



# City of Cambridge

13.

COUNCILLOR WOLF

IN CITY COUNCIL

December 30, 1985

ORDERED:

That all matters presently listed on the City Council Calendar which have not been acted upon be placed on file, without prejudice, subject to the condition that they may be resubmitted for consideration to the next legislative session of the City Council by notice to the City Clerk.

In City Council December 30, 1985.  
Adopted by the affirmative vote of 6 members.  
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-

Paul E. Healy, City Clerk.

At this time Councillor David Sullivan raised a series of questions relative to the priority given by the Rent Board on such complaints, staff and resources available and any recommendations Mr. Mervis may make regarding said priority.

Mr. Mervis responded by stating that the Board has considered but rejected priority status for full occupancy complaints and that he does believe his office currently has enough resources to handle them. Relative to making any recommendations to the Board on establishing a priority for these cases, he stated he would prefer to talk with the staff first prior to making recommendations.

Councillor David Sullivan stated he believed the policy of the City Council is being frustrated and that possibly the City Council should decide how to proceed. He further stated that Ordinance No. 929 was clear and that simply the intent to demolish a building prior to 1979 is irrelevant to the argument for delay on a complaint.

Finally, he questioned why someone might be required to file a sworn complaint for a full occupancy violation, since it is the only time such an action is required by the Board. In other situations, the Board can initiate proceedings on its own motion.

Mr. Mervis responded by stating that anyone can file such a complaint and a sworn complaint was established in an effort to create an adversarial relationship so the Board wouldn't be in a judge and jury situation.

The meeting was adjourned at 8:01 PM.

For the committee,

David E. Sullivan  
City Councillor  
Chairman

DES/smb

Attachment

had been scheduled and later postponed pending a report from the Inspectional Services Department. Councillor David Sullivan questioned whether or not the landlord of this property had filed a request for "status determination". Mr. Cunningham responded by stating he did not believe that had been done.

At this time the committee heard from Mr. Michael Turk, 24 Prescott Street, who stated he had spent several days at the offices of the Rent Control Board reviewing the way by which these kinds of complaints have been handled. He further stated that he had filed a complaint regarding a violation of the full occupancy ordinance dealing with a piece of property owned by Harvard University and it was never heard by the Rent Control Board. He proceeded to list several properties which he said were in violation; including 58 Trowbridge Street, 201-205 Putnam Avenue. He further stated that in many cases, hearings and/or decisions have been postponed without real reasons.

At this time the committee heard from Mr. Rostislaw Zerchykov, 6 Washington Avenue, who stated he was representing the Cambridge Civic Association's position that they had always supported full funding of the Rent Control Office so that these functions may be carried out expeditiously. He urged that the City Council request the Rent Control Board to quickly move on all pending full occupancy complaints.

Also speaking on the issue of lack of enforcement of these complaints were Robert LaTremouille, Esq. and Mr. Hatch Sterrett, 333A Harvard Street who indicated that properties on Harvard Street and Chatham Streets have had long term vacancies.

At this time the committee heard from Mr. Roger Mervis, Executive Director of the Rent Control Board. Mr. Mervis began by reminding all present that for the next two days they would be moving and therefore no cases would be heard for the week, and telephone communication will be out for possibility two weeks, partly caused by the hurricane. The new location of the Board will be 678 Massachusetts Avenue. He further continued by stating that the reality of the issue is that case processing has been slowed due to the work on the "General Adjustment" and the subsequent complaints from same. Furthermore the recent relocation of the offices and summer vacations have all played a role. He further stated that in terms of the standing of a complaint, anyone who filed a formal complaint regarding the full occupancy ordinance would have standing.

Relative to the regulations of the Board dealing with such complaints, Mr. Mervis stated that such regulations were adopted only after two months of public hearings where input from tenants and landlords was requested. He submitted a list of cases and their description to the committee (copy attached). He further stated that he was sympathetic to the statements made this evening and believed that within three months the Board will once again be current.

At this time, Councillor David Sullivan raised several questions to Ms. O'Neill including, whether or not Harvard University was considering the concept of a comprehensive policy restricting all one, two and three family units from removal from the market and whether or not there was currently in existence any buy-back provisions on university property.

