.e. laundry facilities removal, pool drainage, hot water removal) without underlying cause (i.e. repairs, seasonal weather conditions);
- (d) Entering the involved unit without a 24 hour notice to the lessor in a non-emergency situation;
- (e) Sudden increase in rent that is not specified and agreed upon in the lease;
- (f) Changing the terms of the lease before the agreement has expired; or
- (g) Coercing the tenant(s) to move out prematurely by offering payments.

WARRANT OF HABITABILITY. A document to be provided by ISD upon rental unit registration that certifies compliance with the Commonwealth's Sanitary Code (105 C.M.R. § 410).

SECTION 3.

City of Boston Code, Ordinances, Chapter 9, Section 1.3 (C), is hereby amended by

- I. In section (1) inserting after the words "shall also be included in the notice." the following: "The posted notice shall also include the City's non-emergency phone number, 311 (617-635-4500)."
- II. In section (2), by striking "twenty-five (\$25.00)" and inserting in place thereof "seventy-five dollars (\$75.00)", and by striking "fifteen (\$15)" and inserting in place thereof "fifty dollars (\$50.00)".

SECTION 4.

City of Boston Code, Ordinances, Chapter 9, Section 1.3(D)(1), is hereby amended by striking subsections (a) and (b) in their entirety and inserting in place thereof the following:

"Rental units owned or operated by federal, commonwealth, or city government shall be exempt from the inspection requirements of this Section. ISD shall provide all rental unit owners subject to these provisions with education materials on all code requirements relative to their units on a regular basis."

SECTION 5.

City of Boston Code, Ordinances, Chapter 9, Section 1.3(F), is hereby amended by:

- I. Inserting “ If a rental property is owner occupied and meets the definition of a multi-family home, as defined herein, the property owner may apply for an alternative compliance plan.” following the first sentence.
- II. Inserting “Applicants shall be required to certify that they have read and understand the requirements of the Commonwealth’s Sanitary Code as well as the provisions of 940 CMR 3.17 and that if approved, such alternative plan would not impact their ability to comply with such regulations.” following the second sentence.
- III. In section (1)(c) striking the words "A site visit of the property" and inserting in place thereof the words "A site visit and inspection of the property".
- IV. In section (2) inserting “ISD shall refer any tenant complaint of a violation to OHS who shall refer said tenant to the appropriate state agency.” after the first sentence.

SECTION 6.

City of Boston Code, Ordinances, Chapter 9, Section 1.3(H), is hereby amended by:

- I. In section (1), inserting “Residential rental property owners who fail to register shall incur a fine of one hundred and twenty-five (\$125) dollars in addition to the standard registration fee. Additionally,” before the first sentence.
- II. In section (1), inserting the following after subsection (d): “(e) Failure to sign and present a Warrant of Habitability to the tenant(s) prior to move-in (one point);” and “(f) Repeatedly found intimidating or seeking retaliation against a tenant seeking mediation assistance and/or City guidance regarding a housing issue (two points).”
- III. In section (2) striking the words "once every three years, and it shall be mandatory that ISD conduct said three-year inspection" and inserting in place thereof the words "once every two years, and it shall be mandatory that ISD conduct said two-year inspection"
- IV. In section (2), Table 1, striking the table in its entirety and inserting in place thereof the following:

<i>TABLE 1</i>		
<i># Rental Units Owned</i>	<i>Point Threshold in a 12-Month Period</i>	<i>Point Threshold in a 16-Month Period</i>
1 to 6 units	4	8

7 to 50 units	6	10
51 to 500 units	10	16
501 or more units	14	24

- V. Inserting after subsection (2) the following: “(3) If a tenant raises concerns regarding the habitability of their rental unit, whether by communicating with the landlord or by seeking legal or non-legal assistance and/or advice from third parties, the landlord shall not take retaliatory action against the tenant(s) involved. If a tenant believes that they have been retaliated against by their rental property owner, OHS shall refer them to the appropriate state agency.”

SECTION 7.

City of Boston Code, Ordinances, Chapter 9, Section 1.3(I)(1), is hereby amended by striking the subsection in its entirety and inserting in place thereof the following: “(1). All inspections performed under Sections (G) and (H) shall be performed in accordance with the requirements of the Commonwealth’s Sanitary Code and recorded on a form approved by the ISD. The Commissioner shall charge a filing fee of one hundred and fifty dollars (\$150.00) for any registration or sworn statement filed by an owner, authorized inspector, or other agent of the owner; said filing fees shall be capped at a maximum of five thousand dollars (\$5,000.00) per multi-family home or twenty thousand dollars (\$20,000.00) per complex.”

