



City of Cambridge Tenants' Rights and Resources

Tenants' Rights and Resources Notification Ordinance Cambridge Municipal Code Chapter 8.71 City of Cambridge, Massachusetts

***The City of Cambridge is glad that you have decided to make
Cambridge your home!***

The City of Cambridge has a Tenants' Rights and Resources Notification Ordinance. The link to the Ordinance is <https://camb.ma/4gfcKNK>

This Ordinance requires that owners, landlords, and management companies give this Tenants' Rights and Resources Guide to tenants at the start of their tenancy or when a tenancy is being terminated. This guide includes Tenant and Landlord Responsibilities, Tenant Rights in an Eviction Process, and Housing Resources.

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Amharic



Arabic



Bangla



Chinese



Haitian Creole



Portuguese



Spanish

Contact: City of Cambridge Housing Services Center (HSC)
Address: 362 Green Street (first floor), Cambridge, MA 02139
Phone: 617-349-6340
Email: hosingservices@cambridgema.gov

Tenant and Landlord Responsibilities

Rent

It is the tenant's responsibility to pay rent on time as stated in the lease or rental agreement.

If you are struggling financially, PLEASE seek assistance!

Utilities

You must have utility services in your name if it is required by your rental agreement or lease. If you have difficulty paying for your utilities and/or have arrears that prevent you from setting up new utility service in your name, please reach out to the Cambridge Housing Services Center for assistance at 617-349-6340.

Security Deposit and Last Month's Rent

Security Deposits and Last Month's Rent are not the same.

Security Deposits

A landlord may request a security deposit. A security deposit cannot be more than the amount of 1 month's rent. It must be kept in a separate interest-bearing account. The landlord should pay the interest accrued to the tenant each year. While the security deposit protects the landlord in case of tenant caused damages, it is your money and should be returned to you if you do not damage the apartment. It is best practice to request a statement of condition of the apartment at the beginning of your tenancy, it is an important tool if your landlord does not give your security deposit back in full. Within 30 days of the end of the lease or tenancy, your landlord must return the deposit with any interest that has accrued or give an itemized list of the damages and cost to fix them for whatever portion that is being kept. The security deposit cannot be held for "normal wear and tear". If your security deposit is being held, seek advice.

Last Month's Rent

Last Month's rent is not held in a separate account. It primarily protects the landlord in case a tenant moves out prior to the end of the lease or tenant agreement. If last month's rent was not paid at the beginning of the tenancy, the tenant must pay it at the end, even if the security deposit is being held.

Lease Dates

Pay attention to your lease or rental agreement dates and upon renewal time, sign a new lease. While tenant-at-will agreements are fine, they may not afford you the same rights as a lease does. Whether you have a tenant-at-will agreement or a lease, make sure you have a copy of it that is signed by both you and your landlord.

Renter's Insurance

Renter's Insurance is required by some landlords. Although you are not required by state or local law to purchase renter's insurance, if you are required to do so by the terms of your lease you must comply. Even if not required by the terms of your lease, it is a good practice to purchase renter's insurance!

Maintaining the unit

Tenants and owners must work together to keep a safe and healthy building.

Preventing Pests

We live in a city where rodents and insects love to cohabitate. Please follow these tips to keep everyone safe and healthy.

Tenant Tips

- Always put dried pet food in an air-tight heavy plastic or metal container
- If you do have a rodent or pest problem, keep all dried food such as snacks, rice, pasta, etc. in

plastic bins even if the food is in a cabinet.

- Work with your owner or management company when they come to exterminate.
- Always place your trash, recycling and compost in the appropriate barrels with the lid securely closed. If using a dumpster, make sure to close the lid. If you have trash overflow, please contact your landlord to request more barrels.
- If you notice any rodent activity, contact your landlord and/or the City of Cambridge Inspectional Services Department at 617-349-6100.

