



City of Cambridge

Consent Communication #16

IN CITY COUNCIL

April 12, 1999

COUNCILLOR TRIANTAFILLOU
COUNCILLOR REEVES

WHEREAS: The evictions are continuing against the last two remaining tenants at 8 Bigelow Street, Francesco Caserta and Paul Shea; and

WHEREAS: The City Council on January 11, 1999 unanimously passed Resolution 97 urging Reverend James F. Walsh, S.J., Esq., Guardian of the owner of 8 Bigelow Street, to negotiate with the city non-profit CASCAP (SHARE) for the sale of 8 Bigelow Street as permanent affordable housing, and to halt the eviction proceedings until after any final sale; and

WHEREAS: The Guardian Reverend Walsh has refused to halt the evictions, or to negotiate with the tenants, or to respond in any way to the tenants or to the many communications of concern and support sent to him on their behalf; and

WHEREAS: The City Council on February, 1999 passed Resolution 44 declaring a housing emergency in the shortage of affordable housing in the City of Cambridge, and implored landlords to be cognizant of the severe housing shortage, and to further cease and desist eviction proceedings so these negotiations can take place in a reasonable manner; and

WHEREAS: The owner of this building at 8 Bigelow Street, Mr. Lewis N. Macauley, for over fifty years has provided a form of affordable housing now exceedingly rare and urgently needed in our city, SRO (Single Resident Occupancy) housing, and that this has been of public benefit and good; and

WHEREAS: The loss of these 13 affordable units, including 7 SRO's, 5 one-bedroom units, and 1 large basement unit, would be a great loss to our community especially during this time of a continuing affordable housing crisis; and

WHEREAS: The City Council on March 1, 1999 unanimously passed Resolution 36 requesting that the City Manager "investigate the possibility and feasibility of acquiring the property at 8 Bigelow Street by Eminent Domain or taking any other possible action for the purpose of maintaining the building as permanent affordable housing;" and

WHEREAS: The City Council would like to have these 13 units at 8 Bigelow Street remain permanently affordable for the residents of the city of Cambridge and for the last two remaining tenants in the building; now therefore be it

RESOLVED: That the City Council urges that whoever seeks to gain title to the 8 Bigelow Street property and whichever lending institution considers granting a mortgage for the purchase of this building take into account both the affordable housing needs of the existing tenants and the affordable housing needs of our community during this housing emergency; and be it further

RESOLVED: That the City Council requests the City Manager to send copies of this resolution to Reverend James F. Walsh, S.J., Esq., c/o St. Peter's Convent, 307 Bowdoin Street, Dorchester, MA 02122-1834; and to the appropriate loan officers and managers of all Cambridge banks and lending institutions.

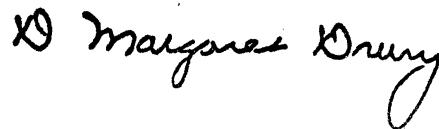
In City Council April 12, 1999.

Adopted by the affirmative vote of eight members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-



D. Margaret Drury
City Clerk

CAMPAIGN TO SAVE 2000 CAMBRIDGE HOMES

Campaña para Salvar 2000 Hogares

Kanpay pou Sove 2000 Kay

11 Inman St. Cambridge MA 02139 (617) 868-2900 (ask for EFZ)

(617) 912-8574 (our voice mail)

CONSENT COMMUNICATION:

April 2, 1999

Re: The Campaign to Save 2000 Homes and the Cambridge Eviction Free Zone continue to support the tenants at 8 Bigelow Street as they fight to remain in their homes and to preserve their building as permanent affordable housing.

To: Mayor Duehay and the Cambridge City Council
c/o City Clerk Margaret Drury
City Hall
795 Mass. Avenue
Cambridge, MA 02139

Dear Mayor Duehay, and ladies and gentlemen of the City Council,

I am writing this letter on behalf of Francesco Caserta and Paul Shea, the last two remaining tenants at 8 Bigelow Street. This letter, like all Campaign letters, has been written with the knowledge and consent, and has the final approval of the tenants themselves. We are providing you with more information about 8 Bigelow Street, and we are re-submitting our consent order (enclosed) asking that a resolution be passed to be sent to all Cambridge banks urging them to take into account both the affordable housing needs of the existing tenants and the affordable housing needs of our community during this declared housing emergency.

We are trying to help save and preserve 13 units of affordable housing (including 7 Single Resident Occupancy units) so urgently needed in Cambridge today, while also making sure that the owner, Mr. Macauley, receives the care he needs. We continue to ask the owner's Guardian to halt the evictions, to sit down with the tenants and to negotiate a solution that addresses all of these concerns. We ask the City Council, the City Manager, the Community Development Department, and the city's legal department to help us find a creative and workable solution for all concerned.

We support the tenants' goal of having the city non-profit CASCAP (SHARE) purchase their building to preserve it as permanent affordable housing. In the middle of February CASCAP made a formal bid of \$500,000 for the property and submitted a deposit check. At the end of March CASCAP began their final appraisal of the property, and this may provide some flexibility in their bid to deal with the competition.

