

# Integration is a priority for school superintendent

Sixty-eight miniature flags, each representing a foreign born student at Cambridge Rindge and Latin School, decorate the desk of Principal Edward Sarasin and act as a constant reminder of the multiple cross-cultural education needs that challenge each Cambridge teacher and administrator.

Although Cambridge has won praise from the State Department of Education and federal authorities for striving to meet these needs

through its voluntary desegregation plan, bilingual education program, and affirmative action policy, the effort to maintain the city's thrust in the integration field is a top priority of the School Committee and new Superintendent of Schools, Dr. Robert S. Peterkin.

School officials note that an affirmative action Settlement Agreement approved by the federal court in 1983 requires that the minority population of the staff be set at 25 percent in an effort to

create role models for a minority student population of 46 percent.

School Personnel Director Stephen Theall said minority staff in the school system has more than doubled over the past six years increasing from approximately 6 percent to its present 14 percent.

Reflecting on these figures, Schools' Interim Affirmative Action Officer George Buggs commented on affirmative action policies, stating, "I have learned that affirmative action is not a piecemeal endeavor, nor is it a fragmentary process. The same holds true for our society's goal of equal employment opportunity for all women and men. However, due to the tensions inherent in the differences between society's dreams and the reality of the world, we, through our government, have deemed it appropriate and necessary to support equal employment opportunity for all citizens, especially where it is obvious that past race, age and/or sex discrimination has imperiled that bond which holds the nation together."

Buggs added, "It is in this context that we approach the greater part of affirmative action, the identification of problems and their solutions. Upon assessment, where it is perceived that sex, age, and/or race discrimination is to be addressed and eradicated, it is imperative that sound thinking and practical approaches be identified and applied."

Buggs also urged community involvement in the school's affirmative action policy by noting, "We trust that all citizens of Cambridge will avail themselves of the opportunity to engage in continued constructive dialogue around these issues. The Affirmative Action Office at 159 Thorndike Street (498-9248) is available to provide affirmative action, equal employment opportunity information and assist individuals interested in these areas."

Engineering Professor Altkshur is dean of the School of Public Administration at New York University. He formerly headed the Department of Political Science at M.I.T.

In the symposium on the International Automobile Program discloses its findings. The four-year, seven-tonation study will release its findings in a book, "The Future of the Automobile," which will be published coincident with the symposium to be held in Kresge Auditorium.

Hard Motor Company chairman Philip Caldwell and Viscount Etienne Davignon, vice president, Commission of the European Communities, will be the luncheon speakers. Panelists include Marina Whitman, vice president and chief economist for General Motors Corporation; John P. Smith, president of Ford Motor Company; Teruo Naeda, general manager, product development, Nissan Motor Company, Ltd.; Hans Joachim Forster, director of research, Daimler Benz, and Collin Gozale, director, Auto and Aerospace Department, International Metalworkers Federation.

The codirectors of the program are Professor Daniel Roos and Professor Alan Altkshur. Professor Roos heads M.I.T.'s Center for Transportation Studies and is a faculty member in the Department of Civil

# CitySide

ANTHONY BALDO

## Go civil

A Cambridge man, Biswanath Halder, has been trying unsuccessfully to bring criminal complaints against his former landlady and the Cambridge Police regarding his "lock-out" on 45 Orchard St. in July of 1983.

After Halder's case was reviewed by the Cambridge City Council's Public Safety Committee and the police department's internal investigations unit, it was referred to the office of Middlesex County District Attorney Scott Harshbarger.

Halder charges that his former landlady entered his apartment, locked him out, and threw all his possessions into the street. In addition, he alleges that the police either stood by or helped the landlady throughout the entire ordeal.

Harshbarger's office, however, does not believe Halder can go the criminal route with his complaint. "This decision is based primarily on two factors," says a letter from Harshbarger to Cambridge Deputy City Clerk Joseph Comartton. "First, the underlying dispute necessitating the police response was in essence a landlord/tenant dispute, which should be resolved in the civil courts between the parties. Second, the police response to that dispute was not abusive or violative of any criminal laws."

Halder was also arrested by police when he reportedly went back to Orchard street where his possessions. To dispute his arrest, and the seizure by police of a gun he owned, Harshbarger again advises Halder to make his fight "through ordinary civil process."

when a request was made to appropriate a \$15,000 grant from the Massachusetts Bay Transit Authority (MBTA) for preparation of a final grading plan for the dump.

The MBTA is providing the money to the city in return for the use of the dump and Russell Field in North Cambridge.

The MBTA is using Russell Field for a "slaking" and storage area during its work on the Red Line extension, and the dump for the dirt it is digging up.

As part of the agreement, the MBTA is to restore Russell Field to its prior condition and is to provide a sum of money to the city so the dump can be rehabilitated for recreational purposes.

But Duguay and other councilors are not sure whether the money the MBTA is paying to the city will be enough to help finance a city plan formed seven years ago to make the dump into playing fields.

What's more, Duguay wants to know about the underlying conditions of the dump. Specifically, he wants to know if the MBTA will fill over the dump has settled enough for the project to proceed.

"The project does not seem to have been managed over the years," Duguay said in an interview this week. "It's a disappointment that this thing is not moving faster."

## Keep the street

Residents in the area of Otis street in East Cambridge want the street to remain a public way and not be closed for a pedestrianway.

Armed with a six-page petition against closing the street, the residents expressed their fears to the city council last week. Having a pedestrian walkway, they claim, will change the area by attracting more people, more bright lights, and more noise.

"This is a very close-knit neighborhood," said Councillor Alfred Velasco in behalf of the residents. "When people come home at five o'clock, they come home tired. After six o'clock, you seldom see anyone walking the street. (With the walkway,) the silence is going to change. Tranquility will change."

The council tabled the matter.

# Absentee ballot, notary service offered by city

The Cambridge Election Commission has announced the availability of absentee ballot application forms at its 80 Green Street office, for persons registered to vote in the city who will be away from Cambridge on election day, September 18, 1984, or who by reason of physical disability or religious beliefs, will be unable to go to their polling place.

Any voter who is unable to pick up an application form may send a card or letter to the Election Commission at the above address requesting an absentee ballot. The card or letter must contain the following information:

"The voter's name and voting address; Program at Northeast Institute of Industrial Technology, has been placed with the Dept. of Transportation (Commonwealth of Mass.). He will be serving as an apprentice with this company.

"The voter to which they wish the Ballot to be mailed;

"The reason for their request;

"The voter's signature or, if unable to sign, the voter's mark witnessed by another person.

Ballots will be mailed to the address provided on the application form card or letter. A voter may execute the ballot in any community

and mail the ballot back to any community, but the ballot must be received by mail at the Election Commission no later than 8 pm on election day in order to be valid and to be counted.

A voter who will be away from the city on election day and who will not have an address to which the ballot can be mailed, may submit the application form, letter or post card with the information described above and request to vote his/her absentee ballot over the counter at the Election Commission office. Such persons must come to the office prior to their departure from the city, vote through their ballot and have it witnessed by one of the Election Commission staff.

Any voter who wishes to vote over the counter should telephone the Election Commission at the above number for a time when they might come to apply and cast their ballot.

No application for absentee ballots will be accepted after 12 noon of Monday, September 17, 1984, the day preceding the state primary.

The Election Commission also announced this week that it will be available to serve as Notary Public for all those requiring the service, who do not otherwise have access to a Notary.

Any person in need of a Notary may telephone the commission at 498-9087 and the Commission has promised to do its best to have someone call at that residence within 48 hours. There is no charge for this service.

# MIT to host forum on future of auto

The results of the most comprehensive examination ever undertaken of the automobile and the auto industry will be presented September 18-19 when the Massachusetts Institute of Technology's International Automobile Program discloses its findings.

The four-year, seven-tonation study will release its findings in a book, "The Future of the Automobile," which will be published coincident with the symposium to be held in Kresge Auditorium.

Hard Motor Company chairman Philip Caldwell and Viscount Etienne Davignon, vice president, Commission of the European Communities, will be the luncheon speakers. Panelists include Marina Whitman, vice president and chief economist for General Motors Corporation; John P. Smith, president of Ford Motor Company; Teruo Naeda, general manager, product development, Nissan Motor Company, Ltd.; Hans Joachim Forster, director of research, Daimler Benz, and Collin Gozale, director, Auto and Aerospace Department, International Metalworkers Federation.

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## In the dumps

City Manager Robert Healy said simply that he doesn't "know when the first foot-pole will be kicked."

But for Councillor Francis Duguay, a timetable concerning the conversion of the city dump to playing fields should be established.

The conversion issue arose at last Wednesday's special city council meeting.

## Foliage trip for seniors is planned

The Department of Human Services Programs is sponsoring a fall foliage trip to the Bull Run Restaurant in Shirley, followed by foliage viewing in New Hampshire.

