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287 Huron Avenue
Cambridge, MA 02138
December 9, 1987

Councilor Al Vellucci
City Hall
Cambridge, MA 02139

Dear Councilor Vellucci,

I wish to thank you for the consideration given to my daughter Jill at the recent Council meeting.

The statements of the Tenant's Union spokesperson, Mr. Neil Rohr, were particularly interesting. Mr. Rohr acknowledged that it is highly unusual for an owner occupancy eviction to be denied. Since the hearing examiner did find that my daughter intended to move into the subject apartment, would do so if vacated, and there was no finding of bad faith on my or my family's behalf in the hearing examiner's report, I request that the Council ask the Rent Control Board to cite other instances where such a petition was denied in order to determine if the facts and findings of this case reach a comparable standard. Mr. Rohr suggests that we can appeal to the Courts. This, of course, takes more time, more money, more efforts and more headaches. The expense is passed on to future tenants and the unpleasant aspects fade very slowly.

The hearing examiner's finding of fact No. 23 was that I requested a security deposit because I intended to evict the tenant at some point in the future. Her recommendation to the Board was that my request for a Certificate of Eviction be denied because the tenant's refusal of my request for a security deposit created the presumption that the eviction was a reprisal against the tenant. I certainly do not understand this reasoning.

The hearing examiner failed to report my testimony that prior to requesting the security deposit, I inquired of Public Assistance at Rent Control if such a request was permissible. I was informed that indeed it was but that I could not enforce the request if the tenant did not wish to tender same. If I had been informed that proceeding with an eviction application after denial of this request would be construed as retaliation, I certainly never would have made the request. It is now necessary for me to pay an attorney to manage this apartment for me.

My family has serious questions as to whether we were dealt with in good faith by Rent Control. It is unfortunate that contemporaneous with the eviction proceedings, Councilor David E. Sullivan was investing considerable time, energy, and money focusing his campaign

on a claim that my son David (who is also a tenant in the subject building) was not running for office in good faith but was in reality part of a conspiracy to dismantle the rent control system and put an end to the tenant's rights which Councilor David E. Sullivan has pursued with considerable diligence. We feel that our rights to a fair hearing were impacted by the inflammatory comments of David E. Sullivan and his associates.

I would therefore request that if the City Council is not satisfied with Rent Control's explanation concerning my good faith or lack thereof, that the City Council pass an order to the effect that we be allowed a prompt hearing with the presumption that Rent Control was not acting in good faith and was retaliating for my son's decision to exercise his legal right to run for public office and my family's decision to support his candidacy.

I would also request that a study be conducted in regard to what the Tenant's Union acknowledges is a common practice of asking for significant sums of money in lieu of contesting an eviction. If this is standard practice, then it would seem appropriate that the payment of such sums as demanded be considered a normal operating expense which would then be factored into rent adjustments and the cost passed on to future tenants. A small landlord does not have the financial resources of Harvard, M.I.T., or ComElectric and should not be subjected to having their property held hostage. Future tenants should not be required to repay charges of this nature.

I should mention that the tenant's lawyer told me that he was very experienced in these matters and that I should allow the tenant to stay six months and pay her \$10,000.00 (which is more than three years rent for this apartment) since there was no question that the eviction process would take longer and that it would cost me more money. He has proven to be correct with regard to the time aspect and I am currently incurring additional expenses.

I wish to thank you for your consideration in this matter.

Very truly yours,



David P. Sullivan

cc: D. Margaret Drury
Cambridge City Council ✓

13. 8-743

comm. from David P. Sullivan, 287 Huron Ave.,
expressing appreciation to consideration given
to his daughter at the last City Council
meeting relative to the Rent Control Board
refusing to allow her to live in a rent
controlled apartment owned by her parents.

In City Council,

December 21, 1987

Placed in file