

City of Cambridge

ADDITIONAL PROTESTS TO THE INCLUSIONARY ZONING PETITION RECEIVED AT THE CITY COUNCIL MEETING OF DECEMBER 17, 1984.

- ✓ 1. David J. McGrath, Jr., Tr., owner of the premises numbered 641 and 627 Massachusetts Avenue.
- ✓ 2. Keri Realty, owner of the premises numbered 15-17 Monsignor O'Brien Highway.
- ✓ 3. William J. McTighe, owner of the premises numbered 139, 145 and 155 Brookline Street.
- ✓ 4. Robert C. Godwin, Trustee of the 69-71 Elm Street Realty Trust, owner of the premises numbered 69-71 Elm Street.
- ✓ 5. Douglas and Bonnie E. Okun, owners of the premises numbered 156 Mt. Auburn Street and 334 Walden Street.
- ✓ 6. Edwin R. Sage, et al, owners of the premises numbered 43, 45 and 47 Brattle Street and 60, 66, 58, 56, and 54 Church Street.
- ✓ 7. Haskell Cohn, Tr., owner of the premises numbered 29 Smith Place.
- ✓ 8. Squirrel Brand, owner of 12 and 17 Boardman Street and 168 Harvard Street.
- ✓ 9. Elbery Motor Corporation, owner of the premises numbered 347, 351, 361 Putnam and 340 River Street.
- ✓ 10. Haskell Ginns, Pres., Indikon Co., Inc., owner of the premises numbered 22, 36 and 48 New Street.
- ✓ 11. Manuel Costa, owner of the premises numbered 203 Cambridge Street.
- ✓ 12. Jacques Fonteyne, Iravenol Lab., Inc., owner of the premises numbered 341 Vassar Street.
- ✓ 13. F. Martignetti, et al, Trs. of Salem Realty, owner of the premises numbered 13 and 43 Mooney Street.

DECEMBER 3, 1984

RECEIVED BY
OFFICE OF CITY CLERK

DEC 14 10 31 AM '84

CAMBRIDGE, MASS.

MR. PAUL HEALY
CITY CLERK
CITY OF CAMBRIDGE
795 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139

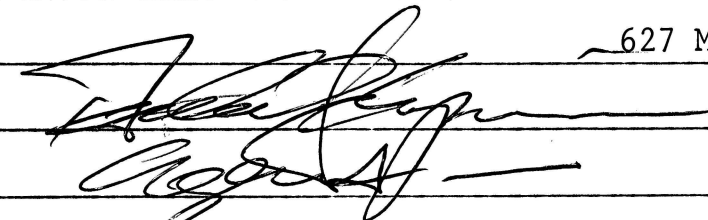
DEAR MR. HEALY:

THE CAMBRIDGE LAND OWNERS LISTED BELOW OPPOSE THE CHANGES TO THE CAMBRIDGE ZONING ORDINANCE PROPOSED BY COUNCILLOR DAVID SULLIVAN AND WILLIAM S. NOBLE AND OTHERS CONCERNING LOW-AND MODERATE-INCOME HOUSHOLD INCLUSIONARY ZONING REQUIREMENTS FOR RESIDENTIAL, COMMERCIAL AND INSTITUTIONAL DEVELOPMENT. WE ARE OWNERS OF REAL ESTATE IN THE CITY OF CAMBRIDGE WHO WILL BE AFFECTED BY THIS CHANGE TO THE CITY'S ZONING ORDINANCE WHICH ENDEAVORS TO CREATE THE NEW SECTION 11.90.

WE DO HEREBY FILE A WRITTEN PROTEST PERSUANT TO CHAPTER 40A, SECTION 5 OF THE MASSACHUSETTS GENERAL LAWS, AND HAVE INCLUDED THE SIGNATURES OF MORE THAN 20% IN LAND AREA OF THE AFFECTED PROPERTY OWNERS. MASSACHUSETTS GENERAL LAWS CHAPTER 40A, SECTION 5, STATES GENERALLY THAT NO ZONING ORDINANCE CAN BE ADOPTED EXCEPT BY A TWO-THIRDS VOTE OF THE CITY COUNCIL. THIS WOULD MEAN SIX COUNCILORS. HOWEVER, THE STATUTE GOES ON TO SAY THAT IF THERE IS FILED WITH THE CITY CLERK, PRIOR TO FINAL APPROVAL OF THE ORDINANCE, A WRITTEN PROTEST, STATING THE REASONS FOR THE PROTEST, SIGNED BY "THE OWNERS OF TWENTY PERCENT OR MORE OF THE AREA OF THE LAND PROPOSED TO BE INCLUDED OR OF THE AREA OF THE LAND IMMEDIATELY ADJACENT EXTENDING THREE HUNDRED FEET THEREFROM", THEN A THREE-FOURTHS VOTE (7 COUNCILORS) WOULD BE NECESSARY FOR THE ORDINANCE TO BE ENACTED. WE NOW SO FILE SUCH A PROTEST.

THE PROPERTY OWNERS LISTED BELOW OPPOSE THIS PROPOSED ORDINANCE BECAUSE IT DOES NOT SERVE THE BEST INTERESTS OF THE CITY OF CAMBRIDGE OR THE PEOPLE WHO LIVE AND WORK HERE.

PLEASE PLACE THIS WRITTEN PROTEST INTO THE OFFICIAL RECORDS OF THE CITY.

