



# City of Cambridge

7.

IN CITY COUNCIL

December 18, 1989

COUNCILLOR WALTER J. SULLIVAN

ORDERED: That all items currently pending before the City Council with the exception of those items currently listed under "Unfinished Business" and not acted upon by the end of the 1989 legislative session be placed in the files of the City Clerk without prejudice, subject to recall by any member.

In City Council December 18, 1989.  
Adopted by the affirmative vote of nine members.  
Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in cursive script that reads "Joseph E. Connarton".

Joseph E. Connarton, City Clerk.



# City of Cambridge

13.

IN CITY COUNCIL

September 18, 1989

COUNCILLOR WALSH

WHEREAS: Previous requests have been made to the Rent Control Board to provide the statistical information necessary to evaluate how many more rental units exist in the City now as opposed to how many there were in 1970, and, most recently, Donna M. Turley, Assistant Director of the Rent Control Board sent a somewhat threatening letter to Cambridge Real Estate Brokers or Bankers regarding compliance with Ordinance 966 wherein, among other things, was stated:

"it has come to our attention that a number of ordinated condominium units in Cambridge are being sold under the premises that they can be occupied by the purchaser if a trust hold title. Please be advised that the only way that a condominium can be owner-occupied is if it complies with Ordinance 966". (A copy of the letter is attached); and

WHEREAS: Ordinance 966 was adopted in 1979 with the express limitation that it shall cease to be effective if the Board files its certificate with the City Clerk that the total number of rental units in the City, excluding housing units, exceeds that number as of January 1, 1970; and

WHEREAS: The continued failure by the Rent Control Board to provide the requested information to the City Clerk and/or the City Council is a blatant violation of the spirit and the intent of Ordinance 966; and

WHEREAS: The continued failure by the Rent Control Board to provide the requested information to the City Clerk and/or the City Council is subjecting the City to serious financial and legal problems; now therefore be it

ORDERED: That, to reduce the potential liability of the City for continued enforcement of an ineffective ordinance, the City Manager direct the Rent Control Board to desist from all further enforcement of the Ordinance 966 within THIRTY (30) DAYS from the date hereof unless within said 30 day period, the requested data is provided to the City Clerk and the data supports the continued need for Ordinance 966.

CHARTER RIGHT EXERCISED BY COUNCILLOR DAVID SULLIVAN



# City of Cambridge

13.

## IN CITY COUNCIL

Councillor William H. Walsh

September 18, 1989

WHEREAS: Previous requests have been made to the Rent Control Board to provide the statistical information necessary to evaluate how many more rental units exist in the City now as opposed to how many there were in 1970, and, most recently, Donna M. Turley, Assistant Director of the Rent Control Board sent a somewhat threatening letter to Cambridge Real Estate Brokers or Bankers regarding compliance with Ordinance 966 wherein, among other things, was stated:

" It has come to our attention that a number of ordinated condominium units in Cambridge are being sold under the premise that they can be occupied by the purchaser if a trust holds title. Please be advised that the only way that a condominium can be owner-occupied is if it complies with Ordinance 966 ". (Copy of letter attached); and

WHEREAS: Ordinance 966 was adopted in 1979 with the express limitation that it shall cease to be effective if the Board files its certificate with the City Clerk that the total number of rental units in the City, excluding housing units, exceeds that number as of January 1, 1970; and

WHEREAS: The continued failure by the Rent Control Board to provide the requested information to the City Clerk and/or the City Council is a blatant violation of the spirit and the intent of Ordinance 966; and

WHEREAS: The continued failure by the Rent Control Board to provide the requested information to the City Clerk and/or the City Council is subjecting the City to serious financial and legal problems; now therefore be it

ORDERED: That, to reduce the potential liability of the City for continued enforcement of an ineffective ordinance, the City Manager direct the Rent Control Board to desist from all further enforcement of the Ordinance 966 within THIRTY (30) DAYS from the date hereof unless within said 30 day period, the requested data is provided to the City Clerk and the data supports the continued need for Ordinance 966.

(ATTACHMENT)



# CITY OF CAMBRIDGE

831 MASSACHUSETTS AVENUE  
CAMBRIDGE, MASSACHUSETTS 02139

TEL 499-6161

RENT CONTROL BOARD

D. MARGARET DRURY, EXECUTIVE DIRECTOR

August 24, 1989

Dear Cambridge Real Estate Broker or Banker:

