



City of Cambridge

AMENDED ORDER
Calendar Item # 4
~~-38-~~
IN CITY COUNCIL

~~-MAY-13, 1991--~~
MAY 20, 1991

COUNCILLOR WALSH

- ORDERED: That the City Manager take the necessary steps to assure that the mandates to the City of Cambridge contained in Section 9 of the attached Massachusetts Senate Bill - Number 1580 of 1990 are carried out fully and in a timely manner by the City of Cambridge so that the findings of fact and recommendations, as requested therein, will be transmitted to the Joint Committee on Local Affairs, not later than July 1, 1991; and be it further
- ORDERED: That the City Manager report back to the Council within one week to confirm that the process is in place to assure this; and be it further
- ORDERED: That this matter be referred to the Rent Control Committee and that said committee respond to section 9 of Senate Bill #1580.

In City Council May 20, 1991.

Adopted as amended by a yeas and nays vote:-

Yeas 6; Nays 3; Absent 0.

Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in black ink, reading "Joseph E. Connarton".

Joseph E. Connarton, City Clerk



City of Cambridge

CALENDAR ITEM # 4
ORIGINAL ORDER

--38--

IN CITY COUNCIL

MAY 13, 1991

COUNCILLOR WALSH

ORDERED: That the City Manager take the necessary steps to assure that the mandates to the City of Cambridge contained in Section 9 of the attached Massachusetts Senate Bill - Number 1580 of 1990 are carried out fully and in a timely manner by the City of Cambridge so that the findings of fact and recommendations, as requested therein, will be transmitted to the Joint Committee on Local Affairs, not later than July 1, 1991; and be it further

ORDERED: That the City Manager report back to the Council within one week to confirm that the process is in place to assure this.

City of Cambridge

MASSACHUSETTS

In City Council May 20 1991

F. Duehay Amendment to Charter Right # 4

	YEA	NAY	ABSENT	PRESENT
Mr. Ed Cyr	✓			
Mr. Francis H. Duehay	✓			
Mr. Jonathan S. Myers	✓			
Mr. Kenneth E. Reeves	✓			
Mrs. Sheila T. Russell		✓		
Mr. Walter J. Sullivan		✓		
Mr. Timothy J. Toomey, Jr.	✓			
Mr. William H. Walsh		✓		
Mayor Alice K. Wolf	✓			

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City of Cambridge

IN CITY COUNCIL

Councillor Walsh

May 13, 1991

ORDERED: That the City Manager take the necessary steps to assure that the mandates to the City of Cambridge contained in Section 9 of the attached Massachusetts Senate Bill - Number 1580 of 1990 are carried out fully and in a timely manner by the City of Cambridge so that the findings of fact and recommendations, as requested therein, will be transmitted to the Joint Committee on Local Affairs, not later than July 1, 1991; and be it further

ORDERED: That the City Manager report back to the Council within one week to confirm that the process is in place to assure this.

(ATTACHMENT)

*Charter Right
Mayor Walsh*

*Ref to Rent Control Com.
that sub-committee respond to
§§ of Senate Bill # 1580*

2

SENATE No. 1580

[April

The Commonwealth of MassachusettsIn the Year One Thousand Nine Hundred and Ninety.**AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS
OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE.**

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

- 1 SECTION 1. The General Court finds and declares that:
- 2 (a) In order to meet the serious public emergency that continues
- 3 to exist in the City of Cambridge with respect to the housing of
- 4 a substantial number of its citizens, it is necessary to regulate the
- 5 removal of controlled rental housing units from the market.
- 6 (b) The city's existing powers to regulate such removals
- 7 pursuant to Chapter 36 of the Acts of 1976, as amended, have
- 8 proven inadequate, and many such units continue to be removed
- 9 from rent control.
- 10 (c) Since the November 20, 1989 *Steinbergh v. Cambridge Rent*
- 11 *Control Board* decision, 406 Mass. 147 (1989), hundreds of
- 12 individual condominium units have been referred or sold thereby
- 13 creating a substantial risk of the removal of controlled rental
- 14 housing units from the rental market.
- 15 (d) In order to regulate such removals effectively, it is necessary
- 16 to regulate the sale of condominium units by the owners of rent
- 17 controlled buildings, for the reasons stated in the Report of the
- 18 Cambridge City Council Committee on Rent Control dated May
- 19 28, 1981.
- 20 (e) In order to regulate such removals effectively, it is also
- 21 necessary for the City of Cambridge to have the additional powers
- 22 conferred by Section 3 of this Act.