<u>NAME OF OWNER OR AGENT</u>	<u>PROPERTY ADDRESS(ES)</u>
DAVID J. McGRATH JR TR.	641 MASS. AVE. GLK 90 LOT 170
	627 MASS. AVE. BLK 90 LOT 169

Comm. from Paul E. Healy, City Clerk, trans.
a written protest from David J. McGrath, Jr.,
Trustee of the premises numbered 641 & 627
Mass. Avenue to the petitions of the City
Council & William S. Noble, relative to
Inclusionary Zoning.

In City Council,

December 17, 1984

12/17/84

Referred to the
PETITION

DECEMBER 17, 1984 RECEIVED BY OFFICE OF CITY CLERK

DEC 17 9 58 AM '84

MR. PAUL HEALY
CITY CLERK
CITY OF CAMBRIDGE
795 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139

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NAME OF OWNER OR AGENT

PROPERTY ADDRESS(ES)

Keri Reilly

*15-17, Mrs. O'Brien Hwy.,
Cambridge, Ma - 02141
(P.O. Box 207)*

*Raymond A. & Barbara F. Souza
Suzanne*

HC

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
One Financial Center[®]
Boston, Massachusetts 02111



Mr. Paul Healy
City Clerk
City of Cambridge
795 Mass Ave.
Cambridge, MA 02139

DECEMBER 3, 1984

RECEIVED BY
OFFICE OF CITY CLERK

DEC 17 9 57 AM '84

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CITY CLERK
CITY OF CAMBRIDGE
795 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139

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<u>NAME OF OWNER OR AGENT</u>	<u>PROPERTY ADDRESS(ES)</u>
WILLIAM J. McTIGHE	139 BROOKLINE ST. BLK 94 LOT 158
	145 BROOKLINE ST. BLK 94 LOT 149
	155 BROOKLINE ST. BLK 94 LOT 154

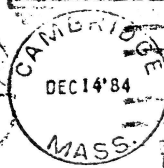
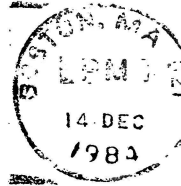
William J. McTighe



THE
**WHEELER
GROUP**

155 Brookline Street
Cambridge, Mass. 02139

W. J. McTigue



1222183

*Mr. Paul Healy
City Club
City of Cambridge
795 Mass. Ave
Cambridge Ma. 02139*

DECEMBER 17, 1984

RECEIVED BY
OFFICE OF CITY CLERK

DEC 17 9 57 AM '84

CAMBRIDGE, MASS.

MR. PAUL HEALY
CITY CLERK
CITY OF CAMBRIDGE
795 MASSACHUSETTS AVENUE
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NAME OF
OWNER OR AGENT

PROPERTY
ADDRESS(ES)

Paul C. Adwin, Trustee of the 69-71 Elm Street Realty Trust.

69-71 Elm Street, Cambridge

DECEMBER 3, 1984

RECEIVED
OFFICE OF CITY CLERK
DEC 17 11 34 AM '84
CAMBRIDGE, MASS.

MR. PAUL HEALY
CITY CLERK
CITY OF CAMBRIDGE
795 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139

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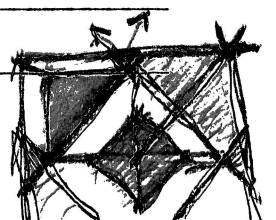
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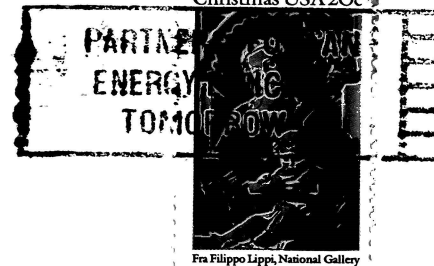
<u>NAME OF</u>	<u>PROPERTY</u>
<u>OWNER OR AGENT</u>	<u>ADDRESS(ES)</u>

<i>Douglas Okun</i>	<i>156 Mt Auburn St</i>
<i>Bonnie E. Okun</i>	<i>334 Walden St.</i>



DOUGLAS OKUN & ASSOCIATES, INC.

156 Mt. Auburn St., Cambridge, Massachusetts, 02138 (617)491-4600



MR. PAUL HEALY
CITY CLERK
CITY OF CAMBRIDGE
795 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02139



Comm. from Paul E. Healy, City Clerk, trans.
written protests from the following property
owners to the petitions of the City Council
& William S. Noble Re: Inclusionary Zoning:
Haskell Cohn, Tr., 29 Smith Pl.; Keri Realty,
15-17 Msgr. O'Brien Highway; William J.
McTighe, 139, 145 & 155 Brookline St.; Robert
C. Godwin, Tr. of 69-71 Elm St. Realty Tr.,
69-71 Elm St.; Douglas Okun, 156 Mt. Auburn
St.; & Bonnie Okun, 334 Walden St.

In City Council,

December 17, 1984

12/17/84
Returned to the
Petitioners -

DECEMBER 3, 1984

RECEIVED BY
OFFICE OF CITY CLERK

DEC 13 12 12 PM '84

MR. PAUL HEALY
CITY CLERK
CITY OF CAMBRIDGE
795 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139

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NAME OF
OWNER OR AGENT

PROPERTY
ADDRESS(ES)

EDWIN R. SAGE ET AL

43, 45, 47 BRATTLE ST.

66, 60, 58, 56, 54, CHURCH ST.

