



City of Cambridge

AMENDED ORDER

26.

Calendar Item # 2
IN CITY COUNCIL

August 2, 1993

September 13, 1993

COUNCILLOR WALSH
COUNCILLOR RUSSELL

WHEREAS: Damian Schloming, a young resident of Cambridge, has had an article published in The Wall Street Journal on July 16, 1993, a copy of which is attached; now therefore be it

RESOLVED: That this City Council go on record as congratulating Damian on what may be the launching of a stellar career in the field of journalism.

In City Council September 13, 1993.

Adopted as amended by a yea and nay vote:-

Yeas 5; Nays 2; Absent 1; Present 1.

Attest:- D. Margaret Drury, City Clerk.

A true copy; *D. Margaret Drury*

ATTEST:-

D. Margaret Drury
City Clerk



City of Cambridge

ORIGINAL ORDER

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THE WALL STREET JOURNAL FRIDAY, JULY 16, 1993

Pity the Poor Landlords of Cambridge

By DAMIAN SCHLONOFF

Stringent government regulations that are designed to help the poor rarely do. Nowhere is this better illustrated than in Cambridge, Mass.

The Tenant Advocacy Project is one of Harvard Law School's "clinical programs" that gives students experience by supposedly offering free legal help to the poor. But if TAP's income guidelines were as low as those for other legal service agencies, few rent-controlled tenants would be poor enough to qualify, explained Marsha Peters, an attorney paid by Harvard University to advise TAP students. "We would be out of business," she said.

Then what is TAP's mission? While attending Rent Control Board meetings with my brother, a member of the Small Property Owners' Association of Cambridge, I have seen TAP's real agenda: using the intricacies of the city's rent-control laws to hassle poor individuals struggling to gain financial independence through the ownership of a scrap of private property. These landlords are typically blue-collar, minority or immigrants, and often elderly. However, TAP cares only about a person's status as a landlord or a tenant, regardless of his financial need.

Take the case of Carl and Barbara Pilgrims, landlords whose principal source of income was a \$700-a-month disability pension.

A few years ago, when they needed more space for Mrs. Pilgrim's ailing mother to move in with them and their son, the couple removed the wall between their own apartment and a vacant apartment in their four-family rent-controlled building. But this merger violated an ordinance of the city's rent-control laws prohibiting owners from converting units without permission. Consequently, the Pilgrims found themselves on trial at the Rent Board.

According to the Rent Board hearing report, TAP argued that it was against the public interest for the Pilgrims to merge the two units because "it would aggravate the shortage of housing and work to the detriment of low- and middle-income tenants in Cambridge." After all, TAP said, Mrs. Pilgrim's mother could sleep in the dining room. Ultimately, TAP suggested a compromise: let the mother move in without combining the units. According to the report, "This would mean you would have to go downstairs [out the front door] and upstairs to go to the two apartments," but this would be "a lot cozier than Mississippi," where the mother then lived.

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Mr. Schlönoff, a 19-year-old resident of Cambridge, Mass., is being homeschooled by his parents.

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HARVARD LAW SCHOOL
OFFICE OF CLINICAL PROGRAMS

Daniel Greenberg, Esq.
Director

Denise Y. Outland, Esq.
Associate Director

September 10, 1993

To the Honorable Members of the Cambridge
City Council:

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Clinical education affords interested students the opportunity to gain practice experience under the close supervision of part- and full-time clinical instructors who insure the adequacy of the representation as well as the pedagogical validity of the experience. While Harvard was a pioneer of such education, there is virtually no school in the country today which does not use clinical methodology in its teaching.

To make his points, Mr. Schloming cites two cases in which the adversaries to TAP were elderly or disabled landlords, and one where the tenants had high income. He had to go back many years to find these few high-profile, sympathetic cases. Strict income guidelines were set four years ago, partially as a result of the case he cites.

Similarly, the case of the Pilgrim family, living on disability, occurred in 1985. In fact, TAP is involved in hundreds of cases per year, many with institutional landlords. More important, students representing clients do not evaluate or pass on the relative wealth of their adversaries when representation is undertaken.

The essence of an adversary system is that both sides to a dispute are entitled to have their day in court. Landlords are generally represented by lawyers before the Cambridge Rent Board. One understands the frustration which Mr. Schloming and his mother's organization, the Small Property Owners Association, feel as adversaries to TAP at contested hearings, especially if the student representative is being effective. Mr. Schloming is undoubtedly correct when he complains that TAP representation makes litigation more expensive. It is not a surprise that legal fees to one side increase if the other side is represented diligently. But that defines the role of counsel in an adversary setting; it is not the basis for critique.

As Mr. Schloming knows, if landlords cannot afford counsel, representation is available to them through the Small Owners Assistance Program, a project at Harvard University which allows law students who wish to represent landlords the opportunity to do so. Both TAP students and SOAP students are being taught to do their jobs effectively.

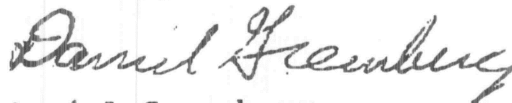
Moreover, one must remember that TAP students do not decide cases. They present facts to a trier of fact about issues which are in dispute. After hearing and reviewing the evidence, the Board renders judgments. TAP students thus perform an important and appropriate function for the Board: they test the other side's assertions, and put them to their proof. This is the classic role of a litigator, equally valuable when a landlord attempts to evict a tenant as when family issues are in dispute or when two corporations fight over a contract.

