

2

# City of Cambridge

MASSACHUSETTS

In City Council January 29 1990

Ord. Received: Adoption of Charter Right As Amended Re: "An Act Regulating Condominium Conversions & Other Remedies of Condominium Rental units in the City of Cambridge."

	YEA	NAY	ABSENT	PRESENT
Mr. Ed Cyr	✓			
Mr. Francis H. Duehay	✓			
Mr. Jonathan S. Myers	✓			
Mr. Kenneth E. Reeves	✓			
Mrs. Sheila T. Russell		✓		
Mr. Walter J. Sullivan		✓		
Mr. Timothy J. Toomey, Jr.	✓			
Mr. William H. Walsh		✓		
Mayor Alice K. Wolf	✓			

6 3 0 0 0

C. Cyr  
M/C  
R/C

# City of Cambridge

MASSACHUSETTS

In City Council January 29 1990

C. Walsh - Public Hearing be held prior to Adoption of  
Unfinished Business # 3 Re: "An Act Regulating Condominium Conversion &  
Other Removals of Controlled Rental units in the City of Cambridge."

	YEA	NAY	ABSENT	PRESENT
Mr. Ed Cyr		✓		
Mr. Francis H. Duehay		✓		
Mr. Jonathan S. Myers		✓		
Mr. Kenneth E. Reeves		✓		
Mrs. Sheila T. Russell	✓			
Mr. Walter J. Sullivan	✓			
Mr. Timothy J. Toomey, Jr.		✓		
Mr. William H. Walsh	✓			
Mayor Alice K. Wolf		✓		

3                  6                  0                  0

motion fails.



# City of Cambridge

CALENDAR ITEM # 3

IN CITY COUNCIL

January 29, 1990

VICE MAYOR REEVES  
COUNCILLOR MYERS

ORDERED:

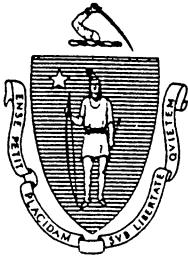
That the City of Cambridge approve a petition to the General Court, under section 8 (1) of Article 2, as appearing in Article 89, of the amendments to the Constitution, to enact the attached special law without amendment entitled **"AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE"**.

In City Council January 29, 1990.  
Adopted as amended by a yea and nay vote:-  
Yeas 6; Nays 3; Absent 0.  
Attest:- John E. Flynn, Deputy City Clerk.

A true copy;

ATTEST:-

John E. Flynn  
Deputy City Clerk.



# The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND ~~XXXXXX~~ NINETY

## AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE.

*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. The General Court Finds and declares that:

- (a) In order to meet the serious public emergency that continues to exist in the City of Cambridge with respect to the housing of a substantial number of its citizens, it is necessary to regulate the removal of controlled rental housing units from the market.
- (b) The city's existing powers to regulate such removals pursuant to Chapter 36 of the Acts of 1976, as amended, have proven inadequate, and many such units continue to be removed from rent control.
- (c) Since the November 20, 1989 Steinbergh v. Cambridge Rent Control Board decision, 406 Mass. 147 (1989), hundreds of individual condominium units have been transferred or sold thereby creating a substantial risk of the removal of controlled rental housing units from the rental market.

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 REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED  
RENTAL UNITS IN THE CITY OF CAMBRIDGE.

Petitioners are requested to sign names and addresses legibly.

Kenneth F. Reeves  
in the presence of  
James J. Loomer  
Edward G. [unclear]  
Alice K. [unclear]

11 Everett St. Camb. MA 02138  
26 Lowell Street Cambridge MA 02138  
88 Sixth St., Cambridge, MASS. 02141  
106 Dudley St Camb MA 02140  
5 Hollis St Camb. MA 02140  
48 Huron Ave Camb 02138

(d) In order to regulate such removals effectively, it is necessary to regulate the sale of condominium units by the owners of rent controlled buildings, for the reasons stated in the Report of the Cambridge City Council Committee on Rent Control dated May 28, 1981.

(e) In order to regulate such removals effectively, it is also necessary for the City of Cambridge to have the additional powers conferred by Section 3 of this act.

SECTION 2. In the City of Cambridge, no owner of a building for which a condominium master deed has been recorded shall, directly or indirectly sell, offer for sale, or agree to sell any controlled rental unit therein, unless the board has granted a removal permit for that unit, or unless the sale or offer is to, or the agreement is with, a current tenant of the unit who holds an exemption certificate. The board shall issue an exemption certificate to any person who files with it an affidavit in a form prescribed by the board, stating that he is a current tenant of the unit, that he occupied it as a tenant before August 10, 1979, and that he intends in good faith to occupy it indefinitely as its owner. Nothing in this act shall prevent an owner of a building or any portion thereof from conveying his entire interest in the building in good faith to one purchaser, who shall then be subject to the provisions of this act to the same extent as the original owner.

