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Rent Control in Boston, Again?

Rent control doesn't build one unit of housing – it stifles it. You have all these people not moving because it's such a sweetheart deal, and you have another group of people looking for housing, but no one is helping them.

– Denise Jillson, founding chair, Massachusetts Homeowners Coalition

For the people who are advocating to have the ability to implement 30% rent increases, 100% rent increases, I mean, maybe you're talking about a brief window of short-term profit, but that is hurting all of us, including those very real estate folks, in the medium and long run.

– Michelle Wu, Mayor of Boston¹

In February 2023, Boston Mayor Michelle Wu – who had made lowering the high cost of living in Massachusetts' capital a cornerstone of her mayoral campaign in 2021 – filed a rent control proposal that would limit rent increases to a maximum of 10% per year and contained other tenant protections. Wu had called the housing market “dire” and “destructive” – as the city became a more desirable place to live, rents radically increased, pushing many longtime residents to cheaper cities or towns.²

In response, the Greater Boston Real Estate Board (GBREB) launched an anti-rent control campaign. “Rent control [. . .] is a proven failure,” GBREB CEO Greg Vasil said, echoing the consensus of economists. “It increases housing costs, discourages upkeep and maintenance, and disincentivizes construction [. . .] Instead, the city – and all of Massachusetts – should focus on passing pro-housing policies that reduce red tape, encourage construction, and lower overall costs.”³

Landlord advocates had narrowly won a hard-fought campaign in 1994 to ban rent control statewide, dramatically changing the housing landscape in communities that had rent control at the time – Boston and the neighboring cities of Cambridge and Brookline. Wu said she crafted her proposal to be more nuanced than previous broad-brush efforts, with exemptions designed not to discourage desperately needed new development. But developers objected to any form of rent control, contending that adding to existing onerous housing rules would reduce investment and exacerbate housing costs.

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Rent Control Features and Effects

Rent control typically included tenant protections and price controls. While tenant protections ensured that tenants could not be wrongfully or suddenly evicted from their rental unit, price controls limited rent increases over a given period. Price controls generally took one of three forms: price freezes, vacancy control, or vacancy decontrol. Price freezes represented the most stringent form of rent control and were usually temporarily implemented in response to crises.^a Vacancy controls limited rent hikes and prevented landlords from increasing rents to market rates even after a unit was vacated; incoming tenants paid around as much as outgoing tenants. Vacancy decontrols, in contrast, allowed landlords to increase rents to market or near-market levels following the departure of a tenant.

Price controls imposed a ceiling on rent increases which could be below the market clearing increase, effectively limiting rent hikes and making rental prices more predictable. As a result, rent controls promoted affordability and reduced displacement for tenants living in controlled units, at least in the short-term.⁴ These policies seemed especially attractive in jurisdictions where new housing construction was difficult or constrained. By promoting housing affordability, advocates of rental control also recognized rent regulation as a tool for promoting racial diversity and slowing gentrification,^b or at least enabling tenants to remain in their rental units while their neighborhood gentrified.⁵

Critics worried that rent controls distorted the efficient allocation of rental properties by imposing a price ceiling, causing demand for rented units to exceed available supply.⁶ This restricted housing options available to new renters who otherwise would have paid higher market rents to move into more desirable units. By keeping rents below their market level, rent controls incentivized the conversion of rental units into condominiums, made new construction less attractive, and caused landlords to underinvest in maintenance.⁷ This led to long-term rental shortages, higher rents for uncontrolled units, and a decline in the quality of the existing housing stock.⁸ The deterioration of rental units also produced spillover costs by lowering the value of nearby buildings and negatively impacting the neighborhood's desirability.⁹ Rent controls were shown to reduce labor force mobility, spur gentrification, and increase racial segregation.¹⁰ Economists overwhelmingly viewed rent controls—and especially rent freezes—as ineffective in sustainably promoting housing affordability.¹¹

National History

Rent regulations had been used in the United States since the 1920s, rising to prominence after World War II as urbanization led to skyrocketing rents in some of the country's largest cities.¹² These controls eased over the following decades as housing construction and suburban development normalized rents somewhat. However, by the 1970s, the Nixon administration mandated price controls to ease inflationary pressures, and several major coastal cities implemented some form of rent stabilization. Afterwards, most U.S. states legally preempted rent controls amid changing public opinion. By the 21st century, public opinion around rent controls shifted again. In 2019, Oregon passed legislation implementing a statewide rent control policy. It remained the only state to implement such comprehensive rent regulation as of 2023, but several other states administered rent controls at the municipal or county level (see **Exhibit 1**).

