

Consolidated Amendment "A" to H4879

Consolidated Amendment

Consolidated Amendment "A"

H.4879

Amendments: 5, 9, 34, 66, 68, 74, 76, 82, 103, 124, 135, 166, 169, 235, 237, 240, 242, 245, 250, 262, 263, 269, 286, 290, 300, 302, 305, 307, 332, 333, 355, 366, 378, 379, 387, 408, 419, 429, 435, 439, 449, 459, 485.

Mr. Michlewitz of Boston moves to amend the bill by adding the following 3 sections:-

SECTION 62A. Section 1 of chapter 121B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the definition of "Tenant member" and inserting in place thereof the following definition:-

"Tenant member", a member of the board of a housing authority who is: (i) a tenant who has signed a lease for a public housing unit owned and operated by the housing authority; (ii) a tenant in a public housing unit owned and operated on behalf of a housing authority; (iii) a participant in a rental assistance program administered by a housing authority; or (iv) an adult over the age of 18 years old who is authorized to reside in the unit of another pursuant to clause (i), (ii) or (iii).

SECTION 62B. Section 5 of said chapter 121B, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following 3 paragraphs:-

In a town, 4 members of a redevelopment authority that is not a housing authority shall be elected by the town; provided, however, that of the members originally elected at an annual town meeting, the candidate who received the highest number of votes shall serve for 5 years, the candidate who received the next highest number of votes shall serve for 4 years, the candidate who received the next highest number of votes shall serve for 2 years and the candidate who received the next highest number of votes shall serve for 1 year. Notwithstanding the preceding sentence, upon the initial organization of a redevelopment authority that is not a housing authority, if a town so votes at an annual or special town meeting called for the purpose, 4 members of the redevelopment authority shall be appointed immediately by the board of selectmen to serve only until the qualification of their successors; provided, however, that the successors shall be elected at the next annual town meeting as provided in this paragraph.

Notwithstanding section 20 of chapter 43B or any other general or special law to the contrary, in a town, 1 member of a housing authority shall be a tenant member appointed by the board of selectmen and 3 members shall be elected by the town; provided, however, that of the members originally elected at an annual town meeting, the candidate who received the highest number of votes shall serve for 5 years, the candidate who received the next highest number of votes shall serve for 4 years and the candidate who received the next highest number of votes shall serve for 2 years. Notwithstanding the preceding sentence, upon the initial organization of a housing authority, if a town so votes at an annual or special town meeting called for the purpose, 3 members of the authority shall be appointed immediately by the board of selectmen to serve only until the qualification of their successors; provided, however, that the successors shall be elected at the next annual town meeting as provided above.

A tenant, where applicable, shall be appointed by the town from a list of names submitted by a duly recognized tenants' organization in the town. A tenants' organization may submit a list to the board of selectmen that shall contain not less than 2 and not more than 5 names and the board shall make the appointment from among the names so submitted; provided, that if there is no such tenants' organization, the housing authority shall immediately post notices throughout the common areas of the authority and provide each household with notice of the opportunity to be appointed to the housing authority board and, if any person wishes to be considered for such appointment, that person shall submit their name within 30 days thereafter to the town clerk; provided, further, that the notice shall include contact information for the town clerk and for any independent technical training programs available pursuant to section 5B. The board of selectmen shall appoint a tenant member from

the list; provided, however, that where federal law requires the town to maintain a member who is a federally-subsidized tenant, a federally-subsidized tenant shall be given preference for the appointment. If there are no public housing units owned and operated by the local housing authority and if there are no such units owned and operated on behalf of the local housing authority, the board of selectmen shall appoint a person meeting the eligibility requirements for a tenant member. If a list of names is not submitted within 60 days after a vacancy occurs, the board of selectmen shall appoint a tenant member of its own choosing to the authority. The town shall provide any written notice to tenants' organizations as required by this section not less than 90 days before the expiration of the term of a tenant member. If a vacancy occurs in the term of a tenant member for any reason other than the expiration of a term, the town shall provide written notice to the tenants' organizations within 10 business days after the vacancy occurs. The board of selectmen shall make the appointment of the successor tenant member within a reasonable time after the expiration of 60 days following the provision of notice as provided in this section.