### SECTION 3.

(a) Notwithstanding the provisions of any general or special law to the contrary, including without limitation, the provisions of General Laws chapters one hundred and fifty six B, one hundred and fifty-seven, and one hundred and eighty-three A, the City of Cambridge may, by ordinance, further regulate and

control the removal of controlled rental units from the rental housing market, the reduction in the total number of controlled rental units in a building, structure or part thereof, or the change in form of ownership of a building, structure or part thereof containing controlled rental units. Such regulations and controls may include, but are not limited to , the authority to:

(i) require that no person shall remove a controlled rental unit from rental housing use without first obtaining a removal permit from the rent control board. Such permit may be subject to terms and conditions not inconsistent with the purposes and provisions of this act;

(ii) require that no person shall convert a controlled rental unit to a condominium or cooperative without first obtaining a removal permit for that purpose from the rent control board. "Convert" shall include recording a master deed pursuant to the provisions of chapter one hundred and eighty-three A of the General Laws, or filing articles of organization pursuant chapters one hundred and fifty-six; B or one hundred and fifty-seven of the General Laws, or advertising, offering for sale or selling a unit as a condominium or cooperative unit.

(iii) regulate evictions relating to the conversion of a controlled rental unit to a condominium or to a cooperative subject to such terms and conditions not inconsistent with the purposes and provisions of this act.

(b) Any hearings regarding matters related to removal permits or evictions shall be conducted by the board in accordance with the provisions of section five of Chapter 36 of the Acts of 1976, as amended.

SECTION 4. Section 9(a)(8) of chapter 36 of the Acts of 1976 is hereby amended to read as follows:

"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; except that no action shall be brought under this clause to recover possession from a tenant who is sixty years of age or older and who occupied the unit continuously since before the recording of the master deed, or to recover possession of a condominium unit subject to chapter 8.44 of the Cambridge Municipal Code."

SECTION 5. Violation of any provision of this act, or of any ordinance or regulation adopted hereunder, shall constitute a violation of Chapter 36 of the Acts of 1976, as amended. In addition the board or any person aggrieved by a violation of this act or any such ordinance or regulation may enforce its provisions in a civil action for damages or for declaratory or injunctive relief.

SECTION 6. The City of Cambridge may adopt ordinances, and the board may adopt regulations, to carry out the purposes of this act.

SECTION 7. Any person who is aggrieved by any action, regulation or order of the board may appeal or file a complaint pursuant to Section 10 of Chapter 36 of the Acts of 1976, as amended, unless otherwise defined in this act.

SECTION 8. If any provision of this act or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of the act and the applicability of such provision to other persons or circumstances shall not be affected thereby; provided also that nothing herein shall be construed to limit the authority of the city and the rent control board to regulate removal of controlled rental units as previously judicially determined.

SECTION 9. This act shall take effect upon its passage.

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CAMBRIDGE MA.

# Tenants confused, but condo sales affect few so far

By ZACHARY GAULKIN  
Chronicle staff

Rent board official explains legal  
effects of ruling. Letters, Page 5.

As the number of rent-controlled apartments being sold as condominiums continues to mount this month, tenants who live in them have been "terrified," in the words of some city officials, that they might somehow lose their homes.

But despite a prevailing sense of confusion and uncertainty over the sales, no tenants have been evicted by their new landlords and it is unlikely the sales will have any immediate impact on tenants beyond where they send their rent. Still, tenant activists are concerned the sales will gradually erode the city's stock of rent-controlled housing.

The condo sales are the result of a court ruling that allows landlords to sell individual apartments to private owners as condominiums, provided the new owners purchase them as "investments" and never occupy them. As a result, buildings previously owned by one landlord are now owned by several — many by way of real estate trusts — who control individual units.

In many cases, landlords have "sold" units to family members, in-

vestors, or trusts made up of both, for a nominal fee, and sometimes no fee at all. In some cases, tenants have bought units other than their own in their buildings. From then on, the units are owned individually and can be sold individually, giving landlords more control over how to dispose of their property. Before the court ruling, property owners could sell only entire buildings, rather than individual apartments.

## Hundreds already sold

A Supreme Judicial Court decision in November legalized the practice by invalidating what is known as subsection C½ of the rent control ordinance, one of the city's most controversial laws.

