

GOALS OF COMPROMISE PLAN:

1. To the greatest degree possible allow for an orderly transition and permit children to finish the school year in their schools.
2. To provide the benefits of rent and limited eviction protections solely for tenants most in need for the next several years.
3. To remove the special owner occupancy restrictions on ordinances on condominiums.
4. To recognize the differences based on size between larger properties (7+ units) and small properties (1-6 units).
5. To streamline procedures for tenants and owners for all properties subject to controls over the next several years.

PROVISIONS OF THE COMPROMISE PLAN

Definitions

"Income Eligible" as it applies to Specially Protected Tenants and Protected Tenants shall mean those with incomes at 90% or less of the HUD median income which is \$31,455 for a 1 person household, \$35,910 for a 2 person household, \$40,410 for a 3 person household, \$44,910 for a 4 person household, and \$48,510 for a 5 person household.

"Protected Tenants" shall mean (1) all Income Eligible tenants, or (2) those 62 years of age or older, or (3) physically handicapped tenants.

"Specially Protected Tenants" shall mean (1) Income Eligible families with a child age 19 or under; or (2) Income Eligible elderly 62 years of age or older.

1. One, Two, and Three Unit Buildings

* one, two, and three unit buildings decontrolled on 1-1-95.

2. Four, Five, and Six Unit Buildings

* all units in 4, 5, and 6 unit buildings decontrolled on 3-31-95, except that units occupied by Specially Protected Tenants shall be protected for five years or until vacancy.

3. Buildings of Seven Units or More

* all units decontrolled on 7-31-95, except that units occupied by Protected Tenants shall be protected for five years or until vacancy.

4. Ordinanced Condos

* currently ordinanced condos can be owner occupied on 1-1-95 or thereafter.

* all non-owner occupied condos decontrolled on 1-1-95, except that units occupied by Specially Protected Tenants shall be protected for five years or until owner occupancy or vacancy.

5. Rent and Eviction Procedures

* rent increases for protected tenants allowed at 5% or CPI annually, but may exceed 5% or CPI if allowed by Board.

* protected tenants can be evicted for non-payment of rent and for other just cause, non-payment cases tried by courts not the Rent Equity Board.



City of Cambridge

1.

IN CITY COUNCIL

November 20, 1994

MAYOR REEVES
VICE MAYOR RUSSELL
COUNCILLOR BORN
COUNCILLOR DUEHAY
COUNCILLOR SULLIVAN
COUNCILLOR TOOMEY

ORDERED: That the City Council petitions the legislature to enact the attached Home Rule Petition entitled "An Act Enabling the City of Cambridge to Provide an Orderly Transition from Rent Control"; and be it further

ORDERED: That the legislature may make reasonable technical amendments which do not vary the substance of the petition.

In City Council November 20, 1994.
Adopted by a yeas and nays vote:
Yeas 6; Nays 1; Absent 0; Present 1.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk

To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts
in General Court assembled.

The undersigned, citizens of Cambridge....., respectfully
petition for the passage of the accompanying bill or resolve, and/or for legislation enabling the City of
Cambridge to provide an orderly transition from rent control.

Petitioners are requested to sign names and addresses legibly.

Kenneth E. Reeves
Kathleen S. Born
Michael A. Green
Shula T. Russell
W. B. Aubrey
Timothy J. Torrey Jr.

11 Everett St., Camb.
02138
3 Walnut Ave. Camb. 02140
28 Putnam Ave., Cambridge, 02139
5 Hawthorn Park Camb.
02138
26 Lowell St. Cambridge
88 Sixth St. Cambridge



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY- FOUR

AN ACT

AN ACT ENABLING THE CITY OF CAMBRIDGE TO PROVIDE AN
ORDERLY TRANSITION FROM RENT CONTROL

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

SECTION I. Declaration of Emergency.

The General Court finds and declares that a serious public emergency exists with respect to the housing of low and moderate income families, the elderly, and the disabled in the City of Cambridge. This emergency has been created by insufficient new rental housing construction affordable to low and moderate income persons and families, increased costs of construction and finance, lack of sufficient vacant land for the construction of new rental housing, the gap between housing costs and income for low and moderate income persons and families, long waiting lists for public and subsidized housing, and the displacement of low and moderate income persons and families, as well as elderly persons, from their homes. This emergency has resulted in a substantial and increasing shortage of decent rental housing accommodations. The General

Court further finds that the effect of Chapter 400, and the sudden elimination of all existing local rent and eviction regulation will produce serious threats to the public health, safety and general welfare of the citizens of Cambridge and particularly to low and moderate income persons and families, disabled persons, and the elderly. This act shall apply notwithstanding any general or special law to the contrary, including Chapter 400 of the General Laws.

SECTION 2. Effective Date.

This act shall take effect in the City of Cambridge on January 1, 1995. Passage of this act shall be deemed to constitute the initial acceptance of this act by the City of Cambridge. Once this act has been accepted, it may be repealed, revoked, or otherwise nullified by a majority vote of the Cambridge City Council, or by a ballot measure submitted to the registered voters of the City of Cambridge in accordance with the procedures of Sections 37 through 40 of Chapter 43 of the General Laws. If this act is repealed, revoked, or otherwise nullified, the provisions of this act shall be treated as still remaining in force for the purpose of sustaining any proper suit, action or prosecution with respect to any right, liability or offense arising under the provisions of this act. If repealed, revoked, or otherwise nullified, it may be re-accepted in one of the following ways:

- (a) by a majority vote of the members of the Cambridge City Council, or
- (b) by initiative petition and vote pursuant to the procedures of Sections 37 through 40 of Chapter 43 of the General Laws.

SECTION 3. Definitions.

When used in this act, unless the context otherwise requires, the following words or phrases shall have the following meanings:

- (a) "Board" means the Rent Equity Board described in Section 4 of this act.
- (b) "Consumer Price Index (CPI)" shall mean the consumer price index for all urban consumers in the Boston SMSA as published by the United States Department of Labor Bureau of Labor Statistics.
- (c) "Controlled rental units" shall mean any unit which was a controlled rental unit under Chapter 36 of the Acts of 1976 on November 8, 1994, or a Subsidized Rental Unit provided that such a unit shall be deemed a Controlled Rental Unit only after such time as the tenant loses the subsidy.
- (d) "Covered Rental Unit" shall mean any Controlled Rental Unit which:

- (1) until March 31, 1995 is a unit occupied by a tenant in a four to six unit building; or
 - (2) is a unit occupied by a Specially Protected Tenant in a four to six unit building; or
 - (3) until July 31, 1995, is a unit occupied by a tenant in a building of seven (7) or more units; or
 - (4) is a unit occupied by a Protected Tenant in a building of seven (7) or more units; or
 - (5) is a unit that is a condominium unit occupied by a Specially Protected Tenant.
- (e) "Income Eligible" shall mean those persons whose income is 90% or less of the median income for the Boston SMSA as set forth in or determined based upon regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of 1937 as amended, and calculated pursuant to said regulations;
- (f) "Ordinanced Condominium" shall mean a Controlled Rental Unit which is a condominium unit for which a unit deed was recorded on or before November 8, 1994 and for which no certificate of exemption had been issued on or before November 8, 1994 and for which no certificate of exemption could have been obtained as of right on or before November 8, 1994.
- (g) "Protected Tenant" shall mean a person who:
- (1) had protection as a tenant in a Controlled Rental

Unit on November 8, 1994 pursuant Chapter 36 of the Acts of 1976 as amended, and

- (i) is an Income Eligible person or group of persons residing in the same unit; or
- (ii) is an elderly tenant who is at least 62 years of age; or
- (iii) is a disabled tenant who is physically handicapped as defined in M.G.L. c. 22, Section 13A.

(h) "Specially Protected Tenant" shall mean a person who:

(1) had protection as a tenant in a Controlled Rental Unit on November 8, 1994 pursuant Chapter 36 of the Acts of 1976 as amended, and

- (i) is an Income Eligible family with a child age 19 or under; or
- (ii) is an Income Eligible elderly tenant who is at least 62 years of age;

(i) "Subsidized Rental Unit" shall mean a unit that was exempt under Chapter 36 of the Acts of 1976 solely because it was occupied by a tenant receiving a federal or state rental subsidy.