- 1 SECTION 2. In the City of Cambridge, no owner of a building
- 2 for which a condominium master deed has been recorded shall,
- 3 directly or indirectly, sell, offer for sale, or agree to sell any
- 4 controlled rental unit therein, unless the board has granted a
- 5 removal permit for that unit, or unless the sale or offer is to, or

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6 the agreement is with a current tenant of the unit who holds an
7 exemption certificate. The board shall issue an exemption
8 certificate to any person who files with it an affidavit in a form
9 prescribed by the board, stating that he is a current tenant of the
10 unit, that he occupied it as a tenant before August 10, 1979, and
11 that he intends in good faith to occupy it indefinitely as its owner.
12 Nothing in this act shall prevent an owner of a building or any
13 portion thereof from conveying his entire interest in the building
14 in good faith to one purchaser, who shall then be subject to the
15 provisions of this act to the same extent as the original owner.

1 SECTION 3. (a) Notwithstanding the provisions of any
2 general or special law to the contrary, including without
3 limitation, the provisions of General Laws chapters one hundred
4 and fifty-six B, one hundred and fifty-seven, and one hundred and
5 eighty-three A, the City of Cambridge may, by ordinance, further
6 regulate and control the removal of controlled rental units from
7 the rental housing market, the reduction in the total number of
8 controlled rental units in a building, structure or part thereof, or
9 the change in form of ownership of a building, structure or part
10 thereof containing controlled rental units. Such regulations and
11 controls may include, but are not limited to, the authority to:

12 (i) require that no person shall remove a controlled rental unit
13 from rental housing use without first obtaining a removal permit
14 from the rent control board. Such permit may be subject to terms
15 and conditions not inconsistent with the purposes and provisions
16 of this act;

17 (ii) require that no person shall convert a controlled rental unit
18 to a condominium or cooperative without first obtaining a
19 removal permit for that purpose from the rent control board.
20 "Convert" shall include recording a master deed pursuant to the
21 provisions of chapter one hundred and eighty-three A of the
22 General Laws or filing articles of organization pursuant to
23 chapters one hundred and fifty-six B or one hundred and fifty-
24 seven of the General Laws, or advertising, offering for sale or
25 selling a unit as a condominium or cooperative unit.

26 (iii) regulate evictions relating to the conversion of a controlled
27 rental unit to a condominium or to a cooperative subject to such
28 terms and conditions not inconsistent with the purposes and
29 provisions of this act.

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1 the agreement is with a current tenant of the unit who holds an
2 exemption certificate. The board shall issue an exemption
3 certificate to any person who lists with it an affidavit in a form
4 prescribed by the board, stating that he is a current tenant of the
5 unit, that he occupied it as a tenant before August 10, 1979, and
6 that he intends in good faith to occupy it indefinitely as its owner.
7 Nothing in this act shall prevent an owner of a building or any
8 portion thereof from conveying his entire interest in the building
9 in good faith to any purchaser, who shall then be subject to the
10 provisions of this act to the same extent as the original owner.