Edwin R. Sage agent for owner Pamela S. Ackland

Edwin R. Sage

Jean L. Amory

Edwin R. Sage

Comm. from Paul E. Healy, City Clerk, trans.
a written protest from Edwin R. Sage, et al,
owners of the premises numbered 43,45 & 47
Brattle St. and 66,60,58,56 & 54 Church St.
to the petitions of the City Council & Wil-
liam S. Noble relative to Inclusionary
Zoning.

In City Council,

December 17, 1984

12/17/84

Referred
to
The
Petitions

DECEMBER 3, 1984

RECEIVED BY
OFFICE OF CITY CLERK
DEC 17 9 59 AM '84
CAMBRIDGE, MASS.

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<u>NAME OF OWNER OR AGENT</u>	<u>PROPERTY ADDRESS(ES)</u>
HASKELL COHN, TR.	29 SMITH PLACE BLK 267D LOTS 309 &314 BLK 267E LOTS 286 &287

✓ *Haskell Cohn Trustee*
1010 Memorial Drive
Cambridge 02138

DECEMBER 3, 1984

RECEIVED BY
OFFICE OF CITY CLERK

Dec 13 12 13 PM '84

MR. PAUL HEALY
CITY CLERK
CITY OF CAMBRIDGE
795 MASSACHUSETTS AVENUE
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<u>NAME OF OWNER OR AGENT</u>	<u>PROPERTY ADDRESS(ES)</u>
SQUIRREL BRAND	12 BOARDMAN ST. BLK 76 LOT 107
	17 BOARDMAN ST. BLK 76 LOT 101
	168 HARVARD ST. BLK 74 LOT 126

Edward H. Stengel
Vice Pres.

Comm. from Paul E. Healy, City Clerk, transmitting a written protest from Squirrel Brand, owners of the premises numbered 12 & 17 Boardman St., & 168 Harvard St., to the petitions of the City Council & William S. Noble relative to Inclusionary Zoning.

In City Council,

December 17, 1984

12/17/84

Referred

to

the

PETITIONS

DECEMBER 3, 1984

RECEIVED BY
OFFICE OF CITY CLERK

DEC 11 12 15 PM '84

CAMBRIDGE, MASS.

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ELBERY MOTOR CORP.	347 PUTNAM AVE. BLK 128 LOT 10
	351 PUTNAM AVE. BLK 128 LOTS 11, 12, & 22
	361 PUTNAM AVE. BLK. 128 LOT 12
	340 RIVER ST. BLK 128 LOTS 4, 9, & 10

*Elbery Motor Corp
By Gordon W. Winkler
Pres.*

Comm. from Paul E. Healy, City Clerk, trans.
written protest from Elbery Motor Corp.
owners of the premises numbered 347,351 &
361 Putnam Ave. & 340 River St. to the
petitions of the City Council & William S.
Noble Re: Inclusionary Zoning.

In City Council,

December 17, 1984

DECEMBER 3, 1984

RECEIVED BY
OFFICE OF CITY CLERK

MR. PAUL HEALY
CITY CLERK
CITY OF CAMBRIDGE CAMBRIDGE, MASS.
795 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139

DEC 11 10 11 AM '84

DEAR MR. HEALY:

THE CAMBRIDGE LAND OWNERS LISTED BELOW OPPOSE THE CHANGES TO THE CAMBRIDGE ZONING ORDINANCE PROPOSED BY COUNCILLOR DAVID SULLIVAN AND WILLIAM S. NOBLE AND OTHERS CONCERNING LOW-AND MODERATE-INCOME HOUSHOLD INCLUSIONARY ZONING REQUIREMENTS FOR RESIDENTIAL, COMMERCIAL AND INSTITUTIONAL DEVELOPMENT. WE ARE OWNERS OF REAL ESTATE IN THE CITY OF CAMBRIDGE WHO WILL BE AFFECTED BY THIS CHANGE TO THE CITY'S ZONING ORDINANCE WHICH ENDEAVORS TO CREATE THE NEW SECTION 11.90.

WE DO HEREBY FILE A WRITTEN PROTEST PERSUANT TO CHAPTER 40A, SECTION 5 OF THE MASSACHUSETTS GENERAL LAWS, AND HAVE INCLUDED THE SIGNATURES OF MORE THAN 20% IN LAND AREA OF THE AFFECTED PROPERTY OWNERS. MASSACHUSETTS GENERAL LAWS CHAPTER 40A, SECTION 5, STATES GENERALLY THAT NO ZONING ORDINANCE CAN BE ADOPTED EXCEPT BY A TWO-THIRDS VOTE OF THE CITY COUNCIL. THIS WOULD MEAN SIX COUNCILORS. HOWEVER, THE STATUTE GOES ON TO SAY THAT IF THERE IS FILED WITH THE CITY CLERK, PRIOR TO FINAL APPROVAL OF THE ORDINANCE, A WRITTEN PROTEST, STATING THE REASONS FOR THE PROTEST, SIGNED BY "THE OWNERS OF TWENTY PERCENT OR MORE OF THE AREA OF THE LAND PROPOSED TO BE INCLUDED OR OF THE AREA OF THE LAND IMMEDIATELY ADJACENT EXTENDING THREE HUNDRED FEET THEREFROM", THEN A THREE-FOURTHS VOTE (7 COUNCILORS) WOULD BE NECESSARY FOR THE ORDINANCE TO BE ENACTED. WE NOW SO FILE SUCH A PROTEST.

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NAME OF
OWNER OR AGENT

PROPERTY
ADDRESS(ES)

THE INDIKON CO., INC.