(j) "Voluntary vacancy" shall mean a vacancy created when a tenant permanently and of his or her own free will, unconstrained by interference by the landlord, leaves a unit. A vacancy shall not be deemed voluntary when a tenant leaves as a result of the landlord engaging in any

of the following conduct:

- (1) harassment, coercion or forcible conduct;
- (2) unreasonable interruption of heat, utilities or other essential housing services;
- (3) locking the protected tenant out of the unit;
- (4) failure to correct code violations materially impairing the health or safety of the tenant within a reasonable time after the notice;
- (5) knowingly demanding rent in excess of the maximum rent;
- (6) failure to perform ordinary and necessary repairs or maintenance within a reasonable time after notice of the need therefor;
- (7) fraud or knowing misrepresentation;
- (8) failure to provide services;
- (9) failure to maintain the unit in a habitable condition or to give the tenant quiet enjoyment of the unit.

SECTION 4. Rent Equity Board

This act shall be administered by a Rent Equity Board consisting of three members and two alternates. The City Manager shall appoint the members of the Rent Equity Board. The term of each member of the Board shall be one year, and any vacancy on the Board shall be filled within sixty days of notice to the City

Manager of said vacancy. The Board shall be responsible for carrying out the provisions of this act. The City Manager shall appoint such personnel as needed. The Board shall promulgate such policies, rules and regulations as will further the provisions of this act and shall recommend to the City Council for adoption such ordinances as may be necessary to effectuate the purposes of this act. The City Council shall hereby have authority for the adoption of all such ordinances, provided however, that a two-thirds vote of the City Council shall be required for said ordinances to become effective. The Rent Equity Board shall assume possession of all records, documents and other materials in possession of the board established and operated under Chapter 842 of the Acts of 1970, or Chapter 36 of the Acts of 1976, or any special or general laws regulating rents and evictions enacted subsequent to Chapter 842 of the Acts of 1970 or Chapter 36 of the Acts of 1976.

SECTION 5. Transition

For all Covered Rental Units, rents shall be set at the legal maximum controlled rents established for each unit and in effect on November 8, 1994.

SECTION 6. Decontrol

- (a) Any Covered Rental Unit in a building of 4 to 6 units that is not occupied by a Specially Protected Tenant

shall be decontrolled on March 31, 1995 or sooner if the tenant voluntarily vacates or is lawfully evicted.

- (b) Any Covered Rental Unit in a building of 4 to 6 units that is occupied by a Specially Protected Tenant shall be decontrolled if the tenant voluntarily vacates, is lawfully evicted or in accordance with the sunset provision in Section 12 of this Act.
- (c) Any Covered Rental Unit in a building of 7 or more units that is not occupied by a Protected Tenant shall be decontrolled on July 31, 1995 or sooner if the tenant voluntarily vacates or is lawfully evicted.
- (d) Any Covered Rental Unit in a building of 7 or more units that is occupied by a Protected Tenant shall be decontrolled if the tenant voluntarily vacates, is lawfully evicted or in accordance with the sunset provision in Section 12 of this Act.
- (e) Any Covered Rental Unit that is a condominium unit that is not occupied by a Specially Protected Tenant shall be decontrolled on January 1, 1995.
- (f) Any Covered Rental Unit that is a condominium unit that is occupied by a Specially Protected Tenant shall be decontrolled if the tenant voluntarily vacates, is lawfully evicted or in accordance with the sunset provision of Section 12 of this act. Nothing in this Act shall prevent an owner of an Ordinance Condominium Unit from evicting any tenant, including a Specially Protected

Tenant for owner occupancy.

- (g) Any Controlled Rental Unit in a building of one to three units shall be decontrolled on January 1, 1995.

SECTION 7. Rent for Covered Rental Units

- (a) Within 60 days of the establishment of a Rent Equity Board, and in no event longer than 90 days after enactment of this law, a minimum rent shall be set for all units that will be Covered Rental Units after July 31, 1995, the criteria to be set by the Rent Equity Board.
- (b) Beginning on April 1, 1995 rents for any Covered Rental Unit may be increased by 5% or the percentage increase in the CPI for the preceding twelve months whichever is greater, subject to all statutory notices. Notwithstanding this provision, said per annum increase may exceed 5% or the CPI, provided however, if the tenant is aggrieved by said increase, the tenant may seek redress before the Rent Equity Board. The tenant shall be required to pay only the increase that does not exceed 5% or the CPI until such time as the Board rules on the tenant's petition, provided however that the increase shall be deemed approved if the Board has not ruled on the petition within 60 days. The Rent Equity Board shall

establish criteria by regulation for determining the appropriateness for said increases. The criteria for said increases shall include but not be limited to:

- (1) the determination of whether the said new rent shall exceed 30% of the tenant's gross income;
- (2) the condition of the unit;
- (3) rents charged for similar units;
- (4) increases or decreases in property taxes;
- (5) capital improvements of the housing unit as distinguished from ordinary repair, replacement and maintenance;
- (6) unavoidable increases or any decreases in operating and maintenance expenses;
- (7) increases or decreases in living space, services, furniture, furnishings, or equipment;
- (8) failure to perform ordinary repair, replacement, and maintenance.

SECTION 8. Evictions

(a) No person shall bring any action to recover possession of a Covered Rental Unit, unless:

- (1) the tenant has failed to pay the rent to which the landlord is entitled;

- (2) the tenant has violated an obligation or covenant of his tenancy not inconsistent with Chapter 93A of the General Laws, or this act, or the regulations issued pursuant thereto, other than the obligation to surrender possession upon proper notice; and the tenant has failed to cure such violation after having received written notice thereof from the landlord;
- (3) the tenant is committing or permitting to exist a nuisance in or is causing substantial damage to the Covered Rental Unit, or is creating a substantial interference with the comfort, safety, or enjoyment of the landlord or other occupants of the same or any adjacent accommodations;
- (4) the tenant is convicted of using or permitting a Covered Rental Unit to be used for any illegal purpose;
- (5) the tenant, who had a written lease or rental agreement which terminated on or after this act has taken effect has refused, after written request or demand by the landlord, to execute a written extension or renewal thereof for a further term of like duration and in such terms that are not

inconsistent with or violative of any provision of Chapter 93A of the General Laws, or of this act or the regulations issued pursuant thereto;

- (6) the tenant has refused the landlord reasonable access to the unit for the purpose of making necessary repairs or improvements required by the laws of the Commonwealth or any political subdivision thereof, or for the purpose of inspection as permitted or required by the lease or by law, or for the purpose of showing the rental unit to any prospective purchaser or mortgagee;
- (7) the person holding at the end of a lease term is a subtenant not approved by the landlord;
- (8) the landlord seeks to recover possession in good faith for his or her use and occupancy for the following Covered Rental Units:
 - (i) a unit in a four to six unit building;
 - (ii) a condominium unit.
- (9) the landlord seeks to recover possession in good faith of a unit which is a Covered Rental Unit not occupied by a Protected Tenant or a Specially Protected Tenant for use and occupancy by his

children, grandchildren, great-grandchildren, parents, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law;

(10) the landlord seeks to recover possession for any other just cause, provided that his purpose is not in conflict with the provisions and purpose of Chapter 93A of the General Laws, or this act, or the regulations issued pursuant thereto.

(b) A landlord seeking to recover possession of a Covered Rental Unit shall apply to the Board for a certificate of eviction. Where the sole basis for an eviction is non-payment of rent, the owner shall file a sworn affidavit alleging that such non-payment has occurred. The board within thirty (30) days shall either resolve the matter to the satisfaction of the tenant and owner or shall grant the certificate of eviction administratively. Any tenant defenses to said eviction may be raised by the tenant in court and shall not be deemed to be waived as a result of the administrative issuance of a certificate of eviction.

(c) A landlord seeking to recover possession of a Covered Rental Unit for any cause other than non-payment shall apply to the Board for a certificate of eviction. Upon

receipt of such an application, the board shall send a copy of the application to the tenant of the Covered Rental Unit, together with a notification of all rights and procedures available under this section. If the board finds that the facts attested to in the landlord's petition are valid and in compliance with Section 8(a) of this act, the certificate of eviction shall be issued.

