



CITY OF CAMBRIDGE

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

OFFICE OF
THE CITY CLERK

February 21, 1985

Mr. Robert MacQueen
House Clerk
The House of Representatives
The State House
Boston, MA 02133

Dear Mr. MacQueen:

Pursuant to the request of the City Council, I am forwarding to you for filing with the Massachusetts House of Representatives, the attached Home Rule legislation entitled "PROCEDURAL AMENDMENTS TO CHAPTER THIRTY-SIX OF THE ACTS OF 1976, AN ACT ENABLING THE CITY OF CAMBRIDGE TO CONTINUE TO CONTROL RENTS AND EVICTIONS". Also enclosed please find an order adopted by the Cambridge City Council on Monday, February 11, 1985 approving the filing of this legislation.

Thank you for your cooperation in this matter.

Sincerely yours,

Joseph E. Connarton
Deputy City Clerk

JEC/mh

Enclosures



City of Cambridge

Agenda Item No. 5

IN CITY COUNCIL

February 11, 1985

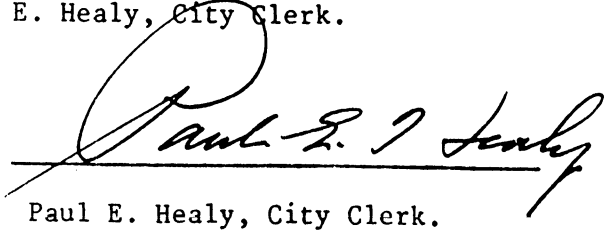
ORDERED:

That this City Council go on record approving the filing of the attached legislation entitled "PROCEDURAL AMENDMENTS TO C. 36 OF THE ACTS OF 1976, AN ACT ENABLING THE CITY OF CAMBRIDGE TO CONTINUE TO CONTROL RENTS AND EVICTIONS".

In City Council February 11, 1985.
Adopted by the affirmative vote of 9 members.
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-


Paul E. Healy, City Clerk.



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY- Five

AN ACT PROCEDURAL AMENDMENTS TO CHAPTER THIRTY-SIX OF THE ACTS OF 1976, THE SAME BEING AN ACT ENABLING THE CITY OF CAMBRIDGE TO CONTINUE TO CONTROL RENTS AND EVICTIONS.

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. S. 5 (f) (new, add)

The provisions relating to adjudicatory proceedings in General Laws C 30A, except for s.9 and the provisions in 2.14(1) which relates to the court in which judicial review may be sought, shall be applicable to the adjudicatory hearings held by the board.

S. 8(d) Delete.

S. 10(a) (amend) (changes, new language underlined)

Any person who is aggrieved by any action, regulation or order of the board may file a complaint for judicial review against the board either in the third eastern Middlesex division of the district court department or the superior court for Middlesex County. If the complaint is filed in the third eastern Middlesex division of the district court department, said court shall be authorized to take such action with respect thereto as is provided in the case of the superior

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S. 10(b) (new, replaces old 10(b))

The third eastern Middlesex division of the district court department and the superior court for Middlesex County shall have concurrent original jurisdiction over actions arising out of the provisions of section eleven. Notwithstanding any other provision of the law relating to appeals, appeal from the judgment of whichever court enters the judgment, shall be to the appeals court of the Commonwealth.

S. 11(d) (new, add)

The board may enforce the provisions of the act or any rule or regulation promulgated hereunder in a civil action for damages and/or for declaratory or injunctive relief.

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

PROCEDURAL AMENDMENTS TO CHAPTER THIRTY-SIX OF THE ACTS OF 1976,
THE SAME BEING AN ACT ENABLING THE CITY OF CAMBRIDGE TO CONTINUE
TO CONTROL RENTS AND EVICTIONS.

Petitioners are requested to sign names and addresses legibly.

