

The City of Cambridge, Massachusetts

Temporary Rent Control Ordinance

Submitted To The City Council

By Initiative Petition Of The

Citizens Of Cambridge

TEMPORARY RENT CONTROL ORDINANCE

Section 1: Declaration of Emergency, Exigency, and Distress

(a) It has been determined by initiative petition of the citizens of the City of Cambridge that a serious public emergency, exigency, and distress exists with respect to the housing of the citizens of the City and which has resulted from a shortage of rental housing accommodations, unwarranted speculation and profiteering, and abnormal and excessive rental agreements; that unless residential rents are regulated and controlled, such emergency and the inflationary pressures resulting therefrom will produce serious threats to the health, safety, and general welfare of the citizens of the City; and that such emergency should be met immediately by the City of Cambridge; wherefore this ordinance is passed by initiative petition of the citizens of Cambridge.

(b) This ordinance shall be effective as of the date of its passage and shall terminate four calendar years from the date of such passage. This ordinance shall repeal any ordinance or measure relating to or concerning the subject of rent control which may exist or be in effect at the time

of the passage of this ordinance.

(c) This ordinance shall not be construed to require the repayment of any rent paid prior to its passage.

Section 2: Definitions

(a) "Person" shall mean an individual, corporation, trust or partnership.

(b) "Landlord" shall mean an owner, lessor, sublessor, assignee, or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodation, or any agent of the foregoing.

(c) "Tenant" shall mean a tenant, subtenant, lessee, sublessee, or other person entitled to the possession, use or occupancy of any housing accommodation by virtue of a lease or other rental agreement.

(d) "Rent" shall mean the consideration demanded or received for the use or occupancy of any housing accommodation.

(e) "Services" shall mean repairs, decorations, maintenance, furnishing of light, heat, hot and cold water, elevator service, storage, laundry service, facilities, or privileges, janitorial service, removal of refuse, and any other privilege or facility connected with the use or

occupancy of housing accommodations.

(f) "Housing accommodations" shall mean any building or structure or part thereof, or land appurtenant thereto, or any other property rented or offered for rent for living or dwelling purposes, together with any privileges, services, facilities, furnishings, furniture, or equipment connected with the use or occupancy thereof.

(g) "Transient guest" shall mean a person who occupies a housing accommodation for two weeks or less.

(h) "Controlled housing accommodations" shall mean all housing accommodations except the following:

(1) Hotels, motels, and tourist or rooming homes which as of the effective date of this ordinance rented housing accommodations primarily for transient guests, and trailer or trailer space or any part thereof used exclusively for transient guests.

(2) Accommodations created by a change from non-housing to housing use.

(3) Single family dwellings, and two and three-family dwellings in which the owner dwells.

(4) Any hospital, monastery, asylum, nursing home, public institution or college or school dormitory, or any institution operated exclusively

for charitable or educational purposes on a non-profit basis.

(5) Housing accommodations owned or operated by the United States or the Commonwealth of Massachusetts; or by any political subdivision thereof; or by any public housing authority; or housing accommodations in buildings in which rentals are fixed or supplemented by any of the foregoing.

(i) "Capital improvement" shall mean any improvement to a housing accommodation above and beyond ordinary repair, replacement, and maintenance, or any substantial addition to furniture, furnishings, or equipment, provided, that no such improvement or addition required by law shall be considered a capital improvement.

(j) "Substantial deterioration" shall mean deterioration of the housing accommodation resulting from failure of the landlord to provide ordinary repair, replacement, and maintenance.

(k) "Net annual return" shall mean the amount by which the earned income exceeds the operating expenses of the housing accommodation.

(1) "Earned income" shall mean the maximum rents on an annual basis from the housing accommodations plus any other income earned from the operation of the property. The amount of any

rent increase granted as a result of a capital improvement under Section 6 (c) (1) shall not be included in earned income.

(m) "Operating expenses" shall mean all expenses necessary in the operation and maintenance of a housing accommodation, including wages, water and sewage charges, but excluding mortgage interest and amortization. Operating expenses shall also include an allowance for depreciation of two per centum of the valuation of the building exclusive of the land or the amount shown for depreciation of the buildings in the most recent Federal Income Tax return, whichever is lower, provided however, that no allowance for depreciation shall be included where the buildings have been fully depreciated for Federal Income Taxes or on the books of the owner. Operating Expenses shall not include the cost of any capital improvement for which rent increases are granted under Section 6 (c)(1).

