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Zoning Variance Process Gets Overhaul With Governor's Budget

Brookline and Easthampton 2026 Rent Control Home Rule Petitions Would Require Legislative Approval, Are Unlikely to Pass

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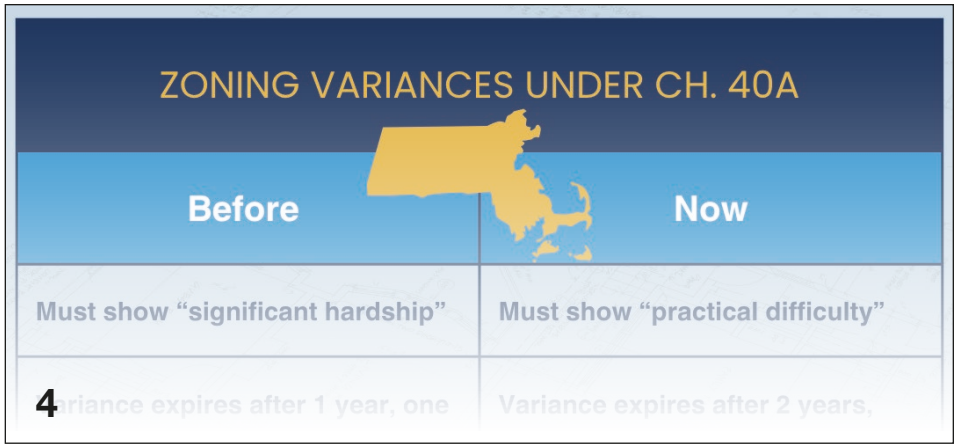
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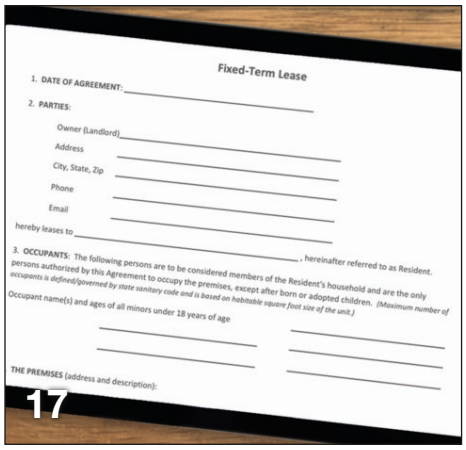
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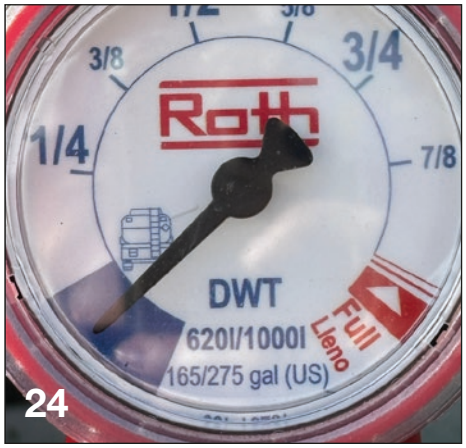
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LETTER FROM THE EXECUTIVE DIRECTOR

A Rental Real Estate Newsletter in the Age of AI

Our Letter from the Executive Director for November 2026 discusses the shift toward members-only content.



Last month, we decided to change the way we produce content for our newsletter and website. The change is motivated by the rise of AI, or specifically, "large language models" that generate text ("generative AI.") In a nutshell, a portion of most articles going forward will only be accessible to members logged in on our site. Before you throw your print newsletter or tablet across the room, hear me out.

Web traffic to MassLandlords is down roughly one-third over the last two years. Membership revenue and membership counts are more or less steady, which is no small achievement. Why is traffic down?

It used to be that if you wanted to know how long you had to return a security deposit, you'd google "security deposit Massachusetts return end of lease" and get a link to MassLandlords, mass.gov, and a few other sites. You'd read the pages and learn enough to find your answer.

Now, you can ask your question in natural language. "How much time after the end of a lease do I have to return a security deposit in Massachusetts? Be concise." When I asked this of Chat GPT-6 Luna, it replied: "Generally, the landlord must return your deposit (minus lawful deductions) within 30 days after the tenancy ends. If you move out early under a written lease, the deadline is 30 days after the lease ends." It could only be better if instead of "Generally,…" it said, "To avoid triple damages…" and if the "you" were written as for a landlord, rather than for a tenant. Basically, that answer is 100% correct.

In this response, MassLandlords is nowhere to be seen. The two verification links are to mass.gov and malegislature.gov, which are both more authoritative than we are, being the state itself. Even if we were listed as one of the sources, there would be little incentive to click. That feels like the right answer, so the average landlord looks no further.

Set aside all the problems with generative AI, like the copyright infringement and the widespread use of sooty diesel in data centers: generative AI is here to stay.

Rather than continue to write articles entirely for generative AIs, in the hopes that they will list us in future chat results, we're going to start restricting higher level article content to members. That's it. If you're a member, just log in on your device. Not a member? You can still read the public portion of articles.

Every member now has the ability to grant access to others related to their business. Just visit MassLandlords.net/business. Not a member? Join. Dues cover your entire team.

I hope this change seems trivial to you. We're already logging into websites all the time. Just log into MassLandlords. Unlike other websites, you can direct what we write: Do you want to see particular content developed? Do you want us to mine the court data to see which judges decide which way on which issues? Do you want to see more about which variances are granted and which are denied? What else can we be doing to serve you better? Let us know.