In 1979, in a move to preserve rental housing, the city made it illegal to turn a rent-controlled apartment into an owner-occupied condominium. The move left the door open, however, to investors who bought apartments as condos and rented them to friends or relatives, and in some cases circumvented the law by

Please see RENT, page 0

# RENT

Continued from page 1

illegally occupying their apartments.

To remedy that, the city council in 1981 passed C½, which stopped all condominium conversion. The Supreme Judicial Court in November invalidated C½, saying the city council did not have the authority to enact it. The council is trying to revive it in the form of a home-rule petition now pending before the state legislature.

By Jan. 1, less than two months after C½ was declared invalid, lifting the condominium-conversion ban, more than 400 units had traded hands. There are between 12,000 and 17,000 rent-controlled apartments in the city, according to official estimates.

Since then, there have been at least 100 additional sales, and at a city council meeting this week, Councilor Jonathan Myers said another 100 units had been sold in the past week. The largest property owners, with the exception of Harvard University, account for most of the sales. Small property owners account for very few, and some say they have neither the interest nor the money to convert their buildings into condos.

John Natale, co-chairman of the Small Property Owners Association, said he knows of only a handful of small landlords who have gone to the trouble of registering individual

deeds for their apartments, which he says can cost as much as \$1,000 per unit.

"It's not a small amount of money," he said.

## Tenants confused

Tenants, who are getting letters from faceless landlords informing them their apartments have changed ownership, are confused about what it all means.

"People feel more vulnerable," said Lynn Wolfson, a tenant in a large rent-controlled building in which many units have been transferred to different owners. "I don't think anyone understands the consequences of what's going on. It's a little nerve-racking."

## Are tenants safe?

Because most of the changes in ownership appear to be simply paper transfers in which individual units are established as condominiums, most tenants may be protected from their worst fear — eviction — at least for a while.

Under rent control, owners are allowed to evict tenants so a relative may move in. The latest flurry of sales, however, have not gone to buyers shopping for apartments for relatives, according to some realtors.

"There's not a big market for them," said Sally Ackerman, a realtor and former member of the

## Cambridge Rent Control Board

Although she said she doesn't handle rent-controlled property, Ackerman speculated that some of the units have been sold to investors gambling on the demise of all or part of the rent control ordinance, but who have no interest in removing a tenant. If someday the units can be sold at market prices, those who bought them over the last few months at substantial savings would make a profit.

"If an investor thinks the movement of those units will only be up, they might just be a betting person and decide to do it," she said.

According to the Middlesex County Registry of Deeds, rent-controlled condominiums are selling from between \$30,000 to more than \$70,000, much lower than market-rate condominiums.

Families looking to buy apartments for their relatives are also unlikely to acquire occupied units, preferring instead to wait for an empty one rather than go through an eviction proceeding, which is lengthy and requires hearings before the rent control board, real estate agents say.

"The only market is for the ones that don't have tenants," said Fred Meyer, a local realtor. Meyer, who opposes any restrictions on home ownership, says there are few buyers willing to invest in an apartment that

comes with a tenant.

"People do not buy planning to evict," he said.

Although there may be little interest in rent-controlled condominiums now, some tenants worry that more individual owners will mean more opportunity for relatives to displace existing tenants. There is also the fear that subsequent sales might go to owners who will evict tenants for their relatives.

"The pool of relatives has increased enormously," said Michael Turk, co-chairman of the Cambridge Tenants Union.

To prevent that from happening, the home-rule petition drafted by the council last month to replace section C½ would once again ban the sale of rent-controlled apartments as condos, but also would forbid evictions for relatives. If it passes, which is likely, landlords vow to challenge this law in court just as they did the old law.

Tenant activists also worry that the new crop of condos will help mask illegal conversions and reduce the city's stock of affordable housing. Although the rent control board has passed strict regulations governing the sale of apartments, tenants say there is more opportunity for fraud.

"There is a limitation to how much the rent board can do even under the best circumstances to enforcing the

regulations," Turk said.

## Tenants must be notified

The regulations require that notices of the condo sales be posted in buildings for tenants to see and that tenants whose apartments are sold be notified individually. The rent board also requires owners to report the beneficiaries of any trusts to guard against owners illegally renting to themselves and thus occupying their own condominium.

Rent control officials as well as tenant activists, who have held meetings to inform other tenants, remind people that all existing tenant protections provided by the rent control ordinance remain in effect no matter who the owner is.

According to rent board officials, landlords so far are complying with the regulations and tenants have said

side Cemetery in Cohasset.

there are notices posted in their buildings. But tenants aren't told much else.

"We sort of wonder what's going on," said one tenant, who received a notice of the change in ownership and the directions for where to send the rent.

