

OFFERED BY COUNCILORS LIZ BREADON, BRIAN WORRELL, CULPEPPER, DURKAN, FITZGERALD, FLYNN, LOUIJEUNE, MEJIA, MURPHY, PEPÉN, SANTANA, AND WEBER



CITY OF BOSTON IN CITY COUNCIL

AN ORDINANCE ESTABLISHING A “BAD LANDLORDS LIST” AND EXTENDING RENTAL PROPERTY CODE ENFORCEMENT AGAINST CHRONIC OFFENDERS AND SCOFFLAWS

- WHEREAS,* All tenants have the right to a decent, safe, sanitary, and healthy place to live—housing, building, and fire codes help to ensure residential properties meet minimum health and safety standards, and code enforcement activities are essential to verify compliance and the habitability of properties; *and*
- WHEREAS,* The Massachusetts Department of Public Health establishes regulations setting minimum legal standards in the State Sanitary Code (105 CMR 410) ensuring safe housing conditions, and portions of the Code pertaining to residential dwellings are enforced in the City of Boston by inspectors of the Housing Division in the Field Services program of the Inspectional Services Department; *and*
- WHEREAS,* The Massachusetts Board of Building Regulations and Standards approves and administers the State Building Code (780 CMR) to establish standards for the design, materials, and safety of structures, and the Code is enforced in the City of Boston by building, electrical, and mechanical inspectors of the Buildings and Structures Division of the Inspectional Services Department; *and*
- WHEREAS,* The Massachusetts Board of Fire Prevention Regulations adopts the State Fire Code (527 CMR) to establish a reasonable level of fire and life safety and property protection from the hazards created by fire, explosion, and dangerous conditions, and state and local fire codes are enforced by the Legal Unit of the Fire Prevention Division of the Boston Fire Department; *and*
- WHEREAS,* In Massachusetts, a petition requesting a criminal complaint for violations of the State Sanitary Code, State Building Code, or State Fire Code may be made to the Housing Court if the property owner failed to comply with written orders and “did so willfully, intentionally, recklessly or repeatedly”; *and*
- WHEREAS,* It is necessary to employ both cooperative models focused on helping owners bring their properties into compliance, as well as punitive measures which penalize violators, particularly those with persistent and chronic offenses; *and*

- WHEREAS,* The City of Chicago publishes a “Building Code Scofflaw List” and prohibits property owners on that list from obtaining business licenses, receiving zoning variances, acquiring city land or receiving financial assistance, or obtaining building permits unrelated to addressing their violations; *and*
- WHEREAS,* The City of New York publicly identifies and publishes information regarding landlords and residential properties with substantial unresolved housing maintenance code violations through its Worst Landlords Watchlist; *and*
- WHEREAS,* As the enforcement of code violations entails a multi-department, multi-step process with property owners entitled to an administrative hearing and due process, it is especially egregious when serious and chronic offenses persist uncorrected, requiring interdepartmental coordination for the City to bring the property owner to court for code enforcement proceedings; *and*
- WHEREAS,* Strengthening the City’s rental property code enforcement mechanisms will result in improved living conditions, deter further violations, and inform current and prospective tenants and the general public of a Scofflaw Property Owner’s record; *and*
- WHEREAS,* Policies which increase public awareness of chronic violators, as well as punitive limitations on their ability to conduct business with government agencies, have been adopted in code enforcement mechanisms across the country, and in turn they have helped remedy offenses, improved living conditions, deterred further violations, and informed current and prospective tenants and the general public of a Scofflaw Property Owner’s record; *NOW, THEREFORE,*

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

SECTION 1.

City of Boston Code, Ordinances, Chapter IX is hereby amended by striking Section 9-1.3(B) in its entirety and replacing it with the following:

(B) For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED INSPECTOR. Any Inspectional Services Department (“ISD”) inspector or any other person who:

(a) Is a Commonwealth-registered Sanitarian or a Commonwealth-certified Health Officer or a Commonwealth-certified Home Inspector, or has proof of training acceptable to ISD; and

(b) Has been issued a certificate of completion by ISD for the requisite program authorizing them to perform inspections under this Subsection.

COMMISSIONER. Commissioner of the Inspectional Services Department or a designee.

DAYS. Consecutive calendar days.

