



# City of Cambridge

67.

IN CITY COUNCIL

January 22, 1996

COUNCILLOR DAVIS

ORDERED: That the attached material regarding condominium protections submitted to the City Council at its meeting be referred to City Solicitor and Community Development Department; and be it further

ORDERED: That the City Manager be and hereby is requested to report back to the City Council on this matter.

In City Council January 22, 1996  
Adopted by the affirmative vote of nine members.  
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in cursive script that reads "D. Margaret Drury".

D. Margaret Drury  
City Clerk

PROPERTY

CONDOMINIUMS

183A § 1

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"'Building', a structure designed or used for any purpose, private or public, and containing two or more units comprising part of the condominium."

St.1972, c. 595, approved July 7, 1972, in the definition of Building, inserted "a public or private" and substituted "office or dwelling space, including garage and storage space incidental to the dwelling" for "dwelling or office purposes".

St.1972, c. 709, § 1, approved July 13, 1972, rewrote the definition of Building, which prior thereto read:

"'Building', a public or private building designed for office or dwelling space, including garage and storage space incidental to the dwelling, containing one or more units comprising a part of the condominium."

Section 2 of St.1972, c. 709, deleted the definition of Bank or insurance company which read:

"'Bank or insurance company', a bank as defined in chapter one hundred and sixty-seven, a federal savings and loan association, and an insurance company subject to the provisions of chapter one hundred and seventy-five."

Section 4 of St.1972, c. 709, provides:

"The provisions of this act shall apply to the regulation of condominiums created, and to amendments of the master deed or by-laws made subsequent to the effective date of this act."

St.1985, c. 788, § 1, an emergency act, approved Jan. 8, 1986, in the definition of Common areas and facilities, in cl. (4), added ", or the lessee's interest in any lease of such land which is submitted to the provisions of this chapter".

Section 2 of St.1985, c. 788, in the definition of Condominium, inserted "or the lessee's interest in any lease of such land which is submitted to the provisions of this chapter,".

Related Laws:

St.1983, c. 527, §§ 1 to 5D, 7 and 8, provide:

"Section 1. DECLARATION OF EMERGENCY. The general court finds and declares that a serious public emergency exists within the commonwealth with respect to the housing of a substantial number of the citizens of the commonwealth. This rental housing emergency has been created by the lack of sufficient new rental housing production, by prolonged increases in housing costs at a rate substantially exceeding increases in personal income, by housing abandonment, by increased costs of new housing construction and finance, and by increased residential mortgage interest rates. It has also been created by the effect of conversion of rental housing into condominiums or

cooperatives. These forms of home ownership constitute an important and positive dimension in addressing the housing needs of the commonwealth. However, absent sufficient new rental housing production, such conversion necessarily reduces the stock of rental housing otherwise available. A substantial and increasing shortage of rental housing accommodations, especially for the elderly, the handicapped, and persons and families of low and moderate income, has been and will continue to be the result of this emergency. Unless the available stock of rental housing, and the tenants who reside therein, receive further protection from the consequences of conversion of said accommodations to condominiums and cooperatives than the law now affords, this rental housing shortage will generate serious threats to the public health, safety, and general welfare of the citizens of the commonwealth, particularly the elderly, the handicapped, and persons and families of low and moderate income. It is therefore necessary that such emergency be dealt with immediately.

"Section 2. The provisions of section four of this act shall be applicable to all housing accommodations in any city or town of the commonwealth, unless otherwise provided in this section.

"Any city or town may, by ordinance or by-law, impose provisions or requirements to regulate for the protection of tenants with respect to the conversion of housing accommodations to the condominium or cooperative forms of ownership and evictions related thereto which differ from those set forth in this act, upon a two-thirds vote of the city council with the approval of the mayor, in the case of a city, or a two-thirds vote of a town meeting, or town council, in the case of a town; provided, however, that no such ordinance or by-law which imposes additional provisions or requirements than those set forth in this act shall be applicable to any of the following housing accommodations: (i) housing accommodations constructed or converted from a non-housing to a housing use after the effective date of this act; (ii) housing accommodations which were constructed or substantially rehabilitated pursuant to any federal mortgage insurance program, without any interest subsidy or tenant subsidy attached thereto; and (iii) housing accommodations financed through the Massachusetts Housing Finance Agency, with an interest subsidy attached thereto.