Mr. Schloming also criticizes TAP for taking positions on policy matters. This is a relatively small part of its mission -- well over eighty per cent of its case load is representing individual tenants. Again, it is appropriate for students to learn this work. Part of the role of an attorney is to advocate in fora other than courts or individual hearings. Policy issues are best resolved when many different voices are heard. Impartial members of the executive, legislative and judicial branches of government have come to rely on these diverse opinions in their decision-making roles. The law school believes that it is appropriate that law students learn how to do this effectively and respectfully within the bounds of law and ethical requirements.

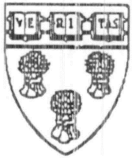
The large student interest in housing law, and the educational value derived from representation before an administrative agency, have convinced the law school that advocacy before the Rent Board merits supervision from the clinical program. Two part-time clinical instructors assure the quality of the representation and educational experience. Except at times when students are unavailable because of exams or holidays, Mr. Schloming is simply incorrect when he asserts that the students take a back-seat role to the instructors. To allow this to happen would defeat the goal of clinical education.

Harvard Law School is committed to providing an excellent education to all of its students. In today's law school, this includes an option for clinical programs such as TAP. As its adversary in particular cases, Mr. Schloming's frustration is understandable. But I hope this letter has helped to put the program into perspective.

Sincerely,



Daniel Greenberg
Director of Clinical Programs
Harvard Law School



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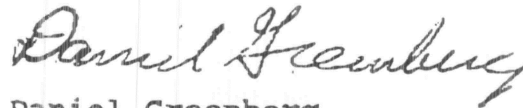
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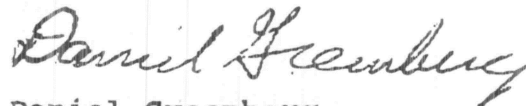
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MASSACHUSETTS

In City Council

9/13

1993

Revised #2
man order

YEA	NAY	ABSENT	PRESENT	
✓				Mr. Ed Cyr
✓				Mr. Francis H. Duehay
✓				Mr. Jonathan S. Myers
	✓			Mrs. Sheila T. Russell
		✓		Mr. Walter J. Sullivan
	✓			Mr. Timothy J. Toomey, Jr.
			✓	Mr. William H. Walsh
✓				Ms. Alice K. Wolf
✓				Mayor Kenneth E. Reeves
5	2	1	1	

City of Cambridge

MASSACHUSETTS

In City Council

9/13

1993

Reconsideration #2

C. Myers amend to remove the word "fine" in 1st Whereby
and strike second Whereby Clause

YEA	NAY	ABSENT	PRESENT	
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✓				Mr. Jonathan S. Myers
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		✓		Mr. Walter J. Sullivan
	✓			Mr. Timothy J. Toomey, Jr.
	✓			Mr. William H. Walsh
✓				Ms. Alice K. Wolf
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City of Cambridge

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Adopted by the affirmative vote of nine members.

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A true copy;

ATTEST:- *D. Margaret Drury*

D. Margaret Drury
City Clerk

RECONSIDERATION FILED BY COUNCILLOR DUEHAY

Pity the Poor Landlords of Cambridge

By DAMIAN SCHLÖMING

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City of Cambridge

26

IN CITY COUNCIL

July 21, 1993

COUNCILLOR WALEN

WHEREAS: Damian Schioming, a young resident of Cambridge, has had a fine article published in The Wall Street Journal on July 16, 1993; and

WHEREAS: Mr. Schioming's perception of the Rent Control situation in this City shows an intelligent grasp of facts and an ability to clearly communicate the plight of the Cambridge small landlord; now therefore be it

RESOLVED: That this City Council go on record as congratulating Damian on what may be the launching of a stellar career in the field of journalism.



City of Cambridge

26.

IN CITY COUNCIL

August 2, 1993

COUNCILLOR WALSH

WHEREAS: Damian Schloming, a young resident of Cambridge, has had a fine article published in The Wall Street Journal on July 16, 1993, a copy of which is attached; and

WHEREAS: Mr. Schloming's perception of the Rent Control situation in this City shows an intelligent grasp of facts and an ability to clearly communicate the plight of the Cantabrigian small landlord; now therefore be it

RESOLVED: That this City Council go on record as congratulating Damian on what may be the launching of a stellar career in the field of journalism.

Russell
Consent Order # 26

Councillor Walsh congratulating Damian
Schloming for his article in the Wall
Street Journal.

In City Council,

August 2, 1993

*order adopted
Reconsideration filed
by Councillor Quekey.*

order # 26

MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR

Duehay

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Councillor Duehay has filed his intention to move reconsideration of the vote taken on August 2, 1993 adopting an order introduced by Councillor Walsh congratulating Damian Schloming for his article in the Wall Street Journal.

Francis H. Duehay DMD
Signature

Cal 42 R-413
Reconsideration filed by Councillor Duehay
on an order introduced by Councillor Walsh
which was adopted on August 2, 1993 to
congratulate Damian Schloming for his
article in the Wall Street Journal.

In city Council,

Sept. 13, 1993

Reconsideration
Carried
5-3-1-0.

Amended order
Adopted.
5-2-1-1.

Order amended by
Councillor Myers.