



**Committee on Legislative Matters  
and the Northampton City Council**

Members

*Councilor Alex Jarrett, Chair*

*Councilor Marissa Elkins, Vice Chair*

*Councilor Stanley W.. Moulton, III*

*Councilor Jim Nash*

## **MEETING AGENDA**

**Date: May 9, 2022**

**Time: 5:30 p.m.**

**Video Teleconference**

The Legislative Matters Committee meeting will be held by remote participation. The public can join the virtual meeting by phone or by computer. The meeting will be recorded for later broadcast. Live public comment will be available using zoom link or telephone call-in.

### INSTRUCTIONS FOR CALLING IN OR JOINING THE MEETING

Join the virtual meeting: <https://bit.ly/3oDni10>

For telephone call-in, call:

+929 436-2866 US

**MEETING ID: 897 5659 8600**

**PARTICIPANT #: #**

**PASSCODE: 279513**

- 1. Meeting Called to Order and Roll Call**
- 2. Announcement that meeting is being audio/video recorded**  
This meeting is being audio and video recorded.
- 3. Public Comment**
- 4. Approval of Minutes of Previous Meeting**

## **5. Items Referred to Committee**

### **A. 22.043 An Order for Special Legislation to Prohibit Landlords and Brokers from Requiring Brokers' Commissions to be Paid by a Tenant or Prospective Tenant**

Process Note:

3/17/2022 - City Council approved to refer item to Committee on Legislative Matters and Committee on Community Resources

4/25/2022 - Committee on Community Resources held a public forum to review proposed legislation & amendments suggested by Councilor Jarrett; At the meeting the committee voted to approved the amendments as proposed by Councilor Jarrett and moved a positive recommendation back to City Council as amended.

Documents:

[22.043 An Order for Special Legislation Relative to Brokers Commissions.pdf](#)

[22.043 PROPOSED AMENDMENTS to Special Legislation regarding Brokers Fees.pdf](#)

[22.043 - Solicitor Seewald Opinion.pdf](#)

## **6. New Business**

## **7. Adjourn**

*Contact Alex Jarrett at*

*ajarrett@northamptonma.gov*

**City of Northampton**  
**MASSACHUSETTS**

*In City Council, March 3, 2022*

*Upon the recommendation of Councilor Alex Jarrett, Councilor Rachel Maiore, and Mayor Gina-Louise Sciarra:*

22.043 An Order for Special Legislation to Prohibit Landlords and Brokers from Requiring Brokers' Commissions to be Paid By a Tenant or Prospective Tenant

***Ordered, that***

WHEREAS, in August 2019, the Pioneer Valley Planning Commission (PVPC), in conjunction with the Northampton Housing Partnership, issued its report “Unlocking Opportunity: An Assessment Of Barriers To Fair Housing In Northampton”; and

WHEREAS, two-thirds of the landlords in the PVPC study engaged rental brokers whose commissions are paid by the prospective tenant, most of which were at or above 60% of the monthly rent; and

WHEREAS, the PVPC report found that the such rental commissions, along with the necessity of paying first month’s rent, last month’s rent and security deposit, constitute significant barriers to fair housing in the City; and

WHEREAS, among the items in the PVPC report “action plan” to mitigate this barrier to fair housing in the City is for the City to “address barrier created for tenants by rental agency finder’s fee requirement”; and

WHEREAS, under section 7 (5) of the Home Rule Amendment to the Massachusetts Constitution, Amendment Article 89, the City may not enact private or civil law governing civil relationships and, therefore, the city may not regulate the civil contractual relationship between a landowner and a rental broker as to the party paying the commission or fee to such broker; and

WHEREAS, in the Report of the 2020 Special Committee for Review of Ordinances, the committee called upon the City to petition the legislature for a special act prohibiting the charging of rental commissions to prospective tenants.