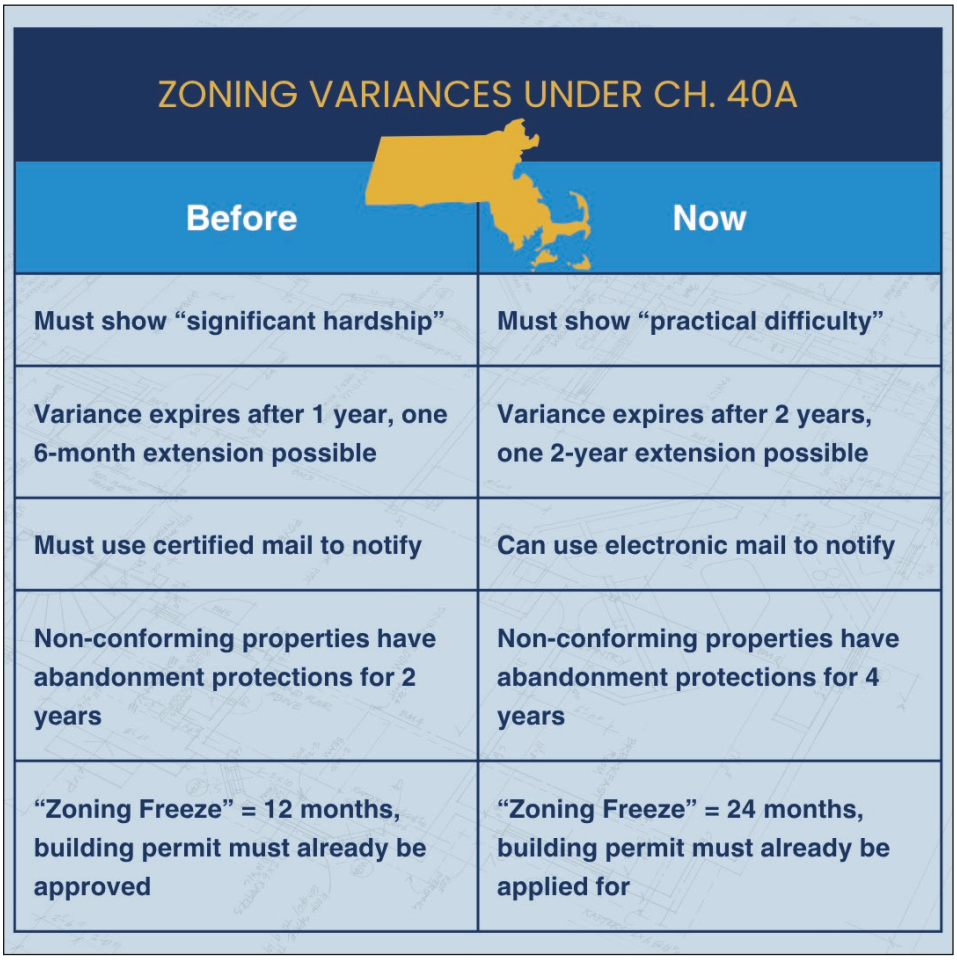
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Sincerely,
Doug | Executive Director | MassLandlords, Inc.

Zoning Variance Process Gets Overhaul With Governor's Budget

By Kimberly Rau, MassLandlords, Inc.



Changes to MGL Chapter 40A make it easier for property owners seeking zoning variances to complete their projects and create more housing units. (Image License: CC BY-SA 4.0 MassLandlords, Inc.)

Gov. Maura Healey's FY27 budget includes major reforms to the zoning variance process in an effort to encourage housing creation.

In an attempt to encourage housing production, Gov. Maura Healey included major reforms to the zoning variance process as part of her FY 2027 budget, signed into law July 9, 2026. The changes to MGL Chapter 40A became effective at signing, creating an easier pathway for those seeking a building or use variance from their local municipality.

WHAT IS A ZONING VARIANCE?

If you want to make a change to your property that is not allowed under your town's existing zoning regulations, you may need to request a variance in order to complete your project. You might need an exemption from setback rules because your new renovation will place your home's exterior wall too close to the neighbor's property. Or your new porch might be two feet too close to the street.

Seeking a variance can be very difficult and time-consuming. If one is granted, it's not a permanent exception to the rules. You need to complete your project within a certain time frame, or your variance will expire.

Homeowners and housing providers looking to make changes to their

properties will still have to get a variance for most things not expressly allowed under municipal zoning laws, but Gov. Healey's changes stand to make the process easier.

HOW VARIANCES CHANGED WITH THE NEW BUDGET

When Gov. Healey signed the FY27 budget into law, the zoning variance changes also became law. There are several key areas that make getting a variance and completing a project before it expires easier, which we'll go over here.

APPLICATIONS NO LONGER REQUIRE DEMONSTRATION OF SUBSTANTIAL HARDSHIP

Prior to July 2026, obtaining a variance in Massachusetts required you to prove that not getting an exemption to existing zoning regulations would cause you substantial or significant hardship. In other words, you essentially needed to show that not getting the variance would make you unable to use your property.

Now, people seeking a variance need only show that "strict enforcement of the ordinance or by-law would result in practical difficulty."

In considering whether to grant the variance, zoning boards will also need to consider other factors, including the need for housing. Whoever is in charge of granting exceptions will also need to consider whether the practical difficulty relates to the property's soil, shape or topography; whether not granting the exemption would impose financial hardship; whether another method could be used to achieve the same result; and whether the difficulty is self-created.

VARIANCES EXPIRE IN TWO YEARS, NOT ONE; EXTENSIONS ALSO LONGER

Under the old regulations, if you were granted a variance, you had one year to complete your project before the exception expired. This expiration has now been extended to two years. Importantly, this two-year timeframe now excludes any time you spend obtaining other permits, including any appeal time.

Before July 2026, zoning boards could only grant one six-month extension for a variance that was set to expire. The extension time has now increased to an additional two years, allowing more time to complete a project.

NOTIFICATION METHODS HAVE BEEN MODERNIZED, IN THEORY

Under Chapter 40A, people seeking zoning variances and other special permits had to notify the public of their intent in three ways before a hearing. They had to post a notice at city hall, publish a notice in the local newspaper, and send notice to affected properties by certified mail.

Now, you must still post notice at your city or town hall and publish your intent in the newspaper, but you may notify affected property owners via email. The law is unclear whether municipalities will have email addresses for said property owners, which may mean you are stuck using certified mail anyway.

PROTECTIONS FOR ZONING FREEZES AND NONCONFORMING PROPERTIES EXTENDED

Finally, property owners seeking a zoning variance will have greater peace of mind surrounding potential changes to local zoning ordinances, as well as more time to deal with nonconforming properties.

A "zoning freeze" is protection against zoning bylaw changes for planned projects. Such a freeze locks in current zoning regulations for a given period of time. Changes made to the zoning bylaws during the freeze may not apply to an existing project, as long as it is in the correct stage to be eligible for protection.

Before the changes to Chapter 40A, projects would have to conform to any zoning changes unless all variances and permits were approved and the project was already underway. The freeze was good for 12 months, as long as you already had your building permit.

Now, your project is protected from zoning changes during the application process as well, as long as your permit was already properly applied for at the time the bylaws were changed. The zoning freeze is now 24 months.

Sometimes, existing residential structures do not conform to zoning regulations. Previously, you would need a special permit to alter these structures. Now, certain changes can be made by right as long as the extension or alteration complies with the existing zoning

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Ok, so the new zoning law changes don't make creating new housing quite this simple, but the updates to Chapter 40A will certainly make it easier to get variances for new construction. (Image License: CC BY-SA 4.0 MassLandlords, Inc.)

requirements for height, number of stories and setback.

Previously, non-conforming residential properties that were not used for two years could lose their grandfathered status. The recent changes to 40A now allow property owners four years before the property loses those protections.

KEY TAKEAWAY

Overall, the new variance regulations stand to help increase housing production (and certainly won't hurt it). While there is likely to be pushback at the local level depending on the variance requested, this gives people a little more breathing room to get their ducks in a row.

This article goes on to:

- Give specific suggestions to use the new variance law.
- Examine a case study in Worcester where new residential units were created.
- Consider the impact of one big, possible policy change.

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Notice: Mobile Format of Newsletter Discontinued; Full Content Still Available Online

MassLandlords will discontinue offering a mobile format newsletter, but all content will still be available online and through email.

