



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF
THE CITY CLERK

August 9, 1979

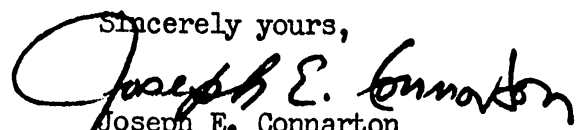
Charles Watson, Esquire
Legislative Agent
City of Cambridge
17 Dunster Street
Cambridge, MA 02138

Dear Mr. Watson:

Attached please find a City Council order dated June 11, 1979 along with a proposed legislative Home Rule petition entitled "AN ACT TO AMEND THE CAMBRIDGE RENT CONTROL LAW BY REGULATING THE EVICTION OF TENANTS IN A CONTROLLED CO-OWNERSHIP UNIT". Pursuant to the request of the City Council, I am forwarding this to you for filing with the Great and General Court.

Thank you for your cooperation in this matter.

Sincerely yours,


Joseph E. Connarton
Deputy City Clerk

JEC/cs

Enc.



City of Cambridge

CALENDAR ITEM NO. 15

3.

IN CITY COUNCIL

June 11, 1979

COUNCILLOR WYLIE

WHEREAS:

Chapter 36 of the Acts of 1976 declared the existence of a housing emergency in the City of Cambridge because of a substantial and increasing shortage of decent rental housing accommodations especially for families of low and moderate income and for elderly people on fixed income, and accordingly continued the rent and eviction control program; and

WHEREAS:

That Act also declared the public policy of this city that conversion of rental housing units to condominium units was not a valid reason for evicting tenants; and

WHEREAS:

That policy is being avoided by the sale of individual condominium units to landlords who then evict the tenants and occupy the units themselves, thus further aggravating the shortage of decent rental housing accommodations which it is the policy of this city to alleviate; now therefore be it

ORDERED:

That the Cambridge City Council hereby petitions the General Court under Section 8 of Article II, as amended by Article LXXXIX, of the Amendments to the Constitution, to enact the attached special law entitled "AN ACT TO AMEND THE CAMBRIDGE RENT CONTROL LAW BY REGULATING THE EVICTION OF TENANTS IN A CONTROLLED CO-OWNERSHIP UNIT."

In City Council June 11, 1979

Adopted by a yea and nay vote:

Yeas 5; Nays 3; Absent 1.

Attest: Paul E. Healy, City Clerk

A true copy,

ATTEST:

A handwritten signature in cursive script, reading "Paul E. Healy".

To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts
in General Court assembled.

The undersigned, citizens of Cambridge, respectfully
petition for the passage of the accompanying bill or resolve, and/or for legislation

AN ACT TO AMEND THE CAMBRIDGE RENT CONTROL LAW BY REGULATING THE EVICTION OF
TENANTS IN A CONTROLLED CO-OWNERSHIP UNIT.

Petitioners are requested to sign names and addresses legibly.

Francis H. Anthony
Aurea Vellucci
Mary Ellen Brennan
Paul A. Lefko
Sandra Graham

26 Lowell Street, Cambridge
42 Porter Street, Cambridge
25 Willard St. 6th Cambridge
103 Fresh Pond Parkway Cambridge
189 Western Ave Camb.



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND SEVENTY- NINE

AN ACT TO AMEND THE CAMBRIDGE RENT CONTROL LAW BY REGULATING THE EVICTION OF TENANTS IN A CONTROLLED CO-OWNERSHIP UNIT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 3(b) of Chapter 36 of the Acts of 1976 is hereby amended by striking out subdivision (4) and inserting in place thereof the following subdivision:

(4) rental units in cooperatives when rented by the lessee pursuant to a proprietary lease with a cooperative corporation, association, or trust.

SECTION 2. Section 3 of Chapter 36 of the Acts of 1976 is hereby amended by adding the following subsections:

(e) "Co-ownership unit", any unit which is sold, whether or not actual title is transferred, together with an undivided interest in the common areas of the building in which the unit is located and/or the land appurtenant to the building in which the unit is located including, but not limited to, units in condominiums established under Chapter one hundred eighty-three A of the General Laws, units in cooperatives established under Section three A of Chapter one

hundred fifty-seven of the General Laws, or units in cooperatives established by a declaration of trust.

