

## What Kind of Tenancy Do You Have Tenants' Rights in Massachusetts

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### Different Kinds of Tenancies

To figure out your rights you need to know the kind of tenancy you have.

#### Tenant at Will

If your agreement with your landlord is a month-to-month tenancy, you are a **tenant at will**. Your agreement can be written or spoken. Most tenants are tenants at will.

#### Tenant with Lease

If your lease is for a specific time period, that is, it has an end date, you are a tenant with a lease. Usually leases last 1 year. Make sure you know if you have to renew your lease or if it renews automatically from year-to-year.

#### Tenant at Sufferance

If your tenancy ends, but you are still in your apartment you are a tenant at sufferance. Your tenancy ends when your lease ends or your landlord sends you a *Notice to Quit*. The biggest difference between a tenant at sufferance and other tenants is that a landlord does not need to give you a *Notice to Quit*. But you must receive court papers. Your landlord must go to court to evict you. They can only move you out with a court's permission.

#### Tenant in a Rooming House

If you rent a single room that is not an apartment and at least 4 other people who are not related to the landlord rent room there, you are a tenant in a rooming house. Your rights depend on how long you live there. For more see **Rooming Houses | Pullout 15**.

#### Tenants in Public and Subsidized Housing

If you are a tenant in public or subsidized housing you have special protections against rent increases and eviction. There are many different government housing programs. To figure the type of housing you have see **Housing Programs in Massachusetts:** [www.masslegalhelp.org/housing/housing-programs](http://www.masslegalhelp.org/housing/housing-programs)

#### Mobile Homes

If you live in mobile home or a manufactured home, you have special protections. For more see **Mobile Homes | Pullout 16**.

#### Tenant in Transitional Housing

If you are in a program that provides temporary housing and services while you look for permanent housing, you are a tenant in transitional housing. Just like any other landlord, a transitional housing facility will usually have to use the court's eviction process to evict you.



## All Tenants Have Rights

All tenants in Massachusetts – even tenants who overstay their rental agreement – have legal rights. These include the right to:

- A safe, decent place to live with heating, hot water, and electricity.
- Ask the landlord to repair things that do not work or fix any unhealthy conditions.
- Privacy. The landlord is only allowed to enter your apartment if you give them permission, if it is an emergency, or if they have a court order. Even if repairs are needed, they must notify you first.
- Stay in your apartment until you move or a judge orders you to move out.
- Refuse to pay illegal fees.
- Take your landlord to court if they do something illegal.

You may have other rights. Your other rights depend on the kind of tenancy or lease you have and the kind of housing you rent.

## Protect Yourself

- Ask the landlord to repair things that do not work or fix any unhealthy conditions. You have a right to a decent place to live.
- If a landlord refuses to make repairs, you can ask a Board or Health or a court to order the landlord to make repairs.
- You have the right to live in your apartment until you decide to move out or a judge orders you to move out. The only legal way your landlord can make you move out is to file an eviction case in court.



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

**Legal Tactics: Tenants Rights in Massachusetts**

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