Richard Williams
Alan K. Lewis

David E. Sullivan
Robert H. [unclear]

42 Porter St Cambridge
5 [unclear] St Cambridge
18 Hillier Ave Cambridge

115 [unclear] Julian St, Cambridge
26 Council St Cambridge



CITY OF CAMBRIDGE

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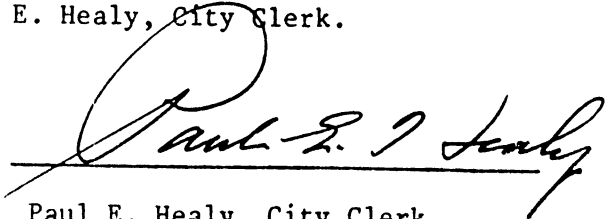
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A true copy;

ATTEST:-


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[unclear]
William R. [unclear]

David E. Sullivan
[unclear]

42 Porter St Cambridge
5 [unclear] St Cambridge
10 Hill St Cambridge

115 [unclear] Julian St, Cambridge
26 Cornwell St Cambridge



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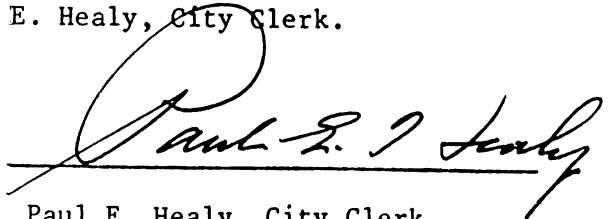
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13 Hillside Ave Cambridge

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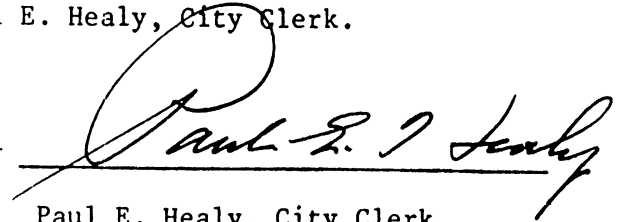
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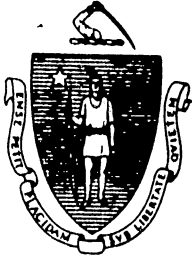
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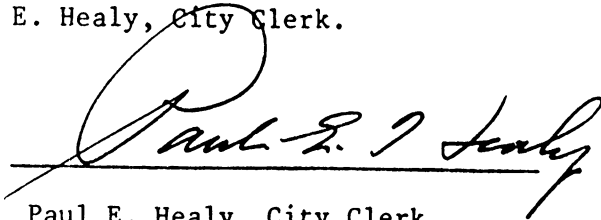
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~~John [unclear]~~
William R. [unclear]

David E. Sullivan
[unclear] St. [unclear]

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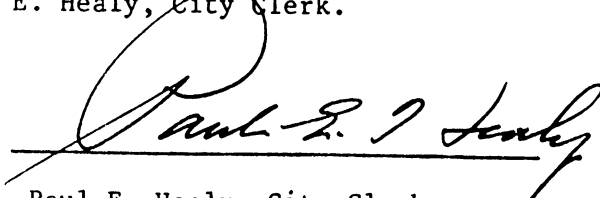
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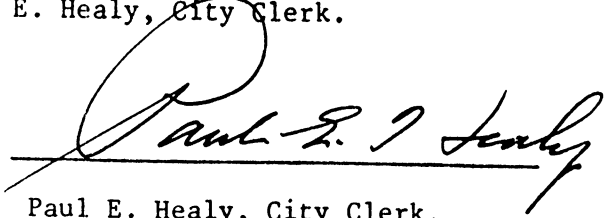
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Any person who is aggrieved by any action, regulation or order of the board may file a complaint for judicial review against the board either in the third eastern Middlesex division of the district court department or the superior court for Middlesex County. If the complaint is filed in the third eastern Middlesex division of the district court department, said court shall be authorized to take such action with respect thereto as is provided in the case of the superior

NOTE. — Use ONE side of paper ONLY. DOUBLE SPACE. Insert additional leaves, if necessary.