There will be two trips. For exact facts call the city office as follows: On Tuesday, October 9; Fletcher 498-9054, Graham/Parks 498-9066.

## Cantabs

Leo Daley of 183 Huron Avenue, Cambridge, a recent graduate of the Air Conditioning and Refrigeration Technology Program at Northeast Institute of Industrial Technology, has been placed with the Dept. of Transportation (Commonwealth of Mass.). He will be serving as an apprentice with this company.

De Ana Dolores Battle, of Somerville, was graduated from Cambridge College with a Master of Education degree in May. Ms. Battle is the founder and director of Art of Black Dance and Music, Inc.

Paula Elias, of 18 Walden St., Cambridge, has enrolled in the Business Administration program at Chamberlayne Junior College in Boston.

**REGISTER TO VOTE FOR THE SEPTEMBER 18th STATE PRIMARY**

THURSDAY, AUGUST 9	6:00 P.M. - 9:00 P.M.
MONDAY, AUGUST 13	6:00 P.M. - 9:00 P.M.
THURSDAY, AUGUST 16	6:00 P.M. - 9:00 P.M.

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ST. PAULS AVE  
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NOW THROUGH AUGUST 21 ALSO AT OFFICE ONLY LAST SATURDAY AUGUST 18 NOON-8 P.M. LAST DAY TO REGISTER - AUGUST 21 UNTIL 10:00 P.M.

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Os participantes com aproveitamento receberão créditos de pré-graduação da Universidade de Massachusetts e aprovação do Departamento de Educação de Massachusetts, permitindo-lhes lecionar nas escolas vocacionais de Massachusetts.

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- Conhecimento adequado de Inglês.
- Desenho de partilhar os seus conhecimentos com outros.

Realiza-se uma reunião para todos os interessados no dia 28 de Agosto.

Para mais informações contactar com

Edward Spilert, em Boston, número 956-1000  
Center for Occupational Education  
University of Massachusetts at Boston  
Downtown Center  
Boston, MA 02125

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Sept. 8, 1984

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Somerville, 223 Washington St. 625-7270  
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CITY OF CAMBRIDGE BOARD OF LICENSING COMMISSIONERS Notice is hereby given under General Laws, Chapter 138

CITY OF CAMBRIDGE PURCHASING DEPARTMENT Sealed proposals will be received at the Office of Purchasing Agent

COMMONWEALTH OF MASSACHUSETTS THE TRIAL COURT THE PROBATE AND FAMILY COURT DEPARTMENT

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# City of Cambridge

Communication # 42

IN CITY COUNCIL

August 15, 1984

COUNCILLOR D. SULLIVAN

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 one hundred twenty (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 for habitability in a timely fashion because the necessary approvals or financing has not yet been received from public agencies. In this case the one hundred twenty (120) day period required to establish vacancy may be extended up to an additional six (6) months at the discretion of the Rent Control Board, provided that applications for such approvals and/or financing have been filed in a timely manner.
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.

In City Council August 15, 1984.

Adopted by a yea and nay vote:-

Yeas 5; Nays 0; Absent 3; Present 1.

Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-





# City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Four

## AN ORDINANCE

PROPOSED AMENDMENT TO CHAPTER TWENTY-THREE, SECTION 1, OF THE CODE OF THE CITY OF CAMBRIDGE.

(Ordinance Number 966, as amended by Ordinance Number 980)

*Be it ordained by the City Council of the City of Cambridge as follows:*

SECTION 1. REMOVAL OF CONTROLLED RENTAL UNITS FROM MARKET of Chapter Twenty-Three, entitled "Regulations Pertaining to Controlled Rental Units" in Ordinance Number 966 of June 29, 1981 is hereby amended as follows:

1. Add the following clause to Paragraph (4) of Subsection (b), Definitions:

"(v) cause a unit, not the primary residence of a legal unit owner, to be vacant for one hundred twenty (120) days or more by refusing to rent or to offer for rent said unit in good faith or, when a unit is cited as unfit for human habitation, by failure to perform repairs required to restore said unit to habitable condition. The existence of a vacancy for one hundred twenty (120) days or more, without a showing of good cause, shall constitute removal from the market."

2. Add the following sentences at the end of Subsection (c), REMOVAL REGULATED:

"One year after the date of a notice of ruling, the Board shall review and confirm that the circumstances and conditions which led the Board to grant any removal permit hereunder, except for a condominium unit legally occupied by the unit owner, continue to warrant said permit. If, after a hearing, the Board finds that the circumstances and conditions no longer warrant the permit, the Board shall immediately treat the unit as a controlled rental unit and shall initiate whatever action is permitted and appropriate under this section."

3. Add the following sentences to Subsection (f) PENALTY:

"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.

In City Council August 15, 1984.

Passed to be ordained as amended by a yea and nay vote:-  
Yeas 5; Nays 2; Absent 1; Present 1.

ATTEST:- Paul E. Healy, City Clerk.

Robert W. Healy, City Manager.



# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF  
THE CITY CLERK

August 21, 1984

Mr. Joseph Cellucci, Commissioner  
Inspectional Services Department  
City Hall  
Cambridge, MA

Dear Mr. Cellucci:

Enclosed you will find the following:

1. Proposed amendment to the General Ordinances of the City of Cambridge by adding at the end thereof a new Chapter Twenty-Five entitled "Human Rights" which was passed to a second reading at the City Council meeting held on August 15, 1984.
2. Proposed amendment to the Zoning Ordinances of the City of Cambridge on the petition of Ann Haycox, et al which was passed to be ordained at the City Council meeting of August 15, 1984. *- Reused*
3. An order adopted by the City Council together with a proposed amendment to the General Ordinances of the City of Cambridge in Chapter Twenty-Three entitled "Regulations Pertaining to Controlled Rental Housing Units" which was passed to be ordained as amended at the City Council meeting of August 15, 1984.

This information is for your office files.

If you need any more information, please contact me.

Very truly yours,

---

Paul E. Healy, City Clerk.

PEH/d1

Joseph Cellucci

- 2 -

August 21, 1984

Encs. First publication no. 2256  
Ordinance no. 1013 - *Revised*  
Order for communication no. 42  
Ordinance no. 1014.



# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF  
THE CITY CLERK

August 21, 1984

Mr. Roger Mervis  
Executive Director  
Rent Control  
639 Massachusetts Avenue  
Cambridge, MA 02139

Dear Mr. Mervis:

Enclosed you will find a copy of an order adopted by the City Council at its meeting of August 15, 1984 together with a copy of a proposed amendment to the General Ordinances of the City of Cambridge in Chapter Twenty-Three entitled "Regulations Pertaining to Controlled Rental Housing Units" which was passed to be ordained as amended at the same meeting.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

---

Paul E. Healy, City Clerk.

PEH/d1

Encs. Order for communication no. 42  
Ordinance no. 1014.



# City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Four

## AN ORDINANCE

PROPOSED AMENDMENT TO CHAPTER TWENTY-THREE, SECTION 1, OF THE CODE OF THE CITY OF CAMBRIDGE.

(Ordinance Number 966, as amended by Ordinance Number 980)

*Be it ordained by the City Council of the City of Cambridge as follows:*

SECTION 1. REMOVAL OF CONTROLLED RENTAL UNITS FROM MARKET of Chapter Twenty-Three, entitled "Regulations Pertaining to Controlled Rental Units" in Ordinance Number 966 of June 29, 1981 is hereby amended as follows:

1. Add the following clause to Paragraph (4) of Subsection (b), Definitions:

"(v) cause a unit, not the primary residence of a legal unit owner, to be vacant for one hundred twenty (120) days or more by refusing to rent or to offer for rent said unit in good faith or, when a unit is cited as unfit for human habitation, by failure to perform repairs required to restore said unit to habitable condition. The existence of a vacancy for one hundred twenty (120) days or more, without a showing of good cause, shall constitute removal from the market."

2. Add the following sentences at the end of Subsection (c), REMOVAL REGULATED:

"One year after the date of a notice of ruling, the Board shall review and confirm that the circumstances and conditions which led the Board to grant any removal permit hereunder, except for a condominium unit legally occupied by the unit owner, continue to warrant said permit. If, after a hearing, the Board finds that the circumstances and conditions no longer warrant the permit, the Board shall immediately treat the unit as a controlled rental unit and shall initiate whatever action is permitted and appropriate under this section."

3. Add the following sentences to Subsection (f) PENALTY:

"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.

In City Council August 15, 1984.

Passed to be ordained as amended by a yea and nay vote:-  
Yeas 5; Nays 2; Absent 1; Present 1.

ATTEST:- Paul E. Healy, City Clerk.

Robert W. Healy, City Manager.