"Any city or town, which has adopted an ordinance or by-law for the regulation of the conversion of housing accommodations to the condominium or cooperative forms of ownership and evictions related thereto pursuant to the authority conferred upon such city or town by special act, shall be exempt from the provi-

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sions of this act, and this act shall not be construed to restrict the authority of any such city or town to amend or repeal any ordinance or by-law in accordance with the provisions of such special act.

"Local legislative action shall be accompanied by a declaration, in the form of findings, that local conditions constitute an acute rental housing emergency requiring local action, on account of the aggravating impact of the factors set forth in section one of this act.

"Section 3. As used in this act, the following words shall, unless the context clearly requires otherwise, have the following meanings:—

"'Condominium unit', a unit in a housing condominium as that term is defined in chapter one hundred and eighty-three A.

"'Cooperative unit', a unit in a housing cooperative which has been organized under the provisions of General Laws including, without limitation, the provisions of chapter one hundred and fifty-six B, one hundred and fifty-seven, or one hundred and fifty-seven B.

"'Condominium or cooperative conversion eviction', an eviction of a tenant for the purpose of removing such tenant from a housing accommodation in order to facilitate the initial sale and transfer of legal title to that housing accommodation as a condominium or cooperative unit to a prospective purchaser or an eviction of a tenant by any other person who has purchased a housing accommodation as a condominium or cooperative unit when the tenant whose eviction is sought was a resident of the housing accommodation at the time the notice of intent to convert is given to convert the building or buildings to the condominium or cooperative form of ownership pursuant to section four; provided, however, that the eviction of a tenant for non-payment of rent or other violation of a rental agreement shall in no event be deemed a condominium or cooperative conversion eviction.

"For purposes of this definition, the word 'eviction' shall include, without limitation, any action by an owner of a housing accommodation which causes substantial deprivation of a tenant's beneficial use of such housing accommodation, materially impairs such tenant's beneficial enjoyment of such housing accommodation, or is intended to compel such tenant to vacate or to be constructively evicted from such housing accommodation. An eviction shall be presumed to be a condominium or cooperative conversion eviction if the owner has the intent to convert, as defined herein.

\* "Convert', the initial offer, in any manner, for sale and transfer of title to any residential unit as one or more condominium units pursuant to an individual unit deed or deeds or, in

the case of a cooperative, an individual proprietary lease or leases.

"'Elderly tenant', a tenant who is a person or group of persons residing in the same housing accommodation any of whom has reached the age of sixty-two years or over as of the date of receipt of the notice provided for hereunder.

"'Handicapped tenant', a person entitled to occupy a housing accommodation who is physically handicapped as defined in section thirteen A of chapter twenty-two as of the date of receipt of the notice provided for hereunder.

"'Housing accommodation', any building or buildings, structure or structures, or part thereof or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all services connected with the use or occupancy of such property, but not including the following:

"(i) housing accommodations which the United States or the commonwealth or any authority created under the laws thereof either owns or operates;

"(ii) housing accommodations in any hospital, convent, monastery, asylum, public institution or college or school dormitory operated exclusively for charitable or educational purposes, or in any nursing or rest home for the aged;

"(iii) buildings containing fewer than four residential units, except for buildings which are part of a housing development as defined herein;

"(iv) housing accommodations in hotels, motels, inns, tourist homes, and rooming and boarding houses which are occupied by transient guests staying for a period of fewer than fourteen consecutive calendar days.

"'Housing development', two or more adjacent, adjoining, or contiguous buildings under common legal or beneficial ownership which are used in whole or in part for residential purposes, and which contain four or more units.

"'Intent to convert', the intent to make the initial sale and transfer of title to a residential unit as one or more condominium or cooperative units pursuant to an individual unit deed or deeds, or, in the case of a cooperative, a proprietary lease or leases. Factors which shall be considered in determining whether an owner has the intent to convert are:

"(i) a master deed or articles of organization for the housing accommodation has been prepared or recorded;

"(ii) the owner of the housing accommodation has prepared or is in the process of preparing a purchase and sale agreement for the

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sale of any unit as a condominium or cooperative unit;

"(iii) the owner has advertised for sale any unit in the housing accommodation as a condominium or cooperative unit;

"(iv) the owner has shown to any prospective purchaser a unit in the housing accommodation for the sale of such unit as a condominium or cooperative unit;

"(v) the owner has made any communication, written or oral, to any person residing in the housing accommodation expressly indicating an intent to sell any unit as a condominium or cooperative unit;

"(vi) the owner has had any unit in the housing accommodation measured or inspected to facilitate the sale of the unit as a condominium or cooperative unit; and

"(vii) the owner has had the land surveyed, an engineering study performed or architectural plans prepared for the purpose of converting such housing accommodation into one or more condominium or cooperative units.