SECTION 62C. Said chapter 121B is hereby further amended by striking out section 5A and inserting in place thereof the following section:-

Section 5A. A housing authority may request a waiver of the requirement to appoint a tenant member to a housing authority board if the department determines that a housing authority provided notice pursuant to section 5 and there is no person who is eligible and willing to serve as a tenant member on the board. The waiver shall be for a term of 1 year and may be renewed by the department. A housing authority shall submit a written statement to the department that explains why a waiver is being requested and documents the steps that it took to educate tenants about the right of a tenant to serve on a housing authority board; provided, however, that such steps shall include the housing authority meeting with all local tenants' organizations. Before issuing a waiver, the department shall, in addition to reviewing the written statement, make a determination that the housing authority provided notice pursuant to said section 5.

If the department grants a waiver, it shall notify the housing authority and the town that a person other than a person who is eligible to be a tenant member may be appointed to the tenant member seat on the board for a 1-year period. The housing authority shall notify any tenants' organizations of the waiver and post a notice of the waiver throughout common areas of the authority.

And moves to further amend the bill by adding the following section:-

SECTION 82A. Chapter 184 of the General Laws is hereby amended adding the following section:-

Section 36. (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Affiliate”, an entity owned or controlled by an owner or under common control with the owner.

“Auction” or “public auction”, the sale of a housing accommodation under power of sale in a mortgage loan by public bidding.

“Borrower”, a mortgagor of a mortgage loan.

“Deed in lieu,” a deed for the collateral property or the housing accommodation that the mortgagee accepts from the borrower in exchange for the release of the borrower's obligation under the mortgage loan.

“Designee”, a nonprofit organization, established pursuant to chapter 180, which is selected by members of a tenant association.

“Department”, the department of housing and community development.

“Elderly tenant household”, a tenant household in which 1 or more of the residents are age 65 or older.

“Foreclosure,” a legal proceeding to terminate a borrower's interest in property instituted by the mortgagee and regulated under chapter 244.

“Housing accommodation,” a building, structure or part thereof, rented or offered for rent for living or dwelling purposes, including, without limitation, houses, apartments, condominium units, cooperative units and other multi-family residential dwellings; provided, however, that a housing accommodation shall not include a group residence, homeless shelter, lodging house, orphanage, temporary dwelling structure or transitional

housing; and provided, further that a housing accommodation shall not include a borrower-occupied housing accommodation if the borrower is domiciled in the housing accommodation at the initiation of the short-sale, deed in lieu or foreclosure process.

“Member”, a natural person who is a member of a tenant association.

“Minimum tenant participation percentage”, the minimum percentage of tenants who must participate as members of the tenant association as defined by the city or town in a municipal ordinance; provided, that the minimum tenant participation percentage shall be not less than 51 per cent of the tenant-occupied housing units. The percentage shall be calculated based on the number of tenant-occupied housing units in a property. If more than 1 person is a lessee in a unit, all of the tenants who are lessees for that unit shall participate as members of the tenant association if the unit is counted towards the participating percentage of units.

“Mortgage loan,” a loan secured wholly or partially by a mortgage on a housing accommodation.

“Mortgagee,” an entity to whom property is mortgaged, the mortgage creditor or lender including, but not limited to, mortgage servicers, lenders in a mortgage agreement and any agent, servant or employee of the mortgagee or any successor in interest or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.

“Owner”, a person, firm, partnership, corporation, trust, organization, limited liability company or other entity, or its successors or assigns that holds title to real property.

“Purchaser”, a party who has entered into a purchase contract with an owner and who will, upon performance of the purchase contract, become the new owner of the property.

“Purchase contract”, a binding written agreement whereby an owner agrees to sell property including, without limitation, a purchase and sale agreement, contract of sale, purchase option or other similar instrument.