- (d) The provisions of this section shall be construed as additional restrictions on the right to recover possession of a Covered Rental Unit. No provision of this section shall entitle any person to recover possession of such a unit.

SECTION 9. Judicial Review

- (a) Any person who is aggrieved by any action, regulation or order of the board may file a complaint for judicial review against the board either in the Cambridge Division of the District Court Department or the Superior Court Department for Middlesex County. If the complaint is filed in the Cambridge Division of the District Court Department, said court shall be authorized to take such action with respect thereto as is provided in the case of the Superior Court under the provisions of Chapter 231A of the General Laws, except that section 3 of said

Chapter 231A shall not apply. Judicial review of adjudicatory decisions shall be conducted in accordance with section 14 of Chapter 30A of the General Laws. Judicial review of regulations shall be in accordance with section 7 of said Chapter 30A.

- (b) The Cambridge Division of the District Court Department and the Superior Court Department for Middlesex County shall have concurrent original jurisdiction over actions arising out of the provisions of section 10. Notwithstanding any other provision of law relating to appeals, appeal from the judgment of whichever court enters the judgment, under the provisions of either section 9 or Section 10, shall be to the Appeals Court.

SECTION 10. Civil Remedies

- (a) If any person demands, accepts, receives, or retains payment of rent in excess of the maximum lawful rent or otherwise violates any provision of this law or any regulation promulgated hereunder, shall be liable as hereinafter provided to any person or persons actually damaged by said violation:

- (1) In the case of any overcharge, damages shall be liquidated in the amount of one hundred dollars

(\$100) or not more than triple the payment or payments demanded, accepted, received, or retained in excess of the maximum rent that could lawfully have been demanded, accepted, received, or retained, whichever is greater. Provided however, if the defendant proves that the violation was not willful, the amount of said liquidated damages shall be the amount of the overcharge.

(2) Actions to recover liquidated damages under the provisions of this section shall not be brought later than one year after the date of said violation. A single action for damages under the provisions of this section may include all violations of the provisions of this act committed by the same person against the same person.

(b) The board may elect to enforce the provisions of this act or any rule or regulation promulgated hereunder either in a civil action for damages or declaratory or injunctive relief.

SECTION 11. Severability

If any provision of this act or the application of such provision to any person or circumstance shall be held invalid, the

validity of the remainder of this act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

SECTION 12. Sunset

The provisions of this act shall cease to be effective on December 31, 1999.

GOALS OF COMPROMISE PLAN:

1. To the greatest degree possible allow for an orderly transition and permit children to finish the school year in their schools.
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3. To remove the special owner occupancy restrictions on ordinated condominiums.
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VICE MAYOR RUSSELL
COUNCILLOR BORN
COUNCILLOR DUEHAY
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- (d) "Covered Rental Unit" shall mean any Controlled Rental Unit which:

- (1) until March 31, 1995 is a unit occupied by a tenant in a four to six unit building; or
 - (2) is a unit occupied by a Specially Protected Tenant in a four to six unit building; or
 - (3) until July 31, 1995, is a unit occupied by a tenant in a building of seven (7) or more units; or
 - (4) is a unit occupied by a Protected Tenant in a building of seven (7) or more units; or
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- (ii) is an elderly tenant who is at least 62 years of age; or
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of the following conduct:

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SECTION 6. Decontrol

- (a) Any Covered Rental Unit in a building of 4 to 6 units that is not occupied by a Specially Protected Tenant

shall be decontrolled on March 31, 1995 or sooner if the tenant voluntarily vacates or is lawfully evicted.

- (b) Any Covered Rental Unit in a building of 4 to 6 units that is occupied by a Specially Protected Tenant shall be decontrolled if the tenant voluntarily vacates, is lawfully evicted or in accordance with the sunset provision in Section 12 of this Act.
- (c) Any Covered Rental Unit in a building of 7 or more units that is not occupied by a Protected Tenant shall be decontrolled on July 31, 1995 or sooner if the tenant voluntarily vacates or is lawfully evicted.
- (d) Any Covered Rental Unit in a building of 7 or more units that is occupied by a Protected Tenant shall be decontrolled if the tenant voluntarily vacates, is lawfully evicted or in accordance with the sunset provision in Section 12 of this Act.
- (e) Any Covered Rental Unit that is a condominium unit that is not occupied by a Specially Protected Tenant shall be decontrolled on January 1, 1995.
- (f) Any Covered Rental Unit that is a condominium unit that is occupied by a Specially Protected Tenant shall be decontrolled if the tenant voluntarily vacates, is lawfully evicted or in accordance with the sunset provision of Section 12 of this act. Nothing in this Act shall prevent an owner of an Ordinance Condominium Unit from evicting any tenant, including a Specially Protected

Tenant for owner occupancy.

- (g) Any Controlled Rental Unit in a building of one to three units shall be decontrolled on January 1, 1995.

SECTION 7. Rent for Covered Rental Units

- (a) Within 60 days of the establishment of a Rent Equity Board, and in no event longer than 90 days after enactment of this law, a minimum rent shall be set for all units that will be Covered Rental Units after July 31, 1995, the criteria to be set by the Rent Equity Board.
- (b) Beginning on April 1, 1995 rents for any Covered Rental Unit may be increased by 5% or the percentage increase in the CPI for the preceding twelve months whichever is greater, subject to all statutory notices. Notwithstanding this provision, said per annum increase may exceed 5% or the CPI, provided however, if the tenant is aggrieved by said increase, the tenant may seek redress before the Rent Equity Board. The tenant shall be required to pay only the increase that does not exceed 5% or the CPI until such time as the Board rules on the tenant's petition, provided however that the increase shall be deemed approved if the Board has not ruled on the petition within 60 days. The Rent Equity Board shall

establish criteria by regulation for determining the appropriateness for said increases. The criteria for said increases shall include but not be limited to:

- (1) the determination of whether the said new rent shall exceed 30% of the tenant's gross income;
- (2) the condition of the unit;
- (3) rents charged for similar units;
- (4) increases or decreases in property taxes;
- (5) capital improvements of the housing unit as distinguished from ordinary repair, replacement and maintenance;
- (6) unavoidable increases or any decreases in operating and maintenance expenses;
- (7) increases or decreases in living space, services, furniture, furnishings, or equipment;
- (8) failure to perform ordinary repair, replacement, and maintenance.

SECTION 8. Evictions

(a) No person shall bring any action to recover possession of a Covered Rental Unit, unless:

- (1) the tenant has failed to pay the rent to which the landlord is entitled;

- (2) the tenant has violated an obligation or covenant of his tenancy not inconsistent with Chapter 93A of the General Laws, or this act, or the regulations issued pursuant thereto, other than the obligation to surrender possession upon proper notice; and the tenant has failed to cure such violation after having received written notice thereof from the landlord;
- (3) the tenant is committing or permitting to exist a nuisance in or is causing substantial damage to the Covered Rental Unit, or is creating a substantial interference with the comfort, safety, or enjoyment of the landlord or other occupants of the same or any adjacent accommodations;
- (4) the tenant is convicted of using or permitting a Covered Rental Unit to be used for any illegal purpose;
- (5) the tenant, who had a written lease or rental agreement which terminated on or after this act has taken effect has refused, after written request or demand by the landlord, to execute a written extension or renewal thereof for a further term of like duration and in such terms that are not

inconsistent with or violative of any provision of Chapter 93A of the General Laws, or of this act or the regulations issued pursuant thereto;

- (6) the tenant has refused the landlord reasonable access to the unit for the purpose of making necessary repairs or improvements required by the laws of the Commonwealth or any political subdivision thereof, or for the purpose of inspection as permitted or required by the lease or by law, or for the purpose of showing the rental unit to any prospective purchaser or mortgagee;
- (7) the person holding at the end of a lease term is a subtenant not approved by the landlord;
- (8) the landlord seeks to recover possession in good faith for his or her use and occupancy for the following Covered Rental Units:
 - (i) a unit in a four to six unit building;
 - (ii) a condominium unit.
- (9) the landlord seeks to recover possession in good faith of a unit which is a Covered Rental Unit not occupied by a Protected Tenant or a Specially Protected Tenant for use and occupancy by his

children, grandchildren, great-grandchildren, parents, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law;

(10) the landlord seeks to recover possession for any other just cause, provided that his purpose is not in conflict with the provisions and purpose of Chapter 93A of the General Laws, or this act, or the regulations issued pursuant thereto.

