



CITY OF CAMBRIDGE

831 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139
TEL. 499-6161

RENT CONTROL BOARD

TERRENCE P. MORRIS, EXECUTIVE DIRECTOR

MEMORANDUM

To: Robert Healy, City Manager

From: Terrence P. Morris, Executive Director CRCB

Re: 63-63R Cedar Street

Date: December 7, 1990

This memo will serve to outline a "Plan of Action" for the above-referenced property as requested by Councillor Ed Cyr, and other interested persons. As I indicated in an earlier memo on 11/16/90, negotiations between the owner and the CRCB broke off in the fall, 1989. The centerpiece of the settlement was the prospective development of the property into condominiums. The owner proposed to rent one condo to the CHA as compensation for the lost units. The Board rejected this as inadequate. Further discussions focussed on an alternative compensation which also proved fruitless.

Alternatives

1. Criminal Prosecution: The Board has had only one case involving a full occupancy violation at this property. That case found that prior successive owners, a 76-year old woman and her elderly mother before her, had neglected the property in their advanced years. While the present owner has not rented the property, its condition, at the time he purchased it, made it doubtful that it could have been rented. The Board cannot reasonably pursue prosecution based on this record. A new full occupancy complaint would have to be initiated and violation found.

2. Eminent Domain: The penalty provision of the Removal Permit Ordinance states that the Board shall recommend to the City Council or the CHA the use of eminent domain where there are repeated or flagrant violations of the Ordinance. This prerequisite has not been met in this case.

63-63R Cedar Street Plan (cont'd)

3. Full Occupancy Complaint: To initiate either of the previous alternatives, another full occupancy complaint would have to be brought. While this is a real possibility, the desirability of this course of action is questionable, given the history of the property. Certainly this alternative will not bring immediate relief to the neighborhood.

4. Demolition: Given the present condition of the property, this would appear to some segments of the community to be the simplest and quickest form of relief from the problems off vandalism, vagrancy, blight and potential arson. If the building were declared by the Building Official to be an imminent threat to life safety, it could be torn down forthwith. The Rent Control Board has taken the position that a removal permit is not required in these EXTREME cases. However, it should be noted that this course of action has been narrowly limited to buildings which have sustained extensive fire-damage.

5. Removal Permit: The owner could file another removal permit application to demolish the building. In this context the application would, as in the prior case, be evaluated by the extent to which the owner compensated for the loss of rental units. This is consistent with the criteria specified in the Ordinance, i.e., "the Board shall consider... the benefits to the persons sought to be protected by the Act". Two ways in which this compensation has been effectuated in other cases are: (1) cash contribution to the Affordable Housing Fund and (2) substitute units placed under control or leased to the CHA. In all likelihood, the viability of this alternative is directly dependent on the ability of developing the site.

6. Development: Needless to say, any resolution that relies on development is dead for the foreseeable future. Nonetheless, it may be possible to structure a remedy which would permit the building's demolition in exchange for an explicit commitment and concrete timetables by which units and/or money are forthcoming to the City for use as affordable housing based on a development option, albeit in the future.

In conclusion, the most appropriate course of action would be for the owner to petition for, and receive a removal permit for demolition in conjunction with a future development proposal for the site. Since the commitment to affordable housing would be in futuro the necessary predicate should be that it is guaranteed in some manner.



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RENT CONTROL BOARD

TERRENCE P. MORRIS, EXECUTIVE DIRECTOR

MEMORANDUM

To: Lisa Peterson
From: Terrence P. Morris, Executive Director
Re: 63-63R Cedar Street
Date: November 16, 1990

In response to your inquiry, I am submitting the following chronology of events summarizing the Rent Control Board's involvement with the subject property:

1. August 19, 1977: the property is registered with Rent Control as four units;
2. April 8, 1986: a full occupancy complaint (SCX 86 063) is filed alleging that the units have been vacant for more than 120 days;
3. December 18, 1986 Rent Board issues Notice of Ruling finding that the owner has violated the Removal Permit Ordinance (Note: the owner is a 76 year old woman who inherited the property from her deceased mother);
4. May 8, 1987: current owner, who lives next door, buys the property with the knowledge of its rent controlled status and with intent to seek removal permits and develop the property;
5. November 18, 1987 the Building Commissioner orders the owner to comply with the declaration of the Board of Survey that the property be repaired at once;
6. December 12, 1987: owner files for removal permit (RPZ 87 034) to demolish and develop the site;
7. December 23, 1987 & January 25, 1988: evidentiary hearings are held on the application;
8. August 11, 1988: Board issues Notice Of Ruling denying the removal permit because the owner failed to submit an adequate proposal to compensate for the removal of four units (he proposed rental of one unit in a 10-unit condo project to the CHA);
9. September 20, 1988: owner appeals Board denial to Superior Court; Board files counterclaim for restoration;