22 NEW STREET BLK 273 LOT 44

Haskell Grims
President

36 NEW STREET BLK 273 LOT 45

48 NEW STREET BLK 273 LOT 46

Comm. from Paul E. Healy, City Clerk, trans.
a written protest from Haskell Ginns, Pres.
of Indikon Co., Inc., owners of the premises
numbered 22,36 & 48 New St. to the petitions
of the City Council & William S. Noble Re:
inclusionary zoning.

In City Council,

December 17, 1984

DECEMBER 3, 1984

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DEC 11 10 11 AM '84

MR. PAUL HEALY
CITY CLERK
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CAMBRIDGE, MASSACHUSETTS 02139

CAMBRIDGE, MASS.

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<u>NAME OF OWNER OR AGENT</u>	<u>PROPERTY ADDRESS(ES)</u>
BARRISTER LOUNGE	203 CAMBRIDGE ST. BLK 20 LOT 31
MANUEL COSTA	<i>Manuel J Costa</i>

Comm. from Paul E. Healy, City Clerk, trans.
a written protest from Manuel Costa, owner of
the Barrister Lounge at the premises numbered
203 Cambridge St. to the petitions of the
City Council & William S. Noble Re: Inclu-
sionary Zoning.

In City Council,

December 17, 1984

DECEMBER 3, 1984

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NAME OF
OWNER OR AGENT

PROPERTY
ADDRESS(ES)

TRAVENOL Laboratories Inc - 341 Nassau St. Cambridge

Authorized Signature



Jacques Fonteyne

=====

SUMMARY OF PETITIONS FOR LOW-AND MODERATE-INCOME INCLUSIONARY HOUSING ZONING

=====

COUNCILOR DAVID SULLIVAN'S
PETITION

CAMBRIDGE RENT CONTROL COALITION'S
PETITION

1. Properties Affected

A. Applies to residential, office, institutional and retail development

2. Requirements - (Office, Retail and Institutional Development)

- A. Set aside provision that requires developers or property owners to allocate a number of low- and moderate-income housing units in new construction plans or substantial rehab on site (substantial rehab is considered 50% or more of the replacement value of the structure).
- B. An in lieu of cash payment could be acceptable versus donated housing units. (Cash contribution per unit shall be determined on a yearly basis by the Cambridge Housing Development Trust and shall be equal to the current total construction cost of the unit or units required).
- C. Equivalent value contribution of land may be an acceptable alternative to building housing on site.

3. Requirements - (Residential)

A. 25% of developed units be made available for low- and moderate-income housing.

1. Properties Affected

A. Applies to residential, commercial and institutional development

2. Requirements - (Commercial and Institutional Development)

- A. Set aside provision that requires developers or property owners to allocate a number of low- and moderate-income housing units in new construction plans or substantial rehab on site (substantial rehab is considered 50% or more of the replacement value of the structure).
- B. An in lieu of cash contribution not acceptable.
- C. Equivalent value contribution of land may be an acceptable alternative to building housing on site.

3. Requirements - (Residential)

A. Escalating scale of percentage of units developed; 4 to 10 (20%) - 10 units or more (30%).

4. Threshold - (Office, Retail and Institutional Development)

A. First 10,000 square feet developed is exempt. Beyond initial exemption, in 10,000 square foot increments, one unit must be provided, a cash contribution made, or an equivalent value of land.

5. Threshold - (Residential)

A. First seven units exempt. Beyond initial exemption, 25% of units developed must be provided for low- and moderate-income households, a cash contribution made, or an equivalent value of land.

6. Management

Five member Cambridge Housing Trust Land Board who are residents of Cambridge and appointed by the City Manager.

7. Compliance

All agreements necessary to insure construction of units, equivalent payment or contribution of land to the City shall be executed before the issuance of a special permit by the Planning Board.

4. Threshold - (Commercial and Institutional Development)

A. first 10,000 square feet developed is exempt. Beyond initial exemption, in 10,000 square foot increments, one unit must be provided or an equivalent value of land.

5. Threshold - (Residential)

A. First 3 units exempt. Beyond initial exemption, a development containing 4 to 10 units must provide 20% of total constructed for low- and moderate-income households, or an equivalent value contribution of land. Beyond 10 units developed, the required unit percentage increases to 30.

6. Management

Five member Cambridge Housing Development Trust Board governed by a five member board of trustees who shall be residents of Cambridge and appointed by the City Manager.

7. Compliance

All agreements necessary to insure construction of units or equivalent contribution of land to the City shall be executed before the issuance of a special permit by the Planning Board.

Comm. from Paul E. Healy, City Clerk, trans.
a written protest from Jacques Fonteyne
on behalf of Travenol Laboratories, Inc. SW
owners of the premises numbered 341 Vassar
St. to the petitions of the City Council &
William S. Noble Re: Inclusionary Zoning.

In City Council,

December 17, 1984

DECEMBER 3, 1984

RECEIVED BY
OFFICE OF CITY CLERK

DEC 12 11 01 AM '84

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CITY CLERK
CITY OF CAMBRIDGE
795 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139

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NAME OF OWNER OR AGENT

PROPERTY ADDRESS(ES)

F. MARTIGNETTI ET AL

TRS OF SALEM RLTY

13 MOONEY ST. BLK 226 LOT 227

Ferdinand F Martignetti

43 MOONEY ST. BLK 267 LOT 227

Comm. from Paul E. Healy, City Clerk, trans.
a written protest from Ferdinand F. Martignetti, et al, Tr.'s of Salem Realty, owners of the premises numbered 13 & 43 Mooney St. to the petitions of the City Council & William S. Noble Re: Inclusionary Zoning.

