

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY

ARCANGELO CELLA,
TERESA DEL SIGNORE,
KATHERINE HOREY, and
SUSAN M. RENFREW,

Plaintiffs,

v.

ANDREA J. CAMPBELL, in her
official capacity as the Attorney
General of the Commonwealth of
Massachusetts, and

WILLIAM F. GALVIN,
in his official capacity as
Secretary of the Commonwealth of
Massachusetts,

Defendants.

No. _____

COMPLAINT

INTRODUCTION

1. This is a civil action for writs of certiorari and mandamus, and for a declaratory judgment. It concerns Initiative Petition 25-21 (the “Petition”), entitled “An Initiative Petition to Protect Tenants by Limiting Rent Increases.” A copy of the Petition is attached to this Complaint as **Exhibit A**. The Attorney General has certified the Petition for submission to Massachusetts voters on the November 2026

ballot; however, the Petition does not comply with the requirements of Article XLVIII of the Articles of Amendment to the Massachusetts Constitution (“Article 48”) because the Petition: (i) violates the excluded matters clause of Article 48 because it eliminates the express right to compensation currently guaranteed by G. L. c. 40P; (ii) is inconsistent with the right to receive compensation for private property appropriated to public use under the Massachusetts Declaration of Rights; (iii) relates to “religion, religious practices or religious institutions”; (iv) addresses subjects that are not “related or . . . mutually dependent”; (v) is not “in proper form for submission to the people”; and (vi) the Attorney General’s summary of the Petition is not “fair.”

2. The Plaintiffs, each a registered voter, taxpayer, and resident of the Commonwealth, therefore ask this Court to quash the Attorney General’s certification and to enjoin the Secretary of the Commonwealth from placing the Petition on the ballot.

JURISDICTION

3. This Court has jurisdiction pursuant to G. L. c. 231A, § 1 et seq., and G. L. c. 249, §§ 4 and 5.

PARTIES

4. Plaintiff Arcangelo Cella is a registered voter, taxpayer, and resident of Saugus, Massachusetts. Mr. Cella owns and leases residential dwelling units to tenants in Somerville and Medford, Massachusetts.

5. Plaintiff Teresa del Signore is a registered voter, taxpayer, and resident of Medford, Massachusetts. Ms. del Signore owns and leases residential dwelling units to tenants in Medford, Massachusetts.

6. Plaintiff Katherine Horey is a registered voter, taxpayer, and resident of Norwood, Massachusetts. Ms. Horey owns and leases residential dwelling units to tenants in Norwood, Eastham, and the Hyde Park, Dorchester, and Jamaica Plain neighborhoods of Boston, Massachusetts, including Section 8 rental units and short-term and seasonal rentals.

7. Plaintiff Susan M. Renfrew is a registered voter, taxpayer, and resident of Bernardston, Massachusetts. Ms. Renfrew owns and leases residential dwelling units to tenants in Greenfield, Massachusetts, including Section 8 rental units.

8. Defendant Andrea Campbell is the Attorney General of the Commonwealth of Massachusetts. Her usual place of business is One Ashburton Place in Boston, Massachusetts. She is sued in her official capacity only.

9. Defendant William Galvin is the Secretary of the Commonwealth. His usual place of business is One Ashburton Place in Boston, Massachusetts. He is sued in his official capacity only.

FACTS

10. In 2025, the Petition was submitted to the Attorney General for certification.

11. On information and belief, an organization known as “Homes for All Massachusetts” is a proponent of the Petition.

12. The Petition proposes to repeal G. L. c. 40P, “The Massachusetts Rent Control Prohibition Act,” and replace it with a new law imposing rent control throughout Massachusetts.

13. Currently, The Massachusetts Rent Control Prohibition Act “broadly prohibits any regulatory scheme based upon or implementing rent control” G. L. c. 40P, § 2. “This policy is based on the belief that the public is best served by free market rental rates for residential properties and by unrestricted home ownership.” *Id.*

14. Although G. L. c. 40P broadly prohibits forced rent control, it does provide several exceptions, including that a municipality may adopt rent control regulations but only on the express condition that such municipalities “shall compensate owners of rent controlled units for each unit in the amount of the

difference between the unit's fair market rent and the unit's below market, rent controlled rent, with such compensation coming from the municipality's general funds, so that the cost of any rent control shall be borne by all taxpayers of a municipality and not by the owners of regulated units only." G. L. c. 40P, § 4(c).