11 SECTION 3. (a) Notwithstanding the provisions of any
12 general or special law to the contrary, including without
13 limitation, the provisions of Chapter Laws chapters one hundred
14 and fifty-six B, one hundred and fifty-seven, and one hundred and
15 eighty-three A, the City of Cambridge may, by ordinance, further
16 regulate and control the removal of controlled rental units from
17 the rental housing market, the reduction in the total number of
18 controlled rental units in a building, structure or part thereof, or
19 the change in form of ownership of a building, structure or part
20 thereof containing controlled rental units. Such regulations and
21 controls may include, but are not limited to, the authority to:
22 (i) require that no person shall remove a controlled rental unit
23 from rental housing use without first obtaining a removal permit
24 from the rent control board. Such permit may be subject to terms
25 and conditions not inconsistent with the purposes and provisions
26 of this act;
27 (ii) require that no person shall convert a controlled rental unit
28 to a condominium or cooperative without first obtaining a
29 removal permit for that purpose from the rent control board.
30 "Convert" shall include recording a master deed pursuant to the
31 provisions of chapter one hundred and eighty-three A of the
32 General Laws or filing articles of organization pursuant to
33 chapter one hundred and fifty-six B or one hundred and fifty-
34 seven of the General Laws, or advertising, offering for sale or
35 selling a unit as a condominium or cooperative unit.
36 (iii) regulate evidence relating to the conversion of a controlled
37 rental unit to a condominium or a cooperative, subject to such
38 terms and conditions as the board may determine.
39 provisions of this act.

SENATE — No. 1580

[April

30 (b) Any hearings regarding matters related to removal permits
31 or evictions shall be conducted by the board in accordance with
32 the provisions of section five of Chapter 36 of the Acts of 1976,
33 as amended.

1 SECTION 4. Section 9(a) of Chapter 36 of the Acts of 1976
2 is hereby amended by deleting subsection (8) thereof and by
3 substituting the following:

4 8) the landlord seeks to recover possession in good faith for use
5 and occupancy of himself, or his children, parents, brother, sister,
6 father-in-law, mother-in-law, son-in-law, or daughter-in-law;
7 except that no action shall be brought under this clause to recover
8 possession from a tenant who is sixty years of age or older and
9 who occupied the unit continuously since before the recording of
10 the master deed, or to recover possession of a condominium unit
11 subject to chapter 8.44 of the Cambridge Municipal Code.

1 SECTION 5. Violation of any provision of this act, or of any
2 ordinance or regulation adopted hereunder, shall constitute a
3 violation of Chapter 36 of the Acts of 1976, as amended. In
4 addition, the board or any person aggrieved by a violation of this
5 act or any such ordinance or regulation may enforce its provisions
6 in a civil action for damages or for declaratory or injunctive relief.

1 SECTION 6. The City of Cambridge may adopt ordinances,
2 and the board may adopt regulations, to carry out the purposes
3 of this act.

1 SECTION 7. Any person who is aggrieved by any action,
2 regulation or order of the board may appeal or file a complaint
3 pursuant to Section 10 of Chapter 36 of the Acts of 1976, as
4 amended, unless otherwise defined in this act.

1 SECTION 8. The provisions of this act shall not apply to any
2 building containing six or fewer units that has been occupied
3 continuously, from on and after January 1, 1970 until January 1,
4 1990, by the owner of record or a member of the owner of
5 record's family provided that any one family in the City of
6 Cambridge may obtain this exemption for only one building and

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(b) Any hearings regarding matters related to removal of evictions shall be conducted by the board in accordance with the provisions of section five of Chapter 36 of the Acts of 1976 as amended.

SECTION 4. Section 9(a) of Chapter 36 of the Acts of 1976 is hereby amended by deleting subsection (8) thereof and by substituting the following:
(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 that no action shall be brought under this clause to recover possession from a tenant who is sixty years of age or older and who occupied the unit continuously since before the recording of the master deed, or to recover possession of a condominium unit subject to chapter 844 of the Cambridge Municipal Code.

SECTION 5. Violation of any provision of this act, or of any ordinance or regulation adopted hereunder, shall constitute a violation of Chapter 36 of the Acts of 1976, as amended. In addition, the board or any person aggrieved by a violation of this act or any such ordinance or regulation may enforce its provisions in a civil action for damages or for declaratory or injunctive relief.

SECTION 6. The City of Cambridge may adopt ordinances, and the board may adopt regulations, to carry out the purposes of this act.

