

Offered by Councilors Josh Zakim & Michelle Wu
Ciommo, Edwards, Essaibi-George, Janey, Flynn, O'Malley and Campbell



CITY OF BOSTON

IN THE YEAR TWO THOUSAND NINETEEN

AN ORDINANCE AMENDING CHAPTER IX OF THE CITY OF
BOSTON CODE, ORDINANCES, REGARDING LANDLORDS
PROVIDING VOTER REGISTRATION TO TENANTS

WHEREAS, The City of Boston is committed to making it easier for eligible resident to participate in our elections and should be considering innovative ways to reach everyone; *and*

WHEREAS, Massachusetts allows eligible citizens to register to vote in person at a number of public facilities including city and town halls; via mail in registration form; or online if the Registry of Motor Vehicles has their signature on file; *and*

WHEREAS, According to the American Community Survey produced by the U.S. Census Bureau in 2016, nearly 64% of Bostonians are currently renting their homes and apartments; *and*

WHEREAS, The last three municipal general elections in Boston have produced turnout percentages of 27.8%, 38.2% and 31.2% respectively; *and*

WHEREAS, A number of municipalities around the country, including Seattle, Washington and most recently St. Paul, Minnesota have implemented ordinances requiring that landlords provide voter registration information to all new tenants upon the signing of a lease; *and*

WHEREAS, The Election Department requires Boston residents changing addresses or people moving into the City from another municipality to update their registration to remain an eligible voter;

NOW THEREFORE,

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

Section 1.

The City of Boston Code, Ordinances, is hereby amended in Chapter IX by adding the following section after CBC 9-13:

9-14.1 Purpose.

The purpose of this ordinance is to implement a proactive program requiring Landlords in the City of Boston to provide voter registration documents to their tenants. The Department of Neighborhood Development shall have the authority to enforce the provisions of this section and subsections.

9-14.2 **Definitions.**

Health Facility. Any facility, place, or building that is organized, maintained, and operated for the diagnosis, care, and treatment of human illness, physical or mental, including convalescence and rehabilitation, and including care during and after pregnancy, or for any one or more of these purposes.

Housing Accommodation. A building or structure, or part thereof or lane appurtenant thereto, and any other real or personal property used, rented, or offered for rent for living or dwelling purposes, together with all services connected with the use or occupancy of such property, in the City of Boston.

Landlord. Owner of record, or lessor or sublessor of an owner of record.

Owner. Any person who holds title to one or more dwelling units in any manner including but not limited to a partnership, corporation or trust. For purposes of this act the term “owner” shall include one who manages, controls, and/or customarily accepts rent on behalf of the owner.

Property. A parcel of land, along with all fixtures, structures, and improvements thereupon, located in the City of Boston that is assessed and taxed as an undivided whole.

Rental Agreement. Any written or oral agreement for the leasing of a dwelling unit.

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.

Skilled Nursing Facility. A health facility or a distinct part of a hospital that provides, at a minimum, skilled nursing care and supportive care to patients whose primary medical need is the availability of skilled nursing care on an extended basis. Such facility must provide twenty-four (24) hour inpatient care, an activity program, and medical, nursing, dietary, and pharmaceutical services. Additionally, the facility must provide effective arrangements, confirmed in writing, through which services required by the patients but not regularly provided within the facility can be obtained promptly when needed.

Tenant. Any person who is legally entitled to inhabit a dwelling unit under a Rental Agreement.

9-14.3 **Applicability.**

The provisions of this chapter, section, and subsections shall apply to all rental units and housing accommodations in the City of Boston. However, the provisions of this chapter shall not apply to the following types of units:

- A. Rental units in any hospital, skilled nursing facility, or health facility.
- B. Rental units in a nonprofit facility that has the primary purpose of providing short term treatment, assistance, or therapy for alcohol, drug, or other substance abuse provided that such housing is incident to the recovery program, and where the client has been informed in writing of the temporary or transitional nature of the housing at its inception.
- C. Rental units in a residential property where the owner of record occupies a unit in the same property as his or her principal residence and regularly shares in the use of kitchen or bath facilities with the tenants of such rental units. For purposes of this subsection 9-14(3)(D), the term owner shall not include any person who claims a real estate property tax exemption on any other residential real property in the Commonwealth of Massachusetts.
- D. Any residential property where the owner is a natural person who owns three (3) or fewer residential rental units in the City of Boston and the owner resides in the Commonwealth of Massachusetts.
- E. Any unit that is held in trust on behalf of a developmentally disabled individual who permanently occupies the unit, or a unit that is permanently occupied by a developmentally disabled parent, sibling, child, or grandparent of the owner of that unit.

9-14.4 Providing Voter Registration.

The Department of Neighborhood Development in coordination with the Election Department shall provide voter registration documents to Landlords in the City of Boston.

A Landlord that rents a Rental Unit for a period of more than thirty (30) days, at the time of signing the lease, shall provide voter registration information to tenant(s) in the City of Boston.

9-14.5 Penalties and Enforcement.

Any person found to be in violation of section 9-14.4 may be assessed a fine of \$100.00. The Department of Neighborhood Development shall enforce the provisions of this ordinance. The provisions of CBC 9-14 may be enforced in accordance with the non-criminal disposition process of M.G.L. c. 40, s. 21D, provided that this section shall not preclude the City of Boston from proceeding to restrain a violation by injunction.

9-14.7 Severability.

If any provision of CBC 9-14 shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

Section 2.

Effective Date.

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

Filed in Council: March 15, 2019