10. May 12, 1989: Appeal and Counterclaim dismissed by agreement to undertake settlement;

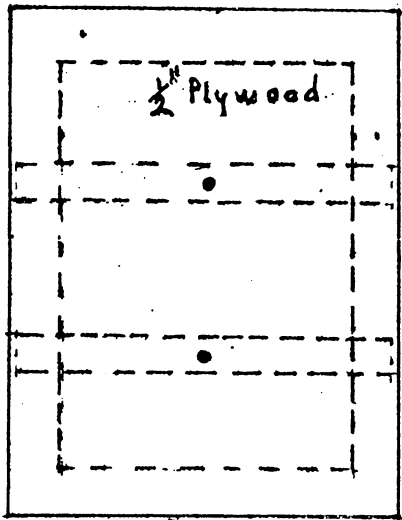
11. September 22, 1989; settlement negotiations break down;

It appears that nothing has been done since the fall of 1989. The hiatus was due to several factors. Although this property was not included in Ordinance 1093, the perception was that the same issues (e. g. zoning conflict) were present. Therefore, some prospect of imminent relief was held out to this owner and those similarly situated. The fact that this property actually consisted of two two-unit buildings which could be exempted through owner-occupancy, made it less of a priority.

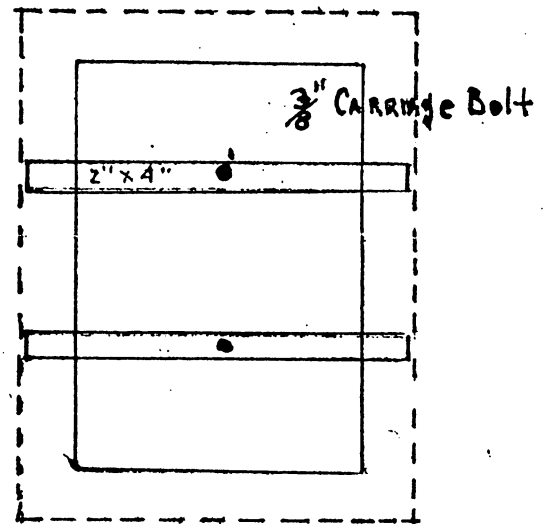
RECEIVED
90 NOV 16 PM 4:47
OFFICE OF THE CITY MANAGER

WINDOW BOARDING DETAIL

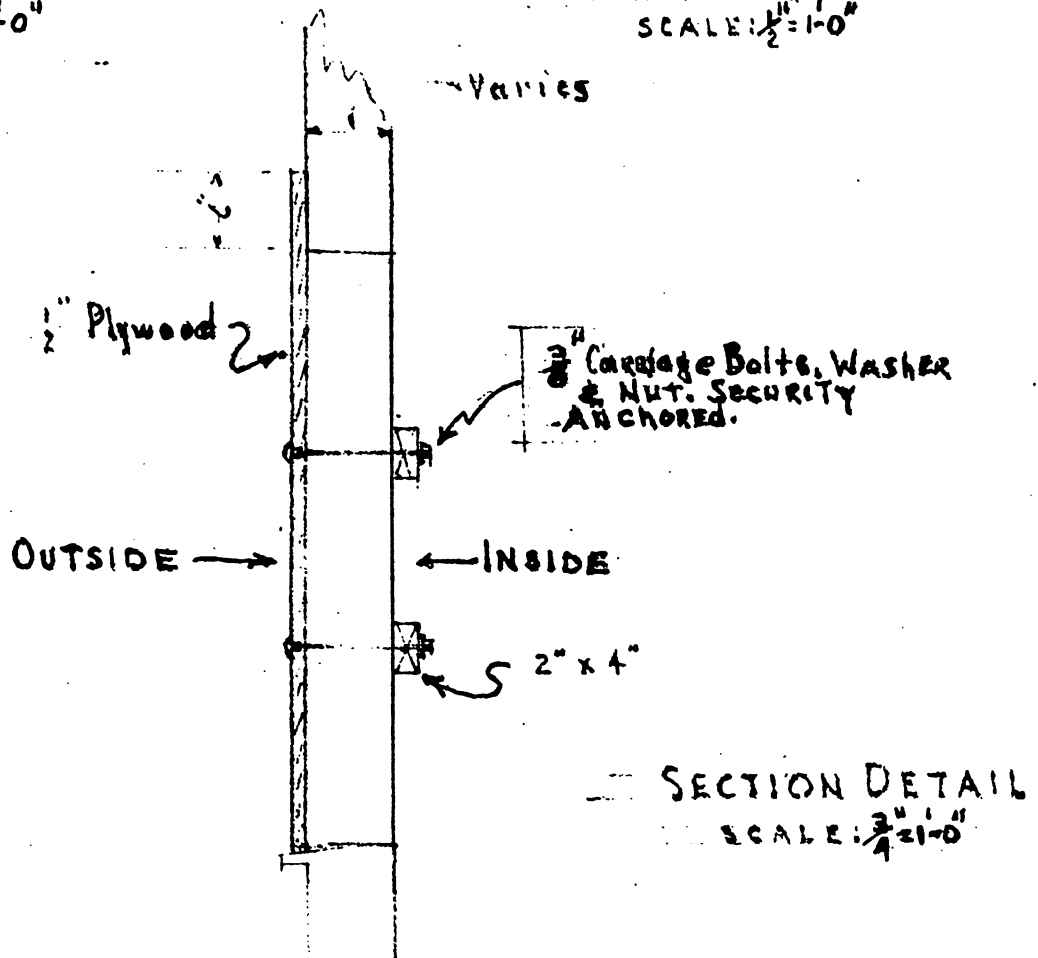
*Nail perimeter 8" o.c. with 8d styrated common nail or equivalent. This to be done on lower levels only.
(cellar, first floor, and areas easily reached from the ground)