Starting this month, the email/mobile format version of our monthly newsletter will be discontinued due to lack of use. As far as we can tell, zero recipients of the electronic newsletter clicked to read it in mobile format over the last 12 months. (Readers whose browsers block analytics cookies will not have been counted.)

When you receive your monthly newsletter email, the options will be "download" and "subscribe to print." Content will still be released as part of our weekly digest email and article-at-a-time emails.

If you need to update your email subscription preferences, you can do so by clicking the link at the bottom of any MassLandlords email. To re-subscribe to emails, click here.

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We are discontinuing mobile-format newsletter, but all content will still be available in print, to download and via our email digest. (Image License: CC BY-SA 4.0 MassLandlords, Inc.)





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MassLandlords In the News for November 2026

Compiled by Eric Weld, MassLandlords, Inc.

MassLandlords media mentions and appearances by association representatives

This edition of MassLandlords In the News features comments in various media on proposed condo conversion regulations in Boston, rent control, move-in fees and other rental housing issues.

OCTOBER 4, 2026

MassLandlords Executive Director Doug Quattrochi contributed to a Boston Contrarian newsletter article by Scott Van Voorhis, about Boston City Council's proposed ordinance to apply condo conversion fees and notice restrictions to all condo sellers with four units or more, non-owner-occupied. If the ordinance becomes law, mom-and-pop condo owners could be forced to give most tenants a year's notice (or more in some cases) before selling, the same regulations as for corporate owners.



MassLandlords Executive Director Doug Quattrochi (seated in the middle) discusses rent control, TOPA, brokers' fees and other rental housing topics as part of a GBH News panel, Sept. 30, 2026. Also shown are host Edgar B. Herwick III (left) and co-panelist Jennifer Smith (right), a reporter for Commonwealth Beacon. Not shown is co-panelist Jessica Drew, an attorney with Greater Boston Legal Services (off screen seated in foreground). Editorial Use: GBH News.

Owners would also be required to pay relocation assistance of $10,000 to $15,000 to their tenants or, if the building is empty, to their most recent tenants, Voorhis details.

"It's basically a shakedown," says Quattrochi in the article. "It's a further reason people don't want to build or operate rental housing in Massachusetts."

Read the article.

SEPTEMBER 30, 2026

Quattrochi appeared as a guest panelist for the GBH News show The Curiosity Desk, hosted by Edgar B. Herwick III, discussing the "unique struggles of renting around" the Boston area. The panel discussed the 2025 ban on brokers' fees, pet rent policies, rent control and other issues. Quattrochi appeared alongside Jennifer Smith, senior reporter at Commonwealth Beacon, and Jessica Drew, managing attorney with Greater Boston Legal Services.

Quattrochi first responded to a general question about landlords' perspectives on the recent failed rent control initiative.

"The housing crisis is real and raw for many of us," he said. "The thing we have to remember is that housing isn't free, so if we put a cap on the amount somebody's legally allowed to pay for housing, it's going to do one of two things, it's either going to reduce supply or it's going to reduce quality. And we saw that when we tried rent control in the '70s, '80s and '90s."

Quattrochi goes on to reflect on another unintended consequence of past rent control, that of availability discrimination, in which some renters who needed controlled rentals the most became less

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eligible as landlords waited and screened for the highest quality tenants in terms of income and rental history.

"So, if we're serious about addressing the housing crisis, we have to do a lot of things together, including making the safety net really work, and it doesn't work well for people now. And we need to make a lot more housing than we have."

Quattrochi continues, addressing the host's question of whether there is any version of rent control that works for landlords.

"The current law is a law that landlords wrote. General Law Chapter 40P says any town can have rent control; they just have to reimburse property owners the difference between what the market rent would have been and the controlled rent."

Quattrochi adds comments to further discussions about brokers' fees, pet rent, issues around renting out condos with shared common areas, the illegality of landlords' leaving tenants with space heaters for heating needs, and landlords giving notice before entering tenants' units.

View the video (panel starts at 2:10:26, where this link lands).

AUGUST 18, 2026

Quattrochi commented in a GBH News video produced by Renuka Balakrishnan, posted on YouTube, offering three tips for people moving into Boston rentals on or around Sept. 1. Because Boston has such a large rental market for college students, with terms beginning near Sept. 1, the city takes on a new population of tens of thousands of renters practically overnight.

Balakrishnan's tips: 1) renters are entitled to interest on their security deposits after the tenancy ends; 2) avoid unauthorized fees, such as those charged as "turnover fees" or for background checks; 3) renters might consider paying a fee to stay on an extra day or two at the end of their lease.

Quattrochi comments on the first two points. "A renter is entitled to receive either 5% per year or the actual interest that the bank pays," he says, referring to security deposits. "The landlord cannot put it under the mattress, they cannot put it in their own bank account, it can't be in the landlord's name."

On Balakrishnan's second point, Quattrochi notes: "The landlord can take only four things: first, last, security, and the cost of changing the locks. So there can be no pet deposits, there can be no application fee, no credit check fee, no holds fee." M

View the video.

This edition of "In The News" goes on to:

- Review our 2026 H1 lobbying activities.
- See MassLandlords' positions on lesser-known bills and executive initiatives.

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ARTICLE YOU MAY HAVE MISSED

Rent Prices Are Falling Nationwide and in Boston, Reports Realtor.com

After several years of escalating home and rent prices that began during – and maybe because of – the 2020 pandemic that sparked stubborn inflation nationwide, rent (and some home) price tags are on a downward trend.

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Article You May Have Missed: What Are the Massachusetts Heat Laws?

MassLandlords Staff

Landlords must help the tenant maintain 64 to 68 °F from September 15 to June 15 under the Massachusetts heat laws, among other requirements.

Massachusetts apartment heating laws are specified in the State Sanitary Code, officially 105 CMR 410 *The Minimum Standards of Fitness for Human Habitation*. This regulation has the force of law and governs all things apartment, including winter heating requirements. This article was current as of October 2026.



A ModCon boiler system. (Image license: CC-BY-SA Audetat)

WHERE TO HEAT

In layman's terms, Massachusetts landlords must provide heat for every *habitable room* and *room with a toilet, shower, or bathtub*. Let's parse this.

Habitable rooms are defined as rooms intended for living, sleeping, cooking or eating. Habitable rooms do not include rooms containing toilets, bathtubs, or showers, but these rooms must still be heated because they are listed specifically in the heating part of the code. Habitable rooms do not include laundries, foyers, communicating corridors, closets, or storage spaces. Since these rooms are not considered habitable and are not specifically listed in the heating part of the code, these kinds of rooms do *not* have to be heated.

Note that temperature measurements (see below) are taken on an interior wall, five feet above the floor, five feet from an exterior wall.

WHAT TO HEAT WITH

The sanitary code specifies two groupings of heat sources that are disfavored.

The first group of disfavored heat sources are *not allowable* because they are considered unsafe at any time. These are pressure-fed space heaters, parlor heaters, cabinet heaters, portable wick heaters and room heaters that have a supply tank less than 42 inches from the center of the burner. The prohibited fuels are kerosene, range oil, and number one fuel oil. None of these may be used at any time.