^a During the COVID-19 pandemic, many state and local authorities implemented rent freezes to reduce evictions during a period of temporarily high unemployment and uncertainty. This accompanied a federal moratorium on residential evictions.

^b Gentrification was the phenomenon of wealthier residents and businesses moving into a neighborhood, raising its value but displacing previous residents who could no longer afford to live there.

Historical Greater Boston

Boston was the economic center of Massachusetts and New England.¹³ It was the state capital, and for centuries had boasted schools, hospitals, and cultural attractions that raised its profile and made surrounding commutable cities and towns desirable places to live.¹⁴

In 1970, Boston began a recession that would last seven years.¹⁵ In 1972, city officials strengthened previous tenant protections, ushering in formal rent control. Nearby Brookline, Cambridge, Lynn, and Somerville also adopted rent control ordinances.¹⁶ By 1977 the local economy was recovering, and the “Massachusetts Miracle”—which lasted from 1983 to 1988—marked significant growth and development.¹⁷ In 1989 another recession began, and major construction froze almost completely.¹⁸ In 1993, signs of recovery emerged (see **Exhibit 2** for residential construction over time).¹⁹

Landlords chafed under rent control restrictions, with sporadic lobbying efforts to weaken the ordinances. Many decided they could not justify investing in maintenance or improvements for their properties without the promise of higher future rents. According to Massachusetts Homeowners Coalition (MHC) chair Denise Jillson, “If you were walking around Cambridge in 1993, you could pick out the rent-controlled properties just by the way they looked—they were so badly deteriorated.”

Ordinances

Boston In 1972, Boston set the “base rent” as the rent in effect for that unit on December 1, 1968, or the first rent in effect after that date.²⁰ Landlords could appeal to a mayor-appointed rent control board that could raise the base rent for specific properties to “yield a fair net operating income to the landlord.” The board also granted general rent increases available to all units; these increases averaged 5%.²¹ Vacancy decontrol exempted new tenancies from rent restrictions; units in owner-occupied buildings with three or fewer units and those built after 1969 were also exempt.²² Landlords had the burden of proving violations of lease terms to evict tenants, and condominium conversions required three years of notice and a severance fee paid to current tenants.²³ In 1994, 22,000 units—equivalent to 14% of Boston’s total rental housing stock—were rent controlled.²⁴

Cambridge In 1970, Cambridge set maximum rents based on 1967 levels, adjusted for inflation; increases were limited to a 0.85 multiple of Consumer Price Index^c growth.²⁵ Landlords who had documented cost increases—receipts from renovation work, for example—could apply for larger increases with a city manager-appointed rent control board.²⁶ Units built or converted after January 1, 1969 were exempt.²⁷ Eviction protections were similar to Boston’s, and the city also barred landlords from leaving controlled units vacant for more than three months.²⁸ Landlords could convert a unit to a condominium, but they or any future owner needed to maintain it as a rent controlled unit.²⁹ In 1991, around 38% of Cambridge’s rental housing stock was rent controlled.³⁰

Repeal

In 1994, MHC, a spinoff from a Cambridge property owner advocacy group, launched a campaign to effectively outlaw rent control in Massachusetts. Larger landlord groups hesitated to help, fearing a solidification of rent control in the case of failure. Rather than local drives in the three remaining cities with rent control—Boston, Brookline, and Cambridge—MHC chose a statewide ballot question, raising challenges of increased campaign expenses and swaying voters not personally affected by rent control.

^c The Consumer Price Index tracked prices U.S. consumers paid for goods and services; it was a popular measure of inflation.

MHC highlighted several drawbacks of rent control. Partly, advocates appealed to a property rights attitude, distributing “Get Gov’t Out” stickers.³¹ To refute the idea that rent control helped keep apartments affordable for the working class, MHC highlighted affluent tenants—people taking beach vacations, doctors at local hospitals, and the mayor of Cambridge. Jillson said, “We commissioned a demographic survey that showed that people living in rent-controlled apartments were primarily White, college-educated, single, and living alone. We as landlords knew that—because we put them there! You can control the rent, but you can’t control who I’m going to put in there. And I’m going to put in there the person who is the easiest tenant.”

