

Rights and Resources for New Tenants



As required by the Housing Stability Notification Act, City of Somerville Ordinance Nos. 2019-19 and 2022-06



City of Somerville
Office of Housing Stability



We encourage you to read all of this informational material.

There are **2 sections** of information:

- ▶ Tenant Rights
- ▶ Tenant Resources

To help you understand your rights as a tenant and make sure you are aware of the many resources available, effective July 13, 2022, the Somerville Housing Stability Notification Act (HSNA), as amended, requires landlords to provide you with information at the start of your tenancy, as well as when your tenancy is being terminated.

Although the City cannot provide legal advice, the Somerville Office of Housing Stability (OHS) is here to provide residents with information, advice, and assistance for your housing-related questions or needs.

Visit **somervillema.gov/ohs**, call us at 617-625-6600, Ext. 2581, or submit a referral form at **bit.ly/OHS-Referral** to speak with OHS staff. OHS staff members speak English, Spanish, Portuguese, and Hindi and use telephone interpreters for all other languages. (See Tenant Resources for more information.)

This is an important notice. This notice is available at **somervillema.gov/ohs** in Spanish, Portuguese, Haitian Creole, Nepali, and Traditional and Simplified Chinese. If you speak another language, please have it translated.

Este es un aviso importante. Este aviso está disponible en los idiomas de español, portugués, criollo haitiano, nepalí, y chino tradicional y simplificado en somervillema.gov/ohs. Si habla otro idioma, por favor solicite que lo traduzcan.

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Sa se yon avi enpòtan. Avi sa ap disponib an Espanyòl, Pòtigè, Kreyòl Ayisyen, Nepali, ak Chinwa Tradisyonèl ak Senplifye nan somervillema.gov/ohs. Si ou pale yon lòt lang, tanpri tradwi li.

यो महत्वपूर्ण सूचना हो। यो सूचना somervillema.gov/ohs मा स्पेनिश, पोर्चुगिज, हाईटियन क्रियोल, नेपाली, र परम्परागत तथा सरलीकृत चिनियाँ भाषामा उपलब्ध छ। यदि तपाईं अर्को भाषा बोल्नुहुन्छ भने कृपया यसलाई अनुवाद गर्नुहोस्।

这是一则重要通知。此通知已翻译成西班牙语、葡萄牙语、海地克里奥尔语、尼泊尔语、繁体中文和简体中文，并可以在 somervillema.gov/ohs 找到。如果您说另一种语言，请自行翻译。

這是一則重要通知。此通知已翻譯成西班牙語、葡萄牙語、海地克里奧爾語、尼泊爾語、繁體中文和簡體中文，並可以在 somervillema.gov/ohs 找到。如果您說其他語言，請自行翻譯。

Tenant Rights



All tenants in Massachusetts have legal rights.

There are different kinds of tenancies but all tenants in Massachusetts have legal rights regardless of immigration status—even those who overstay their rental agreement. The best way to protect yourself is to know your rights and get help when you need it. For more information, visit masslegalhelp.org, see Legal Tactics: Tenants' Rights in Massachusetts available at masslegalhelp.org/legal-tactics, visit mass.gov/guides/the-attorney-generals-guide-to-landlord-and-tenant-rights, or contact an attorney (see Tenant Resources).



What can I be charged to move into my home?

M.G.L. c. 186, § 15B

An owner may only charge you for the first and last month's rent, a new lock and key, and a security deposit of no more than one month's rent when you first move in. An owner cannot require you to pay them a realtor's fee. Get a receipt for any money you pay.

How should my security deposit and last month's rent be handled? M.G.L. c. 186, § 15B

- Your security deposit must be kept in a separate bank account that earns interest.
- You must be notified in writing what bank account the security deposit is in within 30 days.
- Your landlord must pay you interest on your security deposit and last month's rent (5% or the amount earned from a bank) annually or inform you of the amount of the interest and that you can deduct this amount from your rent.
- Your security deposit must be returned with interest within 30 days after you move out in most cases, unless there are properly documented damages or unpaid rent or water charges.

When can I be charged for utilities?

Your landlord must pay for gas, electricity, hot water, and heat unless you agreed to pay these under a written lease or other written agreement. For gas and electricity there must also be a separate meter only for your apartment. A landlord must pay for water and sewer, unless they meet certain conditions. If you are being charged for water or sewer and want to know if this is permitted, call 311 and ask for the Inspectional Services Department (ISD) Health Division or contact OHS.

Can I have a subletter or bring another tenant to share my home?

