



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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FREQUENTLY ASKED QUESTIONS

HOUSING STABILITY NOTIFICATION ACT – SOMERVILLE ORDINANCE 2019-19

Disclaimer – This guidance constitutes general information and does not constitute legal advice. It is not a substitute for advice specific to a particular situation, nor does it mention every aspect of the law that may apply to a particular situation. For specific questions, tenants should contact an attorney.

1. What is the Housing Stability Notification Act?

The Housing Stability Notification Act (HSNA) aims to promote the housing stability of Somerville residents by requiring landlords to provide tenants with **Notice of tenants' rights and resources (hereinafter both collectively "Notice")** in the event that a landlord is ending a tenancy.

This HSNA also requires foreclosing owners (owners of a foreclosed upon property such as banks or those who purchase from banks) to provide the same Notice to former owners who are facing eviction.

2. When did this Act become effective?

The HSNA became effective on December 26, 2019. See the important note in the answer to **Question 4** below.



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(617) 625-6600 EXT. 2581 • FAX: 617-591-3233
www.somervillema.gov/ohs

3. Why was this Act passed?

This Act was passed to ensure that tenants/former homeowners understand their rights when their tenancy or residential occupancy is terminated and are informed about agencies that may be able to assist them. In many cases agencies can assist tenants to obtain funding to pay back-rent or services necessary to stabilize tenancies and avoid evictions. In addition, based on statewide statistics, only 8% of tenants have legal representation in eviction actions and more than 70% of landlords are represented. Where it is not possible to resolve eviction issues pre-Court, HSNA will provide tenants/former owners a better opportunity to obtain advice and/or representation.

4. As a landlord, what are my responsibilities under this new Act?

When a landlord/foreclosing owner serves a tenant/former homeowner any notice to quit or notice of lease nonrenewal or expiration, they must also simultaneously provide a Notice of tenants' housing rights and resources.

This Notice must include a list, with contact information, of organizations available to assist tenants/former homeowners. Note: This list and information on tenants' rights in eviction actions will be prepared by, and available in English, Spanish, Portuguese, and Haitian Creole at somerillema.gov/ohs. The documents should be provided in your tenant's primary language, if known.

Where a landlord is exercising their right of lease nonrenewal or expiration, the above-referenced Notice must be provided to the tenant/former owner with any notice of lease non-renewal, or, if no such notice is served, at least **30 days** in advance of filing any court eviction action against a tenant. The Notice must be sent in-hand or by certified mail.

Important: A landlord must immediately send the required Notice to all tenants and former homeowners who have been served with notices to quit, notices of lease expiration or non-renewal, or summary process, or other court eviction complaints PRIOR to the effective date of this Ordinance unless a final judgment of possession against the tenant or former homeowner has issued (or the tenant/former homeowner moved out).

5. What does this mean for me as a tenant?

In the event that your landlord serves you with a notice to quit or notice of lease nonrenewal or expiration, you should, at the same time, also be given the Notice of tenants' rights and resources. The Notice will explain your rights in an eviction and provide information regarding

agencies that may be able to assist you during the eviction process and/or assist you with searching for new housing. Please feel free to reach out to the Office of Housing Stability with any questions or concerns. Request OHS services [online](#), or call our intake line at 617-625-6600 Ext. 2581.

6. What do I need to do as a tenant if I do not receive the required information when I am served with a notice to quit, notice of lease non-renewal, or thirty days prior to receipt of a court eviction complaint?

The HSNA is enforced by the Inspectional Services Department (ISD). ISD will issue a ticket to your landlord if the required information is not provided to you and you properly report a violation of the Act. (See **Question 10** below) In order for a ticket to issue, you will need to do the following:

- A. Call 311 and explain that you are calling to report a violation of the Housing Stability Notification Act.
- B. You will need to provide ISD with written proof of your tenancy such as your lease, rent receipts, or your name on a notice to quit or court complaint (other items proving your tenancy may be accepted).
- C. You will also need to provide ISD with a copy of the Notice to Quit or Court Complaint.

For help with this process, please call the Office of Housing Stability at 617-625-6600 Ext. 2581 or call 311 and ask for the Office of Housing Stability.

7. Who has to comply with this Act?

This Act applies to all landlords/foreclosing owners of rental units/housing accommodations in the City of Somerville where a notice to quit or other notice of lease nonrenewal or expiration has been served or should have been served on the tenant/former homeowner of any such rental unit/ housing accommodation. If no notice to quit is served, the Notice must be served at least thirty days prior to filing an eviction action in Court. If you are a landlord/foreclosing owner intending to end a tenancy or post-foreclosure occupancy of a unit, this Act applies to you.

8. Is anyone exempt from these requirements?

Yes. Properties which are (1) in any hospital, skilled nursing facility or health facility (2) in a nonprofit facility whose primary purpose is providing short-term treatment, assistance or

therapy for alcohol, drug, or other substance abuse are exempt from the requirements of this Act.

9. Can this requirement ever be waived?

No. The requirements of this Act may not be waived, and any term of any lease, contract, or other agreement that purports to waive or limit a tenant's or former homeowner's substantive or procedural rights under this ordinance are contrary to public policy, unenforceable, and void.

10. As a landlord, do I still need to provide this Notice if my tenants are tenants at-will?

Yes. All tenants and other lawful occupants including post-foreclosure former homeowners **must** be provided with the required Notice.

11. What happens if, as a landlord, I do not comply?

Each failure to comply with the requirements set forth in this Act with respect to an occupant entitled to Notice shall be deemed a separate offense triggering a separate warning or fine. Unless otherwise provided, a person or entity violating any provisions of this Ordinance shall be punishable by a warning or fine in accordance with the provisions of Somerville Code of Ordinances Section 1-11, shown below.

Offense	Fine	Enforcing Personnel
Housing Stability Notification Act (Sec. 7-286)	1st offense: warning 2nd and subsequent offenses: \$300.00	Police, Inspectional Services Department