The provisions relating to adjudicatory proceedings in General Laws C. 30A, except for s.9 and the provisions in 2.14(1) which relate to the court in which judicial review may be sought, shall be applicable to the adjudicatory hearings held by the board.

S. 8(d) Delete.

S. 10(a) (amend) (changes, new language underlined)

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S. 10(b) (new, replaces old 10(b))

The third eastern Middlesex division of the district court department and the superior court for Middlesex County shall have concurrent original jurisdiction over actions arising out of the provisions of section eleven. Notwithstanding any other provision of the law relating to appeals, appeal from the judgment of whichever court enters the judgment, shall be to the appeals court of the Commonwealth.

S. 11(d) (new, add)

The board may enforce the provisions of the act or any rule or regulation promulgated hereunder in a civil action for damages and/or for declaratory or injunctive relief.

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

PROCEDURAL AMENDMENTS TO CHAPTER THIRTY-SIX OF THE ACTS OF 1976,
THE SAME BEING AN ACT ENABLING THE CITY OF CAMBRIDGE TO CONTINUE
TO CONTROL RENTS AND EVICTIONS.

Petitioners are requested to sign names and addresses legibly.

Edward V. Sullivan
John J. Sullivan
William K. Gray

David E. Sullivan
Paul H. Sullivan

42 Porter St Cambridge
5 Stanthorpe St Cambridge
18 Hillside Ave Cambridge

115 Cambridge Turnpike St, Cambridge
26 Cornwell St Cambridge



City of Cambridge

Agenda Item No. 5

IN CITY COUNCIL

February 11, 1985

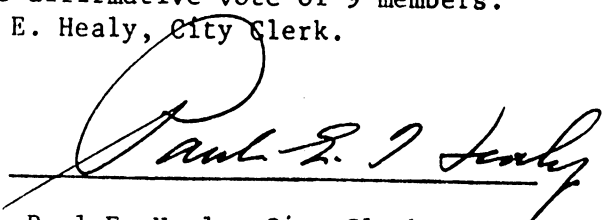
ORDERED:

That this City Council go on record approving the filing of the attached legislation entitled "PROCEDURAL AMENDMENTS TO C. 36 OF THE ACTS OF 1976, AN ACT ENABLING THE CITY OF CAMBRIDGE TO CONTINUE TO CONTROL RENTS AND EVICTIONS".

In City Council February 11, 1985.
Adopted by the affirmative vote of 9 members.
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-


Paul E. Healy, City Clerk.



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY- Five

AN ACT PROCEDURAL AMENDMENTS TO CHAPTER THIRTY-SIX OF THE ACTS OF 1976, THE SAME BEING AN ACT ENABLING THE CITY OF CAMBRIDGE TO CONTINUE TO CONTROL RENTS AND EVICTIONS.

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. S. 5 (f) (new, add)

The provisions relating to adjudicatory proceedings in General Laws C 30A, except for s.9 and the provisions in 2.14(1) which relates to the court in which judicial review may be sought, shall be applicable to the adjudicatory hearings held by the board.

S. 8(d) Delete.

S. 10(a) (amend) (changes, new language underlined)

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S. 8(d) Delete.

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S. 11(d) (new, add)

The board may enforce the provisions of the act or any rule or regulation promulgated hereunder in a civil action for damages and/or for declaratory or injunctive relief.

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in General Court assembled.

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

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THE SAME BEING AN ACT ENABLING THE CITY OF CAMBRIDGE TO CONTINUE
TO CONTROL RENTS AND EVICTIONS.

Petitioners are requested to sign names and addresses legibly.

Edward Belliveau
John J. ...
Allen R. ...

David E. Sullivan
Ken H. ...