(b) A landlord seeking to recover possession of a Covered Rental Unit shall apply to the Board for a certificate of eviction. Where the sole basis for an eviction is non-payment of rent, the owner shall file a sworn affidavit alleging that such non-payment has occurred. The board within thirty (30) days shall either resolve the matter to the satisfaction of the tenant and owner or shall grant the certificate of eviction administratively. Any tenant defenses to said eviction may be raised by the tenant in court and shall not be deemed to be waived as a result of the administrative issuance of a certificate of eviction.

(c) A landlord seeking to recover possession of a Covered Rental Unit for any cause other than non-payment shall apply to the Board for a certificate of eviction. Upon

receipt of such an application, the board shall send a copy of the application to the tenant of the Covered Rental Unit, together with a notification of all rights and procedures available under this section. If the board finds that the facts attested to in the landlord's petition are valid and in compliance with Section 8(a) of this act, the certificate of eviction shall be issued.

- (d) The provisions of this section shall be construed as additional restrictions on the right to recover possession of a Covered Rental Unit. No provision of this section shall entitle any person to recover possession of such a unit.

SECTION 9. Judicial Review

- (a) Any person who is aggrieved by any action, regulation or order of the board may file a complaint for judicial review against the board either in the Cambridge Division of the District Court Department or the Superior Court Department for Middlesex County. If the complaint is filed in the Cambridge Division of the District Court Department, said court shall be authorized to take such action with respect thereto as is provided in the case of the Superior Court under the provisions of Chapter 231A of the General Laws, except that section 3 of said

Chapter 231A shall not apply. Judicial review of adjudicatory decisions shall be conducted in accordance with section 14 of Chapter 30A of the General Laws. Judicial review of regulations shall be in accordance with section 7 of said Chapter 30A.

- (b) The Cambridge Division of the District Court Department and the Superior Court Department for Middlesex County shall have concurrent original jurisdiction over actions arising out of the provisions of section 10. Notwithstanding any other provision of law relating to appeals, appeal from the judgment of whichever court enters the judgment, under the provisions of either section 9 or Section 10, shall be to the Appeals Court.

SECTION 10. Civil Remedies

- (a) If any person demands, accepts, receives, or retains payment of rent in excess of the maximum lawful rent or otherwise violates any provision of this law or any regulation promulgated hereunder, shall be liable as hereinafter provided to any person or persons actually damaged by said violation:

- (1) In the case of any overcharge, damages shall be liquidated in the amount of one hundred dollars

(\$100) or not more than triple the payment or payments demanded, accepted, received, or retained in excess of the maximum rent that could lawfully have been demanded, accepted, received, or retained, whichever is greater. Provided however, if the defendant proves that the violation was not willful, the amount of said liquidated damages shall be the amount of the overcharge.

(2) Actions to recover liquidated damages under the provisions of this section shall not be brought later than one year after the date of said violation. A single action for damages under the provisions of this section may include all violations of the provisions of this act committed by the same person against the same person.

(b) The board may elect to enforce the provisions of this act or any rule or regulation promulgated hereunder either in a civil action for damages or declaratory or injunctive relief.

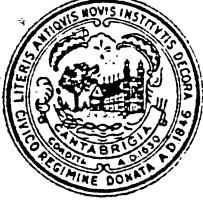
SECTION 11. Severability

If any provision of this act or the application of such provision to any person or circumstance shall be held invalid, the

validity of the remainder of this act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

SECTION 12. Sunset

The provisions of this act shall cease to be effective on December 31, 1999.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Four

AN ORDINANCE

In amendment to the Municipal Code of the City of Cambridge.

Be it ordained by the City Council of the City of Cambridge as follows:

Whereas, Cambridge has the authority pursuant to section 3 of Chapter 52 of the Acts of 1990 to regulate conversion of controlled rental units to condominiums and cooperatives and to regulate advertising, offering for sale or selling a unit as a condominium or cooperative unit, by requiring that a removal permit be obtained prior to the conversion,

Whereas, the passage, effective January 1, 1995, of Chapter 400 of the Acts of 1994 would repeal the authority granted to Cambridge by said Chapter 52, but would make Cambridge subject to Chapter 527 of the Acts of 1983 from which it is now exempt due to the operation of its rent control system,

Whereas, Chapter 527 of the Acts of 1983, which provides protections to tenants in the event of condominium or cooperative conversion, does not apply to condominium master deeds or cooperative articles of incorporation filed before said law becomes effective in a city or town,

Whereas, once controlled rental units are converted to condominiums or cooperatives, it is more likely that the units will be removed from the rental market,

Whereas, during the period from November 20, 1989, when the Supreme Judicial Court invalidated Cambridge's ordinance regulating the sales of individual units, until the enactment of said Chapter 52, effective June 6, 1990, many controlled rental units were converted to condominiums by the filing of master deeds, thereby increasing the risk that

they would be removed from the rental market,

Whereas, in order to avoid the recurrence of the conversions which occurred between November 20, 1989 and June 6, 1990, it is critical temporarily, until c. 527 becomes applicable to the City of Cambridge on January 1, 1995, to regulate the filing of master deeds pursuant to the provisions of Chapter 183A of the General Laws or filing of articles of incorporation pursuant to the provisions of Chapters 156B and 157 of the General Laws ,

Whereas, the deferred operation of this ordinance would tend to defeat its purpose which is, in part, to prevent the loss of controlled rental units, and be thereby detrimental to the health or safety of the people or their property,

THEREFORE, NOW BE IT ORDAINED by the City Council of the City of Cambridge under the authority granted by the terms and provisions of Chapter 52 of the Acts of 1990, that Chapter 8.44 of the Cambridge Municipal Code be amended as follows:

- (1) Existing § 8.44.020 D.6 becomes § 8.44.020 D.7, and
- (2) § 8.44.020 D. 6 shall read:

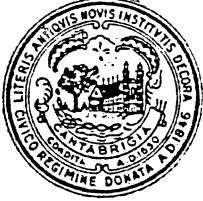
"Prior to January 1, 1995 record a master deed pursuant to the provisions of Chapter One hundred and eighty-three A of the General Laws or file articles of organization pursuant to Chapters One hundred and fifty-six B or One hundred and fifty-seven of the General Laws, or advertising, offering for sale or selling a unit as a condominium or cooperative unit."

In City Council November 21, 1994.

Passed to be ordained by a yea and nay vote:- Yeas 6; Nays 2;
Absent 0.

Robert W. Healy, City Manager.

ATTEST:- D. Margaret Drury, City Clerk.



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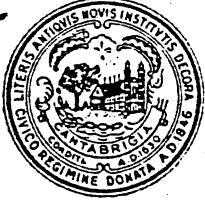
"Prior to January 1, 1995 record a master deed pursuant to the provisions of Chapter One hundred and eighty-three A of the General Laws or file articles of organization pursuant to Chapters One hundred and fifty-six B or One hundred and fifty-seven of the General Laws, or advertising, offering for sale or selling a unit as a condominium or cooperative unit."

In City Council November 21, 1994.

Passed to be ordained by a yea and nay vote:- Yeas 6; Nays 2;
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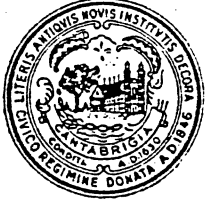
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In City Council November 21, 1994.

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- (2) § 8.44.020 D. 6 shall read:

"Prior to January 1, 1995 record a master deed pursuant to the provisions of Chapter One hundred and eighty-three A of the General Laws or file articles of organization pursuant to Chapters One hundred and fifty-six B or One hundred and fifty-seven of the General Laws, or advertising, offering for sale or selling a unit as a condominium or cooperative unit."

In City Council November 21, 1994.

Passed to be ordained by a yea and nay vote:- Yeas 6; Nays 2;
Absent 0.