In case you are not familiar with these heat sources, parlor heaters are banned because they are a very hot fire hazard. The various oils are banned because their intended application is internal combustion engines, not housing, and they are a carbon monoxide risk if used indoors.

The second group of disfavored heat sources are *not adequate*. They are not considered unsafe, nor do they count for compliance. This list came into effect in April 2023 and consists of fireplaces, wood stoves, pellet stoves, and portable electric space heaters.

Other than that, there are no specifications for what *is* allowed. You can have steam heat, natural gas, oil, geothermal, electric, coal, or anything else you invent, as far as the state sanitary code is concerned. (Note that if you wanted to go nuclear, you would have to get permission from the United States Department of Energy and/or Nuclear Regulatory Commission. Let us know if you try it.)

HOW MUCH HEAT

In rooms requiring heat (see above), there are three temperatures to know. You must be at least 64 °F starting at 11:01pm and running through 6:59am. You must be at least 68 °F between 7am and 11pm inclusive. And you may never exceed 78 °F.

WHEN TO HEAT

The Massachusetts heating season runs from September 15 through May 31, inclusive. That means officially we have three months of spring, summer, and fall in Massachusetts. The rest is legally considered the dead of winter! (Note: The heating season used to be through June 15 until a revision was promulgated April 2023. The revision reflects work done by MassLandlords in response to climate change.)

WHAT IF THE TENANT PAYS FOR HEAT?

Tenants can pay for heat if it's written into a rental agreement. No verbal agreements allowed!

If the written agreement says the tenant needs to provide fuel, but the tenant doesn't provide fuel, and the temperature falls below the requirements, the landlord is not responsible. But even without fuel, the equipment must be in working order.

WHAT IF THE HEAT SUDDENLY BREAKS?

Heating systems preferentially choose to fail on New Year's Eve, Valentine's Day, and the evening of your kid's recital. They like the attention. If the heat breaks, you have an immediate violation of the state sanitary code. Rent might be withheld. You also have a risk of frozen pipes, hotel bills, and inspector fines. So there are real good reasons why you need to drop everything and investigate right away.

Sometimes you get lucky and the pilot light just went out. These can be relighted if you follow the manufacturer's instructions. If the pilot won't light, or if there are signs of a leak or explosion, call a licensed tradesperson immediately. It's possible to get an older boiler or furnace repaired or replaced within 24 hours or before any serious heat is lost from the building. Keep calling plumbers until you find one who can be there right away.

If you haven't yet invested in good communication with your tenants, now is the time. Text or call each tenant to let them know your plan. If the heating system has failed entirely, and if there will be several



days' delay in replacement, you may want to consider getting spare electric space heaters and distributing these to affected tenants. Anything with a hot exposed coil is a fire hazard in a rental; the oil filled ones are safer because the heating element is not accessible when used per instructions. You may need to buy space heaters or you may be able to ask your local message board to borrow some. Also place temporary heaters in the basement to delay or prevent frozen pipes. Offer to pay the electric bill in exchange for the tenant using the heaters or to discount the rent, because space heaters are not compliant for code purposes. Tell them you want to prevent frozen pipes. Make sure your heaters are rated for your electrical system or vice versa. Do not use very old heaters, which may pose a fire hazard.

In the basement, if you have poor lighting, set up spot lights or other temporary lighting so that your plumber can work quickly and accurately. Expect a large bill.

An ounce of prevention is worth a pound of cure. Inspect your heating systems late in the summer. Know the age of your furnaces or boilers and have a savings goal to replace them preventatively at a time convenient for all concerned. M

Point your camera app here to read more online.



Landlord Basics: Things You Can Do With a Rental Agreement in Massachusetts

By Kimberly Rau, MassLandlords, Inc.

A basic overview of some key things that can lawfully be included in a Massachusetts lease

Our landlord basics series continues with a look at things that can be included in a rental agreement in Massachusetts. Your lease can include just about anything you'd like, as long as you aren't asking your renters to sign away their legally protected rights.

In this article, we'll go over some key topics that your rental agreement can cover, as well as some important things you can expect from your renters.



Even in tenant-friendly Massachusetts, rental housing providers have a lot of leeway about what can go in a rental agreement. Our fixed-term lease and tenancy at will forms are fully customizable and included with membership. (Image License: CC BY-SA 4.0 MassLandlords, Inc.)

YOU CAN INSPECT THE RENTAL DURING THE TENANCY

The state sanitary code requires you give your renters 48 hours' notice before entering the property (unless it is a true emergency). As long as you provide that notice, you can (and should) access the rental unit at least once a year for an annual inspection. This is in addition to any maintenance or repair calls your renters might make throughout their tenancy.

This inspection is your chance to make sure smoke detectors are still in place and operational, that there is no unreported damage that needs attention, and that any lease stipulations about animals are being followed. It's also a good time to check for routine maintenance tasks that you may have forgotten about.

You can also use this time to look for evidence of unauthorized occupants or other activities prohibited in your rental agreement.

YOU CAN CHARGE PET RENT OR SAY "NO PETS"

Recent court cases have determined that pet rent is likely lawful.

Under new "junk fee" regulations that took effect September 2025, you must disclose this when advertising the unit, but as long as it's part of the monthly rent and not an additional deposit or fee, you are likely in compliance with state law. Remember that pet deposits are unlawful (state law says the only things a landlord can charge for at move-in are



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the first month's rent, last month's rent, security deposit and the actual costs to re-key the unit).

If you don't want pets in your rentals (and many landlords don't), you have options. You can prohibit pets of any kind, or bar certain types of pets. Some landlords are fine with small animals in enclosures; others may be okay with cats but not dogs, etc.

Note: While you can ban pets, or charge pet rent, you may not prohibit service animals or emotional support animals. You also may not charge "pet rent" for service or emotional support animals. They are not considered pets under the law.

YOU CAN PROHIBIT SMOKING

Smoking cigarettes is legal for anyone over the age of 18 in Massachusetts. Smoking marijuana recreationally is legal for anyone over age 21.

That doesn't mean you have to allow either in your rentals. Smoking tobacco products is harmful to people's health and can cause serious property damage. Smoking marijuana may have fewer documented health risks, but that doesn't mean everyone else wants to smell it.

You can ban smoking and start a for-cause eviction process if your renters violate this provision (just make sure you can prove the violation in court).

If your renter has a medical marijuana card, there are plenty of ways to consume cannabis that do not involve smoking. See if your tenant is amenable to any of those options.

There is one caveat here: If you have a property that receives a federal housing subsidy (like Section 8), you cannot allow federally illegal substances on property in any form. As of publication, marijuana is still illegal on a federal level.

YOU CAN PREVENT LONG-TERM STAYOVERS AND SHORT-TERM RENTALS

Your rental agreement can (and should) put a prohibition on long-term guests. Some landlords limit overnight stays to a certain number of days within a 30-day period.

