

## **IMPORTANT INFORMATION ABOUT RENT CONTROL**

**ENGLISH** Please read all of the enclosed information very carefully.

**SPANISH** Si necesita ayuda para enter esta noticia por favor de llamar al telefono **CASLS** (494-1800) o **HLAB** (495-4408) o **CRCB** (349-6184).

**PORTUGUESE** Se voce não compreendo esta notícia, pode telefonar por **CEOC** (868-2900) ou **CRCB** (349-6188).

**HAITIAN KREYOL** si ou bezwen éd pou konprann fom sa'a, souple relé **CASLS** (494-1800) ou byen **CEOC** (868-2900) ou byen **CRCB** (349-6186).



# CITY OF CAMBRIDGE

831 MASSACHUSETTS AVENUE  
CAMBRIDGE, MASSACHUSETTS 02139  
TEL (617) 349-6161

## RENT CONTROL BOARD

TERRENCE P. MORRIS,  
EXECUTIVE DIRECTOR

December 6, 1994

To All Affected Cantabrigians:

The enclosed information is to help you understand what is happening regarding rent control in Cambridge. This letter is to inform landlords and tenants about: (1) their respective rights and responsibilities if there is no rent control after January 1, 1995 and (2) the key elements of a proposed system to provide for an orderly transition from rent control. This information is summarized in the enclosed materials.

The City has received many inquiries about whether landlords may notify tenants of rent increases to take effect after January 1, 1995. The Rent Control Act is in effect at least until midnight on December 31, 1994. According to its express provisions, the Act bars landlords from demanding any rent in excess of the legal maximum rent.

Therefore, it is the position of the Rent Control Board that, prior to January 1, 1995, a landlord does not have the legal authority to notify a tenant of a rent increase not approved by the Board. This would be true even if the increase were expressly conditioned on the expiration of rent control. On January 1, 1995, if there is no rent control, landlords may send notice of a rent increase. Depending on the type of tenancy and assuming proper notice, the increase may be effective as early as February 1, 1995.

I would ask for the patience and understanding of all persons of good will during this most difficult period. With the only certain knowledge that the situation may change unexpectedly, we pledge to keep you abreast of developments as they arise.

Sincerely,

Terrence P. Morris  
Executive Director

## WHAT WILL HAPPEN IF THERE IS NO RENT CONTROL AFTER JANUARY 1, 1995?

If there is no rent control in Cambridge on January 1, 1995, landlords and tenants must still follow state landlord-tenant law. The following is a summary of the applicable law.

### EVICCTIONS

Before a tenant can be evicted, a landlord must follow these procedures:

- \* Send a written notice, precisely worded as required by state law, ending the tenancy. A spoken notice is not enough. (If the tenant has a lease, the landlord must wait until the lease expires before he/she can evict the tenant without a valid reason).
- \* File a complaint for eviction in court. An eviction case is called a "summary process" case.
- \* Officially deliver to the tenant a copy of the complaint and a summons telling the tenant when to appear in court. The summons must also give the date the tenant must give the court a written answer and any other documents that may be necessary.
- \* The landlord and tenant must come to court on the hearing date. The hearing date can be postponed under certain circumstances.
- \* At the court hearing, the landlord and the tenant each present their side of the case. A tenant who does not owe rent can ask a judge for time to move, up to one year for tenants who are 60 years of age or older or disabled, up to six months for all other tenants. Judges are not required to give tenants this much time and often give less.
- \* After the court hearing the judge will decide whether the tenant has to move and, if so, by what date. A tenant may be evicted only by the court.

### RENT INCREASES

A landlord must follow these steps in order to raise a tenant's rent:

- \* Send a written notice, as required by state law, ending the tenancy at the end of the rental period.
- \* In the same notice, or in a separate notice, the landlord must offer the tenant a new tenancy at a higher rent beginning on the next rental period. A tenant without a lease must be given at least 30 days notice. If the tenant has a lease, the landlord cannot raise the rent until the lease has expired or in accordance with what the lease allows.

OVER - MORE IMPORTANT INFORMATION ON THE OTHER SIDE - OVER

## RENT INCREASES, continued

A tenant who has received a proper rent increase notice has the following choices:

- \* Accept the offer of the new tenancy at the higher rent. This can be done by paying the increase. Once the tenant has paid the increase, it has been accepted and failure to pay it afterwards would be treated as non-payment of rent.
- \* Refuse the offer of the new tenancy at the higher rent by notifying the landlord and continuing to pay the old rent on the rental date. The tenant cannot be evicted for non-payment of rent as long as he/she continues to pay the old rent. The landlord can file a summary process case in court to evict the tenant, but since it is not a non-payment eviction, the tenant can ask the judge for time to move.
- \* Negotiate a new increase with the landlord that the tenant can afford and the landlord will accept.

## POOR HOUSING CONDITIONS

Massachusetts state law requires all housing units to comply with the State Sanitary Code. Landlords should repair conditions as soon as they are notified of them by the tenant or the City's Department of Inspectional Services. Landlords should repair any outstanding code violations before renting.