Robert W. Healy, City Manager.

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In City Council November 21, 1994.

Passed to be ordained by a yea and nay vote:- Yeas 6; Nays 2;
Absent 0.

Robert W. Healy, City Manager.

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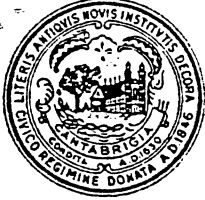
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- (2) § 8.44.020 D. 6 shall read:

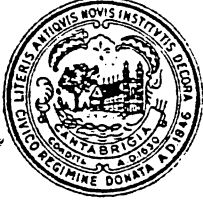
"Prior to January 1, 1995 record a master deed pursuant to the provisions of Chapter One hundred and eighty-three A of the General Laws or file articles of organization pursuant to Chapters One hundred and fifty-six B or One hundred and fifty-seven of the General Laws, or advertising, offering for sale or selling a unit as a condominium or cooperative unit."

In City Council November 21, 1994.

Passed to be ordained by a yea and nay vote:- Yeas 6; Nays 2;
Absent 0.

Robert W. Healy, City Manager.

ATTEST:- D. Margaret Drury, City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Four

AN ORDINANCE

In amendment to the Municipal Code of the City of Cambridge.

Be it ordained by the City Council of the City of Cambridge as follows:

Whereas, Cambridge has the authority pursuant to section 3 of Chapter 52 of the Acts of 1990 to regulate conversion of controlled rental units to condominiums and cooperatives and to regulate advertising, offering for sale or selling a unit as a condominium or cooperative unit, by requiring that a removal permit be obtained prior to the conversion,

Whereas, the passage, effective January 1, 1995, of Chapter 400 of the Acts of 1994 would repeal the authority granted to Cambridge by said Chapter 52, but would make Cambridge subject to Chapter 527 of the Acts of 1983 from which it is now exempt due to the operation of its rent control system,

Whereas, Chapter 527 of the Acts of 1983, which provides protections to tenants in the event of condominium or cooperative conversion, does not apply to condominium master deeds or cooperative articles of incorporation filed before said law becomes effective in a city or town,

Whereas, once controlled rental units are converted to condominiums or cooperatives, it is more likely that the units will be removed from the rental market,

Whereas, during the period from November 20, 1989, when the Supreme Judicial Court invalidated Cambridge's ordinance regulating the sales of individual units, until the enactment of said Chapter 52, effective June 6, 1990, many controlled rental units were converted to condominiums by the filing of master deeds, thereby increasing the risk that

they would be removed from the rental market,

Whereas, in order to avoid the recurrence of the conversions which occurred between November 20, 1989 and June 6, 1990, it is critical temporarily, until c. 527 becomes applicable to the City of Cambridge on January 1, 1995, to regulate the filing of master deeds pursuant to the provisions of Chapter 183A of the General Laws or filing of articles of incorporation pursuant to the provisions of Chapters 156B and 157 of the General Laws ,

Whereas, the deferred operation of this ordinance would tend to defeat its purpose which is, in part, to prevent the loss of controlled rental units, and be thereby detrimental to the health or safety of the people or their property,

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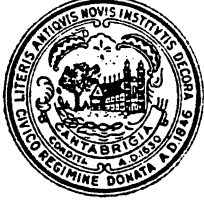
"Prior to January 1, 1995 record a master deed pursuant to the provisions of Chapter One hundred and eighty-three A of the General Laws or file articles of organization pursuant to Chapters One hundred and fifty-six B or One hundred and fifty-seven of the General Laws, or advertising, offering for sale or selling a unit as a condominium or cooperative unit."

In City Council November 21, 1994.

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Absent 0.

Robert W. Healy, City Manager.

ATTEST:- D. Margaret Drury, City Clerk.



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In City Council November 21, 1994.

Passed to be ordained by a yea and nay vote:- Yeas 6; Nays 2;
Absent 0.

Robert W. Healy, City Manager.

ATTEST:- D. Margaret Drury, City Clerk.

City of Cambridge

MASSACHUSETTS

Unfinished Bus. # 32

In City Council

11-21

1994

Emergency Preamble

YEA	NAY	ABSENT	PRESENT	
✓				Ms. Kathleen L. Born
✓				Mr. Francis H. Duehay
✓				Mr. Jonathan S. Myers
	✓			Mrs. Sheila T. Russell
	✓			Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
✓				Mr. William H. Walsh
				Mayor Kenneth E. Reeves

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City of Cambridge

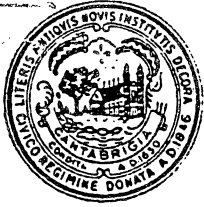
MASSACHUSETTS

In City Council 11-21 1994

#32 Ordain Ordinance Amending Ch 8.44 of the
 Cambridge Municipal Code

YEA	NAY	ABSENT	PRESENT	
✓				Ms. Kathleen L. Born
✓				Mr. Francis H. Duehay
✓				Mr. Jonathan S. Myers
	✓			Mrs. Sheila T. Russell
	✓			Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
				Mr. William H. Walsh
✓				Mayor Kenneth E. Reeves

6 2 0 0



FIRST PUBLICATION NO. 2659.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Four

AN ORDINANCE

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Passed to a second reading at the Special City Council meeting of November 15, 1994 and on or after December 2, 1994.

ATTEST:- D. Margaret Drury
City Clerk

Robert J. La Trémouille
348 Franklin Street
Cambridge, MA 02139
Telephone 617-491-7181
November 11, 1994

TO THE HONORABLE, THE CAMBRIDGE CITY COUNCIL:

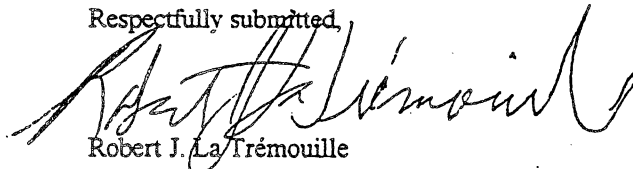
RE: Regulation of Removal of Housing from the Rental Market after Question 9

The following is an implementation of my letter and comments of yesterday. With the following provisions included in any tenant protection proposal to pass the city council, the council could concentrate on more core issues.

Removal of housing from the rental market shall be regulated by chapter 527 of the Acts of 1983, including the local legislative powers therein with the following exceptions:

1. The Rent Control Board of the City of Cambridge shall also administer chapter 527 of the Acts of 1983 as amended, insofar as it is applicable in the City of Cambridge.
2. Except as stated in paragraph 4, below, the term "Rental Units" shall be defined as stated in Section _____, above and "Rental Units" controlled by chapter 527 of the Acts of 1983 in the City of Cambridge shall be the "Controlled Rental Units" as defined in Section _____ above.
3. Penalties for violation shall be the same as stated above in _____.
4. Said local legislation may apply to removal of any Rental Unit in any manner from the Rental Market with respect to Rental Units in existence as of November 8, 1994, whether or not vacant on that date, which were completed before January 1, 1984, and which have not been owner-occupied during the period commencing January 1, 1969 and ending November 8, 1994, inclusive.
5. No sanctions shall apply to persons owner-occupying Controlled Rental Units in the City of Cambridge prior to November 8, 1994.

Respectfully submitted,



Robert J. La Trémouille

Robert J. La Trémouille
348 Franklin Street
Cambridge, MA 02139
Telephone 617-491-7181
November 15, 1994

TO THE HONORABLE, THE CAMBRIDGE CITY COUNCIL:

RE: Regulation of Removal of Housing from the Rental Market after Question 9

This action is taken with great regret, but the key issue is:

What do you do about people who keep lying about the actions of their organizations?

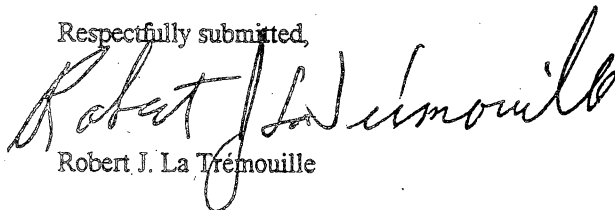
The vote announced last night to the city council as the vote of a large group of tenants on the issue of condo eviction protections simply was not taken in any way, shape or manner.