(n) "Valuation" shall mean the assessed valuation established by the City of Cambridge as of January 1, 1968.

Section 3: Creation, Powers, and Duties of Rent Control Board and Inferior Officials

(a) There is hereby created a Rent Board consisting of seven members whose

term shall be two years. Five members of the Board shall be tenants who own no housing accommodations and who shall be elected at the general elections of the City of Cambridge, except that the initial tenant membership of the Board shall be determined at a special election to be held not more than six weeks after the effective date of this ordinance. The remaining two members shall be appointed by the City Council and shall be representative of landlord interests. Members of the Rent Board shall be reimbursed by the City for necessary expenses incurred in the performance of their duties, but shall receive no compensation for their services. All members of the Board shall be residents of the City of Cambridge.

(b) A quorum of the Board shall consist of no less than five members. The citizens of the City of Cambridge shall retain the right to remove any member of the Board by written petition signed by at least six per centum of the voters registered at the last general election preceding the petition. The City Council shall be empowered to remove any appointed member of the Board for cause. The City Council shall be empowered to fill any vacancies which may arise in the appointed membership of the Board. The tenant members of the Board shall be empowered to fill vacancies which may arise in their

membership, the terms of which shall continue only until the next general election. No vacancy shall remain unfilled for longer than twenty-one days. The Rent Board shall have the powers set forth herein and elsewhere with respect to controlled housing accommodations.

(c) The Rent Board shall appoint a Commissioner and Administrators of the various departments hereinafter indicated, subject to the limitations provided by law. The Rent Board shall fix the salaries of the Commissioner and Administrators subject to the limitations provided by law. The Rent Board shall employ and fix the salaries of such further assistants and clerical aid as it deems necessary to carry out the provisions and purposes of this ordinance, subject to the limitations provided by law. All appointments not subject to Massachusetts General Laws, Chapter 31, shall be made on the basis of executive and administrative ability and training and experience in the work to be performed. Such Commissioner, Administrators, further assistants, and clerical aid may be removed at the discretion of the Rent Board, subject to the limitations provided by law. The Rent Board shall have all the powers listed herein as well as those granted inferior officials.

(d) The Rent Board shall deter-

mine personnel, fiscal, operating, and procedural policies in accordance with the purposes and intent of this ordinance. The affirmative vote of a majority of all the members of the Rent Board shall be necessary for any decision by the Rent Board, except that the affirmative vote of a quorum shall be sufficient when all members are not present. All decisions or determinations rendered by inferior officials pursuant to this ordinance shall be appealable to the Rent Board as provided in Section 7. For the above purpose, the Rent Board shall have the power to conduct hearings and subpoena witnesses.

(e) The Commissioner shall have the power to investigate reported or apparent violations of this ordinance, make studies, subpoena witnesses, adopt, alter, and repeal rules and regulations, issue orders, specify requirements, and take any other action within the limitations provided by law which he deems necessary to the administration and enforcement of this ordinance in any manner not prohibited by law, including the initiation of legal and equitable actions in the courts of the Commonwealth. For such purposes, the Commissioner may require any person who rents, offers for rent, or acts as a broker or agent for the rental of any housing accommodation to

furnish information required by him under oath, to make reports, and to produce records and other documents. All actions by the Commissioner shall be subject to review and approval by the Rent Board. The Commissioner shall further carry out any duties assigned him by the Board.

(f) There are hereby created the following offices of Administrators who shall assist the Commissioner and who shall be responsible to the Commissioner for the proper operation of their respective offices. The Administrators shall have the powers and duties set forth herein and elsewhere and shall further carry out such other duties as may be assigned them by the Commissioner.

(1) The Administrator for Rent Adjustment shall determine adjustments in maximum rent according to the procedures set forth elsewhere in this ordinance.