In City Council,

December 17, 1984



BETTER CITIES REALTY, INC.

CAMBRIDGE HOME OWNERS' NEWSLETTER

497-0304

December 1984

As residential real estate brokers in Cambridge, we believe that you should know as much as possible about events affecting your most important investment -- your home. The new "Full Occupancy Ordinance" that became effective on October 1 casts doubt on most home owners' long-standing exemption from rent control regulations. This newsletter is devoted to making you aware of this new ordinance and what it may mean to you.

SPECIAL REPORT FULL OCCUPANCY ORDINANCE

The new ordinance could require you to rent your home if it is left vacant for 120 days. Failure to do so could result in a \$500 fine and subject your home to being taken by eminent domain. This may apply to home and condominium owners who have been exempt from rent control regulations in the past.

REACTION TO ORDINANCE THUS FAR

The ordinance has been received with surprise and alarm. The Cambridge Council of the Greater Boston Real Estate Board has formed a new legislative committee as a direct result of the ordinance and is meeting actively. No formal position has been taken by either the council or committee as yet. Clarification of the ordinance has been requested of the Rent Control Board, which has taken the position that it will deal with the new ordinance on a case-by-case basis.

"WHY SHOULD I BE CONCERNED? I'M EXEMPT!"

The applicability of this ordinance to home/condo owners revolves around the definition of "principal residence."

If "principal" or "primary" residence is defined loosely to allow sabbaticals, hospitalization, or work absences, home or condo owners will continue to be exempt. Such a definition would be based on an "intent to return."

If a strict definition is imposed, your home will fall under rent control as soon as it fails to qualify as your "principal residence," which is the only requirement to be "owner occupied." It is the status of being "owner occupied" that exempts all homes and condominiums built before January 1, 1969, from rent control.

THE ISSUE

A clear definition of "principal" or "primary" residence is needed.

PRECEDENT FOR DEFINING "PRINCIPAL" OR "PRIMARY" RESIDENCE

To date, the only definition bearing on residency is absence for three months. This was promulgated by the Rent Control Board to define the term "continuously occupied," in order to determine whether a tenant who purchased his rental unit, now a condominium, is qualified to occupy that unit, as an owner.

If a tenant prior to his purchase, "was physically absent from the unit for a period greater than three months" any time since August 10, 1979, "there shall be a rebuttable presumption that the tenant did not continuously occupy the unit." In other words, if this person were challenged, unless he could prove that he was not away for three months, he would not be allowed to be an owner-occupant in the condominium unit he purchased.

WHO WILL MAKE THE DEFINITION?

The procedure that has been followed on rent control matters is for the City Council to pass an ordinance and refer it on to the Rent Control Board for implementation. The "intent" of the Council and powers of the Rent Control Board are described on pages 2 and 3.

Please consider Better Cities Realty when you need real estate brokerage services.

INTENT OF CITY COUNCIL

On August 15, 1984, Council passed the following resolution:

RESOLVED:

"That it is the intent of this City Council that the Ordinance for Full Occupancy be administered and construed as follows:

1. All complaints under this ordinance shall be submitted to the Rent Control Board by affidavit or on a form to be devised by the Rent Control Board and signed under the pains and penalties of perjury.

2. An owner may make a showing of compliance for a habitable unit by providing evidence either:

a. that he/she has rented the unit in good faith and that a bona fide tenant lives in the unit. A bona fide tenancy may be established by some combination of a lease, proof of payment of rent or other consideration, the length of tenancy, and the presence of the tenant's personal belongings and furnishings in the unit. Special consideration shall be given to units to be occupied by immediate family members of the owner of an owner-occupied house; or

b. that he/she has offered the unit for rent in good faith throughout the 120 day period, but has been unable to rent the unit.

3. An owner may make a showing of good cause for a unit found to be unfit for human habitation by the Inspectional Services Department by providing evidence either:

a. that he/she is making the repairs required for habitability and is pursuing completion of those repairs with due diligence; or

b. that he/she is unable to make the repairs required ... because the necessary approvals or financing has not yet been received from public agencies....

4. At any point in proceedings before the Rent Control Board, an owner may make a showing under 2(a) above that a bona fide tenant has been accepted and is currently occupying the unit; and be it further

RESOLVED: That a copy of this resolution be delivered to the Rent Control Board."

CHRONOLOGY OF RENT CONTROL

AFFECTING SINGLE, TWO- AND THREE-FAMILY HOME OWNERS:

1970--Ch. 842 creates rent control board for units built before January 1, 1969.

1976--Ch. 36 extends Declaration of Emergency and specifically defines a house as a rental unit.

1984--Ord. 1014 for Full Occupancy requires all controlled rental units, including homes, "not the primary residence" of the owner to be rented to bona fide tenants.(Effective Oct 1, 1984)

AFFECTING CONDOMINIUM HOME OWNERS:

1979--Ord. 926 requires removal permit for the purchase of rent controlled unit.

1981--Ord. 966 prohibits an owner of a condominium from occupying his own unit if condominiumized after Aug 10, 1979.

1982--Ord. 980 prohibits a tenant from buying and occupying his own condominium unit unless he has continuously occupied it as a tenant since before Aug 10, 1979, and intends to occupy it indefinitely.

1983--Reg. 13-01 (y) redefines "continuously occupied" so that physical absence from the unit for a period greater than three months disqualifies the tenant/owner.(Effective May 19, 1983)

RENT CONTROL DEFINITIONS

OWNER OCCUPIED: "...when the owner ... occupies the unit as principal residence"

RENTAL UNITS: "...any property rented for ...dwelling purposes, including houses."