“Sale”, an act by which an owner conveys, transfers or disposes of property by deed or otherwise, whether through a single transaction or a series of transactions; provided, that a disposition of housing by an owner to an affiliate of such owner shall not constitute a sale.

“Short-sale,” sale approved by the mortgagee to a bona fide purchaser at a price that is less than borrower’s existing debt on the housing accommodation.

“Successor”, the entity through which the tenant association will take title to the property, which may be a corporation, with the sole stockholder being the tenant association; a housing cooperative organized under chapter 157B, a limited liability company in which the tenant association is the member; a limited partnership in which the tenant association is a general partner or when permitted by the municipality’s ordinance, a joint venture between any of such entities and another party with: (i) the requisite experience in acquiring, developing and owning residential property and (ii) the financial capacity to guaranty financing of the purchase transaction.

“Tenant”, a natural person who has: (i) entered into an express written lease or rental agreement with the owner for exclusive possession of the premises for at least 6 months or (ii) paid rent to the owner and the owner has accepted said rent for at least 6 months.

“Tenant association”, an organization with a membership limited to present tenants of a property that is: (i) registered with the municipality that has adopted an ordinance consistent with this section or (ii) a non-profit organization incorporated under chapter 180.

“Third-party offer”, an offer to purchase the mortgaged property for valuable consideration by an arm’s length purchaser; provided, that a third-party offer shall not include an offer by the borrower or tenants.

“Third-party purchaser”, a purchaser who is not a tenant association, a designee or an affiliate.

(b) A city or town may adopt this section in the manner provided in section 4 of chapter 4. The acceptance of this local option by a municipality shall take effect no later than 180 days after such acceptance. A city or town may at any time revoke the acceptance of this section in the manner provided in said section 4 of said chapter 4. The revocation shall not affect agreements relative to a tenants’ right to purchase that have already been asserted prior to the revocation. In addition, the ordinance or bylaw accepting this section may contain provisions that establish:

(i) tenancy protections for non-elderly tenant households that do not participate in the tenant association; and

(ii) exclusion of applicability to properties with fewer than a designated number of units; different exclusion numbers may be adopted for owner-occupied properties and properties with no owner occupancy; and

(iii) criteria for qualified designee; and

(iv) the tenant association's ability to exercise rights hereunder through a joint venture or partnership with another entity with requisite experience in developing, owning or operating residential real estate or an entity that has the financial capacity to guaranty the financing of the purchase transaction; and

(v) exclusion of classes of properties not enumerated in subsection (k).

(c) In any city or town that votes to adopt the provisions of this section, an owner of a residential building shall:

(i) notify the municipality and each tenant household, in writing by hand delivery and United States' mail, of the owner's intention to sell the property, with copy of the municipality's prepared summary of the ordinance adopted hereunder; and

(2) provide a tenant association with the minimum tenant participation percentage, an opportunity to make an offer to purchase the property prior to entering into an agreement to sell such property pursuant to the time periods contained in this section, but no owner shall be under any obligation to enter into an agreement to sell such property to the tenants.

(d) a tenant association with the minimum tenant participation percentage may select a successor entity or a designee to act on its behalf as purchaser of the property and shall give the owner and the municipality notice of its selection.

(e) A tenant association with the minimum tenant participation percentage, or its successor or designee, may, within 15 days after receipt of the owner's intention to sell, submit an offer to the owner to purchase the property. Failure to submit a timely offer shall constitute an irrevocable waiver of the tenants' rights under subsection (e) and the owner may enter into a contract sell the property to a third party, subject to subsections (f) to (i), inclusive. If the owner and the tenant association, or its successor, or its designee, have not entered into an agreement within 15 days after receipt of the notice of the owner's intent to sell, the owner may enter into an agreement to sell the property to a third party, subject to subsections (f) to (i), inclusive.

