

City of Cambridge

MASSACHUSETTS

Consent Agenda Item # ~~6~~ Passage to a In City Council December 19 1994
 second reading - Removal Permit
 Ordinance

YEA	NAY	ABSENT	PRESENT	
✓				Ms. Kathleen L. Born
✓				Mr. Francis H. Duehay
✓				Mr. Anthony Galluccio
✓				Mr. Jonathan S. Myers
	✓			Mrs. Sheila T. Russell
	✓			Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
✓				Mayor Kenneth E. Reeves

7

2

0

0

FD in shop 11/9
 RF 0/9

City of Cambridge

MASSACHUSETTS

Consent Agenda Item # 60 - Vote on ordination In City Council December 19, 1994
of the Removal Permit Ordinance.

YEA	NAY	ABSENT	PRESENT	
✓				Ms. Kathleen L. Born
✓				Mr. Francis H. Duehay
✓				Mr. Anthony Galluccio
✓				Mr. Jonathan S. Myers
	✓			Mrs. Sheila T. Russell
	✓			Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
✓				Mayor Kenneth E. Reeves

7 2 0 0

FD in sup w/9
RF 0/9



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Four

AN ORDINANCE

In amendment to the Municipal Code of the City of Cambridge.

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

Whereas, Cambridge has the authority pursuant to section 3 of Chapter 52 of the Acts of 1990 to regulate conversion of controlled rental units to condominiums and cooperatives and to regulate advertising, offering for sale or selling a unit as a condominium or cooperative unit, by requiring that a removal permit be obtained prior to the conversion, and

Whereas, the passage of Chapter 400 of the Acts of 1994, effective January 1, 1994 or at some time thereafter as may be determined by the courts of the Commonwealth in litigation related to Question 9 on the November 8, 1994 ballot, would repeal the authority granted to Cambridge by said Chapter 52, but would make Cambridge subject to Chapter 527 of the Acts of 1983 from which it is now exempt due to the operation of its rent control system, and

Whereas, Chapter 527 of the Acts of 1983, which provides protections to tenants in the event of condominium or cooperative conversion, does not apply to condominium master

deeds or cooperative articles of incorporation filed before said law becomes effective in a city or town, and

Whereas, once controlled rental units are converted to condominiums or cooperatives, it is more likely that the units will be removed from the rental market, and

Whereas, during the period from November 20, 1989, when the Supreme Judicial Court invalidated Cambridge's ordinance regulating the sales of individual units, until the enactment of said Chapter 52, effective June 6, 1990, many controlled rental units were converted to condominiums by the filing of master deeds, thereby increasing the risk that they would be removed from the market, and

Whereas, in order to avoid the recurrence of the conversions which occurred between November 20, 1989 and June 6, 1990, it is critical temporarily, until Chapter 527 of the Acts of 1983 becomes applicable to the City of Cambridge, on January 1, 1995 or at some time thereafter as may be determined by the courts of the Commonwealth in litigation related to Question 9 on the November 8, 1994 ballot, to regulate the filing of master deeds pursuant to the provisions of Chapter 183A of the General Laws or of articles of incorporation pursuant to the provisions of Chapters 156B and 157 of the General Laws, and

Whereas, the deferred operation of this ordinance would tend to defeat its purpose, which is in part to prevent the loss of controlled rental units, and be thereby detrimental to the health or safety of the people or their property,

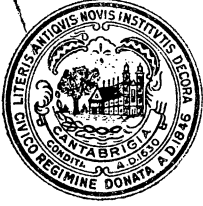
THEREFORE, NOW BE IT ORDAINED by the City Council of the City of Cambridge under the authority granted by the terms and provisions of Chapter 52 of the Acts of 1990, that Chapter 8.44 of the Cambridge Municipal Code, as amended by

Ordinance No. 1159 on November 21, 1994, be further amended as follows:

- (1) §8.44.020 D.6 shall be amended by striking out the date "...January 1, 1995...."
appearing therein and inserting in its place the date "...April 1, 1995...."

Pursuant to Chapter 43, Section 22 of the Massachusetts General Laws and Rule 19 of the City Council Rules this ordinance was passed to be ordained thru all its stages at the City Council meeting held on December 19, 1994 without objection on a yea and nay vote: Yeas 7; Nays 2; Absent 0. Upon ordination the question came on reconsideration and reconsideration failed and the action stands.

ATTEST:- D. Margaret Drury
City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Four

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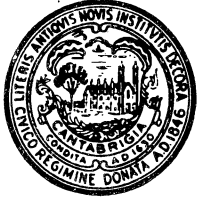
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City Clerk



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300
FAX 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

December 12, 1994

To The Honorable, The City Council:

On November 21, 1994, the City Council adopted an emergency amendment to the Removal Permit Ordinance to require a removal permit for the filing of a Master Deed between that date and January 1, 1995. As you know, because of our authority to regulate condominium conversions pursuant to Chapters 36 and 52, the conversion of condominiums in Cambridge is not subject to Chapter 527 of the Acts of 1983, the law applicable to conversions in most other cities and towns. If and when question 9 is certified, Cambridge will become subject to Chapter 527 and tenants will be entitled to the notice and other provisions of that Act.

To retain the status quo in Cambridge and ensure that tenants will have the benefits of Chapter 527 if Question 9 is certified, the Council can amend the ordinance to extend the requirement of a removal permit for the filing of a master deed until April 1, 1995. Although the matter may be settled at an earlier date, the amendment will only be effective until the time that Question 9 is certified. If Question 9 is certified at an earlier date, the removal permit ordinance will be nullified since the Council's authority to adopt the Ordinance is dependent on Chapters 36 and 52 which will be nullified by the certification of Question 9.

To enable speedy adoption of the amendment, I recommend that the Council vote to declare an emergency in accordance with the terms of the emergency declaration which is attached. That vote requires the affirmative vote of two thirds of the members of the Council. I then recommend that the Council take the necessary votes to pass it to a second reading and adopt it.

Very truly yours,

Robert W. Healy
City Manager

Emergency amendment to the Removal
Permit ordinance.

In City Council,

December 19, 1994

① Declaration of emergency
7-2-0.

② Passed to a second
reading
7-2-0.

③ Passed to be ordained
7-2-0

pursuant to Chapter 43
Section 22 MGLA and
Rule 19 of the City
Council Rules.