



CITY OF CAMBRIDGE  
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EXECUTIVE DEPARTMENT  
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September 26, 1994

To the Honorable, The City Council,

As I reported to you on August 1, the City Administration is engaged in an ongoing process of examining the avenues available to the City in the event that Initiative Petition #93-19 (question 9) is passed on November 8. The City is prohibited by campaign and finance laws from undertaking any activity which would be considered as influencing the outcome of the election, but we are in the process of developing the alternative strategies for the City Council so that the Council will be able to respond should the Initiative Petition pass.

Legislative Strategy

We will be drafting alternative home rule petitions for the Council's consideration. Those petitions will fall into three main categories: 1) petitions for one or another version of vacancy decontrol; 2) petitions for modifications of the existing rent control system to address some of the areas that have been most criticized; and 3) a petition for the rent control system in its current form.

Among the types of modifications that staff are designing in category two for the Council's consideration are:

- resolving the status of ordnanced condos
- addressing the low rent units
- streamlining of and time limits on case processing
- rent escrow requirements for rent withholding

In addition, staff are looking at possible models for decontrol of some high rent units, additional exemptions for small properties, and targeting of units to those most in need.

The exact nature of the home rule petition that the City Council might choose to adopt will depend on the likelihood of obtaining favorable action from the legislature. In advance of the vote on the initiative petition, it will be exceedingly difficult to determine the possibilities of legislative success. The success of a home rule petition may depend on the size of the vote on the

initiative petition both state wide and in Cambridge.

We will continue to maintain contact with the legislative leadership to assess the feasibility of our different home rule options. We are also talking with legislative staff about the possibility that the legislature would, if the initiative petition passes, amend the law to delay its effective date to give the legislature sufficient time to act on home rule petitions from Cambridge and from Boston and Brookline. At this time, it appears that Brookline and Boston are intending to seek home rule legislation to continue their current versions of rent control/vacancy decontrol.

#### Legal Action

We are continuing our research into possible legal challenges should the initiative petition be passed. As you know, the Supreme Judicial Court decided that the initiative petition was not invalid on the basis of the localities exclusion. The Court did not rule on other possible challenges to the validity of the petition as enacted. Therefore, the City may want to pursue challenges to the validity of the initiative petition as enacted. Should the City take legal action, we could seek an injunction to temporarily prevent the implementation of the law. An injunction, however, would be granted only if the Court were persuaded that the City had a reasonable likelihood of success on the merits. In reaching a decision about whether to go forward with litigation, the City will have to assess the likelihood of success in the Courts as well as any possible impacts the legal action may have on the home rule process in the legislature.

#### Other Actions

We are also looking at other actions that the Council could take in conjunction with legal and/or legislative action to further some of the City's policies that will be affected by the passage of Question 9. For example:

If Question 9 passes, Cambridge would be subject to the State law governing condominium conversion and in addition the City Council, by a 2/3 vote could adopt additional local controls of condominium conversion.

The City Council may want to consider City wide inclusionary zoning which could provide for a modest number of affordable housing units for the future.

The City Council may want to look at techniques to preserve existing neighborhood character that might be affected by increased density and by conversions of residential use to commercial and institutional use. These could include rezonings, urban design guidelines and demolition controls.

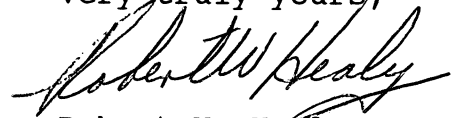
The City Council may want to look at possible restrictions on

rooming house conversions.

In the event that Question 9 is adopted, the City will have in place on November 9 a hot line number to answer inquiries from the public about the affect of the new law.

We are also continuing to assess the City's capacity to address the likely impacts of the passage of Question 9 on low income and elderly tenants. As you know, the City's existing programs that address the needs for housing and shelter of homeless or vulnerable populations are at capacity. Our ability to respond to significant numbers of requests for assistance will be very limited.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert W. Healy", written in a cursive style.

Robert W. Healy  
City Manager

Consent Agenda # 14 *Cal # 20*

*S-546*  
Update on City's planning for eventuality  
that initiative petition 93-19 is adopted.

In City Council,

Sept. 26, 1994

*Charter Right  
exercised by  
Councillor Walsh*

*10/3/94 - Tahliel*

*by Councillor Buckley*

*11/21/94 Placed on file*