



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

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FREQUENTLY ASKED QUESTIONS

TENANTS' GENERAL GUIDANCE REGARDING RIGHT TO ORGANIZE IN PRIVATE HOUSING

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. As a residential tenant, am I allowed to organize or work with a tenant union to advocate on landlord/tenant issues?

Yes. Tenants have a right to organize around issues relating to their tenancies, including any actions or failures to act by their landlord. Owners should not act in a manner so as to intimidate tenants who wish to engage in lawful tenant organizing.

2. Can my landlord retaliate against me for being part of a tenants' union?

No. Massachusetts law protects tenants from retaliation on the basis of tenant organizing. If an owner takes negative action against a tenant within six months of learning of their involvement in a tenant organization, the action is presumed to be retaliatory **unless** the owner can prove they would have taken the same action, at the same time, whether or not the tenant had been involved with a tenant organization. It would be the owner's burden to prove this in court. If the owner has another reason for the eviction, such as non-payment of rent or a serious lease violation, it is unlikely that an owner's action to evict, for example, would be considered retaliatory.

3. Am I allowed to invite a tenant organizer to come into my building to flyer or talk to other tenants?

Yes. A tenant generally has the right to have any guest of their choice in their apartment and common areas of their building unless there is a valid court order preventing that person from coming into the apartment or building. As the tenant, you should accompany the organizer while they are in any common areas of the building. Note that you may be held responsible for the behavior of your guest (e.g. by the terms of your lease) if your guest were to act unlawfully or seriously interfere with the rights of other tenants. Generally, distributing leaflets in hallways or knocking on doors accompanied by a tenant in a respectful manner is not unlawful conduct.



4. Am I allowed to go into other buildings owned by my landlord to talk to tenants about a tenants' union?

It depends. An owner generally has the right to prevent you or a tenant organizer from going inside a building that is privately owned, where you do not live, unless you are invited by a tenant in that building. If you plan to visit common areas in a building a tenant living in that building should accompany you. You do NOT have a right to post anything in or on the building. You or an organizer have the right to be outside any building on any public sidewalk or other public space and may talk to building tenants or distribute literature to those tenants whether or not you are accompanied by a building tenant.

5. Can my landlord share private information about me with other tenants or community members?

Under Massachusetts state law, a person has a right against unreasonable, substantial or serious interference with his or her privacy. This may include disclosing facts of a highly personal nature where there is no legitimate reason for doing so. In addition, a landlord cannot interfere with a tenant's quiet enjoyment of their home. This is a broad concept and may or may not include a landlord's wrongful sharing of a tenant's private information with other tenants.

6. What can I do or what can we as tenants do collectively to get conditions fixed if my landlord is failing to make necessary repairs timely or adequately?

If there are needed repairs, you should notify the landlord of the request for repairs in writing and make sure you keep a copy of this written request. Tenants should take date-stamped photographs of any conditions that are visible. If some maintenance is performed, that does not adequately address the repair need, you should **again** notify the owner, in writing, that the condition remains inadequately repaired.

If you are unsure what repairs are required under the State Sanitary Code you can go to <https://www.masslegalhelp.org/housing/lt1-chapter-8-rights-decent-place-live> for an excellent summary on the requirements of the Sanitary Code. Tenants can also contact the City of Somerville Board of Health to request assistance in getting required repairs made by calling 311 and saying they want to file a complaint with the Board of Health. We suggest you not contact the Board of Health unless you have first tried to address an issue of repair with your landlord.

A tenant association may communicate with an owner about conditions generally. Information about effective tenant organizing can be found at <https://www.masslegalhelp.org/housing/lt1-chapter-10-getting-organized.pdf>

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