"In general, tenants are completely in the dark," Turk said. "Even after the units are sold many are not told anything."

In many cases, tenants are making their rent checks out to the same landlord, who has divided the building into separate trusts with family members or investors, but who still manages the property.

"That's one of the remarkable things," Turk said. "There are new owners, but you pay your rent to the old owner and it doesn't matter."

# MORE LETTERS

## Explaining the effects of court's rent-control ruling

Since the end of November, the rent control board has received numerous inquiries from the public regarding the Supreme Judicial Court's decision that invalidated Section 1 (C½) of the city's removal permit ordinance. The inquiries indicate that there is a great deal of confusion among tenants, landlords, and potential investors about the effect of the court's decision.

The removal permit ordinance was enacted in 1979 to regulate the removal of controlled units from the rental market. It was enacted for a number of reasons, including the fact that a substantial number of rental housing units were being removed from the affordable housing market by condominium conversion.

Before the invalidation of C½, the owner of a building was barred from selling individual units in that building to investors, except where the buyer had been granted a removal permit. Since November, more than 400 rent controlled units have been sold as condominiums. ("Landlords rush to sell condos,"

Chronicle, Jan. 18.)

The court's action changes the removal permit ordinance in one respect only: Upon conversion of a building to condominiums, the owner of a building can now sell individual units to investors, i.e. individuals who are interested in buying a condominium as an investment, even though the rent control law prohibits them from living in the unit as an owner/occupant without a removal permit.

### No other changes

In all other respects, the rent control act and the ordinance remain unchanged. The tenants in these converted units still have the protections afforded them by the rent control act and the ordinance.

The rent board has also adopted regulations which will facilitate enforcement of the ordinance's restrictions on owner-occupancy. In summary, the new regulations require the following:

- The owner of a building contain-

ing rent controlled units must file a registration form with the rent control board within 7 days of filing a master deed at the registry of deeds or the land court.

- Within seven days of the execution of a purchase and sale agreement, the seller and the prospective purchaser must each register the property with the board by filing affidavits with the board attesting to the fact that they are aware that the unit is subject to the rent control act and the removal permit ordinance; that the unit cannot be owner-occupied; and that the unit cannot be left vacant for more than 120 days. They must also attest to knowing that the maximum rent that can be charged for rent for the unit is the legal maximum rent established by the rent control board, and that the unit must be rented to a bona fide tenant.

- Once the sale is final, the new owner must file a condominium registration form disclosing all owners, and provide copies of any trust agreements under which the

property is held, as well as a schedule of beneficiaries of such trusts. Names of tenants in the unit must also be provided, with proof of rent payment.

- Within 30 days of purchasing the unit, the new owner must post notice in the building in which the unit is located stating the owners name(s), date of purchase(s), address(es), date of purchase and the unit number.

- The owner is required to update the names of tenants on Jan. 15 of each year.

### The penalties

If the purchaser of an ordinance unit owner-occupies the unit in violation of the ordinance, they are subject to civil and/or criminal penalties including, but not limited to, an order to vacate the unit and/or a fine of \$500 for each day of such unlawful owner-occupancy.

The new regulations further define "registration" as the duty to register, under the pains and penalties of perjury, the names and addresses of all owners, legal or

beneficial, a statement of their interest in the property, and their relationship to each other, if any, together with any relevant documents verifying their interest(s) and/or relationship(s). The names and addresses of any managing agent must be provided. If the owner is a trust, the names and addresses of the trust, trustees and beneficiaries must also be provided together with the schedule of beneficiaries, all relevant trust documents, and a statement of the relationship(s) among beneficiaries, and/or trustees, if any.

In addition, the regulation that governs evictions on the grounds of relatives moving-in has been amended. If the relative is moving into a condominium unit that is subject to the ordinance, the owner must prove that the relative has no ownership interest of any type in the unit, and that it is a bona fide arm's-length rental in which the prospective occupant has no financial interest in the property.

It is important to note that

although the court invalidated C½, it reiterated the authority of the city and the rent control board to enforce restrictions on owner-occupancy of condominium units to prevent the removal of these units due to unlawful owner-occupancy, and to prevent the eviction of tenants as a result of condominium conversion. The new regulations are meant to enforce the ordinance, and to carry out the purposes of the rent control act, which is to continue to ensure a supply of decent, affordable rental housing, especially for families of low and moderate income and for elderly people on fixed incomes.

For further information regarding the invalidation of C½, the public is encouraged to contact the rent control board office (499-6161) any weekday between 12:45 and 4:45 pm or in person on Wednesday evenings between 5 pm and 9 pm at 831 Mass Ave.