In November 1994, Massachusetts voters banned rent control by a 51% to 49% margin. Jillson said, “We win, and almost immediately there’s this renaissance where houses were restored, and suddenly you couldn’t even hire a plumber.” Boston landlords evicted 5,000 households in the following two years; median Cambridge rents for formerly controlled units increased 40% (see **Exhibit 3** for area rents over time).³² Property values had been constrained by lower income potential, but eliminating rent control added \$1.8 billion in value to Cambridge’s housing stock by 2004.³³ MHC felt vindicated by a phaseout program allowing low-income residents to apply for a continuance of rent control for two years; in 1995 and only 869 Boston households (3.9% of rent controlled stock) and 1,523 Cambridge households (9.4%) qualified.³⁴

As a result of the 1994 law, Mayor Wu’s rent control proposal required permission from the state legislature to implement.

21st Century Boston

In 2022, Boston rents were the second most expensive in the U.S.³⁵ Around 65% of Bostonians rented; 13% of renters were students.³⁶ More than half of renters were “rent-burdened,” spending more than 30% of their income on rent.³⁷ Available units skewed high-end—48% of renters had incomes under \$50,000 and could afford fewer than 1% of advertised rentals in 2021; those making \$75,000 could afford just 18%.³⁸ Boston boasted high-quality jobs, schools, and neighborhoods, and residents flocked to the city—from 2010 to 2020 the city’s population grew by nearly 60,000, from 618,000 to 676,000; housing units increased by 30,000, from 272,000 to 302,000 (see **Exhibit 4**).³⁹

In the 2020s, Boston press observed a “building boom,” including a new “Seaport” neighborhood built with \$20 billion in government money and many billions more in private investment.⁴⁰ City officials passed new development restrictions and fees, usually triggered by developer petitions for zoning relief; these included linkage fees for commercial development, inclusionary zoning mandating income-restricted units in residential development, and climate ordinances setting emissions restrictions for existing and new construction. Surrounding communities passed similar laws.

Wu’s Proposal

Wu’s 2023 proposal allowed the city to set a maximum rent increase equal to 6% plus the change in the consumer price index or 10%, whichever was lower.⁴¹ The proposal featured vacancy decontrol and exceptions to provide fair returns based on a rapid increase in maintenance, capital, or tax costs.⁴² Units less than 15 years old or in owner-occupied buildings of six or fewer units were exempt.⁴³ Tenants would also receive eviction protections; landlords could petition Massachusetts’ housing court to remove tenants for cause or pay a relocation fee for a “no fault” eviction.⁴⁴ The proposal would initially apply to 127,000 units—55% of Boston’s housing stock (see **Exhibit 5**). Since 2012, the average annual limit would have been 7.9%.⁴⁵ This was higher than typical rent hikes imposed by landlords; from 2010 to 2020 median gross rents rose 4.1% per year (see **Exhibit 6**).⁴⁶ Wu acknowledged “good landlords”

but warned of unreasonable outliers: “This proposal would stop the most harmful of situations that we see playing out across our neighborhoods, where community members and residents have their rents doubled and increased by 50 percent in a way that is extremely unpredictable and simply unsustainable.”⁴⁷ Boston media was replete with examples of landlords instituting huge rent increases—a new apartment complex owner raising a 71-year-old’s rent by \$450 per month,⁴⁸ a \$700 per month increase for a 2-bedroom apartment near a new transit stop,⁴⁹ or a \$900 increase that pushed a 1-bedroom to \$4,400 per month.⁵⁰

Amir Shahsavari, vice president of the Small Property Owners Association, said, “The actual rent limit isn’t necessarily untenable for property owners,” but “We know it doesn’t stop here. In two years, we’ll have a lower cap that starts bleeding landlords, and soon no one will want to own properties in Boston anymore.”⁵¹ Indeed, some reasoned that a rent hike cap higher than what landlords typically instituted would have no effect. Boston City Councilor Tania Fernandes Anderson said, “Capping rent increases at 3-5% and not excluding newer buildings would make more of an impact. Unfortunately, this proposal has the name of rent control attached to it with little to none of its meaning.”⁵² Still, lawmakers had reached a consensus that something needed to be done about high rents; successive governors from both major political parties had called the situation a “housing crisis.”⁵³

Wu had a broad housing plan. She allocated \$67 million in city funds to build 802 units of income-restricted housing, directed \$205 million in temporary federal funds to incentivize new construction and keep existing units affordable, proposed a linkage fee increase (from \$15.39 per square foot to \$23), offered 150 city-owned vacant lots for free to developers who committed to building affordable housing on them, and floated ideas such as mortgage assistance and rent subsidies.⁵⁴