(2) The Administrator for Tenant Protection shall investigate and determine the legality of and reasons for the eviction of tenants or the refusal of a landlord to renew a tenant's lease, assist tenants deprived of controlled housing accommodations in relocating in other controlled housing accommodations, if available, or such other housing accommoda-

tions as will substantially approximate the controlled housing accommodations vacated, conduct research and make studies for the purpose of developing plans and procedures designed to further the purposes of this ordinance, and provide legal and technical assistance to tenants seeking redress or pursuing other actions pursuant to this ordinance. All services and duties required or requested of the Administrator shall be provided at no cost. The Administrator shall ensure that information concerning all services, rights, privileges, and obligations required or offered by this ordinance are easily and readily available to the public and shall send every tenant occupying controlled housing accommodations for the first time a copy of this ordinance.

(3) The Administrator for Investigation shall conduct investigations of any housing accommodations or matters which are the subject of any action under this ordinance. For this purpose, the Administrator shall question tenants and landlords, examine records, invoices, accounts, deeds and tax receipts, take statements and affidavits, and take such other actions as may be directed or required to carry out the provisions of this ordinance, subject to the limitations provided by

law. (4) The Administrator for Enforcement and Counsel shall provide the Board and inferior officials with legal advice and shall perform the services of counsel for the Board or inferior officials in any legal, equitable, or administrative proceedings, provided that the Board shall have the power to retain independent counsel should circumstances require such action. The Administrator shall compile all complaints of violations or infractions of provisions of this ordinance or any other ordinance or law which may affect the administration of this ordinance and shall file same with the appropriate judicial tribunals or law enforcement agencies.

(5) Such other Administrators as the Board may determine are necessary to carry out the provisions and purposes of this ordinance.

(g) The Rent Board and all inferior officials shall adhere to the minimum requirements of due process of law in the administration and enforcement of this ordinance.

Section 4: Maximum Rent

(a) The maximum rent for controlled housing accommodations that were occupied by a tenant on January 1, 1968, shall be the rent charged there-

for on said date as determined by the Commissioner, subject to adjustments as provided in Section 6.

(b) The maximum rent for controlled housing accommodations that were not occupied by a tenant on January 1, 1968, shall be the rent charged for similar accommodations in the immediate area on said date as determined by the Commissioner, subject to adjustments as provided in Section 6.

(c) The maximum rent for any controlled housing accommodation shall include the services provided the housing accommodation as of January 1, 1968.

Section 5: Registration

Within thirty days after the election of the Rent Board, or within thirty days after a controlled housing accommodation is first rented, whichever is later, every landlord of controlled housing accommodations, rented or offered for rent, shall file in triplicate a verified written statement, on forms provided by the Commissioner, to be known as a registration statement. The statement shall identify each dwelling unit and shall specify the maximum rent for each dwelling unit and shall contain such other information as the Commissioner shall require. The original shall re-

main on file with the Commissioner. The Commissioner shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy, the landlord shall exhibit to the new tenant his stamped copy of the registration statement and shall obtain the new tenant's signature and the date thereof on the back of said statement and inform the tenant that he may obtain a duplicate copy from the Commissioner. Within five days after renting to a new tenant, the landlord shall file a notice on a form provided by the Commissioner and on which he shall obtain the new tenant's signature stating that there has been a change of tenancy and that the stamped copy of the registration statement has been exhibited to the new tenant and that the rent for such accommodation is in conformity therewith.

Whenever the maximum rent is changed by order of the Commissioner, the landlord shall deliver his stamped copy of the registration statement to the Commissioner for appropriate action or notation reflecting such change.

Section 6: Adjustment of Maximum Rent

(a) Any landlord or tenant of any controlled housing accommodation may file a written petition with the Commissioner for an increase or decrease in the maximum rent of such housing accommodation on forms provided by the Commissioner or the Rent Board. Such petition shall allege that an increase or decrease of the maximum rent is necessary to remove hardships, correct other inequities or otherwise effectuate the purposes and provisions of this ordinance and shall specify the facts constituting such necessity, hardship, inequity, or other problems stated therein.

(b) Upon receipt of such petition, the Commissioner shall require and order such further information from such parties as he deems necessary for full and proper determination of all matters raised in the petition. After receiving and considering all relevant evidence, the Commissioner shall issue an order regarding the adjustment of the maximum rent of the housing accommodation which was the subject matter of the petition, provided that the Commissioner shall not order an increase in the maximum rent of such controlled housing accommodation unless and until the landlord thereof submits certified copies of reports of the City health, zoning and

housing agencies stating that the controlled housing accommodations indicated therein have been inspected and meet the minimum health, safety, housing, building and zoning requirements of the City of Cambridge.