Description of the Petition

15. If enacted, the Petition would impose statewide rent control by limiting annual rent increases for most residential rental units in Massachusetts to the annual increase in the Consumer Price Index ("CPI") or five percent, whichever is lower, in any twelve-month period.

16. The Petition does not provide any description, explanation, or instruction regarding which CPI a landlord must consider or how a rent increase must be calculated, particularly for rentals commencing on any day other than January first, for example, September first, of a given year.

17. The proposed law would establish as the base rent for all future rent increases the rent in place on January 31, 2026, almost ten months before the November 2026 election.

18. The rent increase limit would apply regardless of whether there is a change in tenancy during the relevant twelve-month period, and there is no vacancy decontrol or vacancy reset provision that would allow rents to adjust to market rates between tenancies.

19. The Petition would apply to all Massachusetts cities and towns, with no opt-out provisions. Similarly, if enacted, the law would apply to all Massachusetts landlords and renters, regardless of any individual's income or economic status.

Exceptions Under the Proposed Law

20. The Petition defines "covered dwelling units" that would be subject to rent control as broadly including all dwelling units leased for residential use, except for five categories of units.

21. The first exception applies to dwelling units in owner-occupied buildings with four or fewer units.

22. The second exception applies to dwelling units whose rents are subject to regulation by a public authority, provided that occupancy by a tenant with a mobile housing voucher does not constitute being regulated by a public authority.

23. The third exception applies to dwelling units that are rented primarily to transient guests for a period of less than fourteen consecutive days.

24. The fourth exception applies to dwelling units in facilities operated solely for educational, religious, or non-profit purposes.

25. The fifth exception applies to dwelling units for which the first residential certificate of occupancy is less than ten years old, for a period of ten years from the date at which such certificate of occupancy was issued.

Absence of Fair Net Operating Income Protections

26. Unlike G. L. c. 40P, which requires municipalities that adopt rent control regulations to compensate property owners for the difference between fair market rent and controlled rent, the Petition provides no mechanism for property owners to seek relief from the rent increase limit.

27. The proposed law contains no provision guaranteeing property owners a fair net operating income for their properties, so property owners who face rising operating costs, property tax increases, insurance increases, or the need for expensive repairs or capital improvements would have no pathway to recover those costs through rent increases.

28. The Petition does not provide any procedures or safeguards for landlords to seek any relief from the rent control limits based on any extenuating circumstances.

Procedural History of the Attorney General's Certification of the Petition

29. On or about September 3, 2025, the Attorney General certified the Petition pursuant to Article 48. The certification letter does not specify the factual or legal basis of the Attorney General's decision to certify the Petition. A copy of the certification letter is attached to this Complaint as **Exhibit B**.

30. On or about September 3, 2025, the Attorney General prepared a summary of the Petition (the "Summary"). A copy of the Summary is attached to

this Complaint as **Exhibit C**. The Summary states that “[t]his proposed law would limit the annual rent increase for residential units in Massachusetts . . . ” and goes on to outline various provisions of the proposed rent control law.

31. The Summary does not inform voters that, if enacted, the Petition would repeal the existing law that prohibits rent control in Massachusetts (G. L. c. 40P) and replace it with an opposite policy that imposes mandatory, state-wide rent control limits.

32. On information and belief, the proponents of the Petition thereafter filed the Petition with the Secretary of the Commonwealth.

33. On information and belief, the Secretary thereafter prepared and distributed blank signature forms for circulation by the proponents of the Petition.

34. The proponents of the Petition thereafter provided the Secretary of the Commonwealth with the requisite number of signatures for transmittal to the General Court.

35. The Secretary thereafter transmitted the Petition to the Clerk of the House of Representatives. The Legislature has not, as of this date, acted on the Petition.

36. If the proponents of the Petition timely submit sufficient additional signatures to the Secretary, the Secretary intends to include the proposed law in the

Information for Voters Guide to be printed in summer 2026, and to print the Petition on the ballot for presentation to the people in November 2026.

CAUSES OF ACTION

COUNT I: THE PETITION VIOLATES THE EXCLUDED MATTERS CLAUSE OF ARTICLE 48 BECAUSE IT ELIMINATES THE EXPRESS RIGHT TO COMPENSATION CURRENTLY GUARANTEED BY G. L. c. 40P

37. Paragraphs 1-36 are incorporated by reference into this count.

38. Pursuant to Article 48, no proposition inconsistent with the right to receive compensation for private property appropriated to public use, as declared in the Declaration of Rights, shall be the subject of an initiative petition.

