

Is Your Apartment Becoming a Condo?

Tenants' Rights in Massachusetts

If your landlord wants to convert your apartment to a condominium (condo), and your building has more than 3 apartments, you have rights under state law.

Some towns and cities also have local condo laws that give you more rights.

Protect Yourself Local Condo Rights

Some towns and cities have local condo laws that give you **more** rights such as:

- In Lexington, tenants with school-age children, or family, health or financial problems, may qualify for 5 years notice before they have to move out.
- In Boston, condo owners are **never** allowed to evict tenants if they do not have a valid legal reason.
- In New Bedford, condo owners must send notice in different languages.

Communities with local condo laws are:

Abington	Lexington
Acton	Malden
Amherst	Marlborough
Boston	New Bedford
Brookline	Newburyport
Cambridge	Newton
Haverhill	Somerville

Ask your Town/City Hall for a copy of the local condo laws.

The Right to Notice

Your landlord must give you written notice of plans to convert your apartment to a condo. She must send the notice by certified mail or hand-deliver it to you. The notice must include a statement of your rights.

Your landlord must send the notice to you **at least 1 year** before the date she wants you to move out.

If you have a limited income, are 60 years or older, or have a disability, the landlord must give you notice **at least 2 years** before the date she wants you to move out.

Some cities and towns require at least 3-5 years notice.

The move-out date on the notice must not be sooner than the end date in your written lease.

You do not have to move out automatically by the move-out date. If your landlord wants you out, she must file an eviction case in court. If a judge gives your landlord permission to evict you, you will have to move out. But the court may give you more time to find another place to live.



Right to Buy

When your landlord gives you notice of a condo conversion, she must also give you the first chance to buy your apartment. This is called the “right of first refusal.”

With the notice of conversion, the landlord must include a “Purchase & Sale Agreement” that lists the asking price of your apartment. She cannot advertise the sale for 90 days.

If you want to buy your apartment, you have 90 days to negotiate with the landlord.

After 90 days, the landlord can sell it to someone else. The new owner will be your landlord.

Finding a New Place

Your landlord must help you find a new apartment, if you do not want to buy your apartment or you cannot afford to buy it **and** you are elderly, have a disability, or have a low income. The new apartment must be in the same town. And the rent and condition must be similar to your current apartment. If your landlord does not find you a new apartment, you have the right to stay 2 years past the move-out date on the notice.

Protection from Rent Increases

Landlords may not increase the rent by a large amount to make you leave before the move-out date.

If you have a lease, your landlord can **only** increase your rent before the lease ends if it has a Tax Escalator clause and property taxes go up.

If your lease ends **before** the move-out date **or** you do not have a lease, your landlord can increase your rent.

The rent increase cannot be more than 10% of your current rent, or the change in the Consumer Price Index since last year, whichever is less. So, if the Consumer Price Index went up 0.8%, your rent could go up by no more than 0.8%.

Moving Expenses

If you move out voluntarily before the date on the notice, and you are up-to-date with your rent, the landlord must pay your moving expenses. Give the landlord advance notice of the date you are moving. Keep all receipts of your moving expenses.

They must pay up to \$750 in moving benefits or up to \$1,000 if you are elderly, disabled, or have a low income.

Some cities and towns have higher moving benefits. In Boston, landlords must pay up to \$6,000 for all tenants and \$10,000 for elderly, disabled, or lower income tenants.

After the Conversion

If you do not buy the condo, but you rent it after it becomes a condo, you are a tenant. If you rent a condo, the condo owner must notify you, in writing, of the name and phone number of the person responsible for repairs.

You may find it harder to get repairs in common areas done because the condo association may have to approve the repairs.



[MassLegalHelp.org/Condos](https://www.masslegalhelp.org/condos)

**Legal Tactics: Tenants Rights in
Massachusetts** May 2017