We do feel a sense of urgency in this matter because the tenants are still facing eviction and displacement, and are still living with the daily stress, pressure and uncertainty of losing their homes. For 2 1/2 years the Campaign has been saying that the mass eviction of tenants in order to get the "highest possible price" is wrong and unjust, especially during this housing emergency in the shortage of affordable housing. To us, the highest possible price means condo sales. And if this building is emptied of Cambridge residents and the new owner decides to rehab and sell condos to maximize his profit then, in effect, the state condo law would have been side-stepped by change of ownership and the tenants would be denied the protections promised to them as existing tenants under current state law.

Mr. Macauley inherited this building from his mother over fifty years ago. During that time he lived in the basement apartment in the building. On March 16, 1998 Reverend James Walsh became the court-appointed Guardian of the person and of the estate of Mr. Macauley who has Alzheimer's disease, has no will and no formally acknowledged living relatives, and therefore has

no say in the disposition of his property. However, we believe it is important to point out that Mr. Macauley has for over fifty years provided affordable SRO housing for the benefit of the residents of Cambridge. Under rent control he charged less than the maximum allowable rent. Even after the end of rent control he did not raise the rent at all on the 7 SRO units and only asked for small increases from the five 1-bedroom units. We believe that this shows moderation and restraint, and demonstrates Mr. Macauley's long-term consideration for the affordable housing needs of his tenants.

In his May 16, 1998 letter to the tenants (copy enclosed) the Guardian states that the building will have to be sold and that all tenants had received eviction notices. (There were twelve tenants living in the building when the first notices of termination were sent.) He talks of his fiduciary responsibility to obtain "the highest possible price," yet in the next sentence he says: "I am not sure whether the court would grant a license to sell the building to a buyer who offered a lower price but promised to maintain it as affordable housing. Both Just-A-Start and my Realtor are looking into finding possible buyers who might want to keep the building as a rooming house." The Guardian was cooperating with Just-A-Start in exploring the possibility of finding a buyer to keep the building as a rooming house, and this gave the tenants hope that they might be able to stay in their homes. At this time he saw no conflict between trying to obtain the highest possible price while still suggesting to potential buyers a restricted use of the building as a rooming house. And we know from this letter that the Guardian was at least thinking about the possibility of petitioning the probate court to accept a lower bid from a buyer who promised to maintain it as affordable housing. It is our understanding that the CASCAP bid is the only formal bid thus far received by the Guardian's broker. We believe that a reasonable and realistic price can be achieved with the purchase of this building by CASCAP without evicting the tenants. The owner will realize enormous profits from the sale of this building given the hot real estate market of Cambridge.

We are resubmitting our consent order (enclosed) and respectfully ask that a resolution be passed by the Council to be sent to all Cambridge banks and lending institutions urging that "whichever lending institution considers granting a mortgage for the purchase of this building take into account both the affordable housing needs of the existing tenants and the affordable housing needs of our community during this housing emergency." This resolution was submitted to the Council a few weeks ago as a late order and was withdrawn, for the time being, so that more information could be provided to the Council. It is in line with Resolution #59 which the Council passed on April 13, 1999 on behalf of the tenants at 59 Norfolk Street and 6 Porter Road. We are asking that you inform the banks of Cambridge of your concern both for the tenants of 8 Bigelow Street and for the affordable housing needs of Cambridge residents during this time of a declared housing emergency in the acute shortage of affordable housing.

Sincerely, *Bill Marcotte*

Bill Marcotte
EFZ Lead Housing Organizer
for the Campaign 2000

CAMPAIGN TO SAVE 2000 CAMBRIDGE HOMES

Campana para Salvar 2000 Hogare

11 Inman St. Cambridge MA 02139

Kanpay pou Sove 2000 Kay

(617) 868-2900 (ask for EFZ)

(617) 912-8574 (voice mail)

April 2, 1999

To: Mayor Duehay and the Cambridge City Council
c/o City Clerk Margaret Drury
City Hall
795 Mass. Ave.
Cambridge, MA 02139

Re: Consent Order Submission on behalf of the tenants at 8 Bigelow Street.
From the Campaign to Save 2000 Homes and the Cambridge Eviction Free Zone.

Dear Mayor Duehay and City Councillors,

On behalf of the tenants who live at 8 Bigelow Street we ask the City Council to pass the following Resolution:

WHEREAS: The evictions are continuing against the last two remaining tenants at 8 Bigelow Street, Francesco Caserta and Paul Shea; and

WHEREAS: The City Council on January 11, 1999 unanimously passed Resolution 97 urging Reverend James F. Walsh, S.J., Esq., Guardian of the owner of 8 Bigelow Street, to negotiate with the city non-profit CASCAP (SHARE) for the sale of 8 Bigelow Street as permanent affordable housing, and to halt the eviction proceedings until after any final sale; and

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Sincerely, *Bill Marcotte*

Bill Marcotte
EFZ Lead Housing Organizer
for the Campaign

Consent Communication #16

2745

A communication was received from
Bill Marcotte, Eviction Free Zone
Lead Housing Organizer for the
Campaign 2000, regarding the tenants in
8 Bigelow, together with a resolution
for adoption.

In City Council April 12, 1999

PLACED ON FILE
ORDER ADOPTED