# City of Cambridge

Communication # 42

IN CITY COUNCIL

August 15, 1984

COUNCILLOR D. SULLIVAN

**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 one hundred twenty (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 for habitability in a timely fashion because the necessary approvals or financing has not yet been received from public agencies. In this case the one hundred twenty (120) day period required to establish vacancy may be extended up to an additional six (6) months at the discretion of the Rent Control Board, provided that applications for such approvals and/or financing have been filed in a timely manner.
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.

In City Council August 15, 1984.

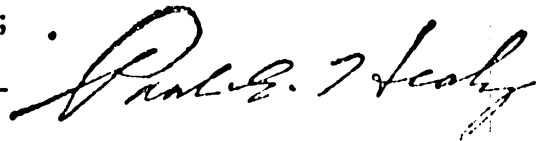
Adopted by a yea and nay vote:-

Yeas 5; Nays 0; Absent 3; Present 1.

Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-





# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF  
THE CITY CLERK

August 21, 1984

Russell B. Higley, Esquire  
City Solicitor  
City Hall  
Cambridge, MA

Dear Sir:

Enclosed you will find the following:

1. Proposed loan order passed to a second reading at the City Council meeting of August 15, 1984.
2. Proposed amendment to the General Ordinances of the City of Cambridge by adding at the end thereof a new Chapter Twenty-Five entitled "Human Rights" which was passed to a second reading at the City Council meeting of August 15, 1984.
3. Proposed amendment to the Zoning Ordinances of the City of Cambridge on the petition of Ann Haycox, et al which was passed to be ordained at the City Council meeting of August 15, 1984.
4. An order adopted by the City Council together with a proposed amendment to the General Ordinances of the City of Cambridge in Chapter Twenty-Three entitled "Regulations Pertaining to Controlled Rental Housing Units" which was passed to be ordained as amended at the City Council meeting of August 15, 1984.

Would you kindly review these proposed amendments and indicate your approval or disapproval on the bottom and return to this office.

Russell B. Higley

- 2 -

August 21, 1984

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

---

Paul E. Healy, City Clerk.

PEH/d1

- Encs. First publication no. 2254  
First publication no. 2256  
Ordinance no. 1013 - *Revised*  
Order for communication no. 42 ✓  
Ordinance no. 1014
- c.c. Councillor David Sullivan, Chairman,  
Committee on Ordinances.



# City of Cambridge

IN CITY COUNCIL

August 15, 1984

ORDERED:

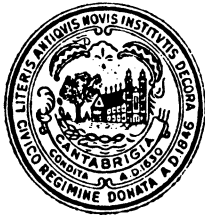
That the Order adopted on March 28, 1983 appropriating the sum of \$3,438,700 for acquisition of land and construction of municipal outdoor recreational facilities as part of the Lechmere Canal Park Phase II project and the Front Park project be and hereby is amended to read as follows:

ORDERED:

That \$4,463,700 is appropriated for acquisition of land and construction of municipal outdoor recreational facilities as part of the Lechmere Canal Park Phase II project and the Front Park project; that to raise this appropriation the Treasurer with the approval of the City Manager is authorized to borrow \$4,463,700 under General Laws, Chapter 44, Section 7(25); and that the City Manager is authorized to contract for and expend any federal or state aid available for the projects.

Passed to a second reading at the City Council meeting held on August 15, 1984 and on or after September 3, 1984 the question comes on adoption.

ATTEST:- Paul E. Healy, City Clerk.



# City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Four

## AN ORDINANCE

In amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge."

*Be it ordained by the City Council of the City of Cambridge as follows:*

Insomuch, as the City Manager has the power of Chief Administrator over all departments under Chapter 43 Section 104 and department heads have powers under Chapter 43 Section 105 of the City of Cambridge Plan E. Charter.

There shall be a Commission known as the "Cambridge Human Rights Commission" to protect all Human Rights of all citizens in the City of Cambridge, and shall be appointed by the City Manager with notification to the City Council.

The Code of the City of Cambridge is hereby amended by adding at the end thereof a new Chapter Twenty-Five entitled "Human Rights".

Passed to a second reading at the City Council meeting held on August 15, 1984 and on or after September 3, 1984 the question comes on passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk.

NOTE: Pursuant to the provisions of General Laws, Chapter 43, Section 23, Tercentenary Edition, being a part of the City Charter, the Ordinances as aforesaid, which exceed in length eight octavo pages of ordinary book print may be examined at the office of the City Council in the form of a printed pamphlet during office hours on or after August 20, 1984.

Paul E. Healy, City Clerk.



# City of Cambridge

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In the Year One Thousand, Nine Hundred Eighty-Four

## AN ORDINANCE

In amendment to an ordinance entitled "The Zoning Ordinances of the City of Cambridge".

*Be it ordained by the City Council of the City of Cambridge as follows:*

The Zone Map accompanying ordinance passed to be ordained September 26, 1979 entitled "The Zoning Ordinances of the City of Cambridge" is hereby amended as follows:

1. Add a new definition "Art/Craft Studio" to Article 2.000 as follows:

"Art/Craft Studio." A room or group of rooms used by artists and craftspeople in the creation of their work, including: painting, photography, sculpture, ceramics and other related arts and crafts.

2. Insert a new use category to Section 4.35: "q. Art/Craft Studio" as follows:

	Open Space	Res. A 1&2	Res. B	Res. C 1,2,2A, 3, 3A	Off. 1, 2,3,3A	Bus. A-1	Bus. A
q. Art/Craft Studio.	n	n	n	sp <sup>50</sup>	sp <sup>50</sup>	Y	Y
	Bus. B B-1, B-2	Bus. C	Ind. A-2	Ind A-1,	Ind A	Ind. B B-1, B-2	Ind. C
	Y	Y	Y	Y	Y	Y	Y

3. Add a new footnote to section 4.40 as follows;

"50. Subject to the requirements of Section 4.28."

4. Create a new Section 4.28 Art/Craft Studio, as follows;

"4.28 Art/Craft Studio.

The purpose of this Section 4.28 is to ensure that art/craft studios locating in Residence C and Office Districts will be compatible with other permitted uses, particularly in residential neighborhoods.

4.281 The Board of Zoning Appeal may grant a special permit for the location of an art/craft studio or group of studios in Residence C and Office Districts provided that the following requirements are satisfied;

A. Residence C. Districts:

1. The studio shall be located in a principal use non-residential building in existence as of May 1, 1984. Structures or buildings accessory to residential uses shall not be so used.
2. The required amount of parking in Article 6.000 may be reduced only if the Board determines that lesser amount of parking will not cause excessive congestion, endanger public safety, substantially reduce parking availability for other uses or otherwise adversely impact the neighborhood.

B. Residence C and Office Districts:

1. The studio will be principally used as a studio for independent artists and craftspeople in the creation of their own work. Mass-production and assembly line techniques are prohibited.
2. The type of studio use shall be appropriate to the particular building and its location;
  - a. the building shall be structurally sound.
  - b. the proposed studio use will not generate traffic in volume or type in excess of that normally occurring in the adjacent neighborhood.
  - c. no bulk storage of toxic or highly flammable materials shall occur.
  - d. the proposed studio use shall satisfy all applicable building, fire safety, and health codes.
  - e. noise shall be restricted to levels customarily permitted in the district as regulated in General Ordinance #887 "Regulations for the Control of Noise", or as customarily produced by other permitted uses in the district, whichever is less.
  - f. noxious odors, dust, and/or fumes shall be effectively disposed of and confined to the premises to avoid air pollution and nuisance to the adjacent neighborhood.
3. All activity must be carried out within the building, including the storage of materials.
4. No more than three (3) persons shall practice or be employed at one time per studio.
5. There shall be no retail sales except as may occur as an activity incidental to exhibition permitted in B (6) below;
6. Public exhibitions shall not be permitted except as specifically authorized in the special permit. The number and duration of any such exhibitions shall be specifically stated, shall be for arts/crafts created on the premises, and shall only be permitted upon finding that the residential or other prevailing neighborhood character will not be significantly, negatively affected.

4.282 In issuing a special permit under this Section 4.28 the Board Of Zoning Appeal shall state the specific arts and craft uses or range of uses being authorized for each studio granted a permit.

4.283 Nothing in this Section 4.28 shall prohibit the establishment of residential uses, permitted in the district, subsequent to the

issuance of a special permit under this section 4.28. The establishment of residential uses shall not alter the principal use non-residential status of the building for the purpose of continuing or future authorizations for art/craft studios under the provisions of this Section 4.28.