(c) Grounds for increase of rent. This section sets forth specific standards for the increase of the maximum rent. The Commissioner shall have the power to revoke or modify any adjustment granted hereunder if there has been a substantial change in the basis upon which such adjustment was granted. The total of all increases for any individual housing accommodation granted under this section shall not exceed eight per centum of the rent as of January 1, 1968, in a single calendar year. The grounds for an increase are:

(1) Major capital improvements of the housing accommodation occurring subsequent to January 1, 1968. The rent shall not, as a result of a single capital improvement, be increased by more than six per centum of the January 1, 1968 rent, nor as a result of cumulative capital improvements by more than fifteen per centum of the January 1, 1968 rent during the operation of this ordinance. Nor shall the rent be increased in a single calendar year by more than one-half of the cost

of the capital improvement. If an improvement affects more than one housing accommodation or unit thereof, the rent increase shall be apportioned according to the amount of rent paid by each. The Rent Board is directed to compile and publish, and from time to time revise, a schedule of typical costs for typical capital improvements.

(2) The net annual return from the housing accommodation as of January 1, 1968, is less than six per centum of the valuation. The Commissioner shall order the maximum rent increased to an amount that shall yield the landlord a net annual return of six per centum of such valuation.

(3) Unavoidable increases in operating costs which have been incurred since January 1, 1968. For the purposes of this section, costs shall include fuel, utilities, insurance, property taxes, and repairs and maintenance. The maximum rent under this subsection shall not be increased by more than four per centum in a single calendar year nor shall it be increased more than once in a single calendar year.

(d) Grounds for decrease of rent. This section sets forth specific grounds for the decrease of the maximum rent. The Commissioner shall have

the power to revoke or modify any adjustment granted hereunder if there has been a substantial change in the basis upon which such adjustment was granted. Nothing in this subsection shall be construed to conflict with existing law.

(1) Substantial deterioration of the housing accommodation occurring subsequent to January 1, 1968. The Commissioner shall order a decrease in the maximum rent not to exceed the decrease in value caused thereby or, alternatively, the cost of repairing the deterioration.

(2) Substantial decrease in services, furnishings, furniture, equipment or dwelling space occurring subsequent to January 1, 1968. The Commissioner shall order a decrease in the maximum rent pro tanto the value of the services, furnishings, furniture, equipment or dwelling space so decreased.

(e) All rent adjustments shall take effect as of the date of final determination and not sooner.

(f) In no case shall the maximum rent for controlled housing accommodations be adjusted except as provided in this section. The Commissioner shall, as far as is possible or necessary, combine petitions when there are two or more which concern the same housing accommodation, and

issue, when practicable, a single order concerning the adjustment of the maximum rent.

Section 7: Appeals to the Rent Board, Notice and Hearings

(a) Upon a determination or decision by the Commissioner concerning any matter arising by petition under this ordinance, notification shall be given all interested parties. Such notification shall be sent to each party by certified mail to be delivered to the addressee only, return receipt requested. If the return receipt is not received by the Commissioner within seven days, the Commissioner shall order the notification to be delivered personally to the addressee.

(b) The notification shall contain, as a minimum, the names of all parties involved, the identification of the housing accommodation involved, the exact nature of the decision of the Commissioner, the effects, requirements, rights and obligations engendered by the decision, and shall advise all parties of their right to appeal to the Rent Board from any decision by the Commissioner. The notification shall contain a form upon which any party may indicate his desire to appeal or not to appeal and accept the decision of the Commissioner. The notifi-

cation shall contain a stamped, self-addressed return envelope for the use of any party in returning to the Commissioner his desire to appeal or not to appeal.

(c) If all parties return the said forms indicating their intention not to appeal and to accept the decision of the Commissioner, the decision shall immediately become effective and final. If the forms are not received by the Commissioner within ten days after receipt by any party, it shall be deemed that such party has accepted the decision of the Commissioner.