If you have a lease and need to leave before the end of your lease, one option is to find a subletter. A sublet is generally a temporary rental for a specific period after which you will return to your unit. If you sublet, you are still legally responsible to the landlord for your rent, so this can be risky. **Most leases require the advance written permission of your landlord to sublet.** Check your lease carefully before getting a subletter. If you do not have a lease, you cannot sublet, but there is nothing legally preventing you from having housemates move into your home and share the cost of your rent. An exception to this is if your home would be overcrowded based on the space requirements of the State Sanitary Code (see below) or if you use areas of the building not meant for tenant living spaces.

How do I get repairs made?

You have a right to a safe home without bad conditions, whether you have a lease or not. The State Sanitary Code, along with other laws such as the "warranty of habitability" and the "right to quiet enjoyment,"

Tenant Rights

The minimum required standards are in the State Sanitary Code, which can be found at bit.ly/MAStateSanitaryCode. A checklist of conditions your home must meet may be found at bit.ly/HousingCodeChecklist.

Your landlord is responsible for maintaining your home in good condition. If repairs are needed, you can take the following steps:

- Put your request **in writing** (letter or email) and keep a copy.
- If repairs are not made within a reasonable period, call 311 and ask the Inspectional Services Department (ISD) Health Division to inspect your home. If repairs are needed, the inspector should issue a report and order the landlord to make repairs.
- If your landlord does not make the repairs after you request them in writing or the housing inspector orders them, you may need to consider other options, such as organizing with other tenants in your building (see Tenant Resources).
- Under some circumstances, preferably after consultation with an attorney or advocate who can help you make an informed decision (see Tenant Resources), you may decide to:
 - ▶ Make repairs and deduct the cost from your rent
 - ▶ Withhold rent
 - ▶ Break your lease
 - ▶ Go to Court

There is also an online tool at madeuptocode.org available in English, Spanish, Portuguese, and Haitian Creole. You can use it to find out if your home meets the State Sanitary Code, document bad conditions, and take action to get repairs made.

When can my landlord enter my home? ***M.G.L. c. 186, § 15B***

You have the right to exclusive use of your home. A landlord can only come into your home in accordance with a lease or written tenancy agreement to make repairs, inspect for damages within the last 30 days of



your tenancy, or to show the unit to prospective renters, purchasers, or mortgagees. A landlord generally must provide 24 to 48 hours advance notice to enter, except in emergencies such as a fire or water leak into another apartment. You may request that your landlord reschedule a proposed entry unless your lease requires otherwise. Tenants must provide reasonable access to make repairs to Sanitary Code violations; it is best to be cooperative about access so repairs can be made as soon as possible.

Can my landlord increase my rent? Is there any limit?

If you have a lease, a landlord generally cannot increase your rent during the term of the lease. If you do not have a lease, your landlord must give you a full rental period notice (usually one month) of a proposed rent increase. Unless you live in public, subsidized, or inclusionary housing or the rent increase is illegal retaliation (see below), there is no limit on the amount that a landlord can seek to raise your rent at the end of the lease, or with a rental period notice if you do not have a lease. However, your rent will not increase unless you agree in writing to pay the higher amount or pay the higher amount at least once. If you cannot afford the higher amount, talk to your landlord or other tenants in the building, or contact OHS for help before you agree to pay the increased rent. You are still obligated to pay the current rent that you agreed to, and if you do not have a lease your landlord may terminate your tenancy at the current rent and proceed with a no-fault eviction.

Tenant Rights

What is unlawful retaliation?

M.G.L. c. 239, § 2A and M.G.L. c. 186, § 18

Your landlord cannot retaliate against you for:

- Organizing or joining a tenant organization.
- Requesting repairs from the landlord **in writing**.
- Calling the ISD Health Division to report bad conditions or ask for an inspection.
- Lawfully withholding rent because of bad conditions.
- Taking legal action against your landlord to enforce your rights.
- Certain activities relating to domestic violence, sexual assault, or stalking.

If your landlord seeks to raise your rent, tries to change the terms of your tenancy, or tries to evict you within 6 months of your having taken any of the above actions, a court will presume the landlord's action is retaliatory unless they can prove they would have taken the same action (rent increase, eviction, etc.) anyway and that the purpose was not retaliatory. You can take legal action against a landlord who unlawfully retaliates against you for exercising your legal rights.

Do people with disabilities have any special rights?

If you are a person with physical or mental disabilities, as defined by state or federal law, you may have a right to “reasonable accommodation.” This means your landlord may be required to make changes to rules, policies, or practices if the changes are necessary for you to live in and enjoy your home. Examples of this might be allowing you to have an emotional support animal or if you are in public or subsidized housing allowing you an extra bedroom if you need one for medical equipment or a live-in caregiver. You also have a right to make “reasonable modifications” to allow you full enjoyment of your home, such as a ramp or a grab bar. In certain situations, a landlord is required to pay for the modifications needed by a tenant. Note that the rules regarding disability discrimination and reasonable accommodation are complicated and do not apply in all cases. For more information, contact OHS or Somerville Fair Housing Specialist Hanalei Steinhart at 617-625-6600 x 2584 or hsteinhart@somervillema.gov.