SECTION 7. Any person who is aggrieved by any action, regulation or order of the board may appeal or file a complaint pursuant to Section 10 of Chapter 36 of the Acts of 1976, as amended, unless otherwise defined in this act.

SECTION 8. The provisions of this act shall not apply to any building containing six or fewer units that has been occupied continuously from on and after January 1, 1970 until January 1, 1990 by the owner or a member of the owner's family, provided that any one family in the City of Cambridge may obtain the exemption for only one building and

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7 provided that any family seeking to avail itself of this exemption
8 swears by affidavit, under oath, that it owns or has a beneficial
9 interest in only one building containing rent controlled units in
10 the City of Cambridge.

11 For the purposes of this section, "owner of record" shall mean
12 any owner named on the deed recorded at the Middlesex Registry
13 of Deeds for the building for which this exemption is sought
14 provided that the owner of record is an individual and not a
15 corporate, trust or other business entity. This exemption shall not
16 be available to corporations, trusts or other business entities.

17 For the purposes of this section, "family" shall mean an
18 individual, an individual's spouse, parents, children, brother,
19 sister, grandchildren, great grandchildren, father-in-law, mother-
20 in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-
21 law.

22 For the purposes of this section, "continuous occupancy" shall
23 mean the continuous physical residence by the owner of record
24 or a family member of the owner of record of the building from
25 on and after January 1, 1970 until January 1, 1990. The exemption
26 shall not apply to any building that was not occupied by an owner
27 of record or a family member of the owner of record for a period
28 of more than twelve months, in the aggregate, between January 1,
29 1970 and January 1, 1990; and, in no event, shall the exemption
30 apply to any building that remained unoccupied by an owner of
31 record or a family member for any period of time where a tenant
32 broke the chain of continued occupancy by the owner of record
33 or a family member.

1 SECTION 9. The City of Cambridge, in consultation with
2 organizations representing owners of rent controlled properties
3 in Cambridge, rent controlled tenants and other interested parties,
4 shall examine and consider the following rent control issues,
5 particularly as they affect so-called small owners of rent controlled
6 properties in Cambridge: (1) whether the capital improvement
7 rent adjustment procedure, set forth in regulation 75 of the
8 Cambridge Rent Board, operates fairly; (2) whether the fair base
9 rent formula, set forth in regulation 75-02 of the Cambridge Rent
10 Board, should be updated to provide for new minimum rents; (3)
11 whether, under what circumstances and to what degree, owners

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22901

provided that any family seeking to avail itself of this exemption
swears by affidavit, under oath, that it owns or has a beneficial
interest in only one building containing rent controlled units in
the City of Cambridge.
For the purposes of this section, "owner of record" shall mean
any owner named on the deed recorded at the Middlesex Registry
of Deeds for the building for which this exemption is sought.
provided that the owner of record is an individual and not a
corporate, trust or other business entity. This exemption shall not
be available to corporations, trusts or other business entities.
For the purposes of this section, "family" shall mean an
individual, an individual's spouse, parents, children, brother,
sister, grandchild, great grandchild, father-in-law, mother-
in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-
law.
For the purposes of this section, "continuous occupancy" shall
mean the continuous physical residence by the owner of record
or a family member of the owner of record of the building from
on and after January 1, 1970 until January 1, 1990. The exemption
shall not apply to any building that was not occupied by an owner
of record or a family member of the owner of record for a period
of more than twelve months in the aggregate, between January
1, 1970 and January 1, 1990, and, in no event, shall the exemption
apply to any building that remained unoccupied by an owner of
record or a family member for any period of time where a tenant
broke the chain of continuous occupancy by the owner of record
or a family member.