39. Although rent control is prohibited in Massachusetts by G. L. c. 40P (the Massachusetts Rent Control Prohibition Act), if a city or town does adopt a rent control regulation, the municipality adopting such regulation “shall compensate owners of rent controlled units for each unit in the amount of the difference between the unit’s fair market rent and the unit’s below market, rent controlled rent”

40. Under existing law, owners of residential rental properties have the express right to receive just compensation if rent control is imposed.

41. The Petition would repeal G. L. c. 40P and eliminate a right owners of private residential rental property currently and indisputably possess – the right to receive compensation for the appropriation of their private property to public use.

42. The Petition violates Article 48’s prohibition on any initiative petition that is “inconsistent with any one of the following rights of the individual . . . [t]he right to receive compensation for private property appropriated to public use. . . .”

COUNT II:
**THE PETITION IS INCONSISTENT WITH THE RIGHT TO RECEIVE
COMPENSATION FOR PROPERTY APPROPRIATED TO PUBLIC USE**

43. Paragraphs 1-42 are incorporated by reference into this count.

44. Pursuant to Article 48, no proposition inconsistent with the right to receive compensation for private property appropriated to public use, as declared in the Declaration of Rights, shall be the subject of an initiative petition.

45. Pursuant to G. L. c. 40P, rent control is currently prohibited by law in Massachusetts. But, since 1997, if a city or town does adopt a rent control regulation, the municipality adopting such regulation “shall compensate owners of rent controlled units for each unit in the amount of the difference between the unit’s fair market rent and the unit’s below market, rent controlled rent”

46. The Petition would repeal G. L. c. 40P in its entirety and replace it with state-wide, mandatory limits on rent increases. If enacted, the law would expressly eliminate the rights of residential rental property owners, and others who have property interests in residential property rentals, to receive compensation for their private property. The Petition does not provide for any mechanism for a property

owner of a covered dwelling unit to seek relief from the rent control limits, for any reason, or to receive any compensation as a result of the rent control limit, if enacted.

47. Because the proposed law, without properly declaring a public emergency, would appropriate private property rights for public use without providing compensation, it is inconsistent with the right to receive compensation for private property appropriated to public use as guaranteed by the Declaration of Rights.

48. The Attorney General therefore erred in certifying the Petition as compliant with Article 48.

49. The Secretary of the Commonwealth will violate his public duty if he undertakes any further steps toward placement of the Petition on the ballot.

COUNT III:
THE PETITION RELATES TO RELIGION, RELIGIOUS
PRACTICES, OR RELIGIOUS INSTITUTIONS

50. Paragraphs 1-49 are incorporated by reference into this count.

51. Pursuant to Article 48, no measure that relates to religion, religious practices, or religious institutions shall be proposed by an initiative petition.

52. The Petition does not comply with this requirement because it explicitly addresses the treatment of dwelling units operated by religious institutions, by excepting from rent control “[d]welling units in facilities operated solely for educational, religious, or non-profit purposes,” which impermissibly benefits and

supports religious institutions and organizations to the detriment of dwelling units operated for secular purposes and requires an inquiry into the purpose and scope of the potential “religious” use.

53. The Attorney General therefore erred in certifying the Petition as compliant with Article 48.

54. The Secretary of the Commonwealth will violate his public duty if he undertakes any further steps toward placement of the Petition on the ballot.

COUNT IV
THE PETITION CONTAINS SUBJECTS THAT ARE
NOT RELATED OR MUTUALLY DEPENDENT

55. Paragraphs 1-54 are incorporated by reference into this count.

56. Pursuant to Article 48, initiative petitions must contain only subjects that are “related or . . . mutually dependent.” Subjects are related if they are “mutually dependent” such that a voter could not vote on one without having the other appear on the same ballot or if they share a common purpose and the component parts are necessary or reasonably appropriate to effectuate that purpose.

57. The Petition does not comply with this requirement because it targets two unrelated subjects that have no common purpose or relation. First, and predominantly, the Petition proposes to impose a state-wide limit on rent increases for long-term residential rental properties for the purpose of providing “housing stability for tenants, landlords, and communities across the commonwealth, and

curb[ing] displacement as a result of the housing shortage and affordability crisis in Massachusetts.” But the Petition also puts a very different policy consideration before the voters that has nothing to do with long term residential rentals: whether to regulate seasonal, vacation, and short-term rentals by imposing limits on rent increases for rentals to transient guests for a period of fourteen consecutive days or more.