This protects you from unauthorized occupants, that is, people you haven't screened staying for a long period of time and gaining tenant protections. If that happens, you may have to evict if you cannot add the newcomer to the rental agreement.

It can be difficult to prove someone is living in your rental without permission, but having this provision in your rental agreement will give you grounds to move forward with an eviction if necessary.

You can also ban renters from using your property as an Airbnb. You can do this even if your city or town does not have an ordinance against short-term rentals.

YOU CAN HAVE AUTOMATIC RENT INCREASES

When your rental agreement period (typically one year for standard leases) ends, it will automatically convert to a month-to-month rental agreement if a new rental agreement is not signed.



No wash-and-fold service allowed: Your lease can prohibit your tenants from using the rental as a business, and can specify that laundry facilities or hookups are for the renter's personal use only. (Image License: CC BY-SA 4.0 MassLandlords, Inc.)

That doesn't mean you're stuck charging the old rent. You can have language in your lease that sets automatic rent increases that kick in after the lease would normally expire. This allows you to increase the rent regardless of whether a new agreement is signed, or you let the old agreement roll over to a month-to-month tenancy.

We no longer recommend you use a self-extending lease. Read why, and more about automatic rent increases, here.

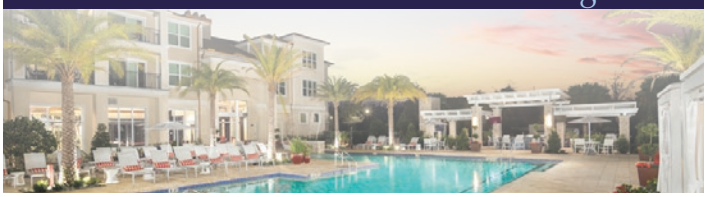
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YOU CAN DESIGNATE PARKING

Your multifamily rental property may have parking spaces available for renter use that you allow anyone to park in at any time. Or, your lease can prohibit guest parking. It can state that only cars registered with you can park on the property.

If you want, you can also use a parking addendum to rent spaces only to those tenants who have a car. Renters who use public transportation, walk or bike can enjoy the base rent, and tenants who use a car can pay for the space. Just make sure you advertise this option when you advertise the apartment to avoid running afoul of the Massachusetts "junk fee" law.

YOU CAN REQUIRE YOUR PROPERTY IS KEPT UP

Your rental is your investment, and your renters' home. In a perfect world, both parties would agree that taking care of the property is of utmost importance. In reality, there are landlords who let their investment fall apart (don't do this), and renters who neglect or destroy their home.

You can have verbiage in your lease that requires renters to keep their home clean and safe (no hoarding, no blocking egresses, remove trash as appropriate). You can have language that asks your renters to report damage or maintenance needs as soon as possible. This avoids larger issues and code violations.

Your lease can prohibit satellite dishes on certain properties, and have no-smoking addendums. You can tell your renters political signage in windows or in the yard is prohibited, as long as you are applying this rule evenly for all renters.

You can prevent undue wear and tear and liability by prohibiting your renter from running a business out of their home (this is different from a remote worker working from home).

This is just a short overview of some of the many things you can detail in your rental agreement. We offer a full set of rental forms, including fully customizable rental agreements with addendum options, to all members in good standing on our forms page.

This article goes on to:

- Offer a "health check" for your existing rental agreements.
- Provide resources for modifying your rental agreements.
- Give you a choice of two clauses to add for an automatic rent increase.

Join us, or log in as a member, to keep reading.

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Brookline and Easthampton 2026 Rent Control Home Rule Petitions Would Require Legislative Approval, Are Unlikely to Pass

By Kimberly Rau, MassLandlords, Inc.

Brookline and Easthampton are backing local rent control initiatives, but the Legislature is unlikely to greenlight either.

Brookline and Easthampton, Massachusetts, are looking to enact rent control on a local level through home rule petition, but neither initiative is likely to become law. Home rule petitions such as these require approval from the state Legislature once they are approved locally. Historically, our lawmakers have largely shown no desire to wade into the contentious politics surrounding this bad housing policy.

There are many reasons why most economists agree rent control doesn't work. It curtails housing supply and discourages new development, even when the program has exemptions for new construction and other carve-outs. It has a disparate negative impact on minority populations. Rent control causes rental housing to fall into disrepair and makes it hard to move. All of these and other reasons are why voters struck the policy down in 1994, after decades of problems. You can read more about Massachusetts' history with rent control at rentcontrolhistory.com.

In this article, we'll examine how these home rule petitions differ from the proposed rent control ballot question that the courts struck down in June, and discuss why they're unlikely to gain support from the state Legislature.



Brookline's rent control home rule petition, S.960, would cap rent increases at CPI-U plus 3%, or 7%, whichever is lower. (Image License: Brett Wharton for Unsplash)



Easthampton's rent control home rule petition is still awaiting approval at the local level. It calls for a maximum rent cap of 5%, set by the city. (Image License: CC BY 4.0 Quintin Soloviev, Wikimedia Commons)

BROOKLINE: PASSED THE SENATE IN 2026

Brookline's rent control home rule petition is in some ways more generous than the failed ballot measure.

First, it caps rent increases at inflation (CPI-U) plus 3%, not to exceed 7%, which is marginally better than the ballot initiative that would have instituted a rent increase hard cap of 5%. There is a 12-month lookback period from the plan's enactment for base rent (so whatever you were charging a year before passage is your base rent under rent control).

It allows for vacancy decontrol, which the ballot initiative did not. Under Brookline's plan, if all prior renters have lawfully given up possession, the landlord can set a new base rent that is then subject to rent control increases after.

Owner-occupied properties with four units or fewer would be exempt under Brookline's version of rent control. So would new construction for 15 years, with additional exceptions for physical additions to existing buildings and buildings that are converted from another use to residential use.

Under the Brookline proposal, housing through nonprofit hospitals, religious institutions, extended care facilities and licensed elderly residential care facilities are exempt. So are dorms, "transient occupancy" buildings and "shared facility units," defined as rental units where the renter shares bathroom or kitchen facilities with the owner, who claims the address as their primary residence.

Subsidized and income-based housing are also not subject to rent control in this home rule petition.

Finally, Brookline's plan outlines provisions for just-cause eviction, meaning no-fault/no-cause stated evictions would not be allowed under rent control.

You can read the full verbiage of S.960 on the state website.

EASTHAMPTON: FIRST DRAFT PUBLISHED FALL 2026

Easthampton's Rent Study Committee presented a final draft of its home rule petition to the City Council on Sept. 30, 2026. The council is expected to vote on it in December.

There are many similarities to Brookline's home rule petition. There is a 12-month lookback period for initial base rent, vacancy decontrol, and a 15-year exemption for new construction. Although Easthampton's proposal does not make an exception for physical additions to existing buildings or converted use, it does allow a 12-month lookback period from when the policy is enacted. Like Brookline, subsidized and income-based housing, dorms, shared facility units, and institutional housing including nonprofit hospitals are also exempt from rent control. And both proposals have a section outlining fair return.