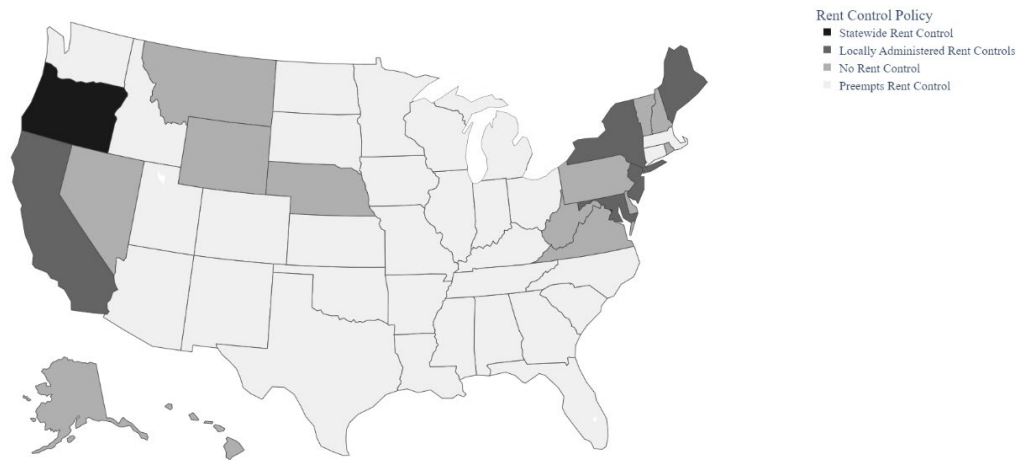
Developers believed Boston-area rents were high mostly because development costs—exacerbated by government fees and restrictions—were high. Cambridge developer Patrick Barrett said, “You have all these goals—housing goals, climate goals, urban design goals—and they’re not coherent. There’s too many other things that exist now that create market distortions, and it makes it basically impossible to tell if a rent-controlled building can work or not.” Indeed, Boston had among the most stringent regulations on residential development in the country, including minimum lot sizes and other land use controls that made new construction more difficult.⁵⁵ Already, inclusion rules required that 20% of units be rented at lower rates which reduced rental income by roughly 16%. Rent control would further reduce potential revenues from development.

Conclusion

Free market advocates saw rent control as part of a broader shift—rather than relying on private businesses to fulfill societal needs, newly-elected leaders took a more direct role in shaping society. Jillson said, “There’s this whole political mindset that’s very different. The idea of private property doesn’t ring true so much for them as it does for our generation.”

Many did not understand why rent control was in fashion again. Barrett said, “Most of our current politicians—Michelle Wu is a millennial—have never experienced the downside of a slow development market. Many of them could not imagine a universe where that exists. They think we’re making lots of money, but the returns they see aren’t weighed against any of the risk. If I could put my money into a certificate of deposit for 4.75% interest, why would I bother building anything?”

Exhibit 1 U.S. Rent Control Landscape, 2022



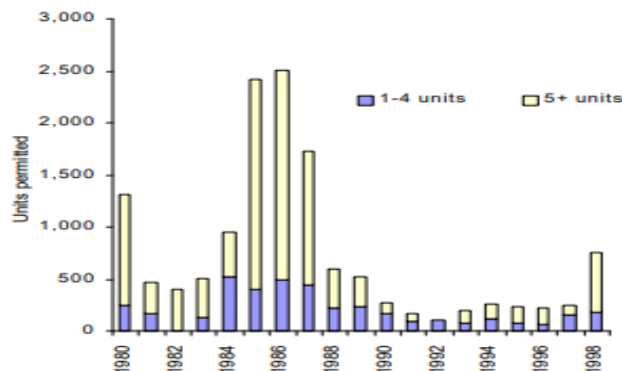
Source: Adapted from National Multifamily Housing Council, "Rent Control Laws by State," July 19, 2022, bit.ly/43PqA3T, accessed April 2023.

