



Landlord and Tenants' Rights

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The Attorney General's Office

The Attorney General's Office is an advocate and resource for ALL residents of Massachusetts.

- protecting consumers
- combating fraud and corruption
- investigating and prosecuting crime
- protecting the environment, workers, and civil rights





How we work?

How:
Four Major Ways this Work is Executed





Where the AGO is located?



Boston

New Bedford

Springfield

Worcester



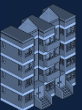
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Landlord-Tenant Rights

“House” it all work anyway?





2 Types of Tenancy

Tenancy Based on a Lease

Written lease



Lasts a specified amount of time

Rent stays same during lease period

Tenancy at Will

Sometimes no written agreement

Lasts as long as both parties want to do business together

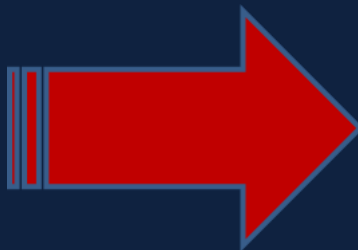
Rent can change with 30 days' notice





Terms of a Rental Agreement *Must Include...*

Name,
address,
and phone
of...



- Owner
- Person responsible for maintenance
- Person to whom the tenant can give copies of formal notices, complaints, or court papers



Obligations of the Landlord and Tenant

Tenant Must:

- Pay rent
- Follow rules agreed upon with landlord
- Accept responsibility for damages beyond "normal wear and tear"

Landlord Must:

- Provide an apartment that's safe, clean, and in compliance with Sanitary Code
- Live up to promises made in lease/rental agreement



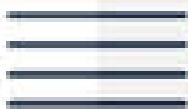


What do I have to pay at the start of a tenancy?

First and last month's rent



RECEIPT



TOTAL _____

Landlord should provide a signed receipt for payments made with cash or a money order.



Security Deposit Laws

The landlord must...



Give the tenant the name and address of the bank holding the security deposit, and the account number.



Each year, either pay the tenant interest on the security deposit or let them deduct that amount from a rent payment.



Give the tenant a “statement of condition” which describes the condition of the apartment and any damage that exists at that time.



Return the security deposit, plus interest, within 30 days of the tenancy ending



Questions & Information You Should Consider About Renting

1. Does the rent covers utilities?
2. If amenities are present, what is the additional cost associated with access?
 - In Massachusetts, a landlord cannot require a tenant to pay an additional monthly fee for amenities on the property, like private parking, a pool, or workout room, but may restrict access to these amenities to only those who agree to pay.
3. If repairs are necessary, both parties should discuss whether the landlord will make the repairs before the tenant moves in.
 - The landlord and the prospective tenant together should check every plumbing fixture, light switch, cupboard door, and appliance to make sure they all work properly.
4. Similarly, the lease or rental agreement should include a list of all repairs (& timeframe to complete) that the landlord agrees to make during the tenancy.
5. The lease or rental agreement should also note if major appliances are included with the tenancy, such as a washing machine, etc.



Information Regarding Pets

- Does the landlord allow tenants to keep pets in the rental property? Will landlord require a tenant to pay a higher-than advertised monthly rent to keep a pet?
- For Any Reasonable Accommodation Issues, please contact our Civil Rights Division: *(617) 963-2917*



State of the Apartment

MA Sanitary Code



MA Sanitary Code requires a place to be “habitable”—comfortable & clean enough for a person to live safely.



If a Sanitary Code violation isn’t addressed by the landlord, tenant can request an official to inspect the place.



If landlord still fails to fix the problem, a tenant may be able to withhold a portion of the rent or move out.





Recent Changes to the Code

Pests



Moisture



Kitchen



Heating



Repair



Landlord Response



Changes effective April
2023



Winter Consideration

Landlord Responsible for...

Heat minimum 68° (7am-11pm); min. 64° (11pm-7am)

Function of heating & hot water system

Snow/ice removal from entryways used by multiple tenants

Tenant...

May have to pay for heating (depends on lease)

Shouldn't be billed for heating in common areas

Contact city/town for more snow/ice removal needs





Addressing Conditions

- Write to your landlord
- Report to your Local Board of Health
- Seek legal help
 - <https://masslegalhelp.org/housing/problems>

Frequently Asked Questions:

But can I withhold rent?
Can I make the repairs myself?

It's illegal for a landlord to retaliate against a tenant!



Right to Withhold Rent

- When a landlord fails to maintain a dwelling in habitable condition, a tenant may properly withhold a portion of the rent from the date the landlord has notice of this breach of warranty of habitability.

Board of Health

Inspected

Found Violations

Notified the
Landlord

Tenant

Current on Rent

Not the Cause of
the Problem

Repairs don't
require you to leave



Making Your Own Repairs

Board of Health

Certified conditions endanger health

Notified landlord in writing

Landlord has 5 days to begin or contract for repairs

Tenant

Keep all receipts

Costs of repair must be reasonable

Deduct no more than 4 months future rent



LIHEAP

- Low Income Home Energy Assistance Program (LIHEAP), known commonly as Fuel Assistance, provides eligible households with help in paying a portion of winter heating bills.