5. Insert the following category, "q. Art/Craft Studio" to Section 6.365 as follows:

q. Art/Craft Studio

(13)	Open Space	Res. C-1	Bus. C (res)
	Res.A-1,A-2	Off-1,Bus A	Ind A-1, Ind C
	Res. B	(comm), Bus A-1	

na 1/1000sf

Bus.C (comm)	Res C-2A,	Ind B-1,Res	Bus B,Ind A-2,	Loading
Ind A,Off.-2,	Ind B-2,	C-3,C03A,	Ind B,Bus B-1,	Facility
Res. C-2	Bus A (res)	Off 3A, 3	B-2	Category

1/1000sf

1/1000sf

6. Add a new footnote 13 to Section 6.35, as follows:

"13. In Residence C. Districts the amount of parking required for this use may be reduced at the discretion of the Board of Zoning Appeal in accordance with Section 4.28."

In City Council August 15, 1984.

Passed to be ordained by a yea and nay vote:-

Yeas 6; Nays 0; Absent 1; Present 2.

ATTEST:- Paul E. Healy, City Clerk.

Robert W. Healy, City Manager.



# City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Four

## AN ORDINANCE

PROPOSED AMENDMENT TO CHAPTER TWENTY-THREE, SECTION 1, OF THE CODE OF THE CITY OF CAMBRIDGE.

(Ordinance Number 966, as amended by Ordinance Number 980)

*Be it ordained by the City Council of the City of Cambridge as follows:*

SECTION 1. REMOVAL OF CONTROLLED RENTAL UNITS FROM MARKET of Chapter Twenty-Three, entitled "Regulations Pertaining to Controlled Rental Units" in Ordinance Number 966 of June 29, 1981 is hereby amended as follows:

1. Add the following clause to Paragraph (4) of Subsection (b), Definitions:

"(v) cause a unit, not the primary residence of a legal unit owner, to be vacant for one hundred twenty (120) days or more by refusing to rent or to offer for rent said unit in good faith or, when a unit is cited as unfit for human habitation, by failure to perform repairs required to restore said unit to habitable condition. The existence of a vacancy for one hundred twenty (120) days or more, without a showing of good cause, shall constitute removal from the market."

2. Add the following sentences at the end of Subsection (c), REMOVAL REGULATED:

"One year after the date of a notice of ruling, the Board shall review and confirm that the circumstances and conditions which led the Board to grant any removal permit hereunder, except for a condominium unit legally occupied by the unit owner, continue to warrant said permit. If, after a hearing, the Board finds that the circumstances and conditions no longer warrant the permit, the Board shall immediately treat the unit as a controlled rental unit and shall initiate whatever action is permitted and appropriate under this section."

3. Add the following sentences to Subsection (f) PENALTY:

"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.

In City Council August 15, 1984.

Passed to be ordained as amended by a yea and nay vote:-  
Yeas 5; Nays 2; Absent 1; Present 1.

ATTEST:- Paul E. Healy, City Clerk.

Robert W. Healy, City Manager.



# City of Cambridge

Communication # 42

IN CITY COUNCIL

August 15, 1984

COUNCILLOR D. SULLIVAN

- 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 one hundred twenty (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 for habitability in a timely fashion because the necessary approvals or financing has not yet been received from public agencies. In this case the one hundred twenty (120) day period required to establish vacancy may be extended up to an additional six (6) months at the discretion of the Rent Control Board, provided that applications for such approvals and/or financing have been filed in a timely manner.
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.

In City Council August 15, 1984.

Adopted by a yeas and nays vote:-

Yeas 5; Nays 0; Absent 3; Present 1.

Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-





*revisions submitted by C. D. Sullivan*  
*8/21/84 (D)*  
**City of Cambridge**

Communication # 42

IN CITY COUNCIL

August 15, 1984

COUNCILLOR D. SULLIVAN

- 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 <sup>compliance</sup>~~good cause~~ 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 one hundred twenty (120) day period, but has been unable to rent the unit.
  3. An owner may make a showing of <sup>good cause</sup>~~compliance~~ 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 for habitability in a timely fashion because the necessary approvals or financing has not yet been received from public agencies. In this case the one hundred twenty (120) day period required to establish vacancy may be extended up to an additional six (6) months at the discretion of the Rent Control Board, provided that applications for such approvals and/or financing have been filed in a timely manner.
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.

In City Council August 15, 1984.

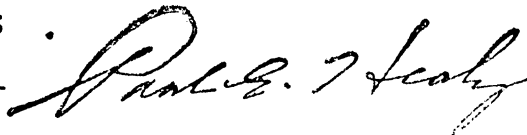
Adopted by a yea and nay vote:-

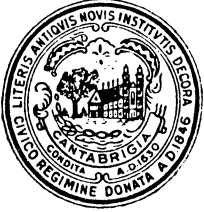
Yeas 5; Nays 0; Absent 3; Present 1.

Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-





# City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Four

## AN ORDINANCE

*Proposed  
DRAFT*

PROPOSED AMENDMENT TO CHAPTER TWENTY-THREE, SECTION 1, OF THE CODE OF THE CITY OF CAMBRIDGE.

(Ordinance Number 966, as amended by Ordinance Number 980)

*Amendment.*

*Be it ordained by the City Council of the City of Cambridge as follows:*

SECTION 1. REMOVAL OF CONTROLLED RENTAL UNITS FROM MARKET of Chapter Twenty-Three, entitled "Regulations Pertaining to Controlled Rental Units" in Ordinance Number 966 of June 29, 1981 is hereby amended as follows:

1. Add the following clause to Paragraph (4) of Subsection (b), Definitions:

"(v) cause a unit, not the primary residence of a legal unit owner, to be vacant for one hundred twenty (120) days or more by refusing to rent or to offer for rent said unit in good faith or, when a unit is cited as unfit for human habitation, by failure to perform repairs required to restore said unit to habitable condition. The existence of a vacancy for one hundred twenty (120) days or more, without a showing of good cause, shall constitute removal from the market."

2. Add the following sentences at the end of Subsection (c), REMOVAL REGULATED:

"One year after the date of a notice of ruling, the Board shall review and confirm that the circumstances and conditions which led the Board to grant any removal permit hereunder, except for a condominium unit legally occupied by the unit owner, continue to warrant said permit. If, after a hearing, the Board finds that the circumstances and conditions no longer warrant the permit, the Board shall immediately treat the unit as a controlled rental unit and shall initiate whatever action is permitted and appropriate under this section."

3. Add the following sentences to Subsection (f) PENALTY:

"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 <sup>of</sup> 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.



# City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Three

FULL TEXT.

## AN ORDINANCE

In amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

*Be it ordained by the City Council of the City of Cambridge as follows:*  
That Chapter Twenty-Three entitled "Regulations Pertaining to Controlled Rental Housing Units" is hereby amended as follows:

CHAPTER TWENTY-THREE. REGULATIONS PERTAINING TO CONTROLLED RENTAL HOUSING UNITS.

Section 1. Removal of Controlled Rental Units from Market.

(a) Declaration of emergency. A serious public emergency continues to exist in the City of Cambridge with respect to the housing of a substantial number of its citizens, as declared by Chapter 36 of the Acts of 1976, for the reasons stated in the Act. The emergency has worsened since 1976 because of the removal of a substantial number of rental housing units from the market, by condominium conversion, demolition, and other causes. As a result, more than 2,000 or over 10 percent of the controlled rental units in the city have been removed from the housing market since 1970, and the vacancy rate has fallen below one percent. In order to carry out the purposes of the Act, and to continue to provide a sufficient supply of decent, affordable rental housing accommodations especially for families of low and moderate income and for elderly people on fixed incomes, it is necessary for the Cambridge City Council, in the exercise of its powers under section 6 of the Home Rule Amendment and under section 5(c) of the act, to regulate the removal of controlled rental housing units from the market.

# City of Cambridge

(b) Definitions. As used in this section:

(1) "Act" means Chapter 36 of the Acts of 1976, as amended from time to time.

(2) "Board" means the Rent Control Board established by section 5 of the Act.

(3) "Controlled rental unit" means any unit included in the definition under section 3(b) of the Act.

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

(i) occupy, as an owner of a unit which is a condominium unit, if the most recent occupant was a tenant, even if the prospective owner-occupant is the tenant, unless the prospective owner-occupant is the current tenant of the unit who has continuously occupied it as a tenant since before August 10, 1979 and intends in good faith to occupy it indefinitely as its owner; or

(ii) demolish, but no unit has been removed from the market by demolition until its physical destruction has begun; or

(iii) rehabilitate, repair or improve, other than as required by the laws of the Commonwealth or the city, in such a way as to prevent residential occupancy during the course of the rehabilitation, repair or improvement. This provision shall not apply to rehabilitation, financed at least in part by Community Development Block Grant funds, of a building owned by a non-profit corporation and intended for owner-occupancy by low and moderate income persons; or

(iv) convert to a cooperative, as the term is used in section 3(b) (4) of the Act, all or part of any building which contains any controlled rental unit.