It was one of a shopping list presented to the meeting on Sunday at the YWCA.. It was deferred to a subsequent meeting on Tuesday. The deferral was over my objections. I demanded action be completed on Sunday.

If the meeting is held, the result is, of course, now a sure thing: "We have already announced the position. It is antitenant to call us liars! How dare you vote against us now!"

The tenant protections against condo evictions which I have repeatedly discussed to the city council over the past six weeks fall into a similar category. The key people lost key votes, lied about the votes, and kept the evictions going. The same people's homes are at stake as a result of this latest lie.

Respectfully submitted,



Robert J. La Trémouille

NOV 15 11 07:56
CITY OF CAMBRIDGE

(3)

Tammy Hill
11 Story Street
Cambridge, MA 02138

RECEIVED
NOV 15 PM 12:07
COMMUNICATIONS

November 15, 1994

Mayor Kenneth Reeves and
Cambridge City Council

I couldn't be at the Cambridge City Council Meeting Monday night because I was in school, but I did tape the portions that I could not watch live. If I were there this is the statement I would have read:

I have never been involved in politics and this is the first year I have ever voiced my opinion by casting a ballot. But I feel that my vote is getting lost in the crisis of the moment. The people of Massachusetts voted out a system that did not work and it pains me to hear the Cambridge City Council and tenants still trying to put it back by going to the legislature with a home rule petition. We should now be concentrating on what we can do to help those that will be most affected on January 1, 1995.

Please, tenants I urge you to stop blaming the landlords for wanting what is rightfully theirs and what they had to ask the people of the state to give back to them. Talk to your landlords as Mayor Reeves urged. See if you can work something out with them that is fair to you both.

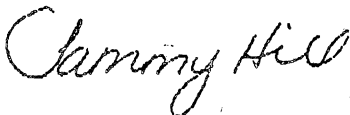
Landlords, thank you for helping us for so long. Thank you for helping Cambridge become the diverse city that it is by providing more than affordable housing for those that needed it. I commend you on your personal struggles through all of this and what many of you have given up for the city.

Mayor Reeves and members of the City Council - please, remember every cry for help you have heard in City Hall. Not only the cries you heard last night at the council meeting from the tenants who are afraid, but the pleas over the past

Mayor Kenneth Reeves and
Cambridge City Council
Page 2

twenty years from the Landlords. The voters of Massachusetts have spoken, please let's listen to them and come up with a solution that will not put the responsibility once again on the landlords. It is not their responsibility any longer, they have provided below market housing for long enough at great cost to them personally and financially. If it is truly your goal to keep Cambridge as diverse and unique as it is now, then take responsibility for the people you wish to keep here. Please come up with a housing policy that will take care of the low to moderate income, physically challenged, and elderly and not concentrate on a home rule petition to reinstate Rent Control. Taking care of those in need should be a city and state issue, not a private citizen responsibility.

Respectfully,



Tammy Hill

4

12 Nov. 1994, 54 Fayette St. Cambridge Ma. 02139

To the City council and editor
Subject: Focus on the "Deserving"

On 10 Nov. 1994 the mayor of Cambridge asked for help in determining how the city should respond to the ending of rent control. Since the 1930's, housing for the "deserving" population has been acknowledged to be a combined Federal, State, and local government responsibility. Accepted federal and state guidelines are well defined and in place. The problem is that the number of subsidies required is less than those available. Political energy must be prioritized and focused on closing this gap. Any other activity such as expansion of the demarcation of who is "deserving" is murky, diversionary and politically inefficient. I offer the following simple, non-controversial, near term 4 step program :

1] Advise all tenants and landlords of their legal rights and options; identify, process, and prioritize the impacted "deserving" population including the identification of landlords and existing housing conditions.


2] Solicit and negotiate a commitment from all Cambridge landlords to meet the reasonable housing requirements of "needs tested" subsidized long term residents.

3] Commit available city resources including new bonds, based on the anticipated real estate tax revenue, to provide an interim emergency rent subsidy for "needs tested" tenants.

4] Petition the state to provide the additional needed housing subsidies for all identified "means tested" residents as soon as is possible; include a request for partial reimbursement to the city for the funds it will have expended to meet this emergency housing problem.

The Governor's position as reported in the 11 Nov 1994 Globe and channel 5 news, suggests that the Boston homerule approach raises false hopes, is doomed, and wasteful of the time and legislative energy it will consume. Let the council, the legislature, and the governor face up to political reality and meet the responsibilities all were elected to perform in a timely and dutiful manner.

Sincerely



Arnold Schutzberg 868-8190

Received at Rostrom
11/15/94

TO ALL TENANTS

We are very concerned that all of the publicity and discussion leading up to rent control referendum has caused many tenants, especially low income families and elderly tenants, to worry that its passage would cause rent increases which are beyond their means and would result in their losing their apartments. We want to assure them that this will not happen.

Although we believe that any subsidization of rents for low income tenants is the responsibility of the city or the state, we want to assure existing tenants that they may continue to live in their current apartments while Cambridge or the Commonwealth have the opportunity to adopt a subsidy program. We pledge the following for at least for the one year period ending December 31, 1995:

1. We will not ask for rent increases (other than those currently filed for at the Rent Board) beyond increases in the cost of living for any existing low income family, or retired tenant over the age of 65, ^{or a person physically handicapped} if the increase would exceed the Federal Housing and Urban Development ("HUD") standard for the amount of household income used for rent.
2. We will not seek evictions of any existing low income family, as defined by HUD, or any existing tenants who are retired and over the age of 65, for any reason other than non-payment or other just cause. Specifically, we will not seek evictions for the purpose of raising rents or selling apartments as condominiums or cooperatives.

During this period we expect the City of Cambridge to develop a subsidy program for low income families and elderly tenants of limited means; such a program has already been proposed in the Cambridge City Council. The subsidy program can be financed out of increases in real estate taxes on apartment buildings previously kept artificially low by rent control, and by saving of the money currently spent by Cambridge on its Rent Control Board. Reliable statistics show that these two sources of income to the city will be more than adequate to pay the entire amount of subsidies needed by virtually all of the low income and elderly tenants who would not be able to afford market rents for their apartments.

Alex M. Steinberg
on behalf of a group
of property owners

11/15/94

K T in my to submit
w/9

- Councillor Sullivan -

Monday
November 14, 1994

To : City Councillors
From : Vincent L. Dixon
Re : Suggested Rent Control Measures

My apologies for the rough nature of this important memo. But we all know that this is an emergency matter, and I believe that my suggestions may help.

- 1.) A part of the measure, and/or a related measure would create a special Blue Ribbon Commission of all living former Cambridge Mayors, and former City Councillors to study the issue for 120 days, with a specific charge:
 - A.) To produce a comprehensive housing policy for Cambridge,
 - B.) To develop a list of ordered priorities of (for all options)
 - Economic programs, to:
 - Create affordable housing
 - Provide property tax credits for
 - Voluntary linkage payments to any affordable housing fund
 - Add bonding authority for home ownership purchase programs
 - C.) Recommend a range, and variety of individual legally binding ballot questions, to be placed on the November 1995 - City of Cambridge Ballot.
 - D.) Develop various means of information sharing on housing issues, needs, and requests, ranging from specific rentals, and construction financing, to public policy discussions, and forums.
- 2.) The items in '1.)' may need to be separated, but constitute a coherent and comprehensive approach. Such a part will go towards both a solution, and showing genuine response to the public, and governmental leaders, including the legislature - the General Court of Massachusetts.

Please feel free to call me at (617) 492-0954; or
(617) 491-1990. Thanks - Vincent

AFFORDABLE HOUSING RENT CONTROL PROGRAM
Home Rule Petition developed from EFZ-called meetings after Nov. 8

At an EFZ-called meeting Nov. 10, about 100 people debated what form a new home rule petition should take. That meeting formed a "small group" which met Nov. 11. About 20 people met and reached consensus on the following proposals. These proposals are designed to:

1. Get a home rule petition through the legislature by speaking to the problems that the public thinks exist in the rent control system.
2. Protect the homes of existing rent control tenants.
3. Protect affordable housing into the future. We want to show that we are concerned not just with our own situations (although that is completely legitimate) but also with preserving a better Cambridge that is open to all kinds of people, not just the rich.