(d) If the returned forms indicate that any party desires to appeal from a decision of the Commissioner, the Rent Board shall order a public hearing to be held not more than thirty days after such form is returned and received by the Commissioner. The Rent Board shall notify all parties of the date, time, place and purpose of such hearing by certified mail, shall notify the City Council in writing, shall notify the members of the Rent Board, and shall publish such notification in a newspaper of general circulation in the City not less than ten days prior to the date of such hearing.

(e) The Rent Board shall arrange

to hold such public hearings, as far as is possible, at the convenience of the parties, including if necessary, evening hearings. The Rent Board shall maintain a calendar of hearings which shall list the date, time and place of all hearings to be held ten days from date. The calendar shall be easily and readily available to the public at no cost. If any party, or any representative with written authorization to act in behalf of such party, or counsel for such party, fails to appear at a public hearing, he shall be deemed to have forfeited his right to appeal and have accepted the decision of the Commissioner.

(f) At any public hearing conducted by the Rent Board, all interested persons and parties shall be given reasonable opportunity to be heard and shall have the right to be represented by counsel, to confront and cross-examine opposing witnesses, and introduce evidence and testimony on their own behalf.

(g) After conducting such public hearing and considering all relevant evidence and testimony, the Rent Board shall issue an order regarding the adjustment of the maximum rent of the housing accommodations which were the subject of the public hearing. Such order shall be issued not more

than five days after the said public hearing and shall become final upon issuance, subject only to judicial review under the laws of the Commonwealth.

Section 8: Renewal and Termination of Lease Agreements and Evictions

(a) As long as a tenant continues to pay the rent to which a landlord is entitled under the provisions of this ordinance, such tenant shall not be removed from any controlled housing accommodation by action to evict, to recover possession, or by exclusion from possession or otherwise except when said landlord has obtained a certificate of eviction pursuant to subsection (b) of this section, or upon one or more of the following grounds. This provision applies whether or not such tenant is under a lease or any type of rental agreement or obligation, or if such lease or agreement or obligation has expired or contains provisions contrary to this provision:

(1) The tenant is violating a substantial obligation or covenant of his tenancy other than the obligation to surrender possession and has failed to cure such violation within fifteen days after having received

written notice from the landlord; or

(2) The tenant is committing or permitting to exist a nuisance in a controlled housing accommodation, or is maliciously or by reason of gross negligence substantially damaging such housing accommodation, or his conduct is such as to substantially interfere with the comfort, safety or enjoyment of the landlord or other occupants of the same or adjacent accommodation, structure or building; or

(3) The tenant is convicted of using or permitting such housing accommodation to be used for an illegal purpose; or

(4) The tenant, who had a written lease or other written rental agreement which terminates on or after the passage of this ordinance, has refused, upon written request or demand of the landlord, to execute a written extension or renewal thereof for a further term of like duration and in such terms that are not inconsistent with or violative of any provisions of this ordinance; or

(5) The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of making necessary repairs or improvements required by federal, state or local laws, or for the purpose of inspection as permitted or required by the lease or rental agreement or by

law, or for the purpose of showing the accommodation to any prospective purchaser, mortgagee, or any other person having a legitimate interest therein: provided that such showing or inspection is not contrary to the provisions of the lease or other rental agreement or law.

(b) The landlord may petition the Commissioner in writing, according to the regulations set forth by the Commissioner, for an eviction certificate, which will permit the landlord to pursue his remedies at law or in equity. The Commissioner shall issue such eviction certificate if he finds:

(1) The landlord seeks in good faith to recover possession of housing accommodations because of immediate and compelling necessity for his own personal use and occupancy or that of his immediate family; or

(2) The landlord seeks to recover possession of the housing accommodation for which the tenant's lease or other rental agreement or obligation has expired at a time when the occupants of the housing accommodation are subtenants, sublessees or other persons who occupied under a rental agreement or lease with the tenant, and no part of the housing accommodation is used by the tenant as his dwelling; or

(3) The landlord seeks in

good faith to recover possession of the housing accommodation for the immediate purpose of substantially altering, remodeling, renovating, or otherwise rehabilitating such accommodation, provided that the landlord shall have first secured such approvals and licenses therefore as are required by law and the Commissioner determines that the issuance of the order granting the certificate of eviction is not inconsistent with the purposes and intent of this ordinance; or

(4) The landlord seeks in good faith to recover possession of the housing accommodation for the immediate purpose of demolishing it, provided that the landlord shall have first secured such approvals and licenses therefore as are required by law and the Commissioner determines that such demolition is for the purpose of replacing existing housing accommodations in substantially the same number and to be rented for substantially the same rent as the housing accommodation to be demolished.