It has come to our attention that a number of ordinated condominium units in Cambridge are being sold under the premise that they can be occupied by the purchaser if a trust holds title. Please be advised that the only way that a condominium can be owner-occupied is if it complies with Ordinance 966. Exemptions under the Ordinance are granted if the first unit deed on the condominium was filed prior to August 10, 1979, or a purchase and sale agreement with a deposit paid was executed prior to August 10, 1979, or where a deed exists which reflects a purchaser who was a tenant who resided in the unit continuously from prior to August 10, 1979 through to the date of purchase, or the unit is in a two or three family building which was exempt from the Rent Control Act at the time of conversion. There are several other limited exceptions to the law. The establishment of a real estate trust does not shield the unit from the mandate that an ordinated unit must be occupied by a tenant. If the occupant of an ordinated unit is a beneficiary of the real estate trust, then such occupation is illegal. In reviewing such cases, the Board looks beyond the trust to issues such as the beneficial ownership, the form of the trust, the rent being paid, who is responsible for repairs, who pays the condominium fees, the mortgagor, and who made the downpayment.

If you have questions about Ordinance 966 or any other aspects of the Rent Control Act, you may call public assistance is any weekday afternoon from 12:45 to 4:45 at 499-6161.

Sincerely,

Donna M. Turley  
Assistant Director



# City of Cambridge

13.

## IN CITY COUNCIL

September 18, 1989

COUNCILLOR WALSH

**WHEREAS:** Previous requests have been made to the Rent Control Board to provide the statistical information necessary to evaluate how many more rental units exist in the City now as opposed to how many there were in 1970, and, most recently, Donna M. Turley, Assistant Director of the Rent Control Board sent a somewhat threatening letter to Cambridge Real Estate Brokers or Bankers regarding compliance with Ordinance 966 wherein, among other things, was stated:

"it has come to our attention that a number of ordinance condominium units in Cambridge are being sold under the premises that they can be occupied by the purchaser if a trust hold title. Please be advised that the only way that a condominium can be owner-occupied is if it complies with Ordinance 966". (A copy of the letter is attached); and

**WHEREAS:** Ordinance 966 was adopted in 1979 with the express limitation that it shall cease to be effective if the Board files its certificate with the City Clerk that the total number of rental units in the City, excluding housing units, exceeds that number as of January 1, 1970; and

**WHEREAS:** The continued failure by the Rent Control Board to provide the requested information to the City Clerk and/or the City Council is a blatant violation of the spirit and the intent of Ordinance 966; and

**WHEREAS:** The continued failure by the Rent Control Board to provide the requested information to the City Clerk and/or the City Council is subjecting the City to serious financial and legal problems; now therefore be it

**ORDERED:** That, to reduce the potential liability of the City for continued enforcement of an ineffective ordinance, the City Manager direct the Rent Control Board to desist from all further enforcement of the Ordinance 966 within THIRTY (30) DAYS from the date hereof unless within said 30 day period, the requested data is provided to the City Clerk and the data supports the continued need for Ordinance 966.



# CITY OF CAMBRIDGE

831 MASSACHUSETTS AVENUE  
CAMBRIDGE, MASSACHUSETTS 02139

TEL 499-6451

RENT CONTROL BOARD

D. MARGARET DRURY, EXECUTIVE DIRECTOR

August 24, 1989

Dear Cambridge Real Estate Broker or Banker:

It has come to our attention that a number of ordinances condominium units in Cambridge are being sold under the premise that they can be occupied by the purchaser if a trust holds title. Please be advised that the only way that a condominium can be owner-occupied is if it complies with Ordinance 966. Exemptions under the Ordinance are granted if the first unit deed on the condominium was filed prior to August 10, 1979, or a purchase and sale agreement with a deposit paid was executed prior to August 10, 1979, or where a deed exists which reflects a purchaser who was a tenant who resided in the unit continuously from prior to August 10, 1979 through to the date of purchase, or the unit is in a two or three family building which was exempt from the Rent Control Act at the time of conversion. There are several other limited exceptions to the law. The establishment of a real estate trust does not shield the unit from the mandate that an ordinance unit must be occupied by a tenant. If the occupant of an ordinance unit is a beneficiary of the real estate trust, then such occupation is illegal. In reviewing such cases, the Board looks beyond the trust to issues such as the beneficial ownership, the form of the trust, the rent being paid, who is responsible for repairs, who pays the condominium fees, the mortgagor, and who made the downpayment.

If you have questions about Ordinance 966 or any other aspects of the Rent Control Act, you may call public assistance in any weekday afternoon from 12:45 to 4:45 at 499-5161.

Sincerely,

Donna M. Turley  
Assistant Director

Order # 13 0-151

Councillor Walsh re: Rent Control Board to  
desist from further enforcement of Ordinance  
#966 within 30 days unless data supports  
the continued need for Ordinance #966.

12/28/89 Placed on file  
without prejudice  
See Order # 7 of  
12/18/89

In City Council,

Sept. 18, 1989

Charter Right exercised  
by C. David Sullivan  
9/25/89 Tabled by  
Councillor Walsh