"Interest subsidy', any payment made by the federal or state government to reduce the effective interest rate payable by a mortgagor.

"Low or moderate income tenant', a tenant who is a person or group of persons residing in the same housing accommodation so long as the total income for all such tenants for the twelve months immediately preceding the date of notice provided for hereunder is less than eighty percent of the median income for the area set forth in regulations promulgated from time to time by the Department of Housing and Urban Development pursuant to 42 USC 1437 et seq., and calculated pursuant to said regulations.

"Owner', a person who holds title in any manner to a building or housing accommodation, including without limitation, a corporation, partnership or trust, and an employee, agent, servant or other representative of such owner.

"Tenant', a person or group of persons collectively entitled to occupy a housing accommodation pursuant to a rental agreement written or implied.

"Tenant subsidy', any payment made by the federal or state government for or on behalf of any tenant to be applied toward the reduction of the tenant's rental payment.

"Unit' or 'residential unit', the room or group of rooms within a building which is used or intended for use as a residence by one household." [Amended by St.1984, c. 170, § 4; St.1989, c. 709, §§ 1 to 7.]

"Section 4. (a) If a building submitted to the provisions of chapter one hundred and eighty-three A, chapter one hundred and fifty-

six B, chapter one hundred and fifty-seven, chapter one hundred and fifty-seven B or any provisions of the General Laws governing the cooperative form of ownership has been used in whole or in part for residential purposes within one year prior to the recording of a master deed creating a condominium or the filing of the articles of organization creating a housing cooperative, the owner thereof shall give each tenant of all housing accommodations in such building or buildings notice of intent to convert the building or buildings to the condominium or cooperative form of ownership. Such notice shall state in clear and conspicuous language the following:—

"(i) that the owner has filed a master deed at a registry of deeds whose location is stated in the notice or has filed articles of organization with the secretary of the commonwealth;

"(ii) that any tenant residing on the date the notice of intent is given in the unit or units converted or to be converted to the condominium or cooperative forms of ownership shall have a period of time which shall be stated in the notice, from the date of receipt of such notice, as authorized by this act, before the tenant shall be required to vacate the housing accommodation occupied on the date the notice is received;

"(iii) that any tenant residing on the date of notice of intent is given in a unit to be converted shall have a period of time, which shall be stated in the notice as authorized by this act, to purchase such unit occupied by the tenant on the date such notice is received on terms and conditions which are substantially the same as or more favorable than those which the owner extends to the public generally for the ninety days following the expiration of said tenant's right to purchase as may be required by paragraph (b);

"(iv) a statement of the rights and obligations specified in paragraphs (c), (d) and (e).

"If the owner of a housing development intends to convert the buildings in such housing development to the condominium or cooperative form of ownership, but intends to sell or offer for sale units in only a portion of the buildings in such development within one year after the owner forms the intent to convert such development, the owner shall give to each tenant in any unit which he does not intend to sell or offer for sale within such one year period, a notice which informs such tenant of the date when the owner reasonably expects to offer for sale or sell such unit. Thereafter, the owner shall give to each such tenant the notice of intent to convert as required by the first sentence of this paragraph.

"All notices required under this section, except as otherwise provided in this paragraph,

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regarding certain housing developments, shall be given to tenants at the time the owner of a building or housing development converts any part of such property and shall be deemed to have been given when a written notice is delivered in person or mailed by certified or registered mail, return receipt requested, to the party to whom the notice is being given.

"Whenever an owner is required to give notice of intent provided for in this section, the period of notice shall not be less than the expiration of any written agreement between the owner and the tenant of the housing accommodation which governs the use and occupancy of said housing accommodation or one year from the date the tenant of such housing accommodation is given said notice of intent, whichever is greater; provided, however, that in the case of a housing accommodation occupied in whole or in part by a handicapped tenant or occupied by an elderly or low or moderate income tenant the period of notice shall not be less than two years from the date the tenant of such housing accommodation receives said notice of intent.

"No person shall seek or conduct a condominium or cooperative eviction until the expiration of the periods of time for notice to tenants specified in this act.

"The burden of proving qualifications with respect to age, handicap, and income shall rest with the tenant.

