



CITY OF CAMBRIDGE
MASSACHUSETTS
CAMBRIDGE CITY COUNCIL

May 11, 1977

COMMITTEE REPORT

RENT CONTROL COMMITTEE
Meeting of May 9, 1977

Agenda: Conversion of Rental Housing Units into Condominiums

DISCUSSION

The meeting was convened at 5:10 by Councillor Ackermann, Chairperson, with Councillors Duehay, Clem, and Mayor Vellucci present. They were later joined by Councillors Clinton, Sullivan, Russell, and Danehy. The City Solicitor was also in attendance to offer legal advice throughout.

The Committee heard testimony from a number of people on the problems that accompany the conversion of rental housing units into condominiums. The overriding concern seemed to be that this process, if it continues, will displace many of our long-term residents and/or many residents who are unable to afford adequate alternative housing. Another concern was that at least some of the units that were being offered are substandard and present a trap to the buyer.

A specific concern was the rights that existing tenants have under the Rent Control law now in place. It was pointed out that a landlord may not evict a tenant for the purpose of converting an apartment to a condominium; however, if an apartment is sold as a condominium then the new owner may evict the tenant if either the owner or the owner's parents, children, mother, sister, father-in-law, mother-in-law, son-in-law or daughter-in-law wish to take occupancy. However, this eviction must be done in accordance with the applicable rules of the Rent Control Board, and may take several months.

Two people argued for the right of an owner to occupy and dispose of property and for the ability of joint ownership to upgrade buildings and neighborhoods.

PROPOSALS

At this meeting, three proposals were advanced for consideration:

1. Councillor Duehay proposed that the zoning ordinances of the City of Cambridge be amended so that newly converted condominiums would have to

conform to the off-street parking requirements presently imposed on new construction. A copy of the Ordinance proposed by Councillor Duehay is attached.

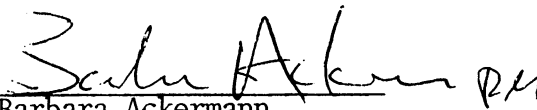
2. Councillor Clem suggested that if tenants were fully aware of their rights with respect to eviction, then the coercive effects currently felt by tenants in buildings being converted might be abated. He proposed that the Rent Control Board send out an information flyer outlining these rights to all tenants, and that it be included in the mailing which they will be doing concerning the general adjustment.
3. Mr. David Sullivan, 905 Main Street, suggested that the Rent Control Law be amended, through a petition to the General Court, so that a new owner of a condominium could not take occupancy of same himself nor could his near relatives. A copy of Mr. Sullivan's legislative proposal is attached.

Councillor Ackermann adjourned the meeting at 7 p.m. and stated that she would report to the Council by May 16, 1977.

After the meeting Councillor Graham submitted an alternative (#4) to the Rent Control Law, which is attached.

The Committee made no recommendation. The Council must decide both what it would like to do about this problem and how to go about doing that. I propose that the Council at this time vote on all four proposals and an additional one (#5) for a continuing study which I now submit.

For the Committee,


Barbara Ackermann
Chairperson

Attachments (5)



City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Seven

AN ORDINANCE

In amendment to an Ordinance entitled: "Zoning Ordinances of the City of Cambridge."

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

The Zone Map accompanying ordinance passed to be ordained February 13, 1961 entitled: "Zoning Ordinances of the City of Cambridge", is hereby amended as follows:

The second sentence of section 1, subsection 1 of Article VII, entitled: "Off-Street Parking and Loading Requirements", is hereby amended by adding after the phrase, "No permit shall be issued for the erection of a new structure, the enlargement of an existing structure...", the following: "the conversion of any rental housing units to condominium units,..."

So that the entire sentence will appear as follows:

"No permit shall be issued for the erection of a new structure, the enlargement of an existing structure, the conversion of any rental housing units to condominium units, or the development of a land use, unless the plans show specific location and size of the off-street parking required to comply with the regulations set forth in this Article and the means of access to such space from public streets."

Proposal by Councillor Clem (#2) is contained
in the body of the report.