## City of Cambridge

But, this term "removal from the market" does not include occupancy of a non-condominium unit by the owner of the building in which it is located or by any member of his/her immediate family; or a condominium unit which the owner occupied before the tenant occupied it; or a condominium unit as to which unit it can be shown with respect to its initial sale after the recording of the master deed that a purchase and sale agreement has been entered into prior to August 10, 1979, a cancelled check being conclusive proof of the transaction, or a unit deed recorded in the Middlesex Registry of Deeds prior to August 10, 1979, whether or not the unit was being used for rental housing on August 13, 1979. No condominium unit once legally occupied by the unit owner shall ever again be subject to this section for any reason.

(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. The board may issue orders and promulgate regulations to effectuate the purposes of this section, and to prescribe the procedure for applications, notice, hearings, and the granting and withdrawal of permits. A permit to remove from the market a unit in a building converted or proposed to be converted to a condominium may be granted to the owner of the building before the sale of a unit.

(c½) Prohibited acts by developers. After August 1, 1981, no owner of a building for which a condominium master deed has been recorded shall directly or indirectly sell, offer for sale, or agree to sell any controlled rental unit therein, unless the board has granted a removal permit for that unit, or unless the sale or offer is to, or the agreement is with, a current tenant of the unit who holds an exemption certificate. The board shall issue an exemption certificate to any person who files with it an affidavit in a form prescribed by the board, stating that he is a current tenant of the unit, that he occupied it as a tenant before August 10, 1979, and that he intends in good faith to occupy it indefinitely as its owner. No person shall file a false affidavit under this subsection. Nothing in this subsection shall prevent an owner of a building or any portion thereof from conveying his entire interest in the building in good faith to one purchaser, who shall then be subject to the provisions of this subsection to the same extent as the original owner.

(d) Considerations. In deciding whether to grant a permit under this section, the board shall consider:

- (1) the benefits to the persons sought to be protected by the Act and by this section,
- (2) the hardships imposed on the tenants residing in the unit proposed to be removed, including any mitigating provisions made by the applicant, and
- (3) any aggravation of the shortage of decent rental housing accommodations, especially for families of low and moderate income and elderly people on fixed incomes, which may result from the removal.

(d $\frac{1}{2}$ ) Limited equity cooperative ownership. As used in this subsection, "administrator" means the Assistant City Manager for Community Development or his or her designee. Notwithstanding the considerations of subsection (d), the board may grant a permit for conversions to limited equity cooperatives only if the administrator files with the board an agreement executed by the administrator and a cooperative housing corporation which shall contain the following provisions:

- (1) All cooperative documents and all amendments or modifications of the cooperative documents shall be valid only if executed by the administrator and the articles of incorporation shall so provide. The cooperative documents include the articles of incorporation, the by-laws, occupancy agreements, transfer agreements, and management plan. Each transfer shall be reported to the administrator and all documents effecting the transfer shall be executed by the administrator. The administrator shall execute documents only if each of the provisions of this subsection is met.
- (2) The resale price of the cooperators' membership which includes the right to occupy the unit shall not exceed the transfer value plus the amount of principal amortized by the corporation on its blanket mortgage attributed to the unit and paid by the member involved, less any amounts due to the corporation under the occupancy agreement and less the cost of all deferred maintenance and repairs deemed necessary by the corporation to put the dwelling in a suitable condition for another occupant.

The transfer value is the sum of:

- the share value paid by the former occupant of the unit (not including the amount of any subsidies) adjusted from the date of the stock payment to the Consumer Price Index for Housing for the Boston Standard Metropolitan Statistical Area.
  - the value of improvements approved by the corporation and installed by the member in his unit, including a fair value of labor donated by a member or others as conclusively established by the administrator at the time the labor is donated.
- (3) Residents of at least 80% of the units in the building as of the date of the articles of incorporation shall sign commitments to become resident shareholders of the limited equity housing corporation.

- (4) A majority of the current residents must be low and moderate income persons as defined by the current income limits set forth in regulations of Department of Housing and Urban Development, under Section 235 of the National Housing Act or its successor or comparable index as determined by the administrator.
- (5) Current residents who do not become shareholders shall have the right to remain in their units as tenants of the cooperative corporation. Controlled rental units shall remain subject to the Act and to this section and no permits shall issue for controlled rental units while occupied by non-shareholding tenants. If a controlled rental unit is vacated, that unit may be converted to a cooperative subject to the provisions of this subsection and to the cooperative documents.
- (6) Residents of the City of Cambridge who are low and moderate income persons, as defined in paragraph (4), shall be given priority when turnover or vacant units occur.
- (7) There shall be no discrimination on the basis of race, religion, color, national origin, sex, age, ancestry or marital status with respect to any aspect of the operation of the cooperative.
- (8) Family size per unit shall conform to Chapter II of the State Sanitary Code or other comparable index as determined by the administrator.
- (9) Buildings shall have at least six units.
- (10) In addition to other remedies, the city may recover in damages twice the amount of any net gain on resale which exceeds the amount allowed by paragraph (2), and this provision may not be waived in any manner.

The total number of units for which such permits may be granted shall not exceed 100.

The board shall revoke any permit granted pursuant to this subsection whenever it or the administrator determines that any of the provisions of paragraphs (1), (2), (5), (6), (7), or (9) has been materially violated or invalidated and the unit shall then again be subject to the Act and to this section, notwithstanding the last sentence of paragraph (iv) of subsection (b) or any other provisions.

# City of Cambridge

(e) Effectiveness. This section shall apply to all controlled rental units which had not been removed from the market before August 13, 1979. This section shall take effect immediately, but shall cease to be effective if the board files its certificate with the city clerk that:

- (1) the vacancy rate in the total supply of controlled rental units exceeds four percent, or
- (2) the total number of rental units in the city excluding public housing units, exceeds that number as of January 1, 1970.

If such a certificate ceases to be correct, the board shall withdraw it by filing a new certificate, and this section shall then again be effective until one of the above conditions again prevails.

(f) Penalty. Any person who violates this section shall be punished by a fine of not more than five hundred dollars. The removal of each unit shall constitute a separate violation.

(g) Equitable relief. The Board or any person aggrieved by a failure to comply with this section may enforce its provisions in a civil action for injunctive or declaratory relief.

(h) Severability. The provisions of this section are severable. If a court declares invalid any such provision, or its application to any person or circumstance, the invalidity shall not affect the validity of any other provision or application.

Chapter Twenty-Three including all of the following amendments:

- Ordinance # 966 ordained on June 29, 1981
- Ordinance # 980 ordained on April 26, 1982
- Ordinance # 993 ordained on January 27, 1983
- Ordinance # 1001 ordained on August 8, 1983.



# City of Cambridge

Communication # 42

IN CITY COUNCIL

August 15, 1984

COUNCILLOR D. SULLIVAN

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 one hundred twenty (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 for habitability in a timely fashion because the necessary approvals or financing has not yet been received from public agencies. In this case the one hundred twenty (120) day period required to establish vacancy may be extended up to an additional six (6) months at the discretion of the Rent Control Board, provided that applications for such approvals and/or financing have been filed in a timely manner.
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.

In City Council August 15, 1984.

Adopted by a yea and nay vote:-

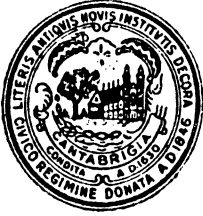
Yeas 5; Nays 0; Absent 3; Present 1.

Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-





# City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Four

## AN ORDINANCE

PROPOSED AMENDMENT TO CHAPTER TWENTY-THREE, SECTION 1, OF THE CODE OF THE CITY OF CAMBRIDGE.

(Ordinance Number 966, as amended by Ordinance Number 980)

*Be it ordained by the City Council of the City of Cambridge as follows:*

SECTION 1. REMOVAL OF CONTROLLED RENTAL UNITS FROM MARKET of Chapter Twenty-Three, entitled "Regulations Pertaining to Controlled Rental Units" in Ordinance Number 966 of June 29, 1981 is hereby amended as follows:

1. Add the following clause to Paragraph (4) of Subsection (b), Definitions:

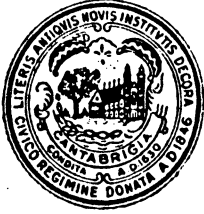
"(v) cause a unit, not the primary residence of a legal unit owner, to be vacant for one hundred twenty (120) days or more by refusing to rent or to offer for rent said unit in good faith or, when a unit is cited as unfit for human habitation, by failure to perform repairs required to restore said unit to habitable condition. The existence of a vacancy for one hundred twenty (120) days or more, without a showing of good cause, shall constitute removal from the market."