Exhibit 2a Boston Housing Constructed, through 1990

Year Constructed	Number of Units	Percent of 1990 Housing Stock
1980-1990	18,966	7.6%
1970-1979	21,303	8.5%
1960-1969	23,266	9.3%
1950-1959	18,576	7.4%
1940-1949	24,144	9.6%
Before 1939	144,608	57.6%

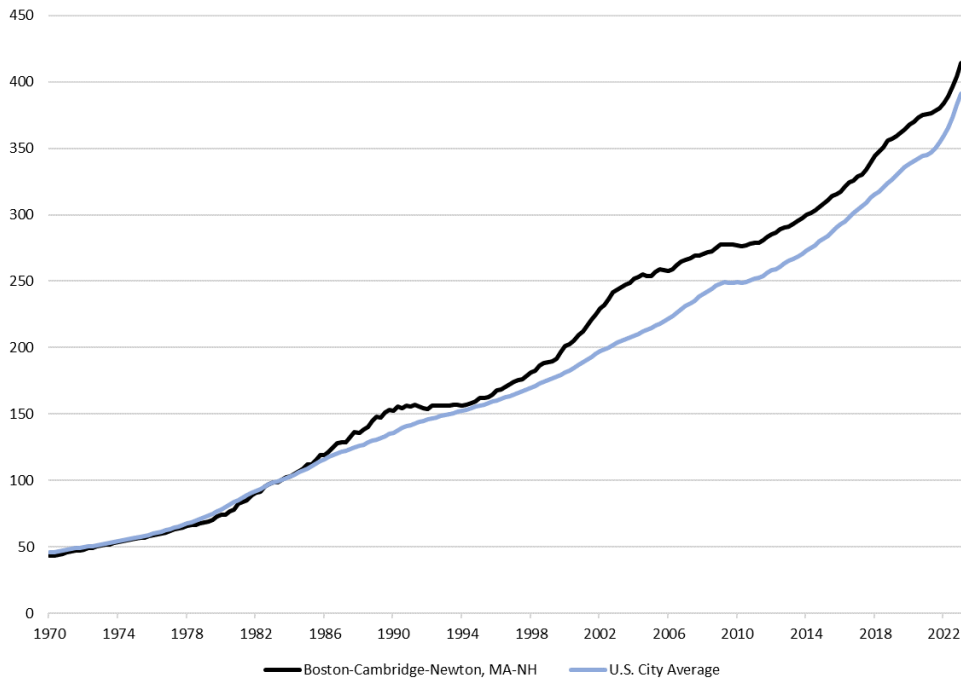
Source: Geoff Lewis, John Avault, and Jim Vrabel, "History of Boston's Economy: Growth and Transition, 1970-1998," Boston Redevelopment Authority, November 1999, p. 18, bit.ly/3MQgTMB, accessed April 2023.

Exhibit 2b Boston Housing Permitted, 1980 to 1998



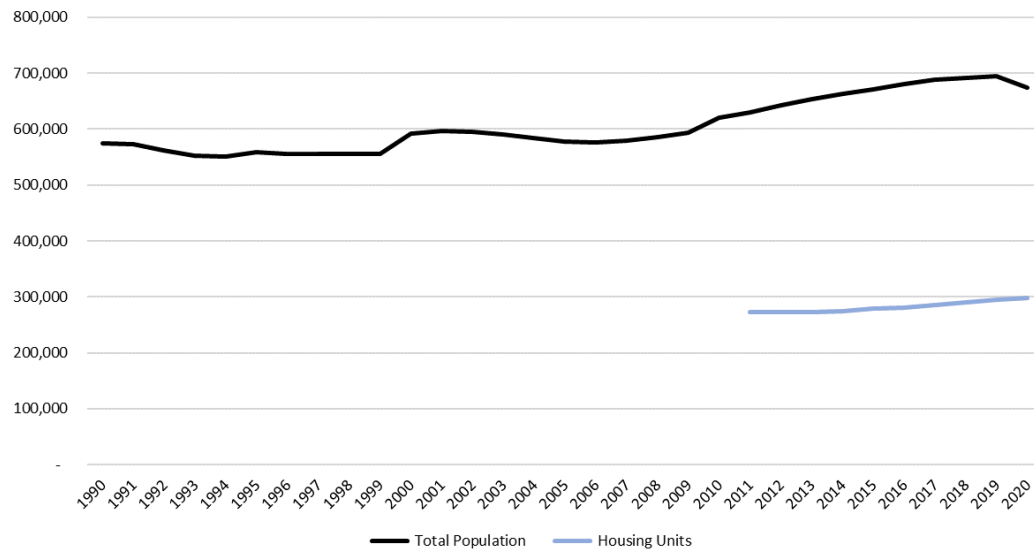
Source: Geoff Lewis, John Avault, and Jim Vrabel, "History of Boston's Economy: Growth and Transition, 1970-1998," Boston Redevelopment Authority, November 1999, p.18, bit.ly/3MQgTMB, accessed April 2023.