42 Porter St Cambridge
5 ... St Cambridge
18 ... Cambridge

115 ... Julian St, Cambridge
26 ... St Cambridge

City of Cambridge

MASSACHUSETTS

In City Council February 11, 1985

AGENDA ITEM NO. 5

RE: RESUBMITTAL OF A PROPOSED ORDER FOR TECHNICAL AMENDMENTS TO CHAPTER 36 OF THE RENT CONTROL ACT, WHICH WAS PREVIOUSLY SUBMITTED ON JUNE 4, 1984.

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton				
Mr. Thomas W. Danehy				
Mr. Francis H. Duehay				
Ms. Saundra Graham				
Mr. David E. Sullivan				
Mr. Walter J. Sullivan				
Mr. Alfred Vellucci				
Ms. Alice K. Wolf				
Mayor Russell				



City of Cambridge

Agenda Item No. 5

IN CITY COUNCIL

February 11, 1985

WHEREAS:

Rent Control has operated in Cambridge for over ten years;
and

WHEREAS:

During the course of these years certain procedural matters
have hampered the efficient administration of rent control; and

WHEREAS:

These procedural matters have been harmful to both landlords
and tenants and have interfered with the efficient administration of
the rent control law by the City and the courts; and

WHEREAS:

Certain improvements in the processing of rent control cases
in the courts will result in faster decisions which will benefit land-
lords and tenants;

NOW, THEREFORE, BE IT ENACTED AS FOLLOWS:

Procedural Amendments to C. 36 of the Acts of 1976,
the same being An Act Enabling the City of Cambridge
to Continue To Control Rents and Evictions

S. 5 (f) (new, add)



CITY OF CAMBRIDGE

639 MASSACHUSETTS AVENUE

CAMBRIDGE, MASSACHUSETTS 02139

TEL 498-9077

RENT CONTROL BOARD

ROGER MERVIS, EXECUTIVE DIRECTOR

MEMORANDUM

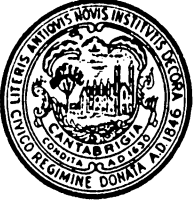
TO: Robert W. Healy, City Manager
FROM: Patricia A. Cantor, General Counsel
RE: Technical Amendments to C. 36, Rent Control Act
DATE: January 2, 1985

On December 10, 1984 the Massachusetts House Local Affairs Committee held a hearing on the procedural amendments to the Cambridge Rent Control Act. The Committee favorably reported the bill to the full House. Unfortunately, in the press of year end business, the House did not act on the matter.

Based on this, the process to amend c. 36 must begin again and the Council has to approve the bill before it can be resubmitted to the Legislature. Attached is a copy of what the Council approved last year, as well as the introductory explanatory material from you, and Judge Sherman's letter.

Thank you very much for your assistance.

cc: Arthur Sherman, Justice, Cambridge District Court



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

June 4, 1984

To the Honorable, the City Council:

Enclosed please find copy of proposed amendments to Chapter 36 of the Acts of 1976, An Act Enabling the City of Cambridge to Continue to Control Rents and Evictions.

The proposed amendments are procedural and technical and will result in the more efficient administration of the rent control law in Cambridge. Landlords, tenants, the City and the courts will benefit from the changes.

In over ten years of rent control in Cambridge, the basic procedural provisions of the law have not been changed. During this time, it has become apparent that various aspects of the law have resulted in overly cumbersome procedures, duplication of resources and inordinate delays. These amendments are designed to correct the problems.

General Summary

Rent Control Board hearings on all adjudicatory cases (certificates of eviction, removal permits, tenant complaints and special cases) will be conducted in accordance with the Massachusetts Administrative Procedure Act (c. 30A of the General Laws). Now only rent adjustment cases are required to be held pursuant to c. 30A.