What are my rights if my landlord tells me to leave?

Only a COURT can order you to leave your home.

If your landlord tells you or you get a written notice saying that you must leave your home, that does not mean you have to leave—whether you have a lease or not. There is a court process that must be followed to evict you, and help is available for tenants and landlords to try to prevent eviction before going to court. If you receive an eviction notice, get legal help or contact OHS as soon as possible (see Tenant Resources). If your landlord locks you out or removes your belongings, get legal help, contact OHS, or call the police. You can also go into court to request a court order to allow you back into your home.



Tenant Resources

Office of Housing Stability (OHS)

somervillema.gov/ohs

To access OHS services, call 617-625-6600, Ext. 2581, or submit a referral form at bit.ly/OHS-Referral.

OHS staff members speak English, Spanish, Portuguese, and Hindi and use telephone interpreters for all other languages. Services include:

- Advice and information on housing issues
- Help resolving landlord/tenant matters, including evictions
- Referrals for legal services
- Help applying for rental assistance
- Help applying for affordable housing
- Tenant outreach and education

Inspectional Services Department (ISD) Health Division

somervillema.gov/departments/isd/health-division

Call 311 to file a complaint with the ISD Health Division about bad conditions (possible violations of the State Sanitary Code – see Tenant Rights) or about a violation of the Somerville Housing Stability Notification Act, as Amended (HSNA). Visit somervillema.gov/ohs or call 617-625-6600, Ext. 2581 for more information about the HSNA.

Housing Division

For information about affordable housing opportunities through the City's Inclusionary Housing Program, visit somervillema.gov/departments/ospcd/housing.

Fair Housing

To report discrimination to the Somerville Fair Housing Commission, submit a complaint at form.jotform.com/73455087087162 or contact Somerville Fair Housing Specialist Hanalei Steinhart at 617-625-6600 x 2584 or hsteinhart@somervillema.gov. You can also file a discrimination complaint at bit.ly/FileaHUDComplaint.



Rental Assistance

Need help paying your rent? Financial assistance is available through the agencies listed here, regardless of immigration status. Income limits or other eligibility criteria may apply.



Community Action Agency of Somerville (CAAS)

Apply at caasomerville.org/hap-application or call 617-623-7370.



Somerville Homeless Coalition (SHC)

Apply at somervillehomelesscoalition.org/rapid-response or call 617-623-6111.



Metro Housing Boston – RAFT Assistance

Apply at metrohousingboston.org.

Need help with your rent but not sure where to start? Call OHS at 617-625-6600, Ext. 2581, or submit a referral form at bit.ly/OHS-Referral.

Tenant Resources

Utilities Assistance

Need help paying your gas, electric, or other utility bills?

- **Community Action Agency of Somerville (CAAS)**
Apply at caasomerville.org/hap-application or call 617-623-7370.
- **Somerville Homeless Coalition (SHC)**
Apply at somervillehomelesscoalition.org/rapid-response or call 617-623-6111.

For information about the Eversource Discount rate available to low-income customers, visit bit.ly/EversourceDiscountRate.

For information about winter heating fuel assistance visit somervillema.gov/heatingassistance or call 617-349-6252.

Tenant Outreach and Organizing

For building-wide issues such as rent increases or bad conditions contact CAAS at 617-623-7370, Ext. 148, or submit a request at caasomerville.org/community-organizing.

Legal Services

If you receive a Notice to Quit (the first step in an eviction proceeding), a Court Summons and Complaint, a 48-Hour Notice, or any other court papers related to your housing, get legal help as soon as possible. Free legal services are available for eligible low-income tenants through the agencies listed here, regardless of immigration status. Contact OHS if you need assistance with this.

- **Cambridge and Somerville Legal Services**
Call 617-603-2700
- **De Novo Center for Justice and Healing**
Call 617-661-1010
- **Harvard Legal Aid Bureau**
(closed for intake in the summer)
Call 617-495-4408

Mediation

- Mediators can help resolve disputes and often prevent unnecessary eviction.
- For disputes that are not yet in court, call the Community Dispute Settlement Center (CDSC) at 617-876-5376 or email cdschousing@communitydispute.org.
- If you have an eviction case in Somerville District Court, you can elect to participate in free mediation services offered through the Court.

First-Time Homebuyers Classes

- **Somerville Community Corporation (SCC)**
For more information, visit somervillecdc.org/first-time-homebuyers or call 617-410-9906.
- **CHAPA**
For a list of other first-time homebuyer workshops, visit chapa.org.