(f) "Co-ownership converter", any person or entity who offers, or intends to offer, any controlled rental unit for sale as a co-ownership unit.

(g) "Landlord-purchaser", any landlord who is a purchaser of a co-ownership unit.

SECTION 3. Section 9(a) of Chapter 36 of the Acts of 1976 is hereby amended by striking out subdivision (8) and inserting in place thereof the following subdivision:

(8) The landlord seeks to recover possession in good faith for use and occupancy of himself, or his children, parents, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law. If the landlord is a landlord-purchaser and if the tenant originally obtained possession of the unit pursuant to a lease or rental agreement entered into before the unit was first purchased as a co-ownership unit, then, the board may not issue a certificate of eviction unless the requirements of Section 9A have been met and the landlord-purchaser has submitted a written statement by the co-ownership converter made under penalty of perjury verifying that requirements of Section 9A have been met.

SECTION 4. Subdivision (10) of Section 9(a) of Chapter 36 of the Acts of 1976 is hereby amended by striking out, in line 6, the words "condominium unit" and inserting in place thereof the words: co-ownership unit.

SECTION 5. Section 9 of Chapter 36 of the Acts of 1976 is hereby amended by adding the following subsection:

(f) The provisions of this section and Section 9A that restrict the ability of a landlord to recover possession of a co-ownership unit or an intended co-ownership unit are deemed not in conflict with any policies, embodied in any

special or general law, that may encourage home ownership.

SECTION 6. Chapter 36 of the Acts of 1976 is hereby amended by adding the following section:

9A Prerequisites for Evictions of Tenants in Converted Units

All of the following requirements must be met before the board may issue a certificate of eviction to a landlord-purchaser pursuant to Section 9(a)(8):

(a) The co-ownership converter shall give the tenant written notice of his intention to convert the rental unit to a co-ownership unit. The notice shall be on a form prepared by the board. The board shall prepare a notice form containing a statement of the tenant's rights under this section. The tenant must receive the notice at least four months before the landlord-purchaser may apply for a certificate of eviction.

(b) The co-ownership converter shall offer the tenant the first right to purchase his unit for the same price and terms, or a price and terms more favorable to the tenant, as he subsequently gives the landlord-purchaser. The co-ownership converter may not revoke his exclusive offer to the tenant for a period of at least two months following the date when the tenant receives from the co-ownership converter the following:

(1) the purchase and sale agreement and all other documents necessary for the acceptance of the offer including, but not limited to, the co-ownership declaration, by-laws and applicable occupancy regulations,

(2) a written statement of the owner's actual expenditures for utilities, maintenance, repairs, and operations that were made for the building in each of the past three years,

(3) a written statement of the projected monthly charges for each expense item and for reserves computed for all the co-ownership units and computed on a per unit basis,

(4) a written statement of other projected monthly payments of the co-ownership unit itemized as to principal, interest, and taxes, and

(5) a written property report by a certified engineer stating the condition and useful life of all common structures and facilities including, but not limited to, the roof, foundations, external and supporting walls, heating systems, electrical system, and plumbing system.

(c) Tenants representing forty percent of the building's units that are occupied on the date when any tenant receives the first notice of intention to convert under subsection (a) must execute for consideration bona fide purchase and sale agreements, containing no repurchase provisions other than to protect the purchaser from loss on future resale, for co-ownership units in the building. The board may waive this requirement by regulation at times when it finds, based on a methodology that it chooses, that (a) the vacancy rate for rental units in Cambridge is greater than four percent and (b) that the supply of rental units in Cambridge is adequate to allow a tenant to relocate without severe hardship. This regulation will be effective as a waiver only if the board promulgates the regulation by the date when a tenant first receives notice of intention to convert.

SECTION 7. If any provision or clause of this chapter or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.



City of Cambridge

CALENDAR ITEM NO. 15.

3.