ELEVATION OUTSIDE
SCALE: $\frac{1}{2}'' = 1'-0''$



ELEVATION INSIDE
SCALE: $\frac{1}{2}'' = 1'-0''$



SECTION DETAIL
SCALE: $\frac{3}{4}'' = 1'-0''$

780 CMR: STATE BUILDING CODE COMMISSION

4. if his last and usual place of abode is unknown, by posting a copy of this order or notice in a conspicuous place on or about the premises in violation and by publishing it for at least three (3) out of five (5) consecutive days in one (1) or more newspapers of general circulation wherein the building or premises affected is situated.

✓ 121.3 Prosecution of violation: If the notice of violation is not complied with within the time period specified in the notice, unless otherwise provided in this code, the building official may institute the appropriate proceedings at law or in equity in a court of competent jurisdiction to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

✓ 121.4 Violation penalties: Anyone who shall violate a provision of this code shall be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than one year, or both, for each violation. Each day during which any portion of a violation continues shall constitute a separate offense.

✓ 121.5 Abatement of violation: The imposition of the penalties herein prescribed shall not preclude the building official from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct, business or use of a building or structure in or about any premises.

SECTION 122.0 STOP-WORK ORDER

122.1 Notice to owner: Upon notice from the building official that any work is being prosecuted contrary to the provisions of this code or in an unsafe or dangerous manner, such work shall be immediately stopped. The stop-work order shall be in writing and shall be served on the owner or on the person doing the work, and shall state the conditions under which work may be resumed; provided, however, that in instances where immediate action is deemed necessary for public safety or in the public interest, the building official may require that work be stopped upon verbal order, provided that said verbal order be confirmed in writing within forty-eight (48) hours.

122.1.1 Posting: A stop-work notice shall be posted in a conspicuous place on the job site and can only be removed by the building official.

122.2 Unlawful continuance: Anyone who shall continue any work in or about the job site after having been served with a



CITY OF CAMBRIDGE

INSPECTIONAL SERVICES DEPARTMENT 831 MASS. AVE.
CAMBRIDGE, MASSACHUSETTS 02139 (617) 499-6100

JOSEPH J. CELLUCCI
COMMISSIONER OF BUILDINGS
AND HOUSING

October 26, 1990

Mr. Sunwich Kongrengkit
61 Cedar Street
Cambridge, MA 02140

Re: 63-63R Cedar Street
Cambridge, MA

Dear Mr. Kongrengkit:

Upon inspection of complaint of the above-listed property which is owned or controlled by you the following violations were found:

Both of the referenced buildings were not secured in a proper manner.

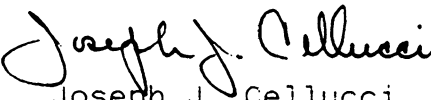
On October 17, 1990, you accepted a certified letter which cited you for the aforementioned violations and were ordered to remedy the violations immediately.

On October 19, 1990, a reinspection was conducted and the inspector reported that no action to remedy this complaint has been taken.

In order to insure the well being and safety of the general public, you will be allowed seven days upon receipt of this notice to remedy the cited violations. You are ordered to also secure all windows and exterior doors on both buildings pursuant to the enclosed detail sheet.

Failure to do so, as ordered, will result in Court action pursuant to Article I, Section 121.3 of the Massachusetts State Building Code.

Sincerely yours,


Joseph J. Cellucci
Commissioner

JJC:mp

cc: Robert W. Healy, City Manager

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CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

TEL. 498-9011

FAX. 868-8159

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

December 10, 1990

To The Honorable, The City Council:

In response to Awaiting Report Item No. 64, regarding the property at 63-65 Cedar Street, please find enclosed a report from Terrance Morris, Executive Director of Rent Control, as well as a letter from Joseph Cellucci, Commissioner of Inspectional Services to the owner of the referenced properties.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert W. Healy", is written over a horizontal line.

Robert W. Healy
City Manager

RWH/mev
attachment

Agenda # 15 S-1232

Awaiting Report Item # 64 regarding
the property at 63-65 Cedar Street.

In City Council,

December 10, 1990

Referred to the
Housing & Community
Development Committee
Copy sent to Housing &
Community Dev Comm.
12/14/90 (ew)