Ms. O'Neill responded by stating that the university was not endorsing the inclusion of additional properties into the Rent Control ordinance, but that it just seems that's one way to look at the entire housing market. Relative to the second question, Ms. O'Neill responded by stating that a "Cambridge Option Plan" has been in effect by the university relative to single family homes being purchased by faculty members, with a provision the university has the right of "first refusal".

At this time Councillor David Sullivan noticed the lack of other committee members present and recommended that the proposed amendment be referred without recommendation to the full City Council.

At this time the Chairman stated the committee would now discuss Ordinance No. 1014; full occupancy indicating he has received numerous complaints regarding violations of this ordinance and the lack of enforcement by the Rent Control Board.

Mr. William Noble, 38 Green Street, stated that pursuant to the ordinance, he filed a complaint on February 1, 1985 relative to property located on Blanche Street owned by Massachusetts Institute of Technology (MIT). He stated that regulations to administer this particular ordinance were drafted late and he felt that the Rent Control Board really didn't want to see this ordinance enacted. He further stated that after filing his complaint, MIT pursuant to Section 46-12(c)(1) invoked "status determination" relative to this particular property. He further stated that although the case has been pending for some time, no decision has been made.

Councillor David Sullivan questioned why MIT believed this property was exempt from Rent Control laws. Mr. Noble responded by stating he believed MIT took this position because they had attempted to demolish this property prior to the adoption of Ordinance 966. He urged the City Council to take steps to remedy this problem.

Several other individuals also appeared before the committee and stated they too had filed complaints with the Rent Control Board relative to properties located at 118 Trowbridge Street and 74-76 Putnam Avenue.

Mr. William Cunningham, 3 Putnam Gardens stated that at the Putnam Avenue location all six units had been vacant since January 1984 and that upon completion of a hearing before the Rent Control Board in March of 1985, a decision was made that a petition should have been filed pursuant to the distressed buildings provision. He further stated that a second hearing

# City of Cambridge

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*In City Council*..... October 7, 1985.....

The **Committee on Rent Control** conducted a public hearing on Tuesday, October 1, 1985 beginning at 6:00 PM in the Council Chambers, City Hall. The purpose of this hearing was to discuss a proposed amendment to the General Ordinances relative to educational institutions giving preference to employees for the purchase of university owned property and to discuss the administration of the full occupancy ordinance (No. 1014).

Councillor David Sullivan, Chairman of the above mentioned committee, opened the meeting by outlining the agenda and forwarding a brief historical analysis of why the original Rent Control Removal Ordinance provided an exemption for one, two and three family houses. He further stated that it appears Harvard University has used this provision as a loophole for selling university owned property to faculty and/or staff.

At this time the committee heard from Mr. Michael Turk, 24 Prescott Street, Cambridge who stated he strongly supports the proposed amendment as an effective way to stop the practice of removing those units from the rental market. He further stated that Harvard University has sold properties on Harvard Street, Hammond Street and Putnam Avenue to faculty. He further stated he would like to see language within the proposed amendment which would protect tenants from such displacement in the future while allowing them to purchase said property should a sale take place.

Also speaking in favor of the proposed amendment was Robert LeTremouille, Esq. 348 Franklin Street, Cambridge.

Speaking in opposition to the amendment was Ms. Jacqueline O'Neill, Associate Vice President for Government and Community Affairs for Harvard University. She stated that the university was opposed to the amendment being offered due to the fact it did not address the issue of owner-occupancy on a comprehensive basis.

Furthermore, she stated that the program of selling some one, two and three units began in 1984 and a total of ten (10) properties have been sold; four (4) to faculty, one (1) to a tenant, one (1) to a neighbor and four (4) through the open market process. Furthermore, she stated that seven (7) of these properties were purchased by Cambridge residents, with the average price being \$169,000 with no buy-back provision by the university.

Ms. O'Neill continued by stating that should the proposed amendment be adopted, the university would just sell these types of properties in the open market without offering them to faculty, staff and tenants.

12 0-5 # 9  
12/30/85  
**REPORT**

**Committee on Rent Control**

Re: educational institutions giving preference to employees for purchase of university owned property & administration of the full occupancy ordinance (No. 1014).

12/30/85

Placed on File

See Ordinance #13

Closing out Calendar

Years of 1984-85

Legislative Session

In City Council,

October 7, 1985

10/7/85

Filed by L. David  
- Sullivan -