SECTION 2. The City of Cambridge, in consultation with
organizations representing owners of rent controlled properties
in Cambridge, rent controlled tenants and other interested parties,
shall examine and consider the following rent control issues:
particularly as they affect so-called small owners of rent controlled
properties in Cambridge: (1) whether the capital improvement
rent adjustment procedure set forth in regulation 75 of the
Cambridge Rent Board, operates fairly; (2) whether the fair date
rent formula set forth in regulation 75-02 of the Cambridge Rent
Board, should be replaced by a formula for new minimum rents; (3)
whether, under what circumstances and to what degree owners

SENATE -- No. 1580

[April 1990]

6
12 of rent controlled properties should be allowed to pass along
13 increases in property taxes, water and sewer fees and pass along
14 increases in property insurance costs to tenants; (4) whether the
15 allowable management fee for owner-occupiers of rent controlled
16 properties should be increased; (5) whether prospective employees
17 and hearing officers of the Cambridge Rent Control Board should
18 be prohibited from owning or leasing rent controlled property in
19 the City of Cambridge. The City of Cambridge shall examine and
20 consider these issues and any other issues it deems relevant to the
21 administration and enforcement of rent control, particularly as
22 relates to the availability of decent and affordable housing for low
23 and moderate income tenants and the problems experienced by
24 so-called small property owners of rent controlled property who
25 owner-occupy their property and are not actively engaged in the
26 business of owning and renting property, and shall make findings
27 of fact and prepare recommendations, based upon the findings,
28 and transmit both the findings and the recommendations to the
29 Joint Committee On Local Affairs, not later than July 1, 1991.

1 SECTION 10. If any section or any provision of any section
2 of this act or the application of such section or any such provision
3 of any such section to any person or circumstance shall be held
4 invalid, the validity of the remainder of the act and the
5 applicability of such section or such provision of such section to
6 other persons or circumstances shall not be affected thereby;
7 provided also that nothing herein shall be construed to limit the
8 authority of the city and the rent control board to regulate removal
9 of controlled rental units as previously judicially determined.

SECTION 11. This act shall take effect upon its passage.

of rent controlled properties shall be allowed to pass along
 interests in property taxes, water and sewer fees and pass along
 interests in property insurance costs to tenants; (4) whether the
 allowable management fee for owner-occupied or rent controlled
 properties should be increased; (5) whether the respective small
 and medium size boards of the Cambridge Rent Control Board should
 be prohibited from owning or leasing rent controlled property in
 the City of Cambridge. The City of Cambridge shall examine and
 consider these issues and any other issues it deems relevant to the
 administration and enforcement of rent control, particularly as
 related to the availability of decent and affordable housing for low
 and moderate income tenants and the problems experienced by
 so-called small property owners of rent controlled property who
 owner-occupy their property and are not actively engaged in the
 business of owning and renting property; and shall make findings,
 of fact and prepare recommendations, based upon the findings,
 and transmit both the findings and the recommendations to the

SECTION 10. If any section of any provision of any section
 of this act or the application of such section or any such provision
 of any such section to any person or circumstance shall be held
 invalid, the validity of the remainder of the act and the
 applicability of such section or such provision of such section to
 other persons or circumstances shall not be affected thereby;
 provided also that nothing herein shall be construed to limit the
 authority of the city and the rent control board to regulate removal
 of controlled rental units as lawfully justifiably determined.

SECTION 11. This act shall take effect upon its passage.



City of Cambridge

38.

IN CITY COUNCIL

MAY 13, 1991

COUNCILLOR WALSH

ORDERED: That the City Manager take the necessary steps to assure that the mandates to the City of Cambridge contained in Section 9 of the attached Massachusetts Senate Bill - Number 1580 of 1990 are carried out fully and in a timely manner by the City of Cambridge so that the findings of fact and recommendations, as requested therein, will be transmitted to the Joint Committee on Local Affairs, not later than July 1, 1991; and be it further

ORDERED: That the City Manager report back to the Council within one week to confirm that the process is in place to assure this.

(ATTACHMENT)

CHARTER RIGHT EXERCISED BY MAYOR WOLF

Order # 38

Cul #4

F-317

NON-CONSENT

Councillor Wlash re: Senate Bill #1580
of 1991.

In City Council,

May 13, 1991

Charter Right exercised
by Mayor Wolf

5/20/91 Order adopted

As amended

6-3-0.

Referred to Rent Control,
Copy to Rent Control
Committee 5/23/91 (dw).