(c) The Commissioner, on his own initiative or upon petition by a tenant or other occupant of a controlled housing accommodation, shall revoke or cancel an order granting a certificate of eviction at any time prior to the execution of a warrant in a summary

proceeding to recover possession of real property, if he finds that the certificate was obtained by fraud or other illegal means, or that the landlord's intentions, purposes or circumstances have so changed that the housing accommodation for which possession is sought will not or could not be used for the purpose specified in the certificate.

(d) This section shall not be construed or interpreted to apply to or interfere with eviction proceedings or similar proceedings to recover possession of a housing accommodation when such proceeding commenced prior to the passage of this ordinance.

(e) No tenant shall be removed or evicted, nor may any landlord pursue his remedies at law or in equity unless the landlord petitions for, and the Commissioner grants a certificate which certifies that the removal or eviction is not inconsistent with the provisions or purposes of this ordinance, and would not result in circumvention or evasion thereof.

Section 9: Prohibitions and Penalties

(a) Regardless of any contract, lease or other obligation heretofore or hereafter entered into, it shall be unlawful for any person:

(1) to demand, accept, receive or retain any rent for the use or occupancy of any controlled housing accommodation in excess of the maximum rent, or otherwise to do or omit to do any act in violation of this ordinance, or rule, regulation, or order or requirement thereunder, or to offer, solicit, attempt or agree to do any of the foregoing; or

(2) to deprive or attempt to deprive, by coercion, fraud or duress, any person of the benefits of this ordinance or any rule, regulation, order or requirement thereunder; or

(3) to evade any provision of this ordinance or any rule, regulation, order or requirement thereunder, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease or the recovery of possession of housing accommodations by way of absolute or conditional sale, sale with purchase money, or other form of mortgage or sale with the option to purchase, or by modification of the practices relating to the payment of commissions, or other charges, or by modification of the practices relating to the payment of commissions, or other charges, or by modification of the services furnished the housing accommodations, or by tying agreement or otherwise; or

(4) to remove or attempt to remove from any housing accommodation the tenant or occupant thereof, or to refuse to renew the lease or agreement for the use or occupancy of such accommodation, because such tenant or occupant has taken or proposes to take action authorized or required by this ordinance or any rule, regulation, order or requirement thereunder.

(b) Any agreement by a tenant to waive the benefit of any provision of this ordinance shall be void.

(c) Any person who violates any provision of this ordinance or who makes any statement or entry false in any document or report required under this ordinance shall be fined not more than fifty dollars (\$50.00) for each offense. Any landlord who charges and receives money or other reward in excess of the maximum rent and in violation of this ordinance shall be required to repay all such excess money or other reward as well as the reasonable costs incurred by the tenant in the collection of such excess money or other reward.

Section 10: Miscellaneous

(a) Nothing in this ordinance shall be interpreted or construed to prohibit the demand or collection of a security deposit in the case of any rental agreement heretofore or hereafter entered into in addition to any other authorized collection or rent in advance.

(b) Nothing in this ordinance shall be interpreted or construed to void any provision of any lease agreements entered into prior to the passage of this ordinance except where such provision of such prior lease conflicts with a provision or provisions of this ordinance.

(c) If any provision of this ordinance or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of the ordinance and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

(d) If this ordinance is declared unconstitutional, invalid or

illegal, the City Council shall petition the Legislature of the Commonwealth of Massachusetts to enact enabling legislation reinstating the ordinance, deleting only those sections or provisions deemed illegal, invalid or unconstitutional, and substituting therefor alternative provisions or sections. Such petition shall be prepared and delivered so as to be received by the said Legislature within ninety days after the ordinance is declared to be unconstitutional, illegal or invalid.

(e) The Rent Board shall maintain a fund to be used to provide counsel for indigent persons acting as a party to any action initiated under the provisions of this ordinance. Indigency shall be determined according to the standards used by the Commonwealth in criminal cases requiring the appointment of counsel by the Commonwealth for indigent accused.

