



City of Cambridge

Executive Department

YI-AN HUANG
City Manager

CMA 2025 #110
IN CITY COUNCIL
May 5, 2025

To the Honorable, the City Council:

Please find attached a memorandum regarding Awaiting Report #25-14 addressing a home rule petition allowing Cambridge to end the practice of property owners passing on broker's fees to tenants from the City Solicitor, Megan Bayer.

Very truly yours,

Yi-An Huang
City Manager



Megan B. Bayer
City Solicitor

Elliott J. Veloso
Deputy City Solicitor

Kate M. Kleimola
First Assistant City Solicitor



CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Assistant City Solicitors

Paul S. Kawai
Sean M. McKendry
Diane O. Pires
Sydney M. Wright
Evan C. Bjorklund
Franziskus Lepionka
Andrea Carrillo-Rhoads

Public Records Access Officer

Seah Levy

May 5, 2025

Yi-An Huang
City Manager
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: *Response to AR 25-24 March 3, 2025, requesting that the City Manager be and hereby is requested to work with the Law Department to draft a home rule petition allowing Cambridge to end the practice of property owners passing on broker's fees to tenants.*

Dear Mr. Huang:

I am writing in response to the above-mentioned Council Order. We have prepared the proposed Home Rule Petition and are submitting it to the Council for approval. This proposed Petition closely follows similar petitions filed recently by the City of Boston and City of Somerville.

We believe it strengthens the Council's request to be closely aligned with neighboring communities. One difference with the petition filed by the City of Somerville is it only applies to residential real estate, and both the City of Boston's petition and this Petition apply to both residential and commercial real estate. We recommend that the Council's vote to approve the Petition allow the Legislature to amend the Home Rule Petition so that if the Legislature seeks to make changes to make this consistent with other similar Home Rule Petitions, such as Somerville's petition, the Legislature can do so. The language of the vote is attached.

Additionally, a real estate broker is subject to discipline by the Board of Registration of Real Estate Brokers and Salesmen for failing to comply with "all the laws of the Commonwealth, the United States and those of any other state in which he/she is licensed" (254 CMR 3.00(14)), and therefore, a violation of this Petition, if adopted as a Special Act, would be a basis for discipline by the Board.

Very truly yours,

Megan B. Bayer
City Solicitor



City of Cambridge

Agenda Item No. 2
IN CITY COUNCIL
May 5, 2025

ORDERED: That the City Council petition the General Court of the Commonwealth of Massachusetts to enact the attached home rule petition entitled, AN ACT REQUIRING THAT BROKER FEES IN THE CITY OF CAMBRIDGE BE PAID BY THE PARTY WHO SOLICITS A LICENSED BROKER; provided, that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

AN ACT REQUIRING THAT BROKER FEES IN THE CITY OF CAMBRIDGE
BE PAID BY THE PARTY WHO SOLICITS A LICENSED BROKER

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

SECTION 1. Notwithstanding any general or special law to the contrary, in the city of Cambridge, any person who performs real estate brokerage activities and is licensed or registered pursuant to sections 87PP to 87DDD1/2, inclusive, of chapter 112 of the General Laws may solely contract with a prospective tenant to find for rent residential or commercial real estate property for a tenant and present an offer to lease to the landlord or landlord's agent and negotiate on behalf of the tenant or may solely contract with a landlord or landlord's agent to find a tenant for a property. Any fee shall only be paid by the party, lessor or tenant who originally engaged and entered into a contract with the licensed broker or salesperson.

SECTION 2. This act shall take effect upon its passage.