CONTROLLED RENTAL UNITS: "all rental units except:...

the rental unit or units in an owner occupied two-family or three-family house;...

rental units the construction of which was completed on or after January 1, 1969..."

REGISTRATION: "All dwelling units under the provisions of the Rent Control Act...shall be registered..." with the Board.

REMOVAL PERMIT: Required to remove any "controlled rental unit" from the market.

EXEMPTION CERTIFICATE: Now required by mortgagors. Can be obtained from the Board and may require a hearing and submission of documentation if the unit/home is not documented as exempt.

RENT CONTROL BOARD

The "new" Board was created in the Rent Control Act enacted March 31, 1976, Ch. 36 of Mass. G.Laws. Its composition and powers are described as follows:

"SECTION 5. Rent Board

a) This act shall be administered by a rent control board. Immediately upon the acceptance of this act the rent board established under Ch. 842 of the Acts of 1970 shall be deemed to be the rent board appointed by the city manager under this act to serve at the pleasure of the city manager or the city manager may appoint a new rent control board to serve at the pleasure of the city manager.

b) Members of the rent board shall receive no compensation for their services, but shall be reimbursed by the city for necessary expenses incurred in the performance of their duties.

c) The rent control board, hereinafter called the board, shall be responsible for carrying out the provisions of this act, and shall hire, with approval of the city manager, such personnel, not subject to the provisions of section nine A of chapter thirty of the general laws or chapter thirty-one of the general laws, as are needed, shall promulgate such policies, rules and regulations as will further the provisions of this act, and shall recommend to the city, for adoption such ordinances as may be necessary to carry out the purposes of this act.

d) The board may make such studies and investigations, conduct such hearings, and obtain such information as is deemed necessary in promulgating any regulation, rule or order under this act, or in administering and enforcing this act and regulations and orders promulgated hereunder. For the foregoing purposes, a person may be summoned to attend and testify and to produce books and papers in like manner as he may be summoned to attend as a witness before a court. Any person who rents or offers for rent or acts as broker or agent for the rental of any controlled rental unit may be required to furnish under oath any information required by the board and to produce records and other documents and make reports. Such persons shall have the right to be represented by counsel, and a transcript shall be taken of all (cont.)

testimony and such person shall have the right to examine said transcript at reasonable times and places. Section 10 of Ch. 233 of the General Laws shall apply, and for the purposes of this act a justice of the district court shall have the same powers as a justice of the Supreme Judicial or Superior Court to implement the provisions of said section. e) The board shall have the power to issue orders and promulgate regulations to effectuate the purposes of this act."

TEXT OF FULL OCCUPANCY ORDINANCE #1014 AMENDS ORDINANCE #966

"Section 1. Removal of Controlled Rental Units from Market."

"(b)(4) 'Removal from the market' as applied to a controlled rental unit, includes but is not limited to:"

(here are listed various forms of occupancy, demolition, rehabilitation and conversion that are improper "Removal")

"(b)(4)(v) cause a unit, not the primary residence of the legal unit owner, to be vacant for 120 days or more by refusing to rent or offer to rent said unit in good faith....The existence of a vacancy for 120 days or more, without showing good cause, shall constitute removal from the market."

"(c) Removal Regulated. No owner or other person shall remove from the market any controlled rental unit, unless the board after a hearing grants a permit...."

"(f) Penalty. Any person who violates this section shall be punished by a fine of not more than five hundred dollars.... Where, after a hearing, the Board finds there are repeated and/or flagrant violations of this section, the Board shall recommend to the Cambridge City Council or to the Cambridge Housing Authority that the public interest can best be served by taking the unit(s) by power of eminent domain in order to restore the unit(s) to service as housing for people with low and moderate "incomes."

"The effective date of the amendments outlined above shall be October 1, 1984."

PARKING STICKERS

To avoid a ticket, your new sticker must be on by New Years Day. The Traffic and Parking Department has taken many steps this year to make this easier. Improvements are:

- Hours extended to 7:00 - 5:30.
- Staggered mailings of renewal notices, beginning 1 October.
- Mail-in Fee reduced to \$4.00

The most common difficulty this year is caused by address changes on car Registration cards not validated by the Registry of Motor Vehicles.

SNOW AND ICE REMOVAL

Beware! Tickets carrying up to a \$50.00 per day fine for not clearing sidewalks of ice and snow can be issued to offenders. Responsibility may lie either with the occupant or owner.

BETTER CITIES REALTY SEEKING LISTINGS

As members of the Greater Boston Real Estate Board and Multiple Listing Service we have the ability and desire to serve your real estate needs. Please call us!

Janet Caines, Lee Williams, Ellie Moran and Lansing Fair wish you a very merry Holiday Season

BETTER CITIES REALTY, INC.

Cambridge Home Owner's Newsletter
6 Bigelow Street
Cambridge, MA 02139

HOME OWNERSHIP AND THE FULL OCCUPANCY ORDINANCE

**BULK RATE
U. S. POSTAGE
PAID
BOSTON, MA
PERMIT NO. 57311**



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a. that he/she has rented the unit in good faith and that a bona fide tenant lives in the unit. A bona fide tenancy may be established by some combination of a lease, proof of payment of rent or other consideration, the length of tenancy, and the presence of the tenant's personal belongings and furnishings in the unit. Special consideration shall be given to units to be occupied by immediate family members of the owner of an owner-occupied house; or

b. that he/she has offered the unit for rent in good faith throughout the 120 day period, but has been unable to rent the unit.