(f) Upon execution of any purchase contract with a third party, the owner shall, within 7 days, submit a copy of the contract along with a proposed purchase contract for execution by tenant association or its successor, or designee. If the tenant association, or its successor or, its designee, elect to purchase the property, the tenant association, or its successor, or its designee, shall within 30 days after the receipt of the third party purchase contract and the proposed purchase contract, execute the proposed purchase contract or such other agreement as is acceptable to both parties. The time periods set forth in this subsection may be extended by agreement between the owner and the tenant association, its successor or its designee. Except as otherwise specified in subsection (h), the terms and conditions of the proposed purchase contract offered to the tenant association, successor, or its designee, shall be the same as those of the executed third party purchase contract.

(g) After receipt of the third party purchase contract provided for in subsection (f), the tenant association or its successor or designee may, within the 15 day time period prescribed in said subsection (f), make a counteroffer by executing and submitting to the owner an amended proposed purchase contract. Failure by the tenant association, successor or its designee, to execute the purchase contract or submit a counteroffer within the 15 day period referenced in subsection (f) shall constitute a waiver of the tenants' right to purchase under these subsections. If the tenant association, successor or its designee, submits a counteroffer, the owner shall have 15 days from the date it receives the amended proposed purchase contract to execute the amended proposed purchase contract or reject, in writing, the counteroffer. However, if the owner rejects a counteroffer, it may not subsequently enter into any purchase contract with a third party on terms that are the same as, or materially more favorable to the proposed third party purchaser, than the economic terms and conditions in the counteroffer proposed by the tenant association, successor, or its designee, unless the owner first provides a copy of such new third party purchase contract, along with a new proposed purchase contract for execution by the tenant association, successor, or its designee, which shall contain the same terms and conditions as the newly executed

third party purchase contract, except as otherwise specified by subsection (h), and the tenant association, successor, or its designee, shall have 30 days from the date they receive the third party purchase contract and the proposed purchase contract to execute the proposed purchase contract or such other agreement as is acceptable to the owner and the tenant association, successor, or its designee.

(h) Any purchase contract offered to, or proposed by, the tenant association, its successor or its designee shall provide at least the following terms:

(i) the earnest money deposit shall not exceed the lesser of:

(1) the deposit in the third party purchase contract;

(2) 5 per cent of the sale price; or

(3) \$250,000; provided, however, that the owner and the tenant association, or its successor, or its designee, may agree to modify the terms of the earnest money deposit; provided, further, that the earnest money deposit shall be held under commercially-reasonable terms by an escrow agent selected jointly by the owner and the tenant association, its successor or its designee;

(ii) the earnest money deposit shall be refundable for not less than 90 days from the date of execution of the purchase contract or such greater period as provided for in the third party purchase contract; provided, however, that if the owner unreasonably delays the buyer's ability to conduct due diligence during the 90 day period, the earnest money deposit shall continue to be refundable for a period greater than 90 days. After the expiration of the specified time period, the earnest money deposit shall be forfeited and the right to purchase of the tenant association, its successor or designee shall be irrevocably waived.

(i) The tenant association or its successor, or designee, shall have 160 days from execution of the purchase and sale agreement to perform all due diligence, secure financing for and close on the purchase of the building. Failure to exercise the purchase option within 160 days shall constitute a waiver of the purchase option by the tenant association, its successor or, or its designee.

(j) Any notice required by this section shall be deemed to have been provided when delivered in person or mailed by certified or registered mail, return receipt requested, to the party to whom notice is required. Notice shall be deemed to have been provided when either: (i) the notice is delivered in hand to the tenant or an adult member of the tenant's household; or (ii) the notice is sent by first class mail and a copy is left in or under the door of the tenant's dwelling unit. A notice to the affected municipality shall be sent to the chief executive officer.