DO BUSINESS WITH THE CITY. For purposes of this Section, to “do business with the city” shall mean: (i) being awarded a City contract, or (ii) receiving a grant, loan or other form of financial assistance from any City department, or (iii) having an application for any of the following accepted and processed by the relevant department: (a) an acquisition of City real property, (b) a lease, (c) a real property tax reclassification, (d) development projects and plans subject to Article 80 of the Boston Zoning Code, (e) a zoning map amendment, or (f) any other form of zoning relief.

ENFORCEMENT PROCEEDINGS. Court proceedings relating to code violations in which the plaintiff is the City of Boston or a department acting on its behalf, regardless of whether the matter is pending or closed, including cases where a judgment, dismissal, or agreement has been entered.

GREEN TICKET LAW. M.G.L. Chapter 40U.

OCCUPANT. A person or persons residing in a rental unit.

OWNER. An individual, a for-profit or not-for-profit corporation, partnership, association, business trust, estate, commercial or legal entity, trustee of a land trust, or any other persons or entities classified as “owners” pursuant to 105 CMR 410.010 having legal title to, or care, charge or control of a private dwelling, tenement, lodging house, or other residential rental unit or rental property dedicated to residential use.

OWNERSHIP INTEREST. Legal title to any residence, or parcel of land, vacant or otherwise, including a manufactured housing community; care, charge or control of any residence, or parcel of land, vacant or otherwise, including a manufactured housing community, in any capacity including, but not limited to, personal representative, agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; mortgagee in possession of any such property; agent, trustee or other person appointed by the courts and vested with possession or control of any such property; officer or trustee of the association of unit owners of a condominium.

PROBLEM PROPERTY. For purposes of this Section, a “Problem Property” is a property designated as a problem property pursuant to Section 9-13.1(E) of the Boston City Code or a property that meets the criteria set forth in Section 16-57.2 of the Boston City Code.

RENTAL UNIT. A non-owner occupied room or group of related rooms within a dwelling used or intended for use by one family or household for living, sleeping, cooking and eating. A *RENTAL UNIT* shall also mean a non-owner occupied condominium unit. Dwelling units that have current lodging house licenses issued by the Licensing Board for the city shall not be considered as rental units for the purposes of this Section.

SECTION 2

City of Boston Code, Ordinances, Chapter IX is hereby amended by striking Section 9-1.3(C)(1) in its entirety and replacing it with the following:

(1) All owners of private residential rental housing units, including condominium units, in the city shall register no later than July 1 of each year with the Inspectional Services Department (“ISD”) identifying the property by street address, the number of units that they own at each address, and the names and contact information of all individuals or entities with ownership interest in the rental unit or rental property. If the Owner is a corporate entity, registration shall specify the names and contact information of the Beneficial Owners who are the largest shareholders. Additional information may be required from property owners during the registration process at the discretion of the Commissioner. An Owner of a rental unit, who does not reside within the subject dwelling, shall post and maintain or cause to be posted and maintained on such dwelling adjacent to the mailboxes for such dwelling or elsewhere in the interior of such dwelling in a location visible to the residents a notice constructed of durable material, not less than 20 square inches in size, bearing his or her name, address and telephone number. If the owner is a realty trust or partnership, the name, address and telephone number of the managing trustee or partner shall be posted. If the owner is a registered entity, the name, address and telephone number of the president of the registered entity shall be posted. Where the owner employs a manager or agent who does not reside in such dwelling, such manager or agent’s name, address and telephone number shall also be included in the notice. P.O. boxes do not satisfy the address requirement of this Section. All owners must register each rental unit annually with ISD, and must attest to and affirm that they are familiar with their obligations to comply with this Section; the Commonwealth’s Sanitary Code (105 CMR 410); the Commonwealth’s Building Code (780 CMR); the city’s Zoning Code; federal, Commonwealth and local fair housing regulations; and all other regulations applicable to residential dwellings, and that they intend to comply with said regulations, by signing a form provided by and approved by the Commissioner of ISD. An owner owning multiple units in the same building may submit one form representing all said units. Any owner residing outside of the Commonwealth must designate a Boston based resident agent authorized to accept service on the owner’s behalf.