3. An owner may make a showing of good cause for a unit found to be unfit for human habitation by the Inspectional Services Department by providing evidence either:

a. that he/she is making the repairs required for habitability and is pursuing completion of those repairs with due diligence; or

b. that he/she is unable to make the repairs required ... because the necessary approvals or financing has not yet been received from public agencies....

4. At any point in proceedings before the Rent Control Board, an owner may make a showing under 2(a) above that a bona fide tenant has been accepted and is currently occupying the unit; and be it further

RESOLVED: That a copy of this resolution be delivered to the Rent Control Board."

AFFECTING SINGLE, TWO- AND THREE-FAMILY HOME OWNERS:

1970--Ch. 842 creates rent control board for units built before January 1, 1969.

1976--Ch. 36 extends Declaration of Emergency and specifically defines a house as a rental unit.

1984--Ord. 1014 for Full Occupancy requires all controlled rental units, including homes, "not the primary residence" of the owner to be rented to bona fide tenants.(Effective Oct 1, 1984)

AFFECTING CONDOMINIUM HOME OWNERS:

1979--Ord. 926 requires removal permit for the purchase of rent controlled unit.

1981--Ord. 966 prohibits an owner of a condominium from occupying his own unit if condominiumized after Aug 10, 1979.

1982--Ord. 980 prohibits a tenant from buying and occupying his own condominium unit unless he has continuously occupied it as a tenant since before Aug 10, 1979, and intends to occupy it indefinitely.

1983--Reg. 13-01 (y) redefines "continuously occupied" so that physical absence from the unit for a period greater than three months disqualifies the tenant/owner.(Effective May 19, 1983)

RENT CONTROL DEFINITIONS

OWNER OCCUPIED: "...when the owner ... occupies the unit as principal residence"

RENTAL UNITS: "...any property rented for ...dwelling purposes, including houses."

CONTROLLED RENTAL UNITS: "all rental units except:...

the rental unit or units in an owner occupied two-family or three-family house;...

rental units the construction of which was completed on or after January 1, 1969..."

REGISTRATION: "All dwelling units under the provisions of the Rent Control Act...shall be registered..." with the Board.

REMOVAL PERMIT: Required to remove any "controlled rental unit" from the market.

EXEMPTION CERTIFICATE: Now required by mortgagors. Can be obtained from the Board and may require a hearing and submission of documentation if the unit/home is not documented as exempt.

RENT CONTROL BOARD

The "new" Board was created in the Rent Control Act enacted March 31, 1976, Ch. 36 of Mass. G.Laws. Its composition and powers are described as follows:

"SECTION 5. Rent Board

a) This act shall be administered by a rent control board. Immediately upon the acceptance of this act the rent board established under Ch. 842 of the Acts of 1970 shall be deemed to be the rent board appointed by the city manager under this act to serve at the pleasure of the city manager or the city manager may appoint a new rent control board to serve at the pleasure of the city manager.

b) Members of the rent board shall receive no compensation for their services, but shall be reimbursed by the city for necessary expenses incurred in the performance of their duties.

c) The rent control board, hereinafter called the board, shall be responsible for carrying out the provisions of this act, and shall hire, with approval of the city manager, such personnel, not subject to the provisions of section nine A of chapter thirty of the general laws or chapter thirty-one of the general laws, as are needed, shall promulgate such policies, rules and regulations as will further the provisions of this act, and shall recommend to the city, for adoption such ordinances as may be necessary to carry out the purposes of this act.

d) The board may make such studies and investigations, conduct such hearings, and obtain such information as is deemed necessary in promulgating any regulation, rule or order under this act, or in administering and enforcing this act and regulations and orders promulgated hereunder. For the foregoing purposes, a person may be summoned to attend and testify and to produce books and papers in like manner as he may be summoned to attend as a witness before a court. Any person who rents or offers for rent or acts as broker or agent for the rental of any controlled rental unit may be required to furnish under oath any information required by the board and to produce records and other documents and make reports. Such persons shall have the right to be represented by counsel, and a transcript shall be taken of all (cont.)

testimony and such person shall have the right to examine said transcript at reasonable times and places. Section 10 of Ch. 233 of the General Laws shall apply, and for the purposes of this act a justice of the district court shall have the same powers as a justice of the Supreme Judicial or Superior Court to implement the provisions of said section. e) The board shall have the power to issue orders and promulgate regulations to effectuate the purposes of this act."

TEXT OF FULL OCCUPANCY ORDINANCE #1014 AMENDS ORDINANCE #966

"Section 1. Removal of Controlled Rental Units from Market."

"(b)(4) 'Removal from the market' as applied to a controlled rental unit, includes but is not limited to:"

(here are listed various forms of occupancy, demolition, rehabilitation and conversion that are improper "Removal")

"(b)(4)(v) cause a unit, not the primary residence of the legal unit owner, to be vacant for 120 days or more by refusing to rent or offer to rent said unit in good faith....The existence of a vacancy for 120 days or more, without showing good cause, shall constitute removal from the market."

"(c) Removal Regulated. No owner or other person shall remove from the market any controlled rental unit, unless the board after a hearing grants a permit...."

"(f) Penalty. Any person who violates this section shall be punished by a fine of not more than five hundred dollars.... Where, after a hearing, the Board finds there are repeated and/or flagrant violations of this section, the Board shall recommend to the Cambridge City Council or to the Cambridge Housing Authority that the public interest can best be served by taking the unit(s) by power of eminent domain in order to restore the unit(s) to service as housing for people with low and moderate "incomes."

