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CITY OF BOSTON IN CITY COUNCIL

AN ORDINANCE EXTENDING AND ENHANCING PROTECTIONS FOR TENANTS FACING DISPLACEMENT DUE TO CONDOMINIUM OR COOPERATIVE CONVERSION IN THE CITY OF BOSTON

- WHEREAS,* Since 1983, the Commonwealth of Massachusetts has established minimum condominium conversion protections statewide under Chapter 527 of the Acts of 1983 (the “Condominium Conversion Law”) to preserve rental housing and prevent tenant displacement, while allowing municipalities to enact stronger local protections by ordinance or by-law; *and*
- WHEREAS,* Boston first adopted condominium conversion protections in 1979 under its rent control laws, incorporating provisions similar to those later enacted in the 1983 statewide Condominium Conversion Law, including extended notice periods, tenant relocation assistance, and the right of first refusal; *and*
- WHEREAS,* Following the 1994 statewide referendum repealing rent control, Boston sought to re-establish local condominium conversion protections under the authority of the 1983 statewide law, and while early attempts in 1995 and 1996 were invalidated by litigation, the City successfully adopted a local condominium conversion ordinance in 1999, which remains in effect today as subsequently amended; *and*
- WHEREAS,* The 1994 repeal of rent control under Chapter 282 of the Acts of 1994 did not eliminate municipal authority over condominium conversions, as it excluded the 1983 statewide Condominium Conversion Law from its definition of rent control, allowing cities and towns to continue adopting local condominium protections, provided they are not part of a broader rent control scheme; *and*
- WHEREAS,* In November 2024, the Legislature enacted Chapter 150 of the Acts of 2024 (“The Affordable Homes Act”), section 57 of which expanded condominium conversion protections to properties with fewer than four units where the owner does not reside, extending the 1983 Condominium Conversion Law protections for larger buildings to include two- and three-family buildings; *and*
- WHEREAS,* Section 2 of the 1983 statewide Condominium Conversion Law requires municipalities to justify local protections that exceed the state minimum by declaring an acute rental housing emergency based on local conditions, and it remains necessary for Boston to provide additional protections beyond the statewide baseline to adequately safeguard its low- to moderate-income tenants, particularly the elderly and residents with disabilities, from the adverse impacts of condominium conversions, which protections were first adopted by Chapter 8 of the Ordinances of 1999 and have been extended and revised in 2004, 2009, 2014, 2019, 2020, and 2021; *NOW, THEREFORE,*

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

SECTION 1.

The City of Boston finds and declares, in accordance with the fourth paragraph of section 2 of Chapter 527 of the Acts of 1983, that current conditions in the City of Boston continue to constitute an acute rental housing emergency requiring action by the City, on account of the aggravating impact of the factors set forth in section 1 of said Chapter 527, including the lack of sufficient new rental housing production, prolonged increases in housing costs at a rate substantially exceeding increases in personal income, increased costs of new housing construction and finance, and by the effect of the conversion of rental housing into condominiums or cooperatives, which has reduced the remaining stock of rental housing and resulted in threats of displacement to existing tenants, and unless the available stock of rental housing and the tenants who reside therein receive further protection from the consequences of conversion of said accommodations into condominiums or cooperatives beyond those currently afforded, this rental housing shortage will generate serious threats to the public health, safety, and general welfare of the residents of the City of Boston, particularly those of low to moderate income, elderly persons, and persons with disabilities, and will also result in the inability of those tenants to secure comparable rental housing, even with alternative forms of rental assistance, and it is therefore necessary that local legislative action impose provisions and requirements to regulate the conversion of housing accommodations to the condominium or cooperative form of ownership and evictions related thereto which differ from those set forth in Chapter 527.

SECTION 2.

The City of Boston Code, Ordinances, Chapter X, subsection 10-2.1(j), as appearing in Chapter 3 of the Ordinances of 2021, is hereby amended in the definition for “*Housing accommodations*,” by striking out under clause (3), the first time it appears, the word “buildings” and inserting in place thereof the following:— “owner-occupied buildings,” such that said clause (3) reads as follows:— “3. Owner-occupied buildings containing fewer than four (4) residential units, except for buildings which are part of a housing development as defined herein”

SECTION 3.

The City of Boston Code, Ordinances, Chapter X, Section 10-2.1, as appearing in Chapter 3 of the Ordinances of 2021, is hereby amended as follows:

- A. In the definition for “*Condominium Unit*,” in subsection 10-2.1(c), by inserting after the words “section 3 of chapter 527 of the acts of 1983” the following:— “, and as said chapter 527 may be amended from time to time.”
- B. In the definition for “*Housing Development*,” in subsection 10-2.1(k), by inserting after the words “section 3 of chapter 527 of the acts of 1983, as amended by section 5 of chapter 709 of the acts of 1989” the following:— “, and as said chapter 527 may be amended from time to time.”
- C. In the definition for “*Unit*,” in subsection 10-2.1(v), by inserting after the words “section 3 of chapter 527 of the acts of 1983, as amended by section 7 of chapter 709 of the acts of 1989” the following:— “, and as said chapter 527 may be amended from time to time.”

SECTION 4.

The City of Boston Code, Ordinances, Chapter X, subsection 10-2.10(b), as appearing in Chapter 3 of the Ordinances of 2021, is hereby amended by striking out under clause (2) in the first sentence the words “one year” and inserting in place thereof the following:— “two years,” such that the first sentence of said clause (2) reads as follows:— “2. Notice of the intent to convert shall be given to the tenant at least two years before the landlord will seek to have the tenant vacate the unit in the housing accommodation.”

SECTION 5.

The City of Boston Code, Ordinances, Chapter X, subsection 10-2.10(c), as appearing in Chapter 3 of the Ordinances of 2021, is hereby amended by striking out clause (1) in its entirety and inserting in place thereof the following:— 1. *Extension of Rental Housing Agreement; Limitations on Rent Increases During Notice Period.* For any tenant whose current rental housing agreement expires before the end of the two or five year notice period to which they are entitled under this ordinance, the landlord shall extend the tenant’s rental housing agreement for the entire length of the required notice period. The provisions of such extended rental housing agreement may not be modified from the existing terms, except that the amount of annual rent may be increased by five percent (5%), or the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), Boston area, during the calendar year immediately preceding the date upon which the rental housing agreement is extended, whichever is less, as published by the U.S. Bureau of Labor Statistics.

SECTION 6.

The City of Boston Code, Ordinances, Chapter X, subsection 10-2.10(c), as appearing in Chapter 3 of the Ordinances of 2021, is hereby further amended by striking out under subclause (4)(i), in the second sentence the words “six months” and inserting in place thereof the following:— “twelve (12) months,” such that the second sentence of said subclause (4)(i) reads as follows:— “The landlord shall extend this offer to purchase no later than twelve months before the end of the notice period.”

SECTION 7.

The City of Boston Code, Ordinances, Chapter X, subsection 10-2.20, as appearing in Chapter 3 of the Ordinances of 2021, is hereby amended by striking out the words “December 31, 2025” and inserting in place thereof the following:— “December 31, 2030”

SECTION 8.

The provisions of this ordinance 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 shall not affect the remaining provisions, which remain in full force and effect.

SECTION 9.

The provisions of this ordinance shall be effective immediately upon passage.

Filed on: March 31, 2025