IN CITY COUNCIL

~~May 7, 1979~~

June 11, 1979

COUNCILLOR WYLIE

WHEREAS:

Chapter 36 of the Acts of 1976 declared the existence of a housing emergency in the City of Cambridge because of a substantial and increasing shortage of decent rental housing accommodations especially for families of low and moderate income and for elderly people on fixed income, and accordingly continued the rent and eviction control program; and

WHEREAS:

That Act also declared the public policy of this city that conversion of rental housing units to condominium units was not a valid reason for evicting tenants; and

WHEREAS:

That policy is being avoided by the sale of individual condominium units to landlords who then evict the tenants and occupy the units themselves, thus further aggravating the shortage of decent rental housing accommodations which it is the policy of this city to alleviate; now therefore be it

ORDERED:

That the Cambridge City Council hereby petitions the General Court under Section 8 of Article II, as amended by Article LXXXIX, of the Amendments to the Constitution, to enact the attached special law entitled "AN ACT TO AMEND THE CAMBRIDGE RENT CONTROL LAW BY REGULATING THE EVICTION OF TENANTS IN A CONTROLLED CO-OWNERSHIP UNIT."

In City Council June 11, 1979

Adopted by a yeas and nays vote:

Yeas 5; Nays 3; Absent 1.

Attest: Paul E. Healy, City Clerk

A true copy,

ATTEST:

Paul E. Healy

1 Home Rule 4 C. Wylie Cal #7

MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR LAWRENCE FRISOLI

JUNE 11, 1979

Date

Councillor Lawrence W. Frisoli has notified the City Clerk of his intention to move reconsideration of the vote of the City Council on June 11, 1979 adopting an order introduced by Councillor Wylie regarding the filing of legislation entitled "AN ACT TO AMEND THE CAMBRIDGE RENT CONTROL LAW BY REGULATING THE EVICTION OF TENANTS IN A CONTROLLED CO-OWNERSHIP UNIT".

Lawrence W. Frisoli

Signature

#17 on the
Table

OK/A

Reconsideration
moved

BY

L. Faisoli

Calendar # 7

#7 Trial

City of Cambridge

MASSACHUSETTS

In City Council

JUL 11 1979

COUNCILLOR Wylie moved Adoption-

YEA

NAY

ABSENT

PRESENT

Mr. Crane

Mr. Duehay

Mr. Frisoli

Ms. Graham

Ms. Preusser

Mr. Sullivan

Mr. Vellucci

Mr. Wylie

Mayor Danehy

5

3

1

Order adopted Re: Rent Control legislation
Being filed

Reconsideration
moved

by
COUNCILLOR Frisoli

The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND
SEVENTY NINE

AN ACT TO AMEND THE CAMBRIDGE RENT CONTROL LAW BY REGULATING THE EVICTION OF TENANTS IN A CONTROLLED CO-OWNERSHIP UNIT.

Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the same,
as follows:

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(4) rental units in cooperatives when rented by the lessee pursuant to a proprietary lease with a cooperative corporation, association, or trust.

SECTION 2. Section 3 of chapter 36 of the acts of 1976 is hereby amended by adding the following subsections:-

(e) "Co-ownership unit", any unit which is sold, whether or not actual title is transferred, together with an undivided interest in the common areas of the building in which the unit is located and/or the land appurtenant to the building in which the unit is located including, but not limited to, units in condominiums established under chapter one hundred eighty-three A of the General Laws, units in cooperatives established under section three A of chapter one hundred fifty-seven of the General Laws, or units in cooperatives established by a declaration of trust.

(f) "Co-ownership converter", any person or entity who offers, or intends to offer, any controlled rental unit for sale as a co-ownership unit.

(g) "Landlord-purchaser", any landlord who is a purchaser of a co-ownership unit.

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SECTION 4. Subdivision (10) of section 9(a) of chapter 36 of the acts of 1976 is hereby amended by striking out, in line 6, the words "condominium unit" and inserting in place thereof the words: co-ownership unit.

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(f) The provisions of this section and section 9A that restrict the ability of a landlord to recover possession of a co-ownership unit or an intended co-ownership unit are deemed not in conflict with any policies, embodied in any special or general law, that may encourage home ownership.