2. Add the following sentences at the end of Subsection (c), REMOVAL REGULATED:

"One year after the date of a notice of ruling, the Board shall review and confirm that the circumstances and conditions which led the Board to grant any removal permit hereunder, except for a condominium unit legally occupied by the unit owner, continue to warrant said permit. If, after a hearing, the Board finds that the circumstances and conditions no longer warrant the permit, the Board shall immediately treat the unit as a controlled rental unit and shall initiate whatever action is permitted and appropriate under this section."

3. Add the following sentences to Subsection (f) PENALTY:

"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



# City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Four

## AN ORDINANCE

PROPOSED AMENDMENT TO CHAPTER TWENTY-THREE, SECTION 1, OF THE CODE OF THE CITY OF CAMBRIDGE.

(Ordinance Number 966, as amended by Ordinance Number 980)

*Be it ordained by the City Council of the City of Cambridge as follows:*

SECTION 1. REMOVAL OF CONTROLLED RENTAL UNITS FROM MARKET of Chapter Twenty-Three, entitled "Regulations Pertaining to Controlled Rental Units" in Ordinance Number 966 of June 29, 1981 is hereby amended as follows:

1. Add the following clause to Paragraph (4) of Subsection (b),  
Definitions:

"(v) cause a unit, not the primary residence of a legal unit owner, to be vacant for one hundred twenty (120) days or more by refusing to rent or to offer for rent said unit in good faith or, when a unit is cited as unfit for human habitation, by failure to perform repairs required to restore said unit to habitable condition. The existence of a vacancy for one hundred twenty (120) days or more, without a showing of good cause, shall constitute removal from the market."

2. Add the following sentences at the end of Subsection (c),  
REMOVAL REGULATED:

"One year after the date of a notice of ruling, the Board shall review and confirm that the circumstances and conditions which led the Board to grant any removal permit hereunder, except for a condominium unit legally occupied by the unit owner, continue to warrant said permit. If, after a hearing, the Board finds that the circumstances and conditions no longer warrant the permit, the Board shall immediately treat the unit as a controlled rental unit and shall initiate whatever action is permitted and appropriate under this section."

3. Add the following sentences to Subsection (f) PENALTY:

"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.

In City Council August 15, 1984.

Passed to be ordained as amended by a yea and nay vote:-  
Yeas 5; Nays 2; Absent 1; Present 1.

ATTEST:- Paul E. Healy, City Clerk.

Robert W. Healy, City Manager.

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.

In City Council August 15, 1984.

Passed to be ordained as amended by a yea and nay vote:-  
Yeas 5; Nays 2; Absent 1; Present 1.

ATTEST:- Paul E. Healy, City Clerk.

Robert W. Healy, City Manager.



# City of Cambridge

Communication # 42

IN CITY COUNCIL

August 15, 1984

COUNCILLOR D. SULLIVAN

- 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 one hundred twenty (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:



# City of Cambridge

Communication # 42

IN CITY COUNCIL

August 15, 1984

COUNCILLOR D. SULLIVAN

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.
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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 one hundred twenty (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 for habitability in a timely fashion because the necessary approvals or financing has not yet been received from public agencies. In this case the one hundred twenty (120) day period required to establish vacancy may be extended up to an additional six (6) months at the discretion of the Rent Control Board, provided that applications for such approvals and/or financing have been filed in a timely manner.
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.

In City Council August 15, 1984.

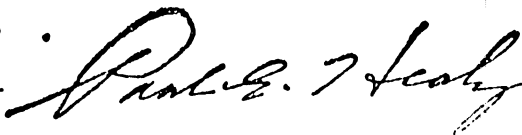
Adopted by a yea and nay vote:-

Yeas 5; Nays 0; Absent 3; Present 1.

Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-



- 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 for habitability in a timely fashion because the necessary approvals or financing has not yet been received from public agencies. In this case the one hundred twenty (120) day period required to establish vacancy may be extended up to an additional six (6) months at the discretion of the Rent Control Board, provided that applications for such approvals and/or financing have been filed in a timely manner.
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.

In City Council August 15, 1984.

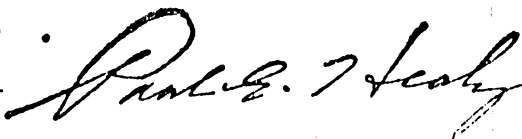
Adopted by a yea and nay vote:-

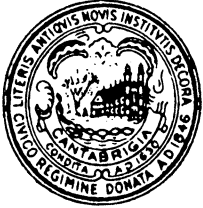
Yeas 5; Nays 0; Absent 3; Present 1.

Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-





# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF  
THE CITY CLERK

August 20, 1984

Councillor David Sullivan,  
Chairman  
Committee on Ordinances  
113 Inman Street  
Cambridge, MA 02139

Dear Councillor Sullivan:

Enclosed you will find a copy of an order adopted by the City Council at its meeting of August 15, 1984 with the proposed amendment to the ordinance entitled "Regulations Pertaining To Controlled Rental Housing Units" together with the full draft of the ordinance before this proposed amendment.

Please review the proposed amendment and indicate your approval or disapproval so that we can publish this in the newspaper.

A problem has arisen regarding the effective date of October 1, 1984 when this is incorporated into the full draft of this ordinance as this effective date only applies to sub-section (v) and the last sentence in sub-section (c) of REMOVAL REGULATED and sub-section (f) of PENALTY.

Please give me your opinion on incorporating this effective date for the outlined amendments into the full draft of the ordinance so that when the public comes into this office for a copy of the ordinance we can give the full copy.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Paul E. Healy, City Clerk

PEH/dl

Encs. Order  
Proposed amendment  
Full text of ordinance.

11:55

*Calendar #8 as amended*

# City of Cambridge

MASSACHUSETTS

In City Council August 15 1984

*Note of City Council on Passing to be Ordained*

*- AS AMENDED -*

*WITH OCTOBER 1ST EFFECTIVE DATE*

*BY ROLLING*

*AYE*

ABSENT

PRESENT

Mr. Daniel J. Clinton

✓

Mr. Thomas W. Danehy

✓

Mr. Francis H. Duehay

✓

Ms. Sandra Graham

✓

Mr. David E. Sullivan

✓

Mr. Walter J. Sullivan

✓

Mr. Alfred Vellucci

✓

Ms. Alice K. Wolf

✓

Mayor Russell

✓

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*Special Memo*

# City of Cambridge

MASSACHUSETTS

In Council August 1984  
*By COP*

*Copy out  
HHP*

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton			✓	
Mr. Thomas W. Danehy			✓	
Mr. Francis H. Duehay	✓			
Ms. Sandra Graham	✓			
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan			✓	
Mr. Alfred Vellucci	✓			
Ms. Alice K. Wolf	✓			
Mayor Russell				✓

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*~~CUSA~~  
~~P.F.~~  
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# City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Three

## AN ORDINANCE

In amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

*Be it ordained by the City Council of the City of Cambridge as follows:*  
That Chapter Twenty-Three entitled "Regulations Pertaining to Controlled Rental Housing Units" is hereby amended as follows:

CHAPTER TWENTY-THREE. REGULATIONS PERTAINING TO CONTROLLED RENTAL HOUSING UNITS.

Section 1. Removal of Controlled Rental Units from Market.

(a) Declaration of emergency. A serious public emergency continues to exist in the City of Cambridge with respect to the housing of a substantial number of its citizens, as declared by Chapter 36 of the Acts of 1976, for the reasons stated in the Act. The emergency has worsened since 1976 because of the removal of a substantial number of rental housing units from the market, by condominium conversion, demolition, and other causes. As a result, more than 2,000 or over 10 percent of the controlled rental units in the city have been removed from the housing market since 1970, and the vacancy rate has fallen below one percent. In order to carry out the purposes of the Act, and to continue to provide a sufficient supply of decent, affordable rental housing accommodations especially for families of low and moderate income and for elderly people on fixed incomes, it is necessary for the Cambridge City Council, in the exercise of its powers under section 6 of the Home Rule Amendment and under section 5(c) of the act, to regulate the removal of controlled rental housing units from the market.

# City of Cambridge

(b) Definitions. As used in this section:

- (1) "Act" means Chapter 36 of the Acts of 1976, as amended from time to time.
- (2) "Board" means the Rent Control Board established by section 5 of the Act.
- (3) "Controlled rental unit" means any unit included in the definition under section 3(b) of the Act.
- (4) "Removal from the market" as applied to a controlled rental unit, includes but is not limited to:
  - (i) occupy, as an owner of a unit which is a condominium unit, if the most recent occupant was a tenant, even if the prospective owner-occupant is the tenant, unless the prospective owner-occupant is the current tenant of the unit who has continuously occupied it as a tenant since before August 10, 1979 and intends in good faith to occupy it indefinitely as its owner; or
  - (ii) demolish, but no unit has been removed from the market by demolition until its physical destruction has begun; or
  - (iii) rehabilitate, repair or improve, other than as required by the laws of the Commonwealth or the city, in such a way as to prevent residential occupancy during the course of the rehabilitation, repair or improvement. This provision shall not apply to rehabilitation, financed at least in part by Community Development Block Grant funds, of a building owned by a non-profit corporation and intended for owner-occupancy by low and moderate income persons; or
  - (iv) convert to a cooperative, as the term is used in section 3(b) (4) of the Act, all or part of any building which contains any controlled rental unit.