(f) The City Council shall appropriate \$150,000.00 for the initial administration and enforcement of this ordinance and thereafter such further monies as shall be required to operate, administer, and enforce this ordinance in accordance with its purposes and provisions. If such monies are unavailable in the initial fiscal period, the Rent Board shall be empowered and authorized to incur liabilities until such monies shall be made available by the City Council.

(g) All orders, files, minutes, studies and other records, written or otherwise, shall be considered public information and made available to any citizen upon request, provided that no information expressly designated non-public by law shall be made so available.

(h) Pursuant to Massachusetts General Laws, Chapter 43, section 21, this ordinance shall not be amended or repealed except under the provisions of Massachusetts General Laws, Chapter 43, sections 37 through 44, inclusive, which provide for both initiative petitions and referenda on motion by the City Council.

CITY OF CAMBRIDGE
INITIATIVE PETITION

TO: The City Council of the City of Cambridge, Massachusetts.

WE, the undersigned registered voters of the City of Cambridge, hereby petition and request the Cambridge City Council to adopt the attached ordinance at its next regular meeting, or within twenty days of the registration of the voters' certificate attached hereto:

WHEREAS: An emergency situation has been created by the skyrocketing rents in the City of Cambridge with many residents being forced out of the homes they have lived in for many years; and

WHEREAS: The practices of Harvard University, M.I.T., and other institutions have substantially contributed to this tragic situation by increasing the size of their student bodies without building equivalent housing and by expanding physically into Cambridge with little regard for those residents forced out of their homes by this expansion; and

WHEREAS: Landlords have taken gross advantage of the housing shortage by raising rents to exorbitant levels; and

WHEREAS: The City Council has taken no substantive steps to end this oppressive situation and has passed no laws to limit university expansion or curb rising rents; and

WHEREAS: Fulltime Cambridge residents and students both suffer from the high rents;

THEREFORE: We, the undersigned Cambridge registered voters, recognizing the need to fight together, petition the City Council to adopt the following ordinance, attached hereto and summarized below.

SUMMARY OF TEMPORARY RENT CONTROL ORDINANCE

This rent control ordinance, designed to help protect the tenants of Cambridge, will begin to alleviate the rental housing crisis. This ordinance will affect all rental housing accommodations except those occupied by the owner and two or less tenants. All rents in controlled accommodations will return to the January 1st, 1968 level. The most rents may be raised is 8% per year and only if the dwelling already meets housing and health code requirements. Tenants are especially protected by a provision which states that no tenant may be evicted as long as he continues to pay his rent and observes his rental obligations. The ordinance will be administered by an appointed rent control commissioner, but every tenant and landlord will have the right of appeal to a Rent Control Board consisting of five elected tenants and two appointed landlords.

WE, THE UNDERSIGNED, ARE HEREBY DESIGNATED AS FILING THIS INITIATIVE PETITION:

Michael Schwartz, 35 Magnolia Ave. Wanda Schwartz, 35 Magnolia Ave.

Elizabeth Fenton, 279 Concord Ave.

SIGNATURE (To be made in person)	Residence on Jan. 1st, 1968 (# and st.)	Residence at time of signing				
		WA	PRE	WA	PRE	
1. Sandra Sommers	70 HAMMOND ST			same		
2. Phil Treitel	881 Man Ave			same		
3. James R. Hoban	24 Magazine St			same		
4. Barry Blum	391 Portland St			SAME		

SIGNATURE (to be made in person)	RESIDENCE (1/1/68) (street & number)	WARD	PREC	RESIDENCE at time of signing (# & st)	WARD	PREC
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Cambridge, 19

To the Honorable, the City Council of the
City of Cambridge:

The undersigned respectfully pray

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PETITION

of Michael Schwartz, 35 Magnolia Ave.
Cambridge et als

~~for~~ requesting the City Council to

~~No~~ adopt a temporary rent control
ordiance, a copy of which is
attached 19:

6/7/69
TABLED FOR 1 week
Mr Schwartz invited
to appear-
6/23/69 Placed on File

In City Council, June 2, 19: 69

Referred to the Committee on

Attest:

Paul E. Leahy
Temp. City Clerk.