58. The Petition does not comply with the related subjects requirement because it combines the regulation of long-term residential rental housing—**the stated purpose of the Petition**—with the regulation of seasonal and vacation rentals, which are fundamentally distinct subjects presenting separate questions for voters.

59. The Attorney General therefore erred in certifying the Petition as compliant with Article 48.

60. The Secretary of the Commonwealth will violate his public duty if he undertakes any further steps toward placement of the Petition on the ballot.

**COUNT V:
THE PETITION IS IMPERMISSIBLY VAGUE AND NOT IN PROPER
FORM FOR SUBMISSION TO THE PEOPLE**

61. Paragraphs 1-60 are incorporated by reference into this count.

62. Pursuant to Article 48, the Attorney General must certify that the measure and title thereof are in proper form for submission to the people.

63. The Petition contains provisions that are undefined, ambiguous, inherently contradictory, and are not capable of any coherent administration such that the Petition could not be enacted into law in the form it has been submitted.

64. The Attorney General therefore erred in certifying the Petition as compliant with Article 48.

65. The Secretary of the Commonwealth will violate his public duty if he undertakes any further steps toward placement of the Petition on the ballot.

COUNT VI:
THE ATTORNEY GENERAL’S SUMMARY OF THE PETITION
IS NOT “FAIR”, IN VIOLATION OF ARTICLE 48 AND ARTICLE 74 OF
THE ARTICLES OF AMENDMENT

66. Paragraphs 1-65 are incorporated by reference into this count.

67. Article 48, as amended by Article 74, requires the Attorney General to prepare a “fair, concise summary . . . of the proposed measure as such summary will appear on the ballot. . . .” Mass. Const. Amendments art. 48, Gen. Prov., Pt. III, *see also* art. 74.

68. The Summary is misleading, incomplete, and not “fair.” The Summary states in relevant part that “[t]his proposed law would limit the annual rent increase for residential units in Massachusetts” The Summary goes on to outline various provisions of the proposed rent control law, but nowhere does the Summary inform voters that the Petition goes far beyond proposing a new rent control law. In reality, the Petition proposes to strike out the current law that has prohibited rent control in

Massachusetts since 1994 (G. L. c. 40P) and replace it with a mandatory, rigid, and state-wide rent control regime.

69. Even voters who review the Summary with a critical eye would reasonably believe that they are being asked a single question: whether they are enacting a *new* law imposing rent control. But the Petition actually asks voters at least two distinct questions: (1) whether they are in favor of repealing the current law prohibiting rent control, and (2) whether they are in favor of replacing the current law with a new law that serves a different, and opposite, policy purpose than the existing law.

70. The Attorney General therefore erred in certifying the Petition as compliant with Article 48.

71. The Secretary of the Commonwealth will violate his public duty if he undertakes any further steps toward placement of the Petition on the ballot.

PRAYERS FOR RELIEF

The Plaintiffs respectfully ask the Court to:

1. Declare that the Petition is invalid and not in compliance with the requirements of the Massachusetts Constitution, as amended;
2. Quash the certificate of the Attorney General certifying the Petition;
3. Enjoin the Secretary of the Commonwealth from placing the Petition on the general election ballot in 2026; and

4. Grant such other relief as is just and proper.

Respectfully submitted,

ARCANGELO CELLA, TERESA DEL
SIGNORE, KATHERINE HOREY, and
SUSAN M. RENFREW

By their attorneys,

/s/ Elissa Flynn-Poppey

Elissa Flynn-Poppey, BBO# 647189

Edmund P. Daley, BBO# 692290

MINTZ LEVIN COHN FERRIS GLOVSKY

AND POPEO, P.C.

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617-542-6000

EFPoppey@mintz.com

EPDaley@mintz.com

Dated: February 6, 2026

CERTIFICATE OF SERVICE

I, Edmund P. Daley, counsel for Plaintiffs, hereby certify that I have served a copy of this Complaint to counsel for the Defendants by electronic mail and first-class mail this 6th day of February, 2026, to:

The Honorable Andrea J. Campbell
Attorney General of Massachusetts
One Ashburton Place
Boston, MA 02108

The Honorable William F. Galvin
Secretary of the Commonwealth
One Ashburton Place
Boston, MA 02108

Phoebe Fischer-Groban, Esq.
Deputy Chief, Government Bureau
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

/s/ Edmund P. Daley
Edmund P. Daley III, esq.