"The effective date of the amendments outlined above shall be October 1, 1984."

PARKING STICKERS

To avoid a ticket, your new sticker must be on by New Years Day. The Traffic and Parking Department has taken many steps this year to make this easier. Improvements are:

- Hours extended to 7:00 - 5:30.
- Staggered mailings of renewal notices, beginning 1 October.
- Mail-in Fee reduced to \$4.00

The most common difficulty this year is caused by address changes on car Registration cards not validated by the Registry of Motor Vehicles.

SNOW AND ICE REMOVAL

Beware! Tickets carrying up to a \$50.00 per day fine for not clearing sidewalks of ice and snow can be issued to offenders. Responsibility may lie either with the occupant or owner.

BETTER CITIES REALTY SEEKING LISTINGS

As members of the Greater Boston Real Estate Board and Multiple Listing Service we have the ability and desire to serve your real estate needs. Please call us!

Janet Caines, Lee Williams, Ellie Moran and Lansing Fair wish you a very merry Holiday Season

BETTER CITIES REALTY, INC.

Cambridge Home Owner's Newsletter
6 Bigelow Street
Cambridge, MA 02139

HOME OWNERSHIP AND THE FULL OCCUPANCY ORDINANCE

**BULK RATE
U. S. POSTAGE
PAID
BOSTON, MA
PERMIT NO. 57311**

RECEIVED BY
OFFICE OF CITY CLERK
Henry F. Owens, Inc.

COMMERCIAL & INDUSTRIAL MOVERS
DEC 10 1 24 PM '84

MODERN BONDED WAREHOUSE

CAMBRIDGE, MASS. SINCE 1927

RIGGERS

DECEMBER 3, 1984

MR. PAUL HEALY
CITY CLERK
CITY OF CAMBRIDGE
795 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139

DEAR MR. HEALY:

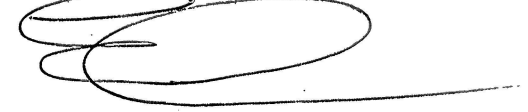
THE CAMBRIDGE LAND OWNERS LISTED BELOW OPPOSE THE CHANGES TO THE CAMBRIDGE ZONING ORDINANCE PROPOSED BY COUNCILLOR DAVID SULLIVAN AND WILLIAM S. NOBLE AND OTHER CONCERNING LOW-AND MODERATE-INCOME HOUSHOLD INCLUSIONARY ZONING REQUIREMENTS FOR RESIDENTIAL, COMMERCIAL AND INSTITUTIONAL DEVELOPMENT. WE ARE OWNER OF REAL ESTATE IN THE CITY OF CAMBRIDGE WHO WILL BE AFFECTED BY THIS CHANGE TO THE CITY'S ZONING ORDINANCE WHICH ENDEAVORS TO CREATE THE NEW SECTION 11.90.

WE DO HEREBY FILE A WRITTEN PROTEST PURSUANT TO CHAPTER 40A, SECTION 5 OF THE MASSACHUSETTS GENERAL LAWS, AND HAVE INCLUDED THE SIGNATURES OF MORE THAN 20% IN LAND AREA OF THE AFFECTED PROPERTY OWNERS. MASSACHUSETTS GENERAL LAWS CHAPTER 40A, SECTION 5, STATES GENERALLY THAT NO ZONING ORDINANCE CAN BE ADOPTED EXCEPT BY A TWO-THIRD VOTE OF THE CITY COUNCIL. THIS WOULD MEAN SIX COUNCILORS. HOWEVER, THE STATUTE GOES ON TO SAY THAT IF THERE IS FILED WITH THE CITY CLERK, PRIOR TO FINAL APPROVAL OF THE ORDINANCE, A WRITTEN PROTEST, STATING THE REASON FOR THE PROTEST, SIGNED BY "THE OWNERS OF TWENTY PERCENT OF MORE OF THE AREA OF THE LAND PROPOSED TO BE INCLUDED OR OF THE AREA OF THE LAND IMMEDIATELY ADJACENT EXTENDING THREE HUNDRED FEET THEREFROM", THEN A THREE-FOURTH VOTE (7 COUNCILORS) COULD BE NECESSARY FOR THE ORDINANCE TO BE ENACTED. WE NOW SO FILE SUCH A PROTEST.

THE PROPERTY OWNERS LISTED BELOW OPPOSE THIS PROPOSED ORDINANCE
BECAUSE IT DOES NOT SERVE THE BEST INTERESTS OF THE CITY OF
CAMBRIDGE OR THE PEOPLE WHO LIVE AND WORK HERE.

PLEASE PLACE THIS WRITTEN PROTEST INTO THE OFFICIAL RECORDS OF
THE CITY.

SINCERELY,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

EDWARD O. OWENS
VICE PRESIDENT

E00/cch

4. 0-4

Comm. from Edward O. Owens, Vice-Pres.,
Henry F. Owens, Inc., transmitting a writ-
ten protest pursuant to Chapter 40A, Sec-
tion 5 of the Mass. General Laws Re: peti-
tions of the City Council & William S.
Noble relative to Inclusionary Zoning. Said
protest on behalf of the following property
owners: Elbery Motor Corp., The Indikon
Co., Inc., the Barrister Lounge, Travenol
Laboratories, Inc., & F. Martignetti, et al,
Tr's of Salem Realty.

In City Council,

December 17, 1984

12/17/84

Referred to the

Permissive-