



City of Cambridge

7.

IN CITY COUNCIL

December 18, 1989

COUNCILLOR WALTER J. SULLIVAN

ORDERED:

That all items currently pending before the City Council with the exception of those items currently listed under "Unfinished Business" and not acted upon by the end of the 1989 legislative session be placed in the files of the City Clerk without prejudice, subject to recall by any member.

In City Council December 18, 1989.

Adopted by the affirmative vote of nine members.

Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

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

Joseph E. Connarton, City Clerk.



City of Cambridge

13.

IN CITY COUNCIL

October 16, 1989

COUNCILLOR WALSH

- WHEREAS: It is obvious from a careful reading of the attached copy of a September 27, 1989 Memorandum to the Rent Control Board from its General Counsel recommending a change in Regulation 76 and other amendments that it is nothing more than an additional attempt to come in the back door for the purpose of assaulting property owners by preventing them from investing in capital improvements; now therefore be it
- RESOLVED: That it is the sense of this City Council that the proposed new regulations would deter capital investment and should not be implemented; and be it further
- ORDERED: That the City Manager notify the General Counsel and the Rent Control Board of this sense of the City Council resolution with all due haste.

CHARTER RIGHT EXERCISED BY COUNCILLOR WOLF



CITY OF CAMBRIDGE

831 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139
TEL. 489-6981

RENT CONTROL BOARD

MARGARET DRURY, EXECUTIVE DIRECTOR

September 27, 1989

to: Rent Control Board
from: Patricia A. Cantor, Carol Wagner, General Counsel
re: Regulation 76 and other Amendments

In Regulation 76 rent adjustment cases the Board has traditionally considered whether the capital improvement benefits tenants and whether the improvement is consistent with the purposes of the Rent Control Act. However, the Superior Court recently decided in Steinbergh v. Cambridge Rent Control Board, no. 88-5921, concerning the capital improvement rent adjustment at 205-211 Harvard Street, that under Regulation 76-04(d) the Board could not consider these factors. The Court based its ruling on the explicit words of Regulation 76-04(d), which restricted the factors the Board could consider in granting or denying a Regulation 76 rent adjustment to those specifically set forth. It should be noted that, in contrast, Regulation 72-04(g) is not so limited in that it provides that the Board may consider "Such other reasons as the Board may determine to be valid based upon the purposes and provision of the Rent Control Act." In order to correct Regulation 76 and make the language in Regulations 72 and 75 consistent with that change, it is recommended that the Board adopt the attached amendments. (These changes do not change the Board's policy or practice regarding Regulation 72 rent adjustments.)

Also attached for your information are the current Regulations 76-04(d), 72-04(g), and 75-03 and the decision of the Supreme Judicial Court in Mayo v. Boston Rent Control Administrator, 365 Mass. 575 (1974) which barred evictions for "other just cause" as in conflict with the rent control law where the landlord sought to evict the tenants in order to optionally upgrade and renovate the units.

Proposed Changes

Regulation 76-04(d):

change last sentence to read:

"The Board shall consider the following grounds:"
[current language is "The hearing grounds are restricted to the following:"]

Regulation 76-04(d)((5) [new subsection]:

add:

"Such other reasons, including, but not limited to, the benefit to tenants or whether the landlord has engaged in optional upgrading, as the Board may determine to be valid based upon the purposes and provisions of the Rent Control Act."

[this is language with changes from 72-04(g), see below]

Regulation 72-04(g):

change Regulation to read [new language underlined]:

"Such other reasons, including, but not limited to, the benefit to tenants or whether the landlord has engaged in optional upgrading, as the Board may determine to be valid based upon the purposes and provisions of the Rent Control Act."

Regulation 75-05:

add another paragraph as 75-05(b):

"The Board may deny a rent adjustment in whole or part if it determines that the proposed rent adjustment is not consistent with the purposes and provisions of the Rent Control Act, including, but not limited to, the benefit to tenants or whether the landlord has engaged in optional upgrading."



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IN CITY COUNCIL

Councillor Walsh

October 16, 1989

WHEREAS: It is obvious from a careful reading of the attached copy of a September 27, 1989 Memorandum to the Rent Control Board from its General Counsel recommending a change in Regulation 76 and other amendments that it is nothing more than an additional attempt to come in the back door for the purpose of assaulting property owners by preventing them from investing in capital improvements; now therefore be it

RESOLVED: That it is the sense of this Council that the proposed new regulations would deter capital investment and should not be implemented; and be it further

ORDERED: That the City Manager notify the General Counsel and the Rent Control Board of this sense of the Council Resolution with all due haste.

(Attachment of 2 pages)



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IN CITY COUNCIL

October 16, 1989

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Also attached for your information are the current Regulations 76-04(d), 72-04(g), and 75-03 and the decision of the Supreme Judicial Court in Mayo v. Boston Rent Control Administrator, 365 Mass. 575 (1974) which barred evictions for "other just cause" as in conflict with the rent control law where the landlord sought to evict the tenants in order to optionally upgrade and renovate the units.

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change last sentence to read:

"The Board shall consider the following grounds:"

[current language is "The hearing grounds are restricted to the following:"]

Regulation 76-04(d)((5) [new subsection]:

add:

"Such other reasons, including, but not limited to, the benefit to tenants or whether the landlord has engaged in optional upgrading, as the Board may determine to be valid based upon the purposes and provisions of the Rent Control Act."

[this is language with changes from 72-04(g), see below]

Regulation 72-04(g):

change Regulation to read [new language underlined]:

"Such other reasons, including, but not limited to, the benefit to tenants or whether the landlord has engaged in optional upgrading, as the Board may determine to be valid based upon the purposes and provisions of the Rent Control Act."

Regulation 75-05:

add another paragraph as 75-05(b):

"The Board may deny a rent adjustment in whole or part if it determines that the proposed rent adjustment is not consistent with the purposes and provisions of the Rent Control Act, including, but not limited to, the benefit to tenants or whether the landlord has engaged in optional upgrading."

Order #13 6-871

Councillor Walsh re: Rent Control Board
Regulation 76.

12/28/89 Placed on file
without prejudice
See Order # 7 of
12/18/89.

In City Council,

October 16, 1989

Order Charles
righted by
Councillor Wolf.

Oct. 23, 1989
C. D. Sullivan

Tabled for Hearing
Nov. 20, 1989
7 P.M.