"(b) Any owner of a residential unit who converts such unit to the condominium or cooperative form of ownership shall give to any tenant who is entitled to receive the notice of intent to convert as required by the first sentence of paragraph (a) pursuant to this section the right to purchase the housing accommodation occupied by such tenant at the time such notice is delivered on terms and conditions which are substantially the same as or more favorable than those which the owner extends to the public generally for the ninety days following the expiration of said tenant's right to purchase. Such tenant may exercise a right to purchase such housing accommodations by executing a purchase and sale agreement prior to the expiration of ninety days after the date of receiving a copy of the purchase and sale agreement properly executed by the person offering the housing accommodation for sale.

"(c) The owner, as of the date the tenant vacates the unit, of a unit converted to the condominium or cooperative form of ownership shall pay to any tenant of such unit who is entitled to receive notice of the owner's intent to convert as required by the first sentence of paragraph (a) pursuant to this section and who does not purchase the housing accommodation which he occupies or another housing accommodation in the same building or buildings

relocation benefits for the actual, documented costs of moving, not to exceed seven hundred and fifty dollars per housing accommodation; provided, however, that if such housing accommodation is occupied in whole or in part by a handicapped tenant or is occupied by an elderly or low or moderate income tenant, the maximum relocation benefit shall not exceed one thousand dollars per housing accommodation. Such relocation benefits shall be payable within ten days after the date on which the tenant vacates the housing accommodation occupied by him; provided, however, that no tenant shall be eligible for such relocation benefits unless all rent due and payable for said unit under the rental agreement or extension of such agreement, if any, has been paid by the tenant prior to the date on which the housing accommodation is vacated and only as long as the tenant voluntarily vacates the housing accommodation on or before the expiration of the notice period.

"(d) Any owner of a condominium or cooperative unit during the period of the notice authorized by this section shall assist elderly, handicapped and low or moderate income tenants who qualified as such as of the date of receipt of the notice authorized pursuant to this section locating, within the period of the notice to such tenants, comparable rental housing within the same city or town in which such tenants resides which rents for at least the remainder of the notice period, for a sum which is equal to or less than the sum which such tenant had been paying for the housing accommodation occupied at the time of receipt of the notice authorized by this section. The failure of the owner of such residential property to find such substitute housing accommodation shall extend the period of notice until the owner locates such comparable rental, housing, or two additional years, whichever occurs first.

"(e) Any owner of a unit converted to the condominium or cooperative form of ownership as of the expiration date of the rental agreement for the tenant of such unit, shall give to any tenant of such unit who is entitled to receive a notice of intent to convert as required by the first sentence of this paragraph, an extension of such rental agreement until the expiration of the notice period or ninety day right to purchase period, whichever is later. Such extension, where required, shall be for such period or periods of one year or such fraction thereof as shall equal the period of notice to which such tenant is entitled pursuant to the provisions of this section. The provisions of such rental agreement may not otherwise be modified by the property owner except with respect to the amount of annual rent. The total increase in rent for any one

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year during the period of notice shall not exceed an amount equal to the sum which would result by multiplying said rent by the percentage increase in the consumer price index for all urban consumers as published by the United States Department of Labor, Bureau of Labor Statistics, during the calendar year immediately preceding the date of receipt of the notice of intent to convert, or ten percent, whichever is less; provided, however, that nothing herein shall limit the right of a property owner to any amounts which may be due under a valid tax escalation clause.

"(f) The rights specified in paragraphs (a), (b), (c), (d) and (e) for tenants in a building or housing development, except as otherwise provided in paragraph (a) regarding certain housing developments, shall vest with such tenants at the time that the owner converts any unit in such property to the condominium or cooperative form of ownership." [Amended by St. 1984, c. 170, § 5; St. 1989, c. 709, §§ 7A to 19; St. 1990, c. 520, § 8.]

"Section 5. Any owner who converts residential property in violation of any provisions of this act, or any ordinance or by-law adopted pursuant to this act, shall be punished by a fine of not less than one thousand dollars, or by imprisonment of not less than sixty days. Each unit converted in violation of this act constitutes a separate offense.

"Any violation of this act, or any ordinance or by-law adopted pursuant to this act, by an owner of residential property shall not affect the validity of a conveyance of a condominium unit or an interest in a housing cooperative to a purchaser for value who has no knowledge of the violation.

"The district and superior courts, and the housing courts in the commonwealth, shall have jurisdiction over an action arising from any violation of this act, or any ordinance, or by-law adopted pursuant to this act, and shall have jurisdiction in equity to restrain any such violation." [Amended by St. 1989, c. 709, § 20.]