Exhibit 3 Boston Metropolitan Area Rents, 1970-2022 (indexed to 1983)



Source: U.S. Bureau of Labor Statistics, "Rent of Primary Residence in Boston-Cambridge-Newton, MA-NH," retrieved from Federal Reserve Bank of St. Louis, bit.ly/3mtspmb, accessed April 2023.

Exhibit 4 Boston Population and Housing Units, 1990-2020



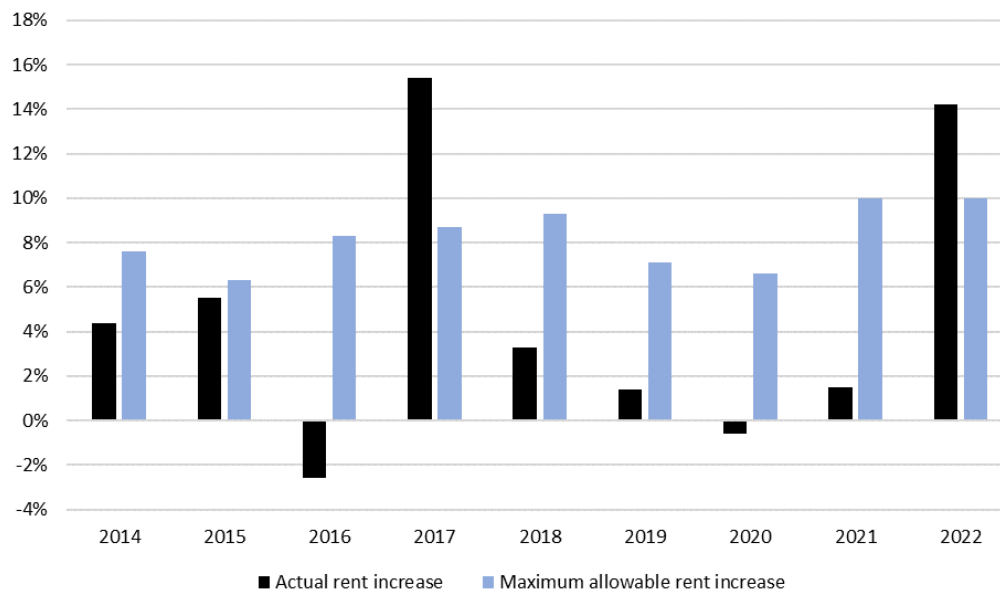
Source: Adapted from U.S. Census Bureau via Data Commons Timelines, bit.ly/3oJWA9u, accessed April 2023.

Note: Housing unit data only available from a consistent data source for 2010-2020.

Exhibit 5 Boston Proposal – Exemption Impacts, 2023

Exemption	Description	Unit Count	Percent
	Total Residential Units	313,202	100%
New Construction Exemption	Units Built 2008-2022 (15 year exemption)	-40,488	12.9%
	= Units Built Before 2008	272,714	87.1%
Owner Occupancy Exemptions	Owner Occupied Units	-74,251	23.7%
	Rental Units in Owner Occupied 2- to 6- Unit Buildings	-22,919	7.3%
	= Subtotal	175,546	56%
Public Housing & Project Based Vouchers Exemption	Public Housing & Project Based Units	-33,596	10.7%
Mobile Voucher Holder Exemption	Voucher Holders in Market-Rate Units	-14,678	4.7%
Total, After All Exemptions		127,272	40.6%
Total Rental Units		230,964	
Percent of all Rental Units			55.1%

Source: City of Boston, "Rent Stabilization Home Rule Petition," from American Community Survey, MOH permitting data, Assessing Dept. parcel data from Building Blocks, MOH Income Restricted Housing Database, and MOH estimates of voucher holder in market rate housing, April 2023, bit.ly/3KxG6Ja, accessed April 2023.

Exhibit 6 Boston Actual Rent Increases Compared to Theoretical Rent Control Cap, 2014-2022

Source: Adapted from Andrew Brinker, "Landlords rarely hike the rent by 10 percent. So why do they hate Mayor Wu's cap proposal?" *Boston Globe*, March 25, 2023, bit.ly/3GQNZrW, accessed April 2023.

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