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All of the following requirements must be met before the board may issue a certificate of eviction to a landlord-purchaser pursuant to section 9(a)(8):

(a) The co-ownership converter shall give the tenant written notice of his intention to convert the rental unit to a co-ownership unit. The notice shall be on a form prepared by the board. The board shall prepare a notice form containing a statement of the tenant's rights under this section. The tenant must receive the notice at least four months before the landlord-purchaser may apply for a certificate of eviction.

(b) The co-ownership converter shall offer the tenant the first right to purchase his unit for the same price and terms, or a price and terms more favorable to the tenant, as he subsequently gives the landlord-purchaser. The co-ownership converter may not revoke his exclusive offer to the tenant for a period of at least two months following the date when the tenant receives from the co-ownership converter the following:-

(1) the purchase and sale agreement and all other documents necessary for the acceptance of the offer including, but not limited to, the co-ownership declaration, by-laws and applicable occupancy regulations,

(2) a written statement of the owner's actual expenditures for utilities, maintenance, repairs, and operations that were made for the building in each of the past three years,

(3) a written statement of the projected monthly charges for each expense item and for reserves computed for all the co-ownership units and computed on a per unit basis,

(4) a written statement of other projected monthly payments of the co-ownership unit itemized as to principal, interest, and taxes, and

(5) a written property report by a certified engineer stating the condition and useful life of all common structures and facilities including, but not limited to, the roof, foundation, external and supporting walls, heating systems, electrical system, and plumbing system.

(c) Tenants representing **forty** percent of the building's units that are occupied on the date when any tenant receives the first notice of intention to convert under subsection (a) must execute for consideration bona fide purchase and sale agreements, containing no repurchase provisions other than to protect the purchaser from loss on future resale, for co-ownership units in the building. The board may waive this requirement by regulation at times when it finds, based on a methodology that it chooses, that (a) the vacancy rate for rental units in Cambridge is greater than four percent and (b) that the supply of rental units in Cambridge is adequate to allow a tenant to relocate without severe hardship. This regulation will be effective as a waiver only if the board promulgates the regulation by the date when a tenant first receives notice of intention to convert.

SECTION 7. If any provision or clause of this chapter or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.



City of Cambridge

CALENDAR ITEM NO. 7

3.

IN CITY COUNCIL

May 7, 1979

COUNCILLOR WYLIE

WHEREAS:

Chapter 36 of the Acts of 1976 declared the existence of a housing emergency in the City of Cambridge because of a substantial and increasing shortage of decent rental housing accommodations especially for families of low and moderate income and for elderly people on fixed income, and accordingly continued the rent and eviction control program; and

WHEREAS:

That Act also declared the public policy of this city that conversion of rental housing units to condominium units was not a valid reason for evicting tenants; and

WHEREAS:

That policy is being avoided by the sale of individual condominium units to landlords who then evict the tenants and occupy the units themselves, thus further aggravating the shortage of decent rental housing accommodations which it is the policy of this city to alleviate; now therefore be it

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In City Council June 11, 1979

Adopted by a yeas and nays vote:

Yeas 5; Nays 3; Absent 1.

Attest: Paul E. Healy, City Clerk

A true copy,

ATTEST:

A handwritten signature in cursive script, reading "Paul E. Healy", written over the printed name and title of the City Clerk.

CITY CLERK

Councillor Frisoli has notified the City Clerk of his intention to move reconsideration on this matter.

Col #15

Order #3

5366

C. Wylie re: filing legislation entitled "AN
ACT TO AMEND THE CAMBRIDGE RENT CONTROL LAW BY
REGULATING THE EVICTION OF TENANTS IN A CONTROL-
LED CO-OWNERSHIP UNIT".

6/11/79 Order Adopted

8/9/79 5-3-1-0

GIVEN TO LEGISLATIVE
AGENT FOR FILING

RECONSIDERATION MOTION

BY

COUNCILLOR FRISOLI

In City Council,

May 7, 1979

5/7/1979

CHARTER LIGHT

BY

COUNCILLOR FRISOLI

5/14/79 TABLED ON

MOTION OF COUNCILLOR WYLIE

6/25 No action on
Reconsideration

action of 6/11/79 stands

Adopted 5-3-1-0