"Section 5A. In the case of any housing accommodation for which sufficient notice, as hereinafter defined, was given subsequent to April first, nineteen hundred and eighty-three, the period of notice required pursuant to section four of this act shall be deemed to have commenced on the date such sufficient notice was received by the tenant. Provided that sufficient notice for purposes of this section shall be defined as written notice to the tenant informing him, in substance, that said housing accommodation was being or had been converted to a condominium or cooperative form of ownership and that the tenant would be required to vacate not earlier than one year from the date of receipt of such notice. Sufficient notice given on or prior to April first,

nineteen hundred and eighty-three, shall be deemed to have been given on April second, nineteen hundred and eighty-three.

"Section 5B. The provisions of this act shall not be applicable to any unit in a building or buildings converted to the condominium or cooperative forms of ownership for which on the effective date of this act a master deed has been recorded or articles of organization filed and: (i) a deed or, in the case of a cooperative a proprietary lease, conveying the unit to a bona fide purchaser for value, who intends to occupy such unit as a principal residence, recorded, in the case of such deed, in the registry of deeds for the county in which such unit is located on or before October fifteenth, nineteen hundred and eighty-three; or (ii) a purchase and sale agreement was entered into on or before October fifteenth, nineteen hundred and eighty-three, with a bona fide purchaser for value who intends to occupy such unit as a principal residence. Proof of payment of a reasonable deposit or down payment shall be evidenced by a canceled check or its equivalent establishing said value.

"Section 5C. The provisions of any ordinance or by-law adopted pursuant to this act shall not be applicable to any unit in a building or buildings converted to the condominium or cooperative forms of ownership for which, on or before the date of adoption of said ordinance or by-law, a master deed has been recorded or articles of organization filed, and a deed or, in the case of a cooperative, a proprietary lease, conveying the unit to a bona fide purchaser for value who intends to occupy such unit as a principal residence has been recorded, in the case of such deed, in the registry of deeds for the county in which such unit is located.

"Section 5D. Any ordinance or by-law adopted pursuant to the provisions of this act shall not be applicable to any building or buildings converted to the condominium or cooperative forms of ownership for which, on or prior to the effective date of this act, a master deed has been recorded, or articles of organization filed, and prior to the adoption of such ordinance or by-law, for not less than one-third of the units in such building or buildings: either (i) purchase and sale agreements were entered into prior to October fifteenth, nineteen hundred and eighty-three, with bona fide purchasers for value who intend to occupy such units as a principal residence as evidenced by a canceled check or its equivalent establishing said value; or (ii) deeds, or in the case of cooperatives, proprietary leases, conveying units in such building or buildings to bona fide purchasers for value, who intend to occupy such units as a principal residence were recorded, in the case of such deed, in the

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registry of deeds for the county in which such building or buildings are located, on or before October fifteenth, nineteen hundred and eighty-three."

"Section 7. There is hereby established a special commission, to consist of three members of the senate, five members of the house of representatives and the secretary of communities and development for the purpose of making an investigation and study relative to the establishment of a fund to provide low interest loans or subsidies to enable elderly tenants affected by condominium conversion to purchase or obtain joint equity in the condominiums thereby created.

"Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Wednesday in December, nineteen hundred and eighty-four.

"Section 8. If a tenant who is entitled to receive the notice of intent to convert as required by section four vacates the residential unit before the initial sale and transfer of title to the residential unit as a condominium unit has occurred, then the owner of the building or housing development shall give each prospective tenant of the residential unit written notice, prior to the inception of the tenancy, which informs the prospective tenant that the unit is a condominium unit and if applicable, that the unit is currently being offered for sale or will be offered for sale within ninety days of the inception of the tenancy." [Added by St. 1989, c. 709, § 21.]

St.1983, c. 527, was approved Nov. 30, 1983. Emergency declaration by the Governor was filed on the same date.

St.1984, c. 170, an emergency act, was approved July 9, 1984, and by § 8 made effective as of April 1, 1984.

St.1989, c. 709, was approved January 12, 1990.

St.1990, c. 520, was approved Jan. 2, 1991.

### Cross References

- Banks, first mortgage real estate loans, see c. 167E, § 2.
- Construction of facilities for handicapped persons, public areas of condominiums, see c. 22, § 13A.
- First mortgages on units of condominiums authorized, Banking institutions, generally, see c. 167E, § 2.
- Credit unions, see c. 171, § 65, par. 6.
- Urban redevelopment corporations, condominium projects, see c. 121A, § 18D.
- Utility rates, common areas, see c. 164, § 94H.