If there are code violations in an apartment or in the common areas, a tenant, in some cases, can withhold rent. Tenants should have a record of the conditions to support their withholding of rent. This can be done by calling the Inspectional Services Department (349-6100), or by notifying the landlord and keeping a diary of the conditions. Tenants are permitted to inform the court of these conditions as a defense to an eviction action. Tenants may also ask the court to order the landlord to pay them money damages if the conditions are severe.

## RETALIATION

State law provides specific protection for tenants against eviction actions which are brought in retaliation for reporting code violations or exercising other rights. If a landlord tries to evict a tenant within six months of the time that the tenant exercises his/her tenant rights, the law presumes that the eviction is retaliatory and the landlord must prove that it is not.

This is a summary of state law and is not intended to be a substitute for legal advice

## CAMBRIDGE'S HOME RULE PETITION

The City of Cambridge has submitted to the state legislature, a proposal for new home rule legislation. If the legislature passes this special law, it will provide for an orderly transition from the present system. The legislature and the governor are expected to act on this proposal before the end of the year. The following is a summary of the proposed rent control act:

### 1. DEFINITIONS

#### PROTECTED TENANTS

Must have been a tenant in unit on 11/8/94 and meet one of the following criteria:

- \* Income Eligible (see below)
- \* 62 years of age or older
- \* Physically handicapped

#### SPECIALLY PROTECTED TENANTS

Must be income eligible (see below) and have been a tenant in unit on 11/8/94 and also meet one of the following additional criteria:

- \* Household with one or more children under the age of 19
- \* Tenant is 62 years of age or older

#### INCOME ELIGIBLE TENANTS

- \* \$31,455. or less for one person
- \* \$35,910. or less for two people
- \* \$40,410. or less for three people
- \* \$44,910. or less for four people
- \* \$48,510. or less for five people

### 2. ONE-, TWO-, AND THREE-UNIT BUILDINGS

- Will no longer be rent controlled ("decontrolled") on the starting date of the new rent control act

### 3. FOUR-, FIVE-, AND SIX-UNIT BUILDINGS

- Units not occupied by "specially protected" tenants will be decontrolled after 3/31/95.
- Units occupied by "specially protected" tenants will be decontrolled after 12/31/99.

### 4. BUILDINGS OF SEVEN UNITS OR MORE

- Units not occupied by "protected" tenant will be decontrolled after 7/31/95.
- Units occupied by "protected" tenants will be decontrolled on 12/31/99.

### 5. CONDOMINIUM UNITS

- Units not occupied by "specially protected" tenants will be decontrolled on the starting date of the new rent control act, even if the units are located in larger buildings.
- Units occupied by "specially protected" tenants will be decontrolled after 12/31/99.

ALL CONTROLLED RENTAL UNITS WILL BE DECONTROLLED WHEN A TENANT VOLUNTARILY LEAVES OR IS LAWFULLY EVICTED FOR NON-PAYMENT OF RENT OR CERTAIN OTHER GROUNDS.

ALL PROVISIONS OF THE NEW LAW END ON DECEMBER 31, 1999.

OVER - MORE IMPORTANT INFORMATION ON THE OTHER SIDE - OVER

## WHERE TO GET FREE ASSISTANCE

### CAMBRIDGE TENANTS:

Cambridge And Somerville Legal Services (Assistance provided in English, Haitian Kreyol, Portuguese and Spanish)	494-1800
Cambridge Economic Opportunity Committee (Assistance provided in English and Haitian Kreyol)	868-2900
Cambridgeport Problem Center	661-1010
Harvard Legal Aid Bureau (Assistance provided in English and Spanish)	495-4408
Rent Control Board Information Line (Assistance provided in English, Haitian Kreyol, Portuguese and Spanish)	349-INFO
Tenant Advocacy Project	495-4394

### CAMBRIDGE LANDLORDS:

Just-A-Start Landlord Services	494-0444,
Small Owners Assistance Project	577-1408
Rent Control Board Information Line (Assistance provided in English, Haitian Kreyol, Portuguese and Spanish)	349-INFO

### HOUSING SEARCH SERVICES:

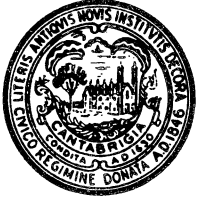
Cambridge Multi-Service Center	349-6340
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### HOUSING CONDITIONS:

Inspectional Services	349-6100
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### LANDLORD - TENANT MEDIATION

Mediation Services	876-5376
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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:

Attached for your information is a copy of the material that was mailed on Friday to all rent control property owners and tenants. The information packet explains the rights and responsibilities of tenants and property owners under state law. It also provides a summary of the proposed law which has been enacted by the Legislature, but not yet acted upon by the Governor.

The information packet informs people in several languages that the documents are important, and it directs them to places where they can get the information translated for them. There is also information provided about services that are currently available to property owners and tenants.

We anticipate that we will need to do another mailing to property owners and tenants later this month when it has been determined under what law we will be operating on January 1.

Very truly yours,

Robert W. Healy  
City Manager

Consent Agenda # 21

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Material mailed to all rent control property owners and tenants.

In City Council,

December 12, 1994

*Placed on file*