Some things are stricter than Brookline's proposal. In Easthampton, only owner-occupied properties with 2

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units or fewer would be exempt. Their rent cap would be determined annually by the city, not inflation, and may never blanketly exceed 5%, though there are some exceptions.

Unlike Brookline, Easthampton's rent control plan includes possible exceptions for documented improvements, "substantial" rehabilitation, unused increases from prior years, fair-return adjustments (it mentions fair returns in two places), and "increases petitioned for and approved by regulating board."

Like Brookline, Easthampton's proposal would get rid of no-fault evictions, allowing for just-cause evictions only.

You can read the full draft on the Rent Study Committee's public Google Drive in the "Drafting Ordinance & Legislation" folder.

COMPENSATED RENT CONTROL IS STILL LAWFUL IN MASSACHUSETTS

After rent control was struck down by ballot initiative in 1994, MGL Chapter 40P became law. It states that all forms of rent stabilization are unlawful, unless it is voluntary and the landlord is compensated for the difference between market rate and the rent control rate. This allows cities and towns to adopt rent control if they choose, and protects rental housing businesses as well. There is no need for Brookline's or Easthampton's petitions.

LEGISLATURE UNLIKELY TO PASS EITHER LOCAL PETITION

It is unlikely the Legislature will ultimately back rent control via home rule petition. Brookline's petition was sponsored by Senator Cynthia Stone Creem, but it's seen very little movement since passing in the Senate earlier in 2026. Easthampton's proposal is still up for vote at the local level and hasn't made it to Beacon Hill yet.

We know the Legislature is unlikely to support rent control because so far lawmakers have overall seemed tepid to the idea.

During the 2026 rent control opposition campaign, we sent every member of the Legislature a 36-page White Paper outlining how municipalities that wanted rent control could legally adopt a compensated form of it. Our calculations provided in the White Paper proved cities and towns could afford it at little cost to the taxpayer.

Our White Paper went out in the mail in early 2026. We did not hear back from any member of the Legislature, nor any of the rent control proponents who claimed to want to fix the housing crisis, until a May 14, 2026, State House briefing convened by the Housing For Massachusetts ballot campaign.

"Senator Jehlen said, 'That costs money. Nobody has money.' I said, 'Housing isn't free and you get what you pay for.' " said Doug Quattrochi, Executive Director.

Also in May, after we had already brought a lawsuit against the ballot initiative, but before the Supreme Judicial Court had a chance to rule on it, rent control proponents submitted a rent control compromise to the Legislature. Like us, they received little response, and when the ballot initiative was struck down, the compromise faded.

Our lawmakers are clearly hesitant to make waves with rent control, especially when these home rule petitions violate the existing laws regulating the practice.

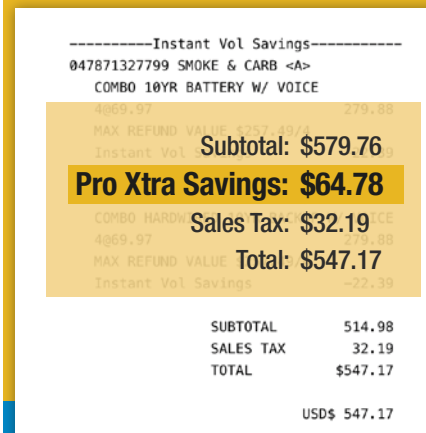
This article goes on to:

- Prepare you to meet documentation requirements for fair return and "net operating income" should rent control pass.
- Detail one way an owner-occupy landlord can still lose under rent control.
- Discuss how religious exemptions could be applied.

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Application Period Now Open for Winter 2026-27 Home Energy Assistance Program (HEAP)

The income-based Massachusetts HEAP initiative offers eligible households heating assistance, along with other utility discounts.

Online applications for Massachusetts' Home Energy Assistance Program (HEAP) opened Oct. 1, 2026, offering income-based heating assistance for the upcoming heating season, which runs Nov. 1, 2026, through April 30, 2027. This program is also commonly referred to as simply "fuel assistance." Owners or renters at or below 60% of state median income (explained below) are eligible.

HEAP participants receive assistance with paying winter heating bills. Through HEAP you can become eligible for discounts on telephone, electric, gas and oil bills, and can receive help with past-due utility bills. You can read more about this and other assistance programs on the Massachusetts Association for Community Action page.

Eligible participants must have a household income less than 60% of the state median income (SMI). According to the FY2027 eligibility chart, which also outlines benefit levels for various types of heating and utility assistance, that is $54,585 for an individual, and $103,049 for a household of four. Assistance payments for heating fuel are made directly to the heating fuel company.

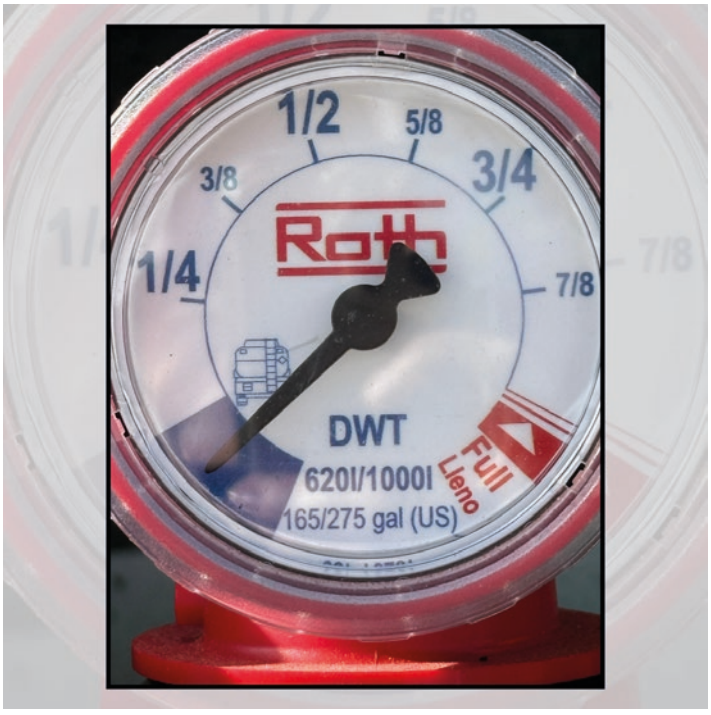
HEAP is open to both homeowners and renters, including tenants who receive housing subsidies. You or your renters do not have to be in arrears with your utility bills or receive any other form of public assistance to qualify.

The HEAP application automatically includes other programs as well, including the state heating system repair and replacement program and the weatherization assistance program. You can apply for the program online, in person at your local agency or by mail.

NEW PROGRAM AIMS TO HELP MIDDLE-INCOME RESIDENTS WITH OIL BILLS

The application period for an additional program to help middle-income residents who heat with oil and do not qualify for HEAP is expected to open in December 2026. The program offers a one-time benefit of up to $680 to offset the high costs of home heating oil. Qualified recipients must make between 60%-100% of the state median income. To learn more and get notified when applications open, fill out the interest form on the state website.