SECTION 8.

City of Boston Code, Ordinances, Chapter 9, Section 1.3 (N), is hereby amended by inserting after subsection (4) the following:

“(5) Information on the effectiveness of the shared data system between ISD and OHS in addressing unit habitability concerns, facilitating timely resolution between property owners and tenants, and preventing tenant displacement; and”

SECTION 9.

City of Boston Code, Ordinances, Chapter 9, Section 1.3(T), is hereby amended by striking the words "a fine of \$300 per month" and inserting in place thereof the words "up to a fine of three hundred dollars (\$300) per day as determined by ISD".

SECTION 10.

City of Boston Code, Ordinances, Chapter 9, Section 1.3, is hereby amended by inserting the following new section:

“(U) Data sharing and Tenant Support

(1) All rental housing data collected by the ISD shall be compiled into a joint dataset with OHS. This dataset shall be updated within five (5) business days of the initial reporting.

(2) The joint dataset shall include all relevant information regarding each rental unit in the City, including, but not limited to:

- (a) Unit address;
- (b) Property owner contact information, including phone number, email address, and work address;
- (c) Tenant primary contact information, including phone number and email address;
- (d) Code enforcement violations;
- (e) Problem Property classification;
- (f) Property owner “Chronic Offender” classification;
- (g) Inspection records;
- (h) Sanitary Code compliance history;
- (i) History of property managers and owners;
- (j) Approved five-year alternative compliance plans;
- (k) Documented mediation services used between tenant(s) and property owner; and
- (l) Documented retaliatory measures taken against the tenant(s) of the rental unit.

(3) The data compiled pursuant to this Section shall be made available to OHS for the sole purposes of enhancing tenant protections and supporting casework brought forth by affected tenant(s). Such data shall only be used in instances in which a tenant’s rental unit experiences a degradation in habitability, and shall be used to determine how OHS may assist tenants and connect them to appropriate resources.

(4) Upon receipt of joint dataset information indicating one or more of the following conditions, OHS shall initiate the tenant support set forth in this Section:

- (a) Open or unresolved code enforcement violations affecting habitability;
- (b) Designation of the rental unit or building as a Problem Property;
- (c) Classification of the property owner as a Chronic Offender; or
- (d) An ISD determination to pursue enforcement through Housing Court.

(5) Intake, Assignment, and Tenant Outreach

- (a) Within five (5) business days of receipt of data indicating a triggering event, OHS shall conduct an intake review to determine whether tenant support services are appropriate.
- (b) Within seven (7) business days of intake review, OHS shall assign a designated caseworker to serve as the primary point of contact for impacted tenant(s), subject to tenant consent.
- (c) Within ten (10) business days of case assignment, the assigned caseworker shall:

1. Contact the tenant(s);
2. Provide educational materials regarding tenant rights, code enforcement processes, and anti-retaliation protections; and
3. Explain the respective roles of ISD, Housing Court, and OHS.

(6) OHS may coordinate with ISD and other relevant City departments to assist tenants in understanding inspection results, compliance timelines, and available stabilization resources.

OHS tenant support under this Section may occur concurrently with ISD enforcement actions and Housing Court proceedings and shall not delay, interfere with, or substitute for ISD's enforcement authority.

(7) OHS case coordination shall continue until:

- (a) ISD certifies substantial compliance with applicable codes;
- (b) Enforcement proceedings related to habitability are resolved; or
- (c) The tenant requests closure of the case.

OHS shall document outreach, education, referrals, and coordination efforts within the joint dataset for purposes of program oversight.

(8) Nothing in this Section shall be construed to designate the Office of Housing Stability, or any of its employees, as a legal representative or attorney for any tenant. OHS shall not provide legal advice or represent tenants in Housing Court or other legal proceedings.”

SECTION 11.

The provisions of this Section are severable, and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity will not affect the remaining provisions, which will remain in full force and effect.

SECTION 12.

This ordinance shall take effect six (6) months after passage.

Filed on: April 29, 2026