(k) This section shall not apply to the following:

(i) property that is the subject of a government taking by eminent domain or a negotiated purchase in lieu of eminent domain;

(ii) a proposed sale to a purchaser pursuant to terms and conditions that preserve affordability, as determined by the department;

(iii) any sale of publicly-assisted housing, as defined in section 1 of chapter 40T;

(iv) rental units in any hospital, skilled nursing facility, or health facility;

(v) 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;

(vi) rental units in a nonprofit facility that provides a structured living environment that has the primary purpose of helping homeless persons obtain the skills necessary for independent living in a permanent housing and where occupancy is restricted to a limited and specific period of time of not more than 24 months and where the client has been informed in writing of the temporary or transitional nature of the housing at its inception;

(vii) public housing units managed by the local housing authority;

(viii) federal public housing units that are subsidized and regulated under federal laws, to the extent such applicable federal laws expressly preempt the provisions of this section;

(ix) any residential property where the owner is a natural person who owns 6 or fewer residential rental units in the municipality and who resides in the commonwealth;

(x) any unit that is held in trust on behalf of a disabled individual who permanently occupies the unit, or a unit that is permanently occupied by a disabled parent, sibling, child or grandparent of the owner of that unit; or

(xi) any rental unit that is owned or managed by a college or university for the express purpose of housing students.

(l) The tenant association, successor or its designee shall ensure that their purchase of the property will not result in the displacement of any elderly tenant households that choose not to participate in the purchase of the property.

(m)(1) An owner shall give notice to each tenant household of a housing accommodation of the intention to sell the housing accommodation by way of short-sale to avoid foreclosure. Such notice shall be mailed by regular and certified mail, with a simultaneous copy to the attorney general, the director of housing and community development and to the municipality adopting this section within 2 business days of the owner's submission of a request or application to the mortgagee for permission to sell the housing accommodation by way of short-sale or to accept a deed in lieu. This notice shall also include a notice of the rights provided by this section.

(2) No mortgagee may accept any third party offers or deem the owner's application for short-sale submitted for review unless and until the mortgagee receives documentation in a form approved by the attorney general demonstrating that the tenants of the housing accommodation have been informed of the owner's intent to seek a short-sale or deed in lieu and the tenants have expressed their interest in exercising a right of first refusal within 60 days, assigning that right of first refusal, or the tenants have waived those rights. If tenants have not affirmatively expressed their interest in exercising a right of first refusal or in assigning that right within 60 days, or have not affirmatively waived that right within 60 days, the tenants' rights are deemed waived.

(3) Before a housing accommodation may be transferred by short-sale or deed-in-lieu, the owner shall notify each tenant household, with a simultaneous copy to the attorney general and the director of housing and community development, and the municipality adopting this section, by regular and certified mail, of any bona fide offer that the mortgagee intends to accept. Before any short-sale or transfer by deed-in-lieu, the owner shall give each tenant household such a notice of the offer only if households constituting at least 51 per cent of the households occupying the housing accommodation notify the owner, in writing, that they collectively desire to receive information relating to the proposed sale. Tenants may indicate this desire within the same notice described in paragraph (2). Any notice of the offer required to be given under this subsection shall include the price, calculated as a single lump sum amount and of any promissory notes offered in lieu of cash payment.

(4) A group of tenants representing at least 51 per cent of the households occupying the housing accommodation that are entitled to notice under paragraph (3) shall have the collective right to purchase, in the case of a third party offer that the mortgagee intends to accept, provided that the group of tenants:

(i) submits to the owner reasonable evidence that the tenants of at least 51 per cent of the occupied units in the housing accommodation have approved the purchase of the housing accommodation;

(ii) submits to the owner a proposed purchase and sale agreement on substantially equivalent terms and conditions within 60 days of receipt of notice of the offer made under paragraph (3);

(iii) obtains a binding commitment for any necessary financing or guarantees within an additional 90 days after execution of the purchase and sale agreement; and

(iv) closes on such purchase within an additional 90 days after the end of the 90-day period described in clause (iii).