### Code of Massachusetts Regulations

- Department of public utilities, billing regulations for condominiums, definitions, see 220 CMR 28.02.

### Law Review Commentaries

- Condominium advantages. William Schwartz, 10 Ann.Surv.Mass.L. 16 (1963).
- Condominium tax problems. Oliver Oldman, 10 Ann.Surv.Mass.L. 208 (1963).
- Condominiums. (1964) 77 Harvard L.Rev. 777; William Schwartz (1964) 44 Boston U.L. Rev. 137; 10 Ann.Surv.Mass.L. 4 (1963).
- Cooperative apartments. Walter W. Miller, Jr. (1965) 45 Boston U.L.Rev. 465.
- High-rise condominiums. Saul J. Feldman (1974) 18 Boston Bar.J. No. 3, p. 31.
- Priority of liens on condominium. William Schwartz, 11 Ann.Surv.Mass.L. 31 (1964).
- Private use of airspace. (1971) 5 Suffolk U.L.Rev. 1020.

### Library References

- Condominium  $\Leftrightarrow$  2. WESTLAW Topic No. 89A. C.J.S. Estates §§ 145, 147.
- Comments. Taxation of real estate, see M.P.S. vol. 18A, Randall and Franklin, § 1352.
- Zoning ordinances and by-laws, see M.P.S. vol. 18, Randall and Franklin, § 601.

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WHEREAS, In 1983, the State Legislature adopted Chapter 527 of the Acts of 1983, in which it is stated: "The general court finds and declares that a serious public emergency exists within the Commonwealth with respect to the housing of a substantial number of citizens of the Commonwealth. This rental housing emergency has been created by the lack of sufficient new rental housing production, by prolonged increases in housing costs at a rate substantially exceeding increases in personal income, by housing abandonment, by increased costs of new housing construction and finance, and by increased residential mortgage rates. It has also been created by the effect of conversion of rental housing into condominiums or cooperatives. .... However, absent sufficient new rental housing production, such conversion necessarily reduces the stock of rental housing otherwise available. A substantial and increasing shortage of rental housing accommodations, especially for the elderly, handicapped, and persons and families of low and moderate income, has been and will continue to be the result of this emergency. Unless the available stock of rental housing, and the tenants who reside therein, receive further protection from the consequence of conversion of said accommodations to condominiums and cooperatives than the law now affords, this rental housing shortage will generate serious threats to the public health, safety, and general welfare of the citizens of the Commonwealth, particularly the elderly, the handicapped, and persons and families of low and moderate income. It is therefore necessary that such emergency be dealt with immediately." Chapter 527 of the Acts of 1983 goes on to establish certain basic protections for tenants in buildings faced with condominium or cooperative conversion; and

WHEREAS, Section 2 of Chapter 527 of the Acts of 1983 provides that any city or town may, by ordinance or by-law, impose provisions or requirements to regulate for the protection of tenants with respect to the conversion of housing accommodations, as defined therein, to the condominium or cooperative forms of ownership and evictions related thereto which differ from those set forth in Chapter 527, upon a two-thirds vote of the City Council with the approval of the Mayor, provided, however, that no such ordinance or by-law may establish additional protections for certain types of housing accommodations; and

WHEREAS, Section 2 of Chapter 527 of the Acts of 1983 also provides that if a city or town has already adopted an ordinance for the regulation of the conversion of housing accommodations to the condominium or cooperative form of ownership and evictions related therefore pursuant to the authority given to the city by a special act of the State Legislature, such city or town is exempt from the provisions of Chapter 527, and Chapter 527 shall not be construed to limit the city's authority to amend or repeal any ordinance in accordance with the provisions of such special act; and

WHEREAS, Section 2 of Chapter 527 of the Acts of 1983 also provides that local legislative action to impose provisions or requirements to regulate for the protection of tenants with respect to the conversion of housing accommodations to the condominium or cooperative forms of ownership and evictions related thereto which differ from those set forth in Chapter 527 must be accompanied by a declaration, in the form of findings,

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that local conditions constitute an acute rental housing emergency requiring local action, on account of the aggravating impact of the factors set forth in Section 1 of Chapter 527; and