1. Amnesty for illegal owner occupants of rent control condos.

Some buildings were converted to condos on the condition that they had to remain rental units, that the owner couldn't live in them. Over the years, fake trusts were set up to allow owners to illegally occupy these units. Now we are criticized for that fact that "owners can't live in their own condos".

We propose that amnesty be given to illegal owner occupants. We further propose that other owners of orphaned condos be allowed to move into those condos when they become vacant (no owner occupancy eviction would be allowed). In return, these owners should agree that, since they bought these units cheaply because of rent control, they should not to make a killing on resale. They should agree convert them to limited equity condos, to sell them for what they paid plus normal inflation. The limited equity would be a deed restriction. This formula would protect existing tenants, remove the condo problem, and create hundreds of below market home ownership opportunities into the future for moderate income households. New buyers of such limited equity condos would be taken from a city-approved means tested list as is the case with limited equity coops.

This offer goes only to present owners of rent control condos to prevent a current investor owner from selling at a high price now and making a limited equity condo at a high price.

2. Vacancy de-control of owner occupied 4-unit buildings.

Vacancy de-control of 4-unit buildings would cover many small owners. It would include 8% of all rent control units. Since it is "vacancy de-control", existing tenants would be protected. Organizations like ours would monitor the situation to prevent harassment. Landlords would continue to have the right to bring owner occupancy evictions as is presently the case.

3. A means test.

Whatever the City Council puts forward to the legislature will have to speak to the issue of rich people living in rent control. No matter that this is a small proportion of rent control tenants. That small number is well publicized and it has eroded support for rent control among many people.

We propose a means test for rent control units. The landlords already use a means test to make sure new tenants make *enough* money to pay the rent. Their rule of thumb is that rent plus utilities should be no more than 30% of gross income. Our means test proposes that new tenants make below 150% of that figure. In other words, under our proposal, no rent control tenant should make more gross income than 5 times the rent plus utilities. Therefore,

if the rent plus utilities are \$500, the income limit would be \$2500/mo. or \$30,000/yr. gross

\$600	\$3000/mo.	\$36,000/yr.
\$700	\$3500/mo.	\$42,000/yr.
\$800	\$4000/mo.	\$48,000/yr.

This income cap would be altered by adding \$5000/yr. for each dependent. Thus a single mother with two kids could make up to \$46,000/year if her rent plus utilities were \$600.

Tenants making more than this amount would not be prohibited from taking an apartment or be forced to leave. They would be expected to pay 30% of any income above that cap to an affordable housing trust fund of the City of Cambridge. This would be used to assist small owners in making repairs, de-leading, etc. That would in turn benefit tenants by limiting rent increases.

The enforcement mechanism for this means test would be twofold. Each tenant would be required to file an affidavit of income once each year. Since this affidavit would be signed under pains and penalties of perjury, it is likely that precisely those tenants who might be "overincome" would be the same tenants least likely to risk lying on such an affidavit. Therefore, it would be enough. Any tenant who is "overincome" could be evicted unless they agreed to the affordable housing trust fund payments.

4. Minimum rents.

4. Minimum rents.

This was discussed by the small group. No recommendation was made on this issue. There was a feeling that we should express our willingness to address it through discussions with the other side.

Drew Owen Parkin
15 Thingvalla Avenue
Cambridge, MA 02138
(617)876-6173

November 15, 1994

Dear Counselors Russell, Sullivan, and Walsh,

I understand that the City Council is in the process of creating a home rule petition concerning rent control and wish to offer my nickel's worth. I am a 13 year resident of Cambridge who is neither a tenant or a landlord, nor have any direct, personal stake in the outcome. Never-the-less, like all residents of this City I am both affected and concerned regarding the outcome.

Over the past few years I have followed the rent control issue closely as I believe that it is an issue of profound social significance. After careful and hopefully impartial evaluation, I came to the personal conclusion that rent control is extremely bad public policy. I will spare you an explanation of my reasoning. However, I would like to briefly address the home rule petition.

I believe that a home rule petition is a poor idea. The voters demanded an end to rent control, not a re-hash and re-packaging. Further, an end to rent control is clearly in the best interest of the city. As long as we hang on to it - regardless of its form - we will postpone grappling with the long-term housing issue - providing affordable housing to those in need without trampling on the rights of property owners. Perpetuation of any form of rent control will also focus attention away from the other pressing issues that face the City but that have been ignored due to the 20 year rent control dog fight. For these reasons I plan to write Governor Weld to ask that he withstand the pressure to accept a home rule petition.

However, as a realist, I recognize that some form of home rule petition is a possibility and therefore wish to have my opinions considered regarding its content. Points that I have not heard discussed, but that I believe are extremely important, are as follows:

1. Means Testing. By now, everyone except the die-hard me-first crowd agrees that a means test is the only fair way to approach this issue. (If the CCA would have recognized this there would have been no Question 9.) Unfortunately, the word "needy" has not been adequately defined. I am most concerned about what I will term the "needy by choice." As you know, in Cambridge we have many people who have been attracted by rent control and, by virtue of this, have been able to live on the cheap while pursuing endless graduate studies or other hedonistic endeavors. The perfect example is one of the men that the Chronicle paraded out to show the evils of Question 9. By choice this man plays chess in Harvard Square for a dollar a game and would, it was inferred, be out on the streets if Question 9 passed. Does this able-bodied, able-minded man deserve a rent subsidy? I think not. I have to work to support my family and pay my rent. So should he. So should the yoga instructor, the flea market

artist, and all of the other needy by choice residents that have blanketed the editorial pages with pleas to keep rent control. I suggest a very strict interpretation of "needy," which focuses exclusively on the elderly, the disabled, and the otherwise disadvantaged.

2. **Owner Occupancy.** Exemptions for smaller units - be it 3, 4, 5, or 6 - should not be limited to units that are "owner-occupied." While there are numerous horror stories regarding this, I will cite just one. I know a family with young children that recently left Cambridge because of a job transfer. They were not able to sell their two-family for a decent amount and were therefore forced to rent it under rent control. Having bought at the peak of the market they were left eating a net loss of \$2,000 and heading towards bankruptcy while their tenants shop at Bread-and-Circus and drive new cars. These people and others like them should have the right to leave their homes without having to be subjected to some arbitrary owner occupancy regulation.

3. **Sunset Clause.** Talk of sunset provisions is a ruse concocted by rent control advocates to lull the rest of us to sleep. Their real agenda is to keep their finger in the dike until the political climate changes in their favor. Sunset clauses must be iron-clad, with no opportunity to back-pedal. They must also be of short duration. In no case should they go beyond Governor Weld's next term in office. If he is to sign on to some agreement he should have the right to see that it is carried out.

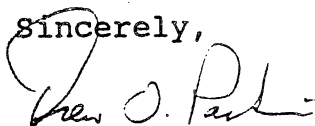
4. **Rent Control Investigations and Fines.** Any home rule petition should rightfully include guarantees that ongoing and planned violation investigations will be terminated. Similarly, as a demonstration of City Council good faith, the City should be required to reimburse all property owners that have been subjected to rent control board mandated fees, fines, or punitive payments to tenants. This should occur prior to the granting of a home rule petition.

5. **Rent Control Board.** As a condition of acceptance of the home rule petition, the rent control board should be dismantled and the staff either dismissed or reassigned. (Scraping and painting neglected rent controlled buildings would be a perfect assignment for displaced rent control board administrators and lawyers!)

Thank you for considering my opinion on this subject. I continue to believe that the wise and honorable course is to scrap rent control and provide direct assistance using the rent control board budget and other means. Short of this, I hope that you will attempt to incorporate the provisions that I have identified in this letter into the impending home rule petition.

Thank you for your efforts regarding this issue.

Sincerely,



Drew O. Parkin

NOV 14 1994

Stephen Anderson
16 Francis Ave
Cambridge, MA 02138

NOV 15 11 2 23
JAN 15 1995
COUNCILOR MICHAEL SULLIVAN
Cambridge City Hall
795 Massachusetts Ave
Cambridge, MA 02139

Dear Councilor Sullivan,

I am writing to urge you and the Council to find a creative solution to the transitional needs of low-income tenants.

