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Ordinance Requiring Tenant-Landlord Negotiations Filed

A new version of rent control or just encouraging negotiations?

A proposed ordinance now before the Boston City Council would require certain landlords to negotiate with recognized tenant organizations on any substantial rent increase or other major change in the tenants' contract. The intent of the ordinance is to require Boston landlords to negotiate in good faith. Is this ordinance a new version of rent control or is it merely requiring tenants and landlords to negotiate together in an effort to avoid issues being taken to housing court? What determines if landlords are negotiating in good faith? Can the pillar of the labor movement, that workers have the right to negotiate with management, be extended to the relationship between landlords and their tenants? Who will be the arbiter in these discussions and how much bigger and more expensive will the city bureaucracy grow to manage this process? Does the ordinance conflict with existing state law? Will this ordinance, if passed, create uncertainty and affect the flow of private dollars for housing construction in Boston? All these questions will need to be fully explored before the City Council takes any action.

This ordinance, submitted by At-large Councilor Sam Yoon, would cover landlords who own 20 or more residential rental units and live in Boston and those who own 10 or more units and live outside of Boston. Tenant organizations recognized by the ordinance must represent more than 50% of the households residing in the landlord's building.

Boston's Rental Housing Resource Center (RHRC) would be responsible for organizing

all landlord-tenant negotiations. In order to comply with the ordinance, both landlords and tenants must bargain in good faith. For landlords, this means the consideration of the tenants' interests in security, stability, affordability, and adequate living conditions. The tenants must consider the landlord's costs in operating, maintaining, and improving the building, as well as the landlord's right to a reasonable profit. Complaints that either party violated the provisions of this ordinance would lead to an independent investigation.

The RHRC would be responsible for establishing and compensating an independent panel of investigators to research any alleged violations. If the landlord is found in violation of the ordinance after an investigation and hearing process, a letter of non-compliance would be kept on file for a year at numerous city agencies, including the Boston Redevelopment Authority, the Inspectional Services Department, and the Licensing Board. Any of the landlord's bids in response to RFPs or the sale of public land and any applications for building permits or business licenses would be considered incomplete while there is a letter of non-compliance in the landlord's file. If the tenant organization is found in non-compliance, it will cease to be recognized by the RHRC and thus unable to engage in collective bargaining.

Many questions arise about the application of this proposed ordinance and any effects it would have. The Research Bureau will examine the ordinance in more detail to further explain its possible implications.