DEADLINE TO APPLY: APRIL 30, 2023

- More info visit: www.mass.gov/service-details/learn-about-low-income-home-energy-assistance-program-liheap
- Find provider agency to apply: <https://hedfuel.azurewebsites.net/>



Reminder: Rent Payment

- If a tenant is unable to pay rent because of a COVID-19 related financial hardship – the tenant should notify their landlord within 30 days of their missed payment.
- Our office is encouraging landlords and tenants to work out reasonable payment plans. Landlords should also work with tenants seeking rental assistance through programs such as the Residential Assistance for Families in Transition (RAFT): www.mass.gov/service-details/learn-about-residential-assistance-for-families-in-transition-raft





State Rent Relief

- There is a new RAFT benefit cap of \$10,000, in effect through June 30, 2023.
- RAFT can help with past-due, future rent, utility bills, moving, furniture, or start-up costs.
- The RAFT program helps keep households in stable housing situations when facing eviction, loss of utilities, and other housing emergencies caused by loss of income and/or increase in expenses.
- RAFT funds may be available to households with income up to 50% or 60% of the Area Median Income (AMI).
- **More information:** <https://www.mass.gov/how-to/how-to-apply-for-emergency-housing-payment-assistance>



Subletting During COVID-19

- Subletting from another tenant can carry additional risks.
- *Important:* The person from which you're renting is the tenant in charge and not your landlord.
- Make sure you have the landlord's name and contact information, in case you need it!
- If making payments to the tenant in charge, get a receipt!
- If you qualify for rental assistance, the benefits will go directly to the landlord --> not you or the tenant in charge.



Retaliation

**IT IS ILLEGAL FOR A
LANDLORD TO
EVICT YOU FOR
EXERCISING YOUR
RIGHTS**



Eviction

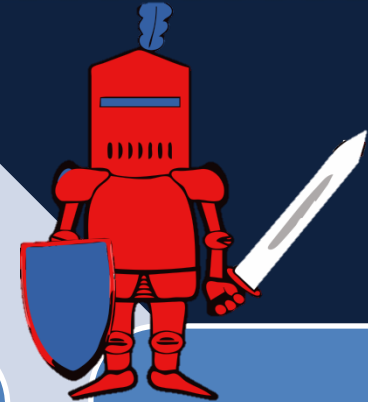
How does the Summary Process work?



Landlord must give a 14-Day or 30-Day Notice to Quit to tenant

Court Process starts when landlord files a civil action in court

Landlord must get judgment from court with the date tenant must leave by



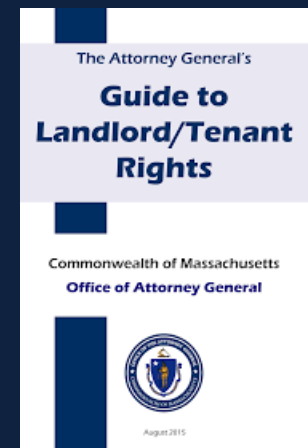
Tenant has right to raise defenses to the eviction





AGO Eviction Help Request

- Your landlord needs a court order to evict you.
- If your landlord tries to make you leave your home without a court order, or you need help applying for rental assistance, please fill out this form with the AGO: www.mass.gov/forms/eviction-help-request





Housing Discrimination

It's unlawful to deny housing because of...

A person's race, color, national origin, ancestry, gender, marital status, religion, age, sexual orientation, gender identity or expression, military background, or disability

It's also unlawful to refuse to rent to families with children!



Source of Income Discrimination

- It is unlawful for a landlord to discriminate against you because you receive government benefits.
- If your landlord refuses to accept RAFT or refuses to fill out their portion of a benefit application, they could be violating Massachusetts law.
- To report discrimination, call the Civil Rights Division at (617) 963-2917 or file a civil rights complaint online at <https://www.mass.gov/how-to/file-a-civil-rights-complaint>



Housing Scams

- Scammers are taking advantage of fear around seeing apartments in person.
- If you cannot see a place in person before you rent, these tips can help you from being scammed:
 1. Online apartment listings easy to fake. Use a licensed real estate broker or salesperson to find a place. You can verify a broker's license online [here](#).
 2. Keep an eye out for red flags such as poorly written ads, deals that are too good to be true, and requests for payment using untraceable methods.
 3. Don't disclose your SSN or PayPal information to someone you've only met online.
 4. If you are the victim of an online apartment listing scam, file a complaint at [IC3.gov](#)



Resources

AGO Landlord and Tenant Rights Guide:

<https://www.mass.gov/doc/the-attorney-generals-guide-to-landlordtenant-rights/download>

Attorney General's Office Multilingual Resources:

www.mass.gov/ago/language



Where to Find Help



Housing Conditions

- Board of Health or Inspectional Services



Rental Assistance

- DHCD Central Rental Assistance Application



Eviction Help

- Legal Aid
- AGO Eviction Help Request Form



Legal Assistance

- MassLegalHelp.org
- Mass Bar Legal Referral Service



Contact Us

www.mass.gov/ago

617-727-8400



**File a Complaint about an Unfair or Deceptive Trade Practice
Online: <http://www.mass.gov/how-to/file-a-consumer-complaint>**



AGO Resources

Have a Complaint or Question?

General Assistance

Consumer Hotline: (617) 727-8400

File A Complaint: www.mass.gov/how-to/file-a-consumer-complaint

Specific Hotlines

Fair Labor Division- Protecting workers from exploitation by enforcing wage and hour, public construction, and child labor laws (617) 727-3465

Civil Rights Division- Enforces and safeguards Constitutional and statutory civil rights and liberties on behalf of Massachusetts residents (617) 963-2917

Health Care Division- Enforces health care laws to protect the rights of Massachusetts consumers (888) 830-6277

Insurance and Financial Services Division- Performing key consumer protection functions, including securities enforcement, insurance and lending enforcement, insurance rate cases and advocacy, and consumer mediation and advocacy (888) 830-6277