WHEREAS, prior and subsequent to Chapter 527 of the Acts of 1983, following declarations of emergency by the City Council and the State Legislature the City of Boston had adopted ordinances for the protection of tenants with respect to the conversion of housing accommodations to the condominium or cooperative forms of ownership and evictions related thereto pursuant to the authority granted to it under its rent and eviction control enabling laws, i.e., Chapter 797 of the Acts of 1969 and Chapter 863 of the Acts of 1970, extending such protections to rent-controlled and vacancy decontrolled housing accommodations; and

WHEREAS, in 1987, the State Legislature granted the City of Boston additional enabling authority to regulate condominium or cooperative conversion and removal of housing accommodations pursuant to Chapter 45 of the Acts of 1987, amending Chapter 797 of the Acts of 1969 and Chapter 863 of the Acts of 1970, and the City of Boston subsequently adopted ordinances drawing on that authority to regulate condominium or cooperative conversion and the withdrawal of rooming house units and mobile home park units from the rental market for both rent-controlled and vacancy decontrolled housing accommodations; and

WHEREAS, during the 1970's and 1980's thousands of units of rental housing in the City of Boston were converted to the condominium or cooperative form of ownership; and

WHEREAS, between 1983 and 1988, pursuant to the City of Boston's rent control laws, dozens of elderly, handicapped, and low-income persons living in rent-controlled or vacancy decontrolled units which were converted to the condominium or cooperative form of ownership and who were faced with displacement as a result of such conversion sought and obtained determinations that they were not subject to eviction for the purposes of condominium or cooperative conversion, and many of these persons are still residing in those units; and

WHEREAS, the effect of the City's condominium and cooperative conversion eviction protections for units converted between 1983 and 1988 was that a number of owners simply decided to continue existing tenancies and not threaten tenants with displacement; and

WHEREAS, in 1988, the City of Boston, pursuant to St. 1987, c. 45, having declared that the rate of conversion of rental housing accommodations into condominiums, cooperatives or other forms of ownership and the rent increases and evictions associated therewith had resulted in fewer affordable rental housing accommodations and that the unregulated spread of condominium and cooperative conversions throughout the City was threatening the stability of Boston's

neighborhoods, thereby amended its rent control ordinance to require a removal permit before a unit could be converted to the condominium or cooperative form of ownership, and to bar eviction of all tenants for the purpose of condominium or cooperative conversion eviction; and

WHEREAS, as a result of the City's regulation of condominium or cooperative conversion since mid-1988, condominium or cooperative conversion decreased sharply in the City of Boston, and tenant displacement by condominium or cooperative conversion eviction virtually ceased; and

WHEREAS, in 1993, the City Council voted and the Mayor signed to extend its regulation of condominium and cooperative conversions and the evictions related thereto, which were due to expire at the end of 1994, for an additional ten years; and

WHEREAS, in early 1995, the State Legislature in response to a popular initiative passed by the voters of the Commonwealth (C. 40 O of the General Laws) adopted Chapter 262 of the Acts of 1994, providing, notwithstanding the provisions of Chapter 40 O, that rent and eviction protections could continue in effect for low-income tenants in rent-controlled units for a limited period of time; and

WHEREAS, Section 3 of Chapter 282 of the Acts of 1994 provides that cities or towns that lose rent control authority retain their rights under Chapter 527 of the Acts of 1983, including the right to take local legislative action to provide tenant protections regarding condominium or cooperative conversions and evictions resulting therefrom which may differ from the protections found in the statewide law; and

WHEREAS, with the adoption of St. 1994, c. 262, many of the City's tenants lost their rent and eviction protections, when the rent and eviction protections were eliminated for rent-controlled tenants with incomes above 60% of the area median (or above 80% for the elderly and handicapped) and for all vacancy decontrolled units on January 1, 1995; and

WHEREAS, with the adoption of St. 1994, c. 282 on January 1, 1996, all low-and moderate-income rent controlled tenants who reside in condominium units, three-unit buildings (whether owner-occupied or not), and four-to-twelve unit owner-occupied buildings, including those who are elderly and handicapped, will lose protections under the City's rent and eviction control laws, and protections for the rent controlled tenants in the remaining units subject to rent and eviction control will cease on or before January 1, 1997; and

WHEREAS, it is the City's position that in adopting its condominium or cooperative conversion and related eviction regulations, it has been acting pursuant to its authority under both St. 1983, c. 527 and rent control enabling laws; and