**NOW, THEREFORE, BE IT ORDERED**

*Voted, to petition the General Court to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the mayor approves amendments to the bill before enactment by the General Court. The mayor is*

*hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.*

**AN ACT PROHIBITING LANDLORDS AND BROKERS FROM REQUIRING BROKERS' COMMISSIONS TO BE PAID BY A TENANT OR PROSPECTIVE TENANT**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, as follows:

SECTION 1. No licensed real estate broker or other person or entity engaged in the rental or leasing of residential real estate in the City of Northampton as agent of the landowner, landlord, lessor, or sub-lessor shall demand, receive or retain any payment, fee, commission or other charge from a tenant or prospective tenant for any services on behalf of such landowner, landlord, lessor, or sub-lessor for the listing, showing, qualifying of prospective tenants, preparation and execution of documents, or otherwise arising out of the leasing of a residential rental unit in such city.

SECTION 2. No landowner, landlord, lessor, or sub-lessor shall demand or require that a tenant or prospective tenant engage a rental agent or broker as a condition to applying for or leasing a residential rental unit in the City of Northampton, and no such landowner, landlord, lessor, or sub-lessor shall demand or require that a tenant or prospective tenant make any payment in violation of SECTION 1 of this act.

SECTION 3. Violation of this act shall constitute an unfair or deceptive act or practice in the conduct of a trade or commerce in violation of section 2 (a) of chapter 93A.

SECTION 4. The City of Northampton may, by ordinance, establish a fine or penalty for violation of this act, not to exceed \$1,000.00 per violation.

This act shall take effect upon passage.

**City of Northampton**  
**MASSACHUSETTS**

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SECTION 2. No landowner, landlord, lessor, or sub-lessor shall demand or require that a tenant or prospective tenant **retain, hire, or** engage a rental agent or broker **and pay such agent or broker a fee or commission** as a condition to applying for or leasing a residential rental unit in the City of Northampton, and no such landowner, landlord, lessor, or sub-lessor shall demand or require that a tenant or prospective tenant make any payment in violation of SECTION 1 of this act.

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## Brokers' fees question

2 messages

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**Alex Jarrett** <ajarrett@northamptonma.gov>

Wed, Apr 27, 2022 at 3:19 PM

To: Alan Seewald <aseewald@northamptonma.gov>

Cc: "Mayor of Northampton Mass." <mayor@northamptonma.gov>, Rachel Maiore <rmaiore@northamptonma.gov>

Hi Alan,

I hear you are heading out on vacation soon, I hope that you have a great time!

At Monday's Community Resources meeting, a question arose about the brokers' fee home rule petition language. Would a tenant who willingly chooses to engage a broker be allowed to do so? The order prohibits any fee being paid "on behalf of a landlord". How would it be determined on whose behalf the broker was working?

This order will be taken up next at our May 9th Legislative Matters meeting, and I hope you'll be able to attend.

Thank you,  
Alex

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Alex Jarrett  
Ward 5 City Councilor, Northampton, MA  
(413) 320-4700  
[ajarrett@northamptonma.gov](mailto:ajarrett@northamptonma.gov)

Please be aware that emails sent to and from this account are considered public documents and are subject to release and review by request.

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**Alan Seewald** <alan@paradisecitylaw.com>

Fri, Apr 29, 2022 at 3:20 PM

To: Alex Jarrett <ajarrett@northamptonma.gov>, Alan Seewald <aseewald@northamptonma.gov>

Cc: "Mayor of Northampton Mass." <mayor@northamptonma.gov>, Rachel Maiore <rmaiore@northamptonma.gov>

Alex –

Nothing in the proposed special act modifies the voluntary relationship between the prospective tenant and a broker. The act would prohibit a lessor from compelling a prospective tenant to pay the lessor's broker or compelling the tenant to engage and pay a broker.

I'll be flying home on May 9, so I won't be at LM meeting.

Alan Seewald

Northampton City Solicitor

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[Suite 304](#)

[Northampton, MA 01060](#)

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