I am a tenant and a long-time volunteer for groups that work for the poor (Homeless shelters, soup kitchens, a Cambridge Food Pantry, and a group that paints low-income housing throughout Boston). I voted "yes" on Q9 because I believe it will increase the amount of housing for the poor by removing those abusing the system. I still believe this, but think we should have a program to protect the poor during the transition.

How about a means-tested grandfather clause that subsidizes the poor among the current tenants? Why not say that 30% of income goes to rent, with the city giving a subsidy on top? As the younger tenants age and their income rises, the financial burden to the city would decrease. At the same time, the elderly on fixed incomes would be protected.

I would support any increase in taxes/fees to pay for a means-tested subsidy. In particular, the increased property tax revenue due to Q9 should be earmarked for the poor.

Sincerely,
Steve Anderson

To: City Council

RE: Steinbergh Proposal

Date: November 16, 1994

From: Marianne Donnelly (617) 492-2243

D Please note that this proposal

is too elusive on the issue
of "low income FAMILY."

Is one single person who is

low income eligible with ~~wage~~ ^{income}

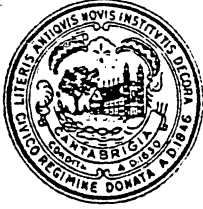
proof of same consideration?

If yes I'd like it spelled out

clearly in binding form. (2) Also

the Dec 31, 1995 deadline is

LESS than fully generous—



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City of Cambridge

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Whereas, the passage, effective January 1, 1995, of Chapter 400 of the Acts of 1994 would repeal the authority granted to Cambridge by said Chapter 52, but would make Cambridge subject to Chapter 527 of the Acts of 1983 from which it is now exempt due to the operation of its rent control system,

Whereas, Chapter 527 of the Acts of 1983, which provides protections to tenants in the event of condominium or cooperative conversion, does not apply to condominium master deeds or cooperative articles of incorporation filed before said law becomes effective in a city or town,

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Whereas, the deferred operation of this ordinance would tend to defeat its purpose which is, in part, to prevent the loss of controlled rental units, and be thereby detrimental to the health or safety of the people or their property,

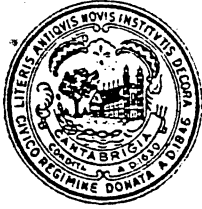
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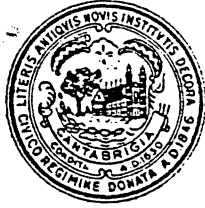
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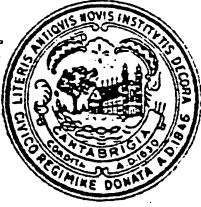
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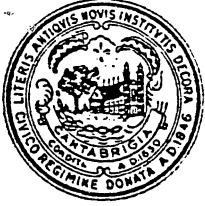
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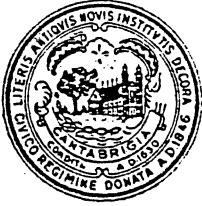
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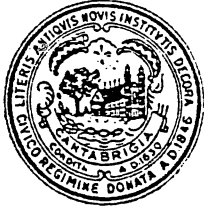
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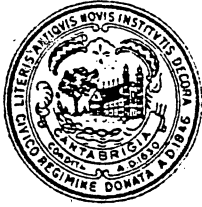
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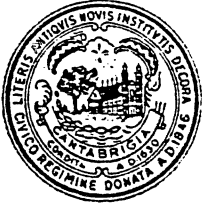
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"Prior to January 1, 1995 record a master deed pursuant to the provisions of Chapter One hundred and eighty-three A of the General Laws or file articles of organization pursuant to Chapters One hundred and fifty-six B or One hundred and fifty-seven of the General Laws, or advertising, offering for sale or selling a unit as a condominium or cooperative unit."

Passed to a second reading at the Special City Council meeting of November 15, 1994 and on or after December 2, 1994.

ATTEST:- D. Margaret Drury
City Clerk



FIRST PUBLICATION NO. 2659.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Four

AN ORDINANCE

In amendment to the Municipal Code of the City of Cambridge.

Be it ordained by the City Council of the City of Cambridge as follows:

Whereas, Cambridge has the authority pursuant to section 3 of Chapter 52 of the Acts of 1990 to regulate conversion of controlled rental units to condominiums and cooperatives and to regulate advertising, offering for sale or selling a unit as a condominium or cooperative unit, by requiring that a removal permit be obtained prior to the conversion,

Whereas, the passage, effective January 1, 1995, of Chapter 400 of the Acts of 1994 would repeal the authority granted to Cambridge by said Chapter 52, but would make Cambridge subject to Chapter 527 of the Acts of 1983 from which it is now exempt due to the operation of its rent control system,

Whereas, Chapter 527 of the Acts of 1983, which provides protections to tenants in the event of condominium or cooperative conversion, does not apply to condominium master deeds or cooperative articles of incorporation filed before said law becomes effective in a city or town,

Whereas, once controlled rental units are converted to condominiums or cooperatives, it is more likely that the units will be removed from the rental market,

Whereas, during the period from November 20, 1989, when the Supreme Judicial Court invalidated Cambridge's ordinance regulating the sales of individual units, until the enactment of said Chapter 52, effective June 6, 1990, many controlled rental units were converted to condominiums by the filing of master deeds, thereby increasing the risk that

they would be removed from the rental market,

Whereas, in order to avoid the recurrence of the conversions which occurred between November 20, 1989 and June 6, 1990, it is critical temporarily, until c. 527 becomes applicable to the City of Cambridge on January 1, 1995, to regulate the filing of master deeds pursuant to the provisions of Chapter 183A of the General Laws or filing of articles of incorporation pursuant to the provisions of Chapters 156B and 157 of the General Laws ,

Whereas, the deferred operation of this ordinance would tend to defeat its purpose which is, in part, to prevent the loss of controlled rental units, and be thereby detrimental to the health or safety of the people or their property,

THEREFORE, NOW BE IT ORDAINED by the City Council of the City of Cambridge under the authority granted by the terms and provisions of Chapter 52 of the Acts of 1990, that Chapter 8.44 of the Cambridge Municipal Code be amended as follows:

- (1) Existing § 8.44.020 D.6 becomes § 8.44.020 D.7, and
- (2) § 8.44.020 D. 6 shall read:

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November 10, 1994

**PROPOSED ORDINANCE TO REGULATE
CONVERSION TO CONDOMINIUMS AND COOPERATIVES**

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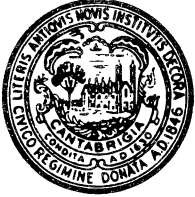
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CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

November 14, 1994

To The Honorable, The City Council:

As previously described in my memorandum to the Council outlining the Home Rule Options, I am proposing to the Council the adoption of an emergency amendment to the Removal Permit Ordinance to require a removal permit for the filing of a Master Deed between now and January 1, 1995.

The Council has authority under Chapter 52 to regulate the filing of Master Deeds. In order to maintain the status quo, while the City Council determines whether it intends some regulation of condominium conversion, as other municipalities have undertaken pursuant to Ch. 527 of the Acts of 1983, I recommend this temporary measure. This amendment will ensure that any regulation the Council chooses to do of condominium conversion, in the absence of rent control, will not have been rendered ineffective by the possible actions of owners in the next six weeks.

To enable speedy adoption of the amendment, I recommend that the Council vote to declare an emergency in accordance with the terms of the emergency declaration which is attached. That vote requires an affirmative vote of two thirds of the members of the Council. I then recommend that the Council take the necessary votes to pass it to a second reading and adopt it.

Very truly yours,

Robert W. Healy
City Manager

Emergency Amendment to the Removal
Permit Ordinance.

0-19

11/21/94 Emergency Preamble
6-2-0

Passed to be Ordained
6-2-0

12/1/94 - Published - Chronicle

In City Council,

November 14, 1994

Charter Right
exercised by
Councilman Kern

11/15/94 Passed to a
second reading at
the Special City Council
meeting of 11/15/94

Published Tab - 11/22/94
edition

11/17/94 no action taken