Landlords are Required to

- Provide trash and recycling barrels.
- Respond to rodent or pest problems in a timely manner.
- Work with tenants on addressing indoor concerns such as patching holes or provide extermination services as needed.
- Maintain the upkeep of the outside areas of the property.
- Maintain the property in accordance with the state sanitary code.

Basic Housing Standards

Heat: Landlords must provide a heating system for each apartment. Between September 15th and May 31st, every room must be heated at least 68 degrees between 7:00 am and 11 pm and at least 64 degrees for all other hours; and no more than 78 degrees at any time during the heating season. The City may vary the heating season by starting September 30 or ending May 15 by posting notice on the City's website.

Water: Landlords must provide the facilities for heating water to a temperature of between 110 degrees and 120 degrees for a shower or tub.

Structural Elements: Landlords must ensure that all apartments are pest resistant, weather tight, watertight, free from excessive moisture and in good repair and always fit for human habitation.



Exits: Landlords must maintain each exit to be free of snow, trash and all other obstructions (but a tenant is responsible to maintain an exit free of snow if the exit only serves the tenant and this is stated in a rental agreement).

Tenants Tip

Take advantage of the helpful free services available in the resources section if you are struggling with collecting, hoarding, or upkeep.

Getting Help

There are many organizations that may be able to help you no matter what your citizenship or legal status is. Please contact one of the numbers in the resource section of this guide if you need help! While the City cannot provide legal advice, we can answer questions about housing concerns, work with tenants and landlords and, as needed, refer to legal services. If you have questions, please call the Housing Services Center at 617-349-6340 or email housingservices@cambridgema.gov.

Tenant Rights in an Eviction Process

Only a COURT can order a Tenant to leave their home!!!

Tenants have rights and there are resources if you are going through the eviction process. If a landlord gives you a notice to leave such as a Notice to Quit, it does not mean you have to leave. A court process must be followed before a tenant can be forced to leave their home. Help is available to try to prevent the eviction without going to court. Get help as soon as possible.

The Basic Steps of an Eviction Process:

1. Notice to Quit

In most cases, landlords will issue a Notice to Quit as the first step in the eviction process. The Notice to Quit must say the reason that they are starting the eviction process. This must be written and may be hand delivered, mailed, or sent by a constable/sheriff but it is not a court document. It is JUST the first in many steps.

The notice given is for a specific number of days, typically 14 or 30. The number of days depends on the reason or circumstances of the eviction.

Please call the HSC or organizations in the resources section below to request help. Many landlords will give tenants more time if they know the tenant is trying to connect with resources.

If the situation has not been fixed within the timeframe of the Notice to Quit, it does not mean you need to leave your home.

2. Court Complaint & Notice of First Court Event

Once the notice period has run out and if the problem has not been resolved, your landlord can start the court eviction process by having a constable/sheriff give you a legal document called a Summary Process Summons & Complaint. This will be hand-delivered OR mailed and left at your home and then filed in either

Eastern Housing Court or Cambridge District Court.

The Summons and Complaint will NOT list a trial date. The court clerk's office will notify your landlord of the date and details of the first court event. Your landlord will then have a constable or sheriff hand-deliver (or leave and mail) to you the notice of the court event, giving you at least 14 days' notice. The first event is generally around 30 days after the complaint is filed in court.

The first court event is called a "Housing Specialist Status Conference" in Housing Court and a "Case Management Conference" in District Court.

Read carefully all court notices you receive and seek legal help as soon as possible.

While this is not a criminal complaint, do not ignore the Summary Process, Summons, & Complaint.

3. File an Answer

After you receive the Summary Process & Complaint, you should file your answer with the court and give a copy to the landlord three (3) business days before the first court event.

The answer can explain why you are behind on rent, you believe you are not behind, or why you should not have to leave the unit, etc. It can also include claims that you have against the landlord, such as conditions that violate health and safety codes.

By the same deadline, you also have the right to file and serve Discovery Requests (requests for information and documents from the landlord about the case) and demand a jury trial.