Point your camera app here to read more online.



At publication, the state average for oil was reported at $6.18 per gallon. Assistance is available to lower income customers for this winter. (Image license: CC BY-SA 4.0 MassLandlords, Inc.)

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1.7% Success Rate for TOPA in Washington, D.C.

By Eric Weld, MassLandlords, Inc.

D.C. has had TOPA for more than 40 years, driving up home sellers' costs, delaying sales and extorting benefits in order to protect a small percentage of renters' housing.

In the 45 years since Washington, D.C., originally enacted its Tenant Opportunity to Purchase Act (TOPA), less than 5% of housing units have been successfully preserved or developed as a result of the program. The point estimate is 1.7%.

According to a 2023 study by the Coalition of Nonprofit Housing and Economic Development (CNHED), the district's TOPA law resulted in 16,244 units being developed or preserved over a 40-year period. MassLandlords did the math that they didn't: That figure represents about 5% (5.013%) of all housing units in D.C. (324,000 as of 2025, according to the U.S. Census).

In other words, Washington, D.C.'s, TOPA policy has delayed 100% of home sales not exempted from the law – and raised the cost on many – in order to preserve only 5% (or less) as rentals.

But the actual number falls somewhere short of 5%, because the average duration of homeownership is much shorter than 40 years. The average duration of homeownership in Washington, D.C., has been estimated at 13 years by Redfin. That means that within the 40-year period studied by the CNHED, nearly every household in the district would have transacted a sale on average three times. Many of those transactions would have been impacted by TOPA.

According to the math, the number of successful rental housing preservations due to TOPA, as a percentage of sales, ends up below 5%. Our point estimate is 1.7% of sales.

Meanwhile, TOPA, over its 40-plus years in D.C., has become a tool of extortion in many cases, used by renters and their advocates to negotiate cash payouts, rent concessions and other amenities, according to a 2025 report by the D.C. Policy Center.

"Today, TOPA laws lack a clear objective," the report notes. "While the original intent was to prevent displacement and preserve affordable housing, TOPA is now used to negotiate for repairs, new amenities, rent concessions, or cash awards for existing tenants."



This "TOPA Mobile," which reportedly belongs to Andrew McGuire (photographed and captured on video by NBC Washington I-Team), a Washington, D.C., lawyer whose entire practice is focused on winning TOPA payouts and other benefits for tenants and tenants-rights groups. McGuire trademarked the phrase "Got TOPA?" according to the I-Team report, as a way to entice clients. The practice of using TOPA to extort benefits from home sellers has become a massive side industry – about $100 million per year, McGuire says in the report. Image: NBC Washington I-Team.

If TOPA comes to Massachusetts, we can expect 100% of sales to be delayed for non-exempted properties, leading to cost increases and vulnerability to extortion, all for a success rate of 1.7%.

Point your camera app here to read more online.

REGIONAL

MassLandlords Upcoming events

See details under each region

2026 NOVEMBER

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2	3	4	5	6 First Friday Office Hours 12:00PM-1:00PM	7
8	9	10 MWPOA 5:30PM-7:00PM	11 Second Wednesday Office Hours 4:30PM-5:30PM	12 Greater Springfield Meetup, NWCLA 6:00PM-8:00PM, 7:00PM-9:00PM	13	14
15	16	17	18 Third Wednesday Office Hours 4:30PM-5:30PM	19	20	21
22	23	24	25 Fourth Wednesday Office Hours 5:30PM-6:30PM	26	27	28
29	30					

2026 DECEMBER

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1	2	3	4 First Friday Office Hours 12:00PM-1:00PM	5
6	7	8 MWPOA 5:30PM-7:00PM	9 Second Wednesday Office Hours 4:30PM-5:30PM	10 Greater Springfield Meetup, NWCLA 6:00PM-8:00PM, 7:00PM-9:00PM	11	12
13	14	15	16 Third Wednesday Office Hours 4:30PM-5:30PM	17	18	19
20	21	22	23 Fourth Wednesday Office Hours 5:30PM-6:30PM	24	25	26
27	28	29	30	31		

STATEWIDE

First Friday Office Hours with Executive Director Doug Quattrochi. No Presentation. Open Q&A. 12 pm - 1 pm Zoom.

FRI 11/06

We'll be having open office hours about **any rental real estate topics** you may care to bring. You can also ask about MassLandlords services or share feedback.

We will not address questions in private. We will have a group discussion about topics of interest to attendees. Questions will be answered at Doug's discretion and as time allows.



MassLandlords Executive Director Doug Quattrochi



We'll be having a free-flowing group conversation. Ask us anything related to MassLandlords.

Part of this presentation will be given by **Doug Quattrochi**, Executive Director, MassLandlords, Inc. Doug was a founding member of MassLandlords in 2013. He became the association's first Executive Director under new bylaws in 2014. Since then, he has scaled the organization from a core of 160 members in Worcester to approximately 2,500 dues paying businesses from Pittsfield to the Cape, and from an all-volunteer team to approximately 20 full and part-time staff plus 50 volunteers. Doug has been instrumental in advancing democratic governance mechanisms, including score voting for policy priorities and a staggered and democratically elected Board of Directors. Doug also oversees the RentHelper spin-off, which is expanding access to electronic banking for those of us who are unbanked or underbanked. Prior to MassLandlords, Doug held leadership roles in various Massachusetts startups, two of which are still operating. Doug holds a Master of Science in Aerospace Engineering from the Massachusetts Institute of Technology.

"Doug's presentation was excellent. He was very clear and provided detailed explanations." -Larry

"Doug always holds very informative classes full of substance and Very organized!" -Thomas

"Your answers to member's questions were most helpful." -Liz

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FIRST FRIDAYS WITH EXECUTIVE DIRECTOR DOUG QUATTROCHI NEXT ON FRIDAY, NOVEMBER 6TH
Except for holidays or where his schedule requires otherwise, Doug will be available to members on the first Friday of every month.

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- 12:00 pm Start
- 1:00 pm Zoom Chat ends

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PARTICIPATING IN THE ZOOM CHAT
Participation is flexible. You may join by video, microphone, chat, or simply listen. Video sharing and speaking are never required.

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Need help joining? Our virtual registration desk opens 30 minutes before the event. Call 774-314-1896 or email hello@masslandlords.net for assistance.

ZOOM CHAT DETAILS
Your Zoom link and passcode will be emailed immediately after registration and again on the day of the meeting. They are also available anytime on your online event access page.

PRICING
This event is closed to the public.

- Members: No charge. Registration is required.

Registration in advance is required.

This event will not be recorded.

Members register for no charge in just a few clicks!

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Second Wednesday Office Hours with Peter Shapiro. No Presentation. Open Q&A. 4:30 pm - 5:30 pm Zoom.

WED 11/11

We will be having open office hours about any rental real estate legal topics you may care to bring. This meeting is a great opportunity for members to learn from an experienced non-attorney counselor.