David E. Sullivan

PROPOSED ORDER OF THE CITY COUNCIL

WHEREAS, chapter 36 of the Acts of 1976 declared the existence of a housing emergency in the city of Cambridge because of a substantial and increasing shortage of decent rental housing accommodations especially for families of low and moderate income and for elderly people on fixed incomes, and accordingly continued the rent and eviction control program; and

WHEREAS, that Act also declared the public policy of this city that conversion of rental housing units to condominium units was not a valid reason for evicting tenants; and

WHEREAS, that policy is being avoided by the sale of individual condominium units to landlords who then evict the tenants and occupy the units themselves, thus further aggravating the shortage of decent rental housing accommodations which it is the policy of this city to alleviate;

Now, therefore, be it

ORDERED, that the Cambridge City Council hereby petitions the General Court under section 8 of Article II, as amended by Article LXXXIX, of the Amendments to the Constitution, to enact the attached special law entitled "AN ACT TO AMEND THE CAMBRIDGE RENT CONTROL LAW BY PREVENTING THE EVICTION OF TENANTS IN A CONTROLLED CONDOMINIUM UNIT."

Delete sub-paragraph 8) of Section 9 Evictions and replace with;

8) the landlord seeks to recover possession in good faith for use and occupancy of himself, or his children, parents, brother, sister, father-in-law, mother-in-law, or daughter-in-law. Provided that, in the case of the owner of a single unit or units that are less than the whole building, one of the following must pertain:

a) the ownership of the building was divided ~~XXXXXXXXXXXX~~ in the form of condominium ownership prior to January 1, 1978.

b) tenants occupying at least one-half of the units in the building have agreed ^{in writing} to the conversion to condominium ownership; the tenant of the unit or units for which the certificate of eviction is requested was given a first right of refusal to buy the unit or units at the price paid by the person requesting eviction.

AN ACT TO AMEND THE CAMBRIDGE RENT CONTROL LAW BY PREVENTING THE
EVICTION OF TENANTS IN A CONTROLLED CONDOMINIUM UNIT.

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

Section 9(a) of chapter 36 of the acts of 1976 is hereby
amended by striking out paragraph (8) and inserting in place
thereof the following paragraph:

8) the landlord seeks to recover possession of a controlled
rental unit other than a condominium unit in good faith for use
and occupancy of himself, or his children, parents, brother,
sister, father-in-law, mother-in-law, son-in-law, or daughter-in-
law;

Whereas the City Council is concerned about the possible eviction of elderly and other long-term residents for the purpose of condominium conversion, the City Manager be and hereby is requested to supply the services of an attorney skilled in real estate matters to the Committees on Rent Control and Housing and Land Use which shall consider this matter jointly.

*This order was amended by
SUBSTITUTION OF A NEW ORDER
By Mayor Veltroni*

S-304

In City Council
May 23, 1977

Placed on file

PROPOSED ORDER OF THE CITY COUNCIL

WHEREAS, chapter 36 of the Acts of 1976 declared the existence of a housing emergency in the city of Cambridge because of a substantial and increasing shortage of decent rental housing accommodations especially for families of low and moderate income and for elderly people on fixed incomes, and accordingly continued the rent and eviction control program; and

WHEREAS, that Act also declared the public policy of this city that conversion of rental housing units to condominium units was not a valid reason for evicting tenants; and

WHEREAS, that policy is being avoided by the sale of individual condominium units to landlords who then evict the tenants and occupy the units themselves, thus further aggravating the shortage of decent rental housing accommodations which it is the policy of this city to alleviate;

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General Court assembled, and by the authority of the same, as
follows:

Subsection (a) of section 9 of chapter 36 of the acts of
1976 is hereby amended by striking out paragraph (8) and inserting
in place thereof the following paragraph:-

8) the landlord seeks to recover possession in good faith
for use and occupancy of himself, or his children, parents,
brother, sister, father-in-law, mother-in-law, son-in-law, or
daughter-in-law, except if the unit is a condominium unit held
by a tenant who held it when the landlord became its owner;



P. Healey

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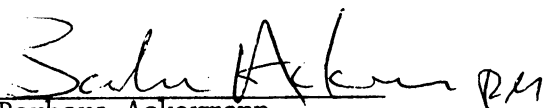
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For the Committee,


Barbara Ackermann
Chairperson

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S-304

Comm. from the City Clerk transmitting report of the Rent Control Committee submitted by Councillor Ackermann re: conversion of rental housing units into condominiums.

1/ 5/23/77 Ordinance
amendment to Comm.

2/ For Order of Mayor
Vellozzi Advised

3/ Proposed Resolution
sent to City Cl. - opinion

In City Council,

May 16, 1977

5/16/77

Wharton Right by
L. Sullivan.

Copy sent to C. Mgr.
for information only.
5-18-77 CS