Please get assistance with filing an Answer and Discovery Requests. You can go to www.masslegalhelp.org or www.gbls.org/MADE or call one of the resources listed.

4. Court Date

You must appear on time and if not, the judge will rule in favor of your landlord. The judge will also enter a decision called a “default judgment” which will stay on your record. If you receive a default judgment, you should seek help to file a motion to vacate the default judgement which will remove the default and continue the process. Make sure to do this as soon as possible.

If both you and your landlord show up, the first step typically involves mediation to resolve the issue and settle the case. If both parties agree to settle the case, a court document is signed. You should NOT sign something you cannot follow through on, such as a repayment plan that is unaffordable. Again, seek assistance.

If an agreement is not reached, you will be notified of a date for a trial before a judge or jury. The Judge (or Jury) decides any money due for rent and counterclaims and who “gets possession” of the unit, which means whether you get to stay or must leave but, that is NOT the end.

5. Appeal

If the court rules in favor of the landlord, you can file an appeal within 10 days of the decision. Please seek assistance if you would like to file an appeal.

6. Notice of Levy

If the landlord wins the right to possession and you do not appeal, the court will likely issue an

execution. The landlord must wait at least 10 days after the decision to get an execution.

An execution is a piece of paper that typically allows a constable/sheriff to serve you with a notice to vacate the unit within a certain period, frequently 48 hours.

If you do not move out your belongings, the constable/sheriff can move them to a warehouse and change the locks. The constable/sheriff must let you know where the storage unit is located and what the fees are.

You may file a motion in court to seek to temporarily stop the order to vacate.

Other Important Information

- Tenants cannot be locked out or have their utilities shut off by the Landlord without a court order. If this happens, seek legal assistance immediately or call the police.
- There is currently no “Right to Counsel” for Eviction Cases like there is in criminal court. However, Eastern Housing Court has “lawyer for the day” option which allows you to consult with a lawyer at the Courthouse on your court date.
- Each individual eviction case is different, so tenants should always seek assistance whenever possible.
- If the tenant, or someone they know, has caused damage to the property, or are responsible for a health and safety concern, or have conducted criminal activity on the property, the eviction process will be for “Cause” and could progress faster than in other situations.
- Tenants have special rights for No Fault Evictions and you may be able file to delay the eviction for up to 6 months to find new housing or up to 12 months if you are elderly or disabled.

Tenant Resources

City of Cambridge Housing Department

Housing Services Center (formerly Multi-Service Center and Office of the Housing Liaison)	617-349-6340	housingservices@cambridgema.gov
Housing Department Administration	617-349-4622	housing@cambridgema.gov

Other City of Cambridge Resources

Housing Department	617-349-4622	housing@cambridgema.gov
Cambridge Human Rights Commission	617-349-4396	hrc@cambridgema.gov
Cambridge Commission for Persons with Disabilities	617-349-4692	ccpd@cambridgema.gov
Domestic and Gender Based Violence Prevention Initiative	617-349-3290	
Inspectional Services	617-349-6100	ISD@cambridgema.gov
Cambridge Consumer Council	617-349-6150	consumerscouncil@cambridgema.gov

Partner Agencies Legal Services (income limits)

Cambridge Somerville Legal Services	617-603-2700	
De Novo Center for Justice and Healing	617-661-1010	www.denovo.org

Mediation

Just-A-Start Mediation Services	617-494-0444	justastart.org
Community Dispute Settlement Center	617-876-5376	communitydispute.org

Affordable Housing Opportunities

Cambridge Housing Department	617-349-4622	housing@cambridgema.gov
Cambridge Housing Authority	617-864-3020	www.cambridge-housing.org
Metro Housing Boston	617-859-0400	metrohousingboston.org

Violence Prevention and Intervention

Transition House	617-868-1650	transitionhouse.org
Crisis Line	617-661-7203	

General Housing Services (Navigation, Assistance, Decluttering)

CEOC	617-868-2900	ceoccambridge.org
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