WHEREAS, with the adoption of St. 1994, c. 282 on January 1, 1996, all low-and moderate-income rent controlled tenants who reside in condominium units, three-unit buildings (whether owner-occupied or not), and four-to-twelve unit owner-occupied buildings, including those who are elderly and handicapped, will lose protections under the City's rent and eviction control laws, and protections for the rent controlled tenants in the remaining units subject to rent and eviction control will cease on or before January 1, 1997; and

WHEREAS, it is the City's position that in adopting its condominium or cooperative conversion and related eviction regulations, it has been acting pursuant to its authority under both St. 1983, c. 527 and rent control enabling laws; and

WHEREAS, notwithstanding any prior action, the City now wishes to make explicit and clear that it has chosen to exercise its authority under St. 1983, c. 527, to mitigate the adverse effects of condominium or cooperative conversion and related evictions upon tenants who may face displacement or who may not be able to secure housing as a result of a decrease in the rental housing stock due to conversion; and

WHEREAS, current conditions in the City of Boston constitute an acute rental housing emergency requiring action by the City, which has been further exacerbated by the aggravating impact of the lack of sufficient new rental housing production, prolonged increases in housing costs at a rate substantially exceeding increases in personal income, by housing abandonment, by increased costs of new housing construction and finance and by the effect of conversion of rental housing into condominium or cooperatives, thus reducing the remaining stock of rental housing and resulting in threats of displacement to existing tenants, particularly those of low-and moderate-income and those who are elderly or handicapped, and an inability of those tenants to secure comparable rental housing.

Now, therefore, the City Council declares that, there continues to exist a serious public emergency with respect to the housing of a substantial number of residents of the City of Boston, particularly those who are elderly, handicapped and those who have low or moderate annual incomes and who, in addition, reside in units which have been or are in danger of being converted to a condominium or cooperative form of ownership. Therefore, in addition to the tenant and unit protections found in Sections 10 and 11 of the City of Boston Code, as modified by St. 1994, c. 282 and pursuant to its powers under St. 1983, c. 527, the City of Boston hereby reaffirms and establishes its authority with regard to tenant and unit protections for housing accommodations which have been, or which may in the future be, converted to the condominium or cooperative form of ownership, so as to preserve a reasonable supply of rental housing, particularly for those who are elderly, handicapped, or of low or moderate income and so as to minimize involuntary displacement as a result of condominium or cooperative conversion and eviction related thereto, that the existing ordinances are hereby amended and the following Ordinance is hereby adopted.

Be it ordained by the City Council of Boston, as follows:-

Section One.

Section 10-2 of the City of Boston Code, Chapter X, is hereby reaffirmed and reenacted by the City of Boston pursuant to Chapter 527 of the Acts of 1983, as well as all other sources of authority, to the extent applicable and authorized by law.

Section Two.

Pursuant to Section 10-2 of the City of Boston Code, Chapter X, and the authority of Chapter 527 of the Acts of 1983, where a tenant has condominium conversion eviction ban status pursuant to Section 10-2 of the City of Boston Code, Chapter X, such tenant shall have the same rent increase protections that exist for a tenant under notice pursuant to Section 10-2.10 for the duration of such ban and pursuant to such hardship provisions for rent increases to insure a fair net operating income as the Board may establish by regulation.

Section Three.

The provisions of this Ordinance shall be severable and if any one or more provisions, or parts or subparts thereof, shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction the decision of such court shall not affect or impair any of the remaining provisions or parts thereof.

DEC 20 1995

In City Council

Passed

*Edward J. Kelly* City Clerk

Approved DEC 29 1995

*Thomas R. Collins* Mayor

C. Davis

attached material regard  
protection submitted to me  
at 10/18/19

Ordered:

That, CDD, ~~material~~ be

~~submitted at public comment~~

67.

be referred to City Solicitor &

CDD for review base

~~Agenda~~

11/19



# City of Cambridge

67.

IN CITY COUNCIL

January 22, 1996

COUNCILLOR DAVIS

ORDERED: That the attached material regarding condominium protections submitted to the City Council at its meeting be referred to City Solicitor and Community Development Department; and be it further

ORDERED: That the City Manager be and hereby is requested to report back to the City Council on this matter.

In City Council January 22, 1996  
Adopted by the affirmative vote of nine members.  
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- *D. Margaret Drury*

D. Margaret Drury  
City Clerk

Consent Order #67

C-43

Councillor Davis re: Materials  
regarding condominium protections  
submitted to the City Council at its  
meeting be referred to City Solicitor  
and Community Development Department.

In City Council January 22, 1996

*Order Adopted*