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## **IREM President's Message: Breaking down the “junk fee” law**

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There is no question that Massachusetts' new "junk fee" regulations, which took effect on September 2nd, have significant implications for landlords and property managers. These laws, in short, aim to increase transparency and eliminate hidden or misleading charges in rental agreements. There's quite a lot to unpack here, so landlords should take their own deep dive into all the implications. For now here's a "Cliffs Notes" look at the requirements and legal consequences linked to the so-called "junk fee" law.

### Key Requirements for Landlords

Rental listings, under the new regulations, must clearly state the full monthly payment, including all mandatory fees – there can be no "surprise" charges after a tenant applies. Any fee beyond rent, like lock-change, cleaning, or pet fees, have to be included and openly stated, reflect actual costs, and disclosed before the tenant provides personal information.

Landlords must give written advance notice of renewal dates, charges, and cancellation procedures for leases that auto-renew or convert to month-to-month.

Optional fees must be made clear. For example, if a fee is waivable or non-compulsory, landlords must explain how tenants can opt out. In other words, default charges are now prohibited.

Landlords can no longer pass broker fees to tenants if the broker was hired by the landlord.

### Legal Consequences

Failure to comply with these regulations may be considered an unfair or deceptive practice, exposing landlords to legal action from the Attorney General or tenants. Civil penalties and fines, tenant lawsuits, injunctions, and enforcement actions are what landlords could face if in violation of these new laws. In fact, a tenant can receive double or even triple damages if the violation is deemed willful.

And let's not forget reputational harm. Enforcement actions can lead to negative press and loss of trust – there's no room for that in Massachusetts' already competitive rental market.

### Staying Compliant

Here are a few actions landlords can take to ensure compliancy with the new junk laws:

- Review every fee charged – application, amenities, etc.;
- Clearly display total monthly cost prominently on rental listings;
- Avoid advertising base rent alone if additional charges apply;

- Revise lease agreements to include mandatory versus optional fees and recurring charges such as utilities and parking; and
- Review renewal terms and cancellation procedures.

Massachusetts' updated regulations strengthen transparency and consumer protection in the rental market. Landlords and property owners have been given a clear message to review practices, revise lease language, and ensure every fee is disclosed upfront.

A great time was had by all during the IREM Boston Chapter Annual Charity Golf Tournament for golfers and Cornhole Tournament for non-golfers, held September 8th at Granite Links in Quincy. A portion of funds raised benefit the IREM Foundation and its mission to support the future of real estate management.

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