Judicial review of Rent Control Board decisions will be conducted pursuant to c. 30A and will not be de novo trials. Judicial review will be either by the District or Superior Court. A party dissatisfied with the court decision may then appeal to the Appeals Court. Current judicial review mandates that all cases begin in the District Court and then go to the Superior Court and then to the Appeals Court. This often involves two additional evidentiary hearings beyond that already provided by the Board. As a Superior Court judge has commented:

I also find it odd that the interest of landlords and tenants must be ranked at the very top of the list of social values to be entitled to three trials. I would hope the legislature would reconsider this ordering of affairs. (emphasis by Court)

(Robert J. Hallisey, April 15, 1983, Zaman v. Cambridge Rent Control Board, no. 82-556, Middlesex).

Section-By-Section Summary

Section 5 (f)

This is the provision which establishes that the Board shall conduct adjudicatory hearings in accordance with the Administrative Procedure Act. The excluded sections are those which set forth the rules of adjudicatory procedure for State agencies (sec. 9) and the provision which allows petitions for judicial review to be filed in Suffolk County (sec. 14(1)).

Board regulations set forth in substance the same protections and hearing rights as the State adjudicatory rules. Therefore, it is not necessary to require the Board to meet the State rules, which in some instances are not relevant to Board proceedings. Judicial review in Suffolk County would not be appropriate for Cambridge Rent Control matters.

Section 8 (d)

This section is deleted. C. 36 now provides for c. 30A hearings only in rent adjustment matters. Since this will no longer apply, the specific reference should be deleted.

Section 10 (a) (b)

This section establishes that judicial review shall be on the record from the Board in accordance with c. 30A sec. 14. De novo court trials will no longer be available. It also changes current practice which vests the District Court with exclusive original jurisdiction over judicial review. The new procedure gives the District and Superior Courts concurrent jurisdiction and provides that appeal from whichever court enters the judgment is directly to the Appeals Court.

Section 11(d)

This adds a new provision which permits the Board to enforce the provisions of the Rent Control Act in a civil action for damages, declaratory or injunctive relief. Under the current law, the Board only has such civil enforcement authority in rent overcharge cases. In all Other

matters, the Board, in order to enforce the Act, must seek criminal penalties. Civil enforcement authority would allow the Board to pursue less drastic remedies.

Conclusion

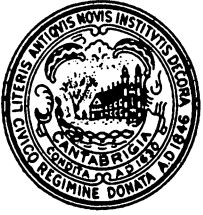
These amendments are designed to address and resolve specific problems which have arisen over the years. The amendments do not affect the substantive aspects of rent control. The amendments have been endorsed by Judge Arthur Sherman of the Cambridge District Court who is very familiar with judicial review of Board decisions. Judge Sherman urges their enactment (see letter attached).

Very truly yours,

A handwritten signature in cursive script, appearing to read "Robert W. Healy", written in dark ink. The signature is fluid and somewhat stylized, with a long horizontal flourish extending to the right.

Robert W. Healy
City Manager

RWH/mbf
Encs. 2



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

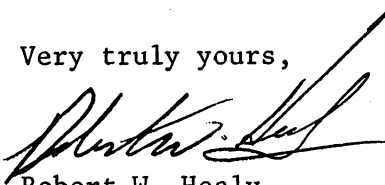
February 11, 1985

To the Honorable, the City Council:

I am resubmitting herewith for your action a proposed order for technical amendments to Chapter 36 of the Rent Control Act, which was previously submitted on June 4, 1984.

Also enclosed is a copy of a communication from Patricia A. Cantor, General Counsel for the Rent Control Board, explaining the reason for this submission, and a copy of all the material previously submitted.

Very truly yours,



Robert W. Healy
City Manager

RWH/mbf
Encs.

S-125

Re: resubmittal of a proposed order for technical amendments to Chapter 36 of the Rent Control Act which was previously submitted on June 4, 1984.

*copies of legislation + order approving
its filing sent to City Manager +
City Council office 2/11/85 with
copies of legislation + forwarding
letter to the House Clerk are in this folder*

In City Council,

February 11, 1985

2/11/85

L.D.S.

A Order Adopted

by aye vote

*Providing for filing
of the legislation*