Exhibit A

INITIATIVE PETITION FOR A LAW

An Initiative Petition to Protect Tenants by Limiting Rent Increases

Be it enacted by the People, and by their authority:

The General Laws are hereby amended by striking out chapter 40P and inserting in place thereof the following chapter:-

CHAPTER 40P. LIMITING RENT INCREASES

Section 1. Purpose.

The purpose of this act is to provide housing stability for tenants, landlords, and communities across the commonwealth, and curb displacement as a result of the housing shortage and affordability crisis in Massachusetts.

Section 2. Definitions.

For the purposes of this chapter:-

“Covered Dwelling Units” shall mean all dwelling units leased for residential, but not commercial, use, except:

- (a) Dwelling units in owner-occupied buildings with four or fewer units.
- (b) Dwelling units whose rents are subject to regulation by a public authority; provided, however, that occupancy by a tenant with a mobile housing voucher does not constitute being regulated by a public authority.
- (c) Dwelling units that are rented primarily to transient guests for a period of less than 14 consecutive days.
- (d) Dwelling units in facilities operated solely for educational, religious, or non-profit purposes.
- (e) Dwelling units for which the first residential certificate of occupancy is less than 10 years old, for a period of 10 years from the date at which such certificate of occupancy was issued.

Section 3. Rent increase limits.

This chapter shall establish a limit on any annual rent increase for a covered dwelling unit in the commonwealth, which shall not exceed the annual increase in Consumer Price Index or 5%, whichever is lower, in any 12-month period. This limit shall apply whether or not there is a change in tenancy during the relevant 12-month period.

1. AG 2. _____ 3. _____ 4. _____ 5. _____ 6. W.H. 7. _____ 8. _____ 9. AG 10. Jm
11. _____ 12. JK 13. _____ 14. _____ 15. _____ 16. _____ 17. Y. Q. E. 18. _____ 19. _____ 20. _____

For purposes of this chapter, the rent amount in place on January 31, 2026, shall serve as the base rent upon which any annual rent increase shall be applied. If a covered dwelling unit is vacant on the date of adoption, the last rent amount charged shall serve as the base rent. If there was no previous rent amount, or if no rent has been charged for at least the previous five years, for a covered dwelling unit the rent amount the owner first charges following the date of adoption shall serve as the base rent.

Where dwelling units are exempt, a notice of exemption must be provided with the lease for all tenancies. If there is no written lease for such dwelling units, the tenants-at-will must be provided with a written notice of exemption prior to the acceptance of the initial rent payment.

Section 4. Penalties.

Any violation of this chapter shall be deemed an unfair and deceptive act under chapter 93A of the General Laws. Any person claiming a violation of this chapter may pursue remedies under section 9 of chapter 93A. The attorney general is hereby authorized to bring an action under section 4 of chapter 93A to enforce this provision and to obtain restitution, civil penalties, injunctive relief, and any other relief awarded pursuant to said chapter 93A.

Section 5. Interpretation of This Chapter.

Nothing in this section shall be construed to interfere with any existing rights or protections afforded to tenants under current state or federal law.

The undersigned voters have reviewed the final text of this Initiative Petition, fully subscribe to its contents, and agree to be one of the original signers of the petition.

1. Adam Henry

2. _____

3. _____

4. _____

5. _____

6. Willie M. Hard

7. _____

8. _____

9. Annie Gordon

10. Julia Mejia

11. _____

12. Habel Lopez

13. _____

14. _____

15. _____

16. _____

17. M. Antonio Ennis

18. _____

19. _____

20. _____

Exhibit B



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

TEL: (617) 727-2200
www.mass.gov/ago

September 3, 2022

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 25-21: An Initiative Petition to Protect Tenants by
Limiting Rent Increases

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "AJC".

Andrea Joy Campbell

Enclosure



Exhibit C

SUMMARY OF NO. 25-21

This proposed law would limit the annual rent increase for residential units in Massachusetts to the annual increase in the Consumer Price Index for a 12-month period, or 5%, whichever is lower. The law would not apply to units in owner-occupied buildings with four or fewer units; units that are subject to regulation by a public authority; units rented to transient guests for periods of less than 14 days; units operated for educational, religious, or non-profit purposes; and units that received their residential certificate of occupancy within the last 10 years. The rent in place for a unit as of January 31, 2026, would serve as the base rent for the annual rent increase limit. A violation of this law would be a violation of the state consumer protection law.