No owner shall unreasonably refuse to enter into, or unreasonably delay the execution or closing on a purchase and sale with tenants who have made a bona fide offer to meet the price and substantially equivalent

terms and conditions of an offer for which notice is required to be given pursuant to paragraph (3). Failure of the tenants to submit such a purchase and sale agreement within the first 60-day period, to obtain a binding commitment for financing within the additional 90-day period or to close on the purchase within the second 90-day period, shall serve to terminate the rights of such tenants to purchase. The time periods provided in this paragraph may be extended by agreement. Nothing herein shall be construed to require an owner to provide financing to such tenants. A group or association of tenants that has the right to purchase pursuant to this subsection, at its election, may assign its purchase right pursuant to this subsection to the city or town in which the housing accommodation is located, or the housing authority of the city or town in which the housing accommodation is located, or an agency of the commonwealth, nonprofit, community development corporation, affordable housing developer, or land trust, for the purpose of permanently continuing the use of the housing accommodation as affordable rental housing.

(5) The right of first refusal created in this subsection shall inure to the tenants for the time periods provided in paragraph (4), beginning on the date of notice to the tenants under paragraph (1). The effective period for such right of first refusal shall begin anew for each different offer to purchase that the mortgagee intends to accept. The right of first refusal shall not apply with respect to any offer received by the owner for which a notice is not required pursuant to paragraph (3).

(6) In any instance where the tenants are not the successful purchaser of the housing accommodation, the mortgagee shall provide evidence of compliance with this section by filing an affidavit of compliance with the attorney general, the director of housing and community development and the registry of deeds for the county and district where the property is located within 7 days of the sale.

(7) It is illegal for the owner to evict a tenant or tenants in order to avoid application of this subsection.

(8) Aggrieved tenants may seek damages under chapter 93A and may file a complaint with the attorney general. Tenants may seek damages including compensatory relief in the form of a percentage of the sales price, injunctive relief in the form of specific performance to compel transfer of the property or both compensatory and injunctive relief. Nothing in this subsection shall be construed to limit or constrain the rights tenants currently have under applicable laws, including but not limited to chapters 186 and 186A. At all times, all parties shall negotiate in good faith.

(9) The attorney general shall enforce this section and shall promulgate rules and regulations necessary for enforcement. The attorney general may seek injunctive, declaratory, and compensatory relief on behalf of tenants and the commonwealth in a court of competent jurisdiction. The attorney general shall post a sample intent to sell notice, sample proof of notice to tenants, sample notice of offer, and other necessary documents.

(n)(1) When a mortgagee seeks judicial determination of the right to foreclose, then the mortgagee shall provide a copy of the complaint by regular and certified mail to the tenants of the housing accommodation and to the municipality adopting this section. The mortgagee shall also provide tenants and the municipality, by regular and certified mail, with a copy of any order of notice issued by the land court, if applicable, within 5 days of issuance.

(2) The mortgagee shall provide each tenant household and the municipality adopting this section, by regular and certified mail, a copy of any and all notices of sale published pursuant to section 14 of chapter 244. A copy shall be provided simultaneously with the successive publication notices.

(3) No later than 5 business days before the auction of a housing accommodation, the tenants shall inform the mortgagee, in writing, if a group of tenants representing at least 51 per cent of the households occupying the housing accommodation or an entity to which they have assigned their right of first refusal intend to exercise their right of first refusal at auction and desire to receive information relating to the proposed auction.

(4) A group of tenants representing at least 51 per cent of the households occupying the housing accommodation or an entity to which they have assigned their right of first refusal may exercise their collective right to purchase the housing accommodation, in the event of a third party offer at auction that the mortgagee receives, provided that the group of tenants:

(i) submits to the mortgagee reasonable evidence that the tenants of at least 51 percent of the occupied homes in the housing accommodation have approved the purchase of the housing accommodation;

(ii) submits to the mortgagee a proposed purchase and sale agreement on substantially equivalent terms and conditions to that received by the mortgagee in the third party offer within 60 days of receipt of notice of the bid made under paragraph (3) of this subsection;

(iii) obtains a binding commitment for any necessary financing or guarantees within an additional 90 days after execution of the purchase and sale agreement; and

(iv) closes on such purchase within an additional 90 days after the end of the 90-day period under clause (iii).