# City of Cambridge

But, this term "removal from the market" does not include occupancy of a non-condominium unit by the owner of the building in which it is located or by any member of his/her immediate family; or a condominium unit which the owner occupied before the tenant occupied it; or a condominium unit as to which unit it can be shown with respect to its initial sale after the recording of the master deed that a purchase and sale agreement has been entered into prior to August 10, 1979, a cancelled check being conclusive proof of the transaction, or a unit deed recorded in the Middlesex Registry of Deeds prior to August 10, 1979, whether or not the unit was being used for rental housing on August 13, 1979. No condominium unit once legally occupied by the unit owner shall ever again be subject to this section for any reason.

(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. The board may issue orders and promulgate regulations to effectuate the purposes of this section, and to prescribe the procedure for applications, notice, hearings, and the granting and withdrawal of permits. A permit to remove from the market a unit in a building converted or proposed to be converted to a condominium may be granted to the owner of the building before the sale of a unit.

(c½) Prohibited acts by developers. After August 1, 1981, no owner of a building for which a condominium master deed has been recorded shall directly or indirectly sell, offer for sale, or agree to sell any controlled rental unit therein, unless the board has granted a removal permit for that unit, or unless the sale or offer is to, or the agreement is with, a current tenant of the unit who holds an exemption certificate. The board shall issue an exemption certificate to any person who files with it an affidavit in a form prescribed by the board, stating that he is a current tenant of the unit, that he occupied it as a tenant before August 10, 1979, and that he intends in good faith to occupy it indefinitely as its owner. No person shall file a false affidavit under this subsection. Nothing in this subsection shall prevent an owner of a building or any portion thereof from conveying his entire interest in the building in good faith to one purchaser, who shall then be subject to the provisions of this subsection to the same extent as the original owner.

(d) Considerations. In deciding whether to grant a permit under this section, the board shall consider:

- (1) the benefits to the persons sought to be protected by the Act and by this section,
- (2) the hardships imposed on the tenants residing in the unit proposed to be removed, including any mitigating provisions made by the applicant, and
- (3) any aggravation of the shortage of decent rental housing accommodations, especially for families of low and moderate income and elderly people on fixed incomes, which may result from the removal.

# City of Cambridge

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- (3) any aggravation of the shortage of decent rental housing accommodations, especially for families of low and moderate income and elderly people on fixed incomes, which may result from the removal.

(d $\frac{1}{2}$ ) Limited equity cooperative ownership. As used in this subsection, "administrator" means the Assistant City Manager for Community Development or his or her designee. Notwithstanding the considerations of subsection (d), the board may grant a permit for conversions to limited equity cooperatives only if the administrator files with the board an agreement executed by the administrator and a cooperative housing corporation which shall contain the following provisions:

- (1) All cooperative documents and all amendments or modifications of the cooperative documents shall be valid only if executed by the administrator and the articles of incorporation shall so provide. The cooperative documents include the articles of incorporation, the by-laws, occupancy agreements, transfer agreements, and management plan. Each transfer shall be reported to the administrator and all documents effecting the transfer shall be executed by the administrator. The administrator shall execute documents only if each of the provisions of this subsection is met.
- (2) The resale price of the cooperators' membership which includes the right to occupy the unit shall not exceed the transfer value plus the amount of principal amortized by the corporation on its blanket mortgage attributed to the unit and paid by the member involved, less any amounts due to the corporation under the occupancy agreement and less the cost of all deferred maintenance and repairs deemed necessary by the corporation to put the dwelling in a suitable condition for another occupant.

The transfer value is the sum of:

- the share value paid by the former occupant of the unit (not including the amount of any subsidies) adjusted from the date of the stock payment to the Consumer Price Index for Housing for the Boston Standard Metropolitan Statistical Area.
  - the value of improvements approved by the corporation and installed by the member in his unit, including a fair value of labor donated by a member or others as conclusively established by the administrator at the time the labor is donated.
- (3) Residents of at least 80% of the units in the building as of the date of the articles of incorporation shall sign commitments to become resident shareholders of the limited equity housing corporation.

- (4) A majority of the current residents must be low and moderate income persons as defined by the current income limits set forth in regulations of Department of Housing and Urban Development, under Section 235 of the National Housing Act or its successor or comparable index as determined by the administrator.
- (5) Current residents who do not become shareholders shall have the right to remain in their units as tenants of the cooperative corporation. Controlled rental units shall remain subject to the Act and to this section and no permits shall issue for controlled rental units while occupied by non-shareholding tenants. If a controlled rental unit is vacated, that unit may be converted to a cooperative subject to the provisions of this subsection and to the cooperative documents.
- (6) Residents of the City of Cambridge who are low and moderate income persons, as defined in paragraph (4), shall be given priority when turnover or vacant units occur.
- (7) There shall be no discrimination on the basis of race, religion, color, national origin, sex, age, ancestry or marital status with respect to any aspect of the operation of the cooperative.
- (8) Family size per unit shall conform to Chapter II of the State Sanitary Code or other comparable index as determined by the administrator.
- (9) Buildings shall have at least six units.
- (10) In addition to other remedies, the city may recover in damages twice the amount of any net gain on resale which exceeds the amount allowed by paragraph (2), and this provision may not be waived in any manner.

The total number of units for which such permits may be granted shall not exceed 100.

The board shall revoke any permit granted pursuant to this subsection whenever it or the administrator determines that any of the provisions of paragraphs (1), (2), (5), (6), (7), or (9) has been materially violated or invalidated and the unit shall then again be subject to the Act and to this section, notwithstanding the last sentence of paragraph (iv) of subsection (b) or any other provisions.

## City of Cambridge

(e) Effectiveness. This section shall apply to all controlled rental units which had not been removed from the market before August 13, 1979. This section shall take effect immediately, but shall cease to be effective if the board files its certificate with the city clerk that:

- (1) the vacancy rate in the total supply of controlled rental units exceeds four percent, or
- (2) the total number of rental units in the city excluding public housing units, exceeds that number as of January 1, 1970.

If such a certificate ceases to be correct, the board shall withdraw it by filing a new certificate, and this section shall then again be effective until one of the above conditions again prevails.

(f) Penalty. Any person who violates this section shall be punished by a fine of not more than five hundred dollars. The removal of each unit shall constitute a separate violation.

(g) Equitable relief. The Board or any person aggrieved by a failure to comply with this section may enforce its provisions in a civil action for injunctive or declaratory relief.

(h) Severability. The provisions of this section are severable. If a court declares invalid any such provision, or its application to any person or circumstance, the invalidity shall not affect the validity of any other provision or application.

Chapter Twenty-Three including all of the following amendments:

- Ordinance # 966 ordained on June 29, 1981
- Ordinance # 980 ordained on April 26, 1982
- Ordinance # 993 ordained on January 27, 1983
- Ordinance # 1001 ordained on August 8, 1983.

RECEIVED BY  
OFFICE OF CITY CLERK

AUG 10 4 47 PM '84

August 10, 1984

CAMBRIDGE, MASS.

The Cambridge City Council  
Cambridge City Hall  
795 Massachusetts Avenue  
Cambridge, MA 02139

To the Honorable; the City Council:

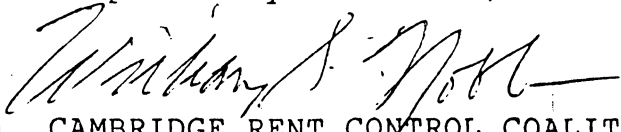
At the suggestion of the Rent Control Board staff, two minor changes, both underlined, have been made in our Ordinance for Full Occupancy. A revised copy is enclosed.

We have also brought the background material submitted to the Council in our letter of June 21, 1984 together with other constructive suggestions made since the June 25th meeting in a companion, "intent of the council" order. The purpose of this order would be to establish clearly the Council's intent with respect to the Ordinance for Full Occupancy. The Rent Control Board staff believes this will be beneficial, and we agree. A copy of this proposed order is also enclosed.

The second order incorporates a new requirement that all complaints of extended vacancy in rent-controlled units be made by affidavit or on a signed form. We have added this requirement to prevent frivolous or incompletely documented complaints which the staff might otherwise have to spend time investigating.

The Ordinance for Full Occupancy appears to stand up well under the additional scrutiny brought to bear on it since June 25th, and we urge its ordination.

