

MEMORANDUM

TO: Roger

FROM: Laura

RE: Survey of Rent Control Laws

DATE: January 12, 1983

I have acquired copies of rent control ordinances for five communities; Los Angeles, San Francisco, Berkeley, and Santa Monica, CA and Fort Lee, NJ.

None of the above cities have in their regulations a provision limiting access to rent control units to persons of certain income groups or age groups. Richard Blumberg of the National Housing Law Project stated that he knows of no community which has enacted such a provision. He doubts its constitutionality.

Santa Monica does have a removal permit provision with does address the income category issue. Section 1803 (t) states that in order to approve a removal permit the rent control board must make the following findings:

- (1) that the controlled rental unit is not occupied by a person or family of very low income, low income, or moderate income.
- (2) that the rent of the unit is not at a level affordable by a person or family of very low income, low income, or moderate income.

Luxury Unit Exemptions

Of the above listed cities, only Los Angeles has a luxury unit exemption. Regulation 830.00 exempts units for which on May 31, 1978 the rent charged per month was at least;

\$302 for a unit with no bedroom

\$420 for a unit with one bedroom

\$588 for a unit with two bedrooms

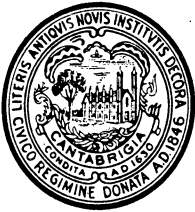
\$756 for a unit with three bedrooms

\$823 for a unit with four or more bedrooms

(see attached provision for additional requirements)

I have thus far identified only two court cases nationwide which might bear on the legality of such limitations on rent control. In North Bergen Township v. North Bergen, the Supreme Court of New Jersey invalidated a restriction where the rent increases were limited for senior citizens. The Court essentially said that the elderly are not entitled to subsidized housing at the expense of the landlord.

In Parrino v. Lindsay, the New York Court of Appeals held that a very limited restriction which limited the rent increases of the elderly was legal provided the town subsidized the program (i.e. reimbursed the landlord for the difference.)



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

Tel. 498-9011

EXECUTIVE DEPARTMENT

ROBERT W. HEALY

City Manager

February 27, 1984

To the Honorable, the City Council:

The enclosed information was obtained by a research student conducting a study for the Rent Control Board as requested by City Council Order No. 8 of October 17, 1983. To date this is the only information available.

Roger Mervis, Executive Director of the Rent Control Board, has assured me that he will forward any future information that becomes available.

Very truly yours,

Robert W. Healy
City Manager

RWH/mbf
Enc.

S-135

Re: Rent Control across the country.

3/7/84 Person sent
personant to telephone
call of 3/5/84 -
3/5/84

Notified Person Carson
+9077
fury to Roger Pearson
of Council invitation
to attend 3/12/84 at 6:00

In City Council

February 27, 1984

3/12/84 see copy
#27 - Received -
3/27/84

Placed on file -

see order by C. Velasco
inviting Roger Pearson
RCD to City Council
meeting March 12, 1984
beginning at 6:00 PM