No mortgagee shall unreasonably refuse to enter into, or unreasonably delay the execution or closing on a purchase and sale with tenants who have made a bona fide offer to meet the price and substantially equivalent terms and conditions of a bid received at auction. Failure of the tenants to submit such a purchase and sale agreement within the first 60-day period, to obtain a binding commitment for financing within the additional 90-day period or to close on the purchase within the second 90-day period, shall serve to terminate the rights of such tenants to purchase. The time periods provided in this paragraph may be extended by agreement.

Nothing herein shall be construed to require a mortgagee to provide financing to such tenants. A group or association of tenants that has the right to purchase hereunder, at its election, may assign its purchase right hereunder to the city, town, housing authority, or agency of the commonwealth, nonprofit, community development corporation, affordable housing developer, or land trust for the purpose of permanently continuing the use of the housing accommodation as affordable rental housing.

If there are no third party bids at auction for the housing accommodation, the tenants shall have a right of first refusal whenever the mortgagee seeks to sell the housing accommodation. The tenants shall be notified of any offers the mortgagee intends to accept and shall be given an opportunity to meet the price and substantially the terms of a third-party offer based on the same time line described in paragraph (4).

(5) The right of first refusal created herein shall inure to the tenants for the time periods herein before provided, beginning on the date of notice to the tenants under paragraph (1).

(6) In any instance where the tenants are not the successful purchaser of the housing accommodation, the seller of such unit shall provide evidence of compliance with this section by filing an affidavit of compliance with the attorney general, the director of housing and community development, and the registry of deeds for the county and district where the property is located within seven days of the sale.

(7) It is illegal for the owner to evict a tenant or tenants in order to avoid application of this law.

(8) Aggrieved tenants may seek damages under chapter 93A and may file a complaint with the attorney general. Tenants may seek damages including a percentage of the sales price or injunctive relief in the form of specific performance to compel transfer of property. Nothing in this act shall be construed to limit or constrain in any way the rights tenants currently have under applicable laws, including but not limited to chapters 186 and 186A. At all times, all parties must negotiate in good faith.

(9) The attorney general shall enforce this section and shall promulgate rules and regulations necessary for enforcement. The attorney general may seek injunctive, declaratory, and compensatory relief on behalf of tenants and the commonwealth in a court of competent jurisdiction. The attorney general shall post a sample intent to sell notice, sample proof of notice to tenants, sample notice of offer, and other necessary documents.

And moves to further amend the bill by adding the following section:-

SECTION 106A. Notwithstanding the fourth paragraph of section 5 of chapter 121B of the General Laws, if a town has 4 elected members of a housing authority board on the effective date of this act, any vacant seat or, if there is no vacant seat, the first seat set to expire not less than 60 days after the effective date of this act, shall be filled by the appointment of a tenant member unless a waiver has been granted by the department pursuant to section 5A of said chapter 121B that allows for the appointment of a person who is not eligible to be a tenant member.

And moves to further amend the bill by adding the following 3 sections:-

SECTION 112A. Tenants required to be appointed to housing authority boards pursuant to the fourth and fifth paragraph of section 5 of chapter 121B of the General Laws, as appearing in section 62B, shall be implemented

within 90 days after the effective date of this act.

SECTION 112B. On the effective date of this act, a housing authority may request a waiver of the requirement to appoint a tenant member to a housing authority board pursuant to section 5 of chapter 121B of the General Laws if a person who is eligible to be a tenant member is already serving as either an elected member or a member appointed to fill a vacancy by the board of selectmen. The waiver shall be valid for 1 year and may be renewed for successive 1-year terms until the expiration of the current tenant member's term or until the that member vacates the position and, at that time, the board of selectmen shall appoint a tenant member pursuant to said section 5 of said chapter 121B.

SECTION 112C. Any votes taken by a local housing authority and any votes taken by a town with respect to a local housing authority between August 6, 2014 and the effective date of this act are hereby ratified, validated and confirmed, notwithstanding the number of elected members on the local housing authority board.