SECTION 3

City of Boston Code, Ordinances, Chapter IX is hereby amended by striking Section 9-1.3(H) in its entirety and replacing it with the following:

(H) SCOFFLAW OWNER PROPERTY LIST AND PENALTIES

(1) Residential rental property owners who fail to register or who fail to comply with notices of violations, warnings of noncompliance, or municipal fines within the preceding 12 months, shall be assessed points on their properties on a twice annual basis, as follows:

(a) Inclusion on the Problem Properties List shall incur four (4) points for each property;

(b) Failure to comply with a notice of violation issued by the Inspectional Services Department pursuant to the Massachusetts State Sanitary Code (105 CMR 400 and 410), the Massachusetts State Building Code (780 CMR), or the Boston Zoning Code, where such noncompliance results in one or more enforcement proceedings initiated by the City of Boston or a department acting on its behalf shall incur two (2) points per violation;

(c) Failure to make a good-faith effort to correct emergency violations resulting in one or more court enforcement proceedings shall incur three (3) points per violation;

(d) Failure to register and/or complete rental inspection requirements of this Section shall incur one (1) point per unregistered unit;

(e) Failure to pay outstanding municipal fines exceeding \$1000, but not more than \$10,000, shall incur two (2) points;

(f) Failure to pay outstanding fines exceeding \$10,000 shall incur four (4) points.

ISD shall notify owners of each point assessed by mail, return receipt requested.

(2) Upon being assessed with a number of points described in this Section equal or greater to the applicable threshold shown in Table 1, a residential rental property owner shall be classified as “Scofflaw Property Owner” by ISD. ISD shall notify Owners of their classification as a “Scofflaw Property Owner” by mail, return receipt requested. Scofflaw Property Owners shall have 14 days to request a hearing to appeal the determination. The Scofflaw List will be transmitted to permitting agencies, including the Mayor and City Council, within the City of Boston for awareness.

TABLE 1	
# Rental Units Owned	Point Threshold in a 12-month period
1 to 50 units	6
51 to 500 units	10
501 or more units	14

(3) On February 1 and August 1 of each year, ISD shall create and publish a list (the “Scofflaw List”) of all Scofflaw Property Owners that have accrued points above permissible thresholds defined in this Section within the preceding twelve (12) month period. The Scofflaw List shall be published and made publicly available by ISD as an open dataset and shall include the names of all Scofflaw Property Owners, the address of all rental properties owned by each Scofflaw Property Owner, information on the violations and fines received by each Scofflaw Property Owner, and a description of the basis for inclusion on the Scofflaw List.

(4) The following types of rental units or rental properties shall be excluded when determining the designation of Scofflaw Owners: (i) rental units or rental properties owned by the federal, state, or city government or political subdivisions thereof; (ii) rental units or rental properties located in dwellings containing six (6) or fewer units, one of which is occupied by the owner; and (iii) rental units or rental properties located in a building that has received public financing for an affordable housing rehabilitation project within the past five (5) years.

(5) PENALTIES. No Scofflaw Property Owner shall be eligible to do business with the City of Boston, and no department or agency of the City shall do business with a Scofflaw Property Owner. Provided, however, that the prohibition in this Section shall not apply for a specific contract if the awarding authority or department head administering the contract determines that: (i) the City is unable to acquire the goods or services provided by the owner at comparable price and quality, and in sufficient quantity, from other sources; or (ii) the public health, safety and welfare requires it.

(a) Scofflaw Property Owners may remain eligible to receive a grant, loan, or other form of financial assistance from the City of Boston for the purpose of rehabilitating a rental unit and/or rental property to remedy an outstanding code violation.

(b) Scofflaw Property Owners are subject to fines of \$2000, or the maximum allowed, for each subsequent point received in a 12-month rolling period, and

may also be subject to court prosecution under the applicable codes and regulations.

(6) Scofflaw Property Owners shall be required to request an inspection of each rental unit by ISD each year. A Scofflaw Property Owner who maintains fewer than two (2) points within a rolling twelve (12) month period shall have the Scofflaw Property Owner classification removed on the next consecutive publication date occurring twelve (12) months after the Owner's initial publication on the Scofflaw List. For purposes of clarity, an Owner first published on the August 1 list shall be eligible for removal on the following August 1 publication date, and an owner first published on the February 1 list shall be eligible for removal on the following February 1 publication date.

SECTION 4.

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 5.

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

Filed on: October 21, 2026