Respectfully submitted,

  
(for) CAMBRIDGE RENT CONTROL COALITION

(William S. Noble)

encs: as

cc: Roger Mervis

(3) 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.

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

3 B

~~Time Rent On~~

at the end of (2)(a)

N.B. Special consideration shall be given to units to be occupied by ~~the~~ immediate family members of the owner of an owner-occupied house.

A v/v

DRAFT ORDER

August 15, 1984

In City Council:

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 good cause 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; or
  - (b) that he/she has offered the unit for rent in good faith throughout the ~~90~~ day period, but has been unable to rent the unit. *✓ 120 compliance*
- (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 <sup>120</sup>unable to make the repairs required for habitability in a timely fashion because the necessary approvals or financing has not yet been received from public agencies. In this case the ninety ~~(90)~~ day period required to establish vacancy may be extended up to an additional six (6) months at the discretion of the Rent Control Board, provided that applications for such approvals and/or financing have been filed in a timely manner.

(6) 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.

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

AVU

C. V. M.  
N.B.

~~Special attention be given by Rent Control Board for family occupancy~~

~~not~~

Adopted 5-0-3-1

C.V.  
MS  
MF - Rules not

ORDINANCE NO. 733  
Final Publication No. 1539. First  
Publication in Cambridge Chronicle-  
Sun, January 7, 1965.

**CITY OF CAMBRIDGE**

In the Year One Thousand, Nine  
Hundred and Sixty-five.

**AN ORDINANCE**

In amendment to an Ordinance en-  
titled: "The General Ordinances of  
the City of Cambridge"

Be it ordained by the City Council  
of the City of Cambridge as fol-  
lows:—

The General Ordinances of the  
City of Cambridge are hereby  
amended by inserting the following  
section entitled:—

City Owned Land and Buildings.  
Section 1. Sale, Lease or Rental of  
City Owned Land.

For the purposes of protecting  
the citizens of Cambridge, real es-  
tate values and obtaining the best  
possible land use; no sale, lease  
or rental by the City of Cambridge  
of City owned land or ways shall  
be accomplished until such offer,  
when received by the City Council,  
shall be referred to the Planning  
Board of the City of Cambridge  
for study and a report made to the  
City Council, which shall hold a  
public hearing to which the Plan-  
ning Board shall be invited. Said  
hearing shall be held within one  
month after receipt of the Plan-  
ning Board's report to the City  
Council.

At least ten days prior to said  
hearing the City Clerk shall post  
notices of the hearing upon the  
City owned land or ways with res-  
pect to the proposed sale, lease or  
rental and shall send a written  
notice to the owners of the prop-  
erty adjoining and opposite said  
land or ways within two hundred  
feet thereof as shown on the most  
recent tax list of the Board of  
Assessors, and to such owners and  
civic groups as may be deemed by  
the City Clerk to be affected and  
shall publish notice of said hear-  
ing in newspapers of general cir-  
culation within the City of Cam-  
bridge.

In City Council January 18, 1965.  
Passed to be ordained as amended.

Edward A. Crane, Mayor.

A true copy. Attest:—

THOMAS M. McNAMARA,

City Clerk.

(C)F11.

Effective date of October, 1984

III

# City of Cambridge

MASSACHUSETTS

In City Council

August 15 1984

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton		✓		
Mr. Thomas W. Danehy			✓	
Mr. Francis H. Duehay	✓			
Ms. Sandra Graham	✓			
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan		✓		
Mr. Alfred Vellucci		✓		
Ms. Alice K. Wolf	✓			
Mayor Russell	✓			

5 3 1

RECEIVED BY  
OFFICE OF CITY CLERK

AUG 10 4 47 PM '84

CAMBRIDGE, MASS.

August 10, 1984

The Cambridge City Council  
Cambridge City Hall  
795 Massachusetts Avenue  
Cambridge, MA 02139

To the Honorable; the City Council:


At the suggestion of the Rent Control Board staff, two minor changes, both underlined, have been made in our Ordinance for Full Occupancy. A revised copy is enclosed.

We have also brought the background material submitted to the Council in our letter of June 21, 1984 together with other constructive suggestions made since the June 25th meeting in a companion, "intent of the council" order. The purpose of this order would be to establish clearly the Council's intent with respect to the Ordinance for Full Occupancy. The Rent Control Board staff believes this will be beneficial, and we agree. A copy of this proposed order is also enclosed.

The second order incorporates a new requirement that all complaints of extended vacancy in rent-controlled units be made by affidavit or on a signed form. We have added this requirement to prevent frivolous or incompletely documented complaints which the staff might otherwise have to spend time investigating.

The Ordinance for Full Occupancy appears to stand up well under the additional scrutiny brought to bear on it since June 25th, and we urge its ordination.

Respectfully submitted,



(for) CAMBRIDGE RENT CONTROL COALITION

(William S. Noble)

encs: as

cc: Roger Mervis

DRAFT ORDER

August 15, 1984

In City Council:

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 good cause 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; or
  - (b) that he/she has offered the unit for rent in good faith throughout the 90 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 for habitability in a timely fashion because the necessary approvals or financing has not yet been received from public agencies. In this case the ninety (90) day period required to establish vacancy may be extended up to an additional six (6) months at the discretion of the Rent Control Board, provided that applications for such approvals and/or financing have been filed in a timely manner.

- (3) 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.

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

*Eskenon #4*

To Amend by Substitution of  
**City of Cambridge**  
*City but #42*  
MASSACHUSETTS

*[Signature]*

In City Council August 15 1984

Including 170 Days per 90 days

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton		✓		
Mr. Thomas W. Danehy			✓	
Mr. Francis H. Duehay	✓			
Ms. Sandra Graham	✓			
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan			✓	
Mr. Alfred Vellucci	✓			
Ms. Alice K. Wolf	✓			
Mayor Russell				✓

5 1 2 1

# *Calender 8*

# City of Cambridge

MASSACHUSETTS.

In City Council

*August 15* 1984

*I*  
*LD*  
*Zinn*  
*Fahle*  
*Conroy*

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton		✓		
Mr. Thomas W. Danehy			✓	
Mr. Francis H. Duehay	✓			
Ms. Sandra Graham	✓			
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan		✓		
Mr. Alfred Vellucci	✓			
Ms. Alice K. Wolf	✓			
Mayor Russell		✓		

*5 2 1*

August 10, 1984

PROPOSED AMENDMENT TO CHAPTER 23, SECTION 1,  
OF THE CODE OF THE CITY OF CAMBRIDGE  
(Ordinance Number 966, as Amended by Ordinance Number 980)\*

Be it ordained by the Cambridge City Council that:

Section 1. Removal of Controlled Rental Units from Market  
of Chapter Twenty-Three, entitled "Regulations Pertaining to  
Controlled Rental Units" in Ordinance Number 966 of June 29, 1981  
is hereby amended as follows:

1. Add the following clause to Paragraph (4) of Subsection (b),  
Definitions:

"<sup>120</sup>(v) cause a unit, not the primary residence of a legal unit  
owner, to be vacant for ninety (90) days or more by refusing  
to rent or to offer for rent said unit in good faith or,  
when a unit is cited as unfit for human habitation, by  
failure to perform repairs required to restore said unit to  
habitable condition. The existence of a vacancy for ninety  
<sup>120</sup>(90) days or more, without a showing of good cause, shall  
constitute removal from the market."

2. Add the following sentences at the end of Subsection (c),  
Removal Regulated:

"One year after the date of a notice of ruling, the Board  
shall review and confirm that the circumstances and  
conditions which led the Board to grant any removal permit  
hereunder, except for a condominium unit legally occupied by  
the unit owner, continue to warrant said permit. If, after  
a hearing, the Board finds that the circumstances and  
conditions no longer warrant the permit, the Board shall  
immediately treat the unit as a controlled rental unit and  
shall initiate whatever action is permitted and appropriate  
under this section."

3. Add the following sentences to Subsection (f), Penalty:

"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."

\* Note: Changes in June 25, 1984 version are underlined.

0-29

Comm. from William S. Noble on behalf of the Cambridge Rent Control Coalition, enclosing a revised proposed amendment to Chapter 23, Section 1 of the Code of the City of Cambridge entitled "Removal of Controlled Rental Units from Market" & a proposed order indicating the intent of the City Council in the administration of the ordinance for full occupancy.

sent to City Solicitor  
Rent Control  
Inspectional Serv. Comm.

8/21/84

(dl)

published - Chronicle

8/23/84 (zoning)

Revised Ord. <sup>103</sup> sent to

City Sol.

Insp. Serv. 8/22/84

In City Council,

August 15, 1984

8/15/84

Revised substituted version

Passed to

DL

Ordained  
as amended

5-27-1