We will not address questions in private. We will have a group discussion about legal topics of interest to attendees. Questions will be answered entirely at Peter's discretion and as time allows.

Attendance is capped at fifteen attendees for depth of discussion. If an office hours is full, check another person's office hours or try again next month.



Peter Shapiro runs Good Landlord Consulting Services (GLCS) and is a MassLandlords Helpline Counselor



We'll be having a free-flowing group conversation. Ask us anything related to landlord-tenant communication or best practices.

Part of this event will be presented by **Peter Shapiro**. A graduate of MIT's Master's Program in City Planning, Peter founded the Housing and Mediation Services Program at Just A Start Corporation, a nonprofit housing group in Cambridge, MA. Since 1990, Peter and his team have been providing landlord counseling, mediation, training, landlord support groups, and homelessness prevention assistance across metro Boston and statewide. Peter now provides Helpline and Member services for MassLandlords, and also provides landlord counseling and mediation for the City of Boston. Peter is the author of: The Good Landlord -- A Guide to Making a Profit While Making a Difference.

Members register for no charge in just a few clicks!

"NO SALES PITCH" GUARANTEE
MassLandlords offers attendees of directly managed events a "No Sales Pitch" guarantee. If a guest speaker offers services, their presentation will not discuss pricing, promotions, or reasons why you should hire them. We do not permit speakers to pay for or sponsor events. Guest speakers are chosen for their expertise and willingness to present helpful educational content. Your purchase of an event ticket sustains our nonprofit model.

SECOND WEDNESDAYS WITH PETER SHAPIRO NEXT ON WEDNESDAY, NOVEMBER 11TH
Except for holidays and where his schedule requires otherwise, non-attorney counselor Peter Shapiro will be available to members on the second Wednesday of every month.

ZOOM CHAT AGENDA
- 4:30 pm Start
- 5:30 pm Zoom Chat ends

Remember you can watch videos anytime at live events and training videos.

PARTICIPATING IN THE ZOOM CHAT
Participation is flexible. You may join by video, microphone, chat, or simply listen. Video sharing and speaking are never required.

Accessibility: Live closed captions are available and may be enabled at any time from within the Zoom app. Questions may be asked over microphone after using the "raise hand" feature of Zoom or may also be entered via the Zoom text chat box.

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Third Wednesday Office Hours with Attorney Greenman. No Presentation. Open Q&A. 4:30 pm - 5:30 pm Zoom.

WED 11/18

We'll be having open office hours about **any rental real estate legal topics** you may care to bring. This meeting is a great opportunity for members to learn from an experienced attorney.

We will not enter attorney-client privilege. We will not address questions in private. We will have a group discussion about legal topics of interest to attendees. Questions will be answered entirely at Attorney Greenman's discretion and as time allows.



Attorney Jordana Greenman



We'll be having a free-flowing group conversation. Ask us anything related to landlord-tenant law or closings.

Part of this presentation will be given by **Attorney Jordana Roubicek Greenman**. She is a real estate lawyer, recipient of the Super Lawyers Rising Star award 2012-2020, and one of Boston Magazine's Top Lawyers of 2022 and 2023. Her practice - with offices in Boston and Watertown - includes commercial and residential landlord/tenant disputes, condominium association representation, general real estate litigation, and commercial and residential real estate closings. Attorney

Greenman has a well-respected reputation for aggressively advocating for her clients' goals, and ensuring beneficial outcomes at a reasonable cost. She was an instrumental part of the team spearheading legal action opposing the Massachusetts and Boston eviction moratoriums, and is very active within the legal community. Attorney Greenman is a member of the Real Estate Council for the Massachusetts Bar Association and the Real Estate Bar Association, writes columns for the Massachusetts Lawyers Journal and Real Estate Bar Association News, and regularly leads legal seminars for first-time homebuyers and small-property owners.

"Attorney Greenman is such a great source of common sense and specialized wisdom!" -David

Members register for no charge in just a few clicks!

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THIRD WEDNESDAYS WITH ATTORNEY GREENMAN NEXT ON WEDNESDAY, NOVEMBER 18TH
Except for holidays and where her schedule requires otherwise, Attorney Greenman will be available to members on the third Wednesday of every month.

ZOOM CHAT AGENDA
- 4:30 pm Start
- 5:30 pm Zoom Chat ends

Remember you can watch videos anytime at live events and training videos.

PARTICIPATING IN THE ZOOM CHAT
Participation is flexible. You may join by video, microphone, chat, or simply listen. Video sharing and speaking are never required.

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Registration in advance is required.

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Northern Worcester County November 12th topic to be announced soon!

MetroWestNovember 10th topic to be announced soon!

SOUTHERN WORCESTER COUNTY
BERKSHIRE COUNTY
CENTRAL WORCESTER COUNTY
CHARLES RIVER (GREATER WALTHAM)
BOSTON, CAMBRIDGE AND SOMERVILLE
GREATER SPRINGFIELD

Greater Springfield Meetup, 6 pm - 7 pm: Member Gathering

THU 11/12

No presentation, no registration desk, just meeting up to chat and get to know one another. We need landlords & property managers large & small to attend. We can share our experiences and learn from one another.

Past attendees have:
- Made valuable local connections.
- Talked about local real estate developments.
- Learned more about city government.

Attendees will leave having made some connections in a friendly and informal setting.

THURSDAY, NOVEMBER 12TH

MEETUP AGENDA
- 6:00 pm Start
- 7:00 pm Meetup ends

LOCATION
Donovan's Irish Pub80 Jarvis AveHolyoke, MA 01040

HOW TO GET THERE
The restaurant is conveniently located just off of Route 91 on Route 141.

HOW TO FIND US
Please note that we will be meeting in the upstairs room. The entrance to the stairs is located diagonally to your right when you enter the restaurant side door. An elevator is available if needed.

FOOD
We can begin to arrive at 5:30 to order food/drinks. Please help support Donovan's and their restaurant/bar since they are allowing us to use a room.

PRICING
This event is closed to the public.
- Members: No charge.

This event is operated by volunteers.

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~~Average attorney rate: $250/hr~~

For Just $101/hr

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- ✔ Landlord rights and responsibilities
- ✔ Nonpayment of rent
- ✔ Contractor disputes
- ✔ Termination of tenancies and eviction
- ✔ Rent increases
- ✔ Angry neighbors
- ✔ Municipal fines or assessments,
- ✔ Building disasters
- ✔ Sleepless nights

Schedule a consult: **774-314-1896 or hello@masslandlords.net**

Details and Prepayment: **https://masslandlords.net/helpline/**

MassLandlords
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BECOME A MEMBER

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masslandlords.net/join

Support better housing policy and housing journalism in Massachusetts. Membership dues often pay for themselves in savings.

DONE READING? SHARE.

We publish our articles online. This print newsletter is a reminder of the real-world value MassLandlords delivers to thousands of members annually. Don't keep us the best-kept secret in rental housing. Share this newsletter with someone who would like it!