Terrence P. Morris  
executive director  
Rent control board

# C $\frac{1}{2}$ ruling won't bring evictions

The front-page article in the Chronicle Feb. 2 on reaction to the Supreme Judicial Court's recent overturning of one subsection of Cambridge's rent-control removal ordinance may lead to some misunderstandings, which I would like to help prevent or correct.

"Pro-rent control councilors and tenant activists" are quoted as saying this decision "could lead to evictions or illegal owner-occupancies" in "a city of terrified tenants." Cambridge has already seen enough political agitation attempting to frighten tenants. It is appropriate now to become aware of the realities of actual tenant protections. The Supreme Judicial Court studied the issue objectively, impartially and at length, concluding

unanimously that Cambridge's preventing landlords from selling an individual rent-controlled apartment to another landlord was not logically related to rent control. The court said that subsection C $\frac{1}{2}$  was simply "unnecessary for the rent-control experiment."

Perhaps the court is correct. In over a quarter-century of selling real estate in Cambridge, I have yet to see one of my buyers buy a house or condominium with a tenant in it and then evict the tenant. Most buyers just do not want to go through the hassle of an eviction: They expect a home to be empty and ready for their occupancy, or they generally won't bother to buy it.

Not surprisingly, I have yet to hear anyone come up with a name of one tenant now being served an eviction notice, by any of the 600 buyers of rent-controlled apartments the article mentions.

"Owner-occupancy of an "ordined" condominium has always been illegal in Cambridge; recently, it became impossible. The court decision specifically upheld the city's using public powers to prevent that. Our Cambridge rent control board acted quickly, effectively and responsibly in passing appropriate new regulations.

Readers should know that all buyers of an "ordined" condominium (an individual rent-controlled apartment subject to restrictions against removal from rent control) must now sign, along with any purchase agreement, an affidavit stating they understand all of the following:

- that the unit is subject to rent control and removal from rent control regulations;
- that it cannot be occupied by the buyer;
- that it cannot be left vacant for more than 120 days;

- that the rent-controlled rent is a set amount per month;
- that if the unit should be owner-occupied, the buyer will be subject to civil and criminal penalties
- that the penalties include (but are not limited to) an order to vacate the unit and/or a fine of \$500 per day for each day of owner occupancy.

In addition, the seller must post a notice in the building stating the name of the new owner and the name of the tenant, for all to see. And, if a realty trust is buying, it must provide the rent control board with the schedule of beneficiaries of the trust, so a trust cannot be used to hide secret homeownership. Further, the board has extensive investigative powers, should anyone suspect fraud.

Logically, as the court said, how much more protection do tenants need?

In fact, the court decision pro-

vides some tenants an extra protection, previously unavailable under Cambridge law. Now, if you are a tenant and you don't like or trust your landlord, you have a legal option of changing landlords, without moving. If your family can afford it, you can now have mother or father, sister or brother buy your apartment and rent it to you. Would it have been rational, or really in tenants' interests, for the court to have denied some tenants that option of a friendlier landlord, the ultimate protection against eviction?

It is certainly understandable that the current political majority in Cambridge does not like its will reviewed by courts. But isn't that review an historic part of American democracy? The role of the courts is precisely to study the actions of the majority, to see if they are logically related to a valid legislative purpose and to see if any

legitimate rights of the minority have been violated.

I hope that in the future, as we consider the effects of his and other, coming court decisions, public discussion on setting the boundaries for rent control in Cambridge may become more constructive, cognizant and careful.

Fred Meyer  
Harvard Square

## Letters policy

The Chronicle welcomes letters to the editor. They should be 500 words or less (about two double spaced typed pages), though we may edit them for space. If you have questions before writing, please call editor David Boraks at 628-6200. Deadline is noon Monday for that week's paper. Letters may be mailed or dropped off to: Editor, Cambridge Chronicle, 360-366 Summer St., PO Box 312, Somerville, MA 02144.

# Hayes, Clark, Hunt and Embry

ATTORNEYS AT LAW  
CITY CLERK

STEPHEN S. CLARK  
BRUCE J. EMBRY  
FREDERICK B. HAYES, III  
WILLIAM J. HUNT

MARISA A. CAMPAGNA  
JOANNE S. MONTOURIS

1990 MAR -9 AM 9:47

CAMBRIDGE MA.

P.O. BOX 206  
43 THORNDIKE STREET  
BULFINCH SQUARE  
CAMBRIDGE, MASSACHUSETTS 02141  
617 494-4800  
TELECOPIER 617 494-1522

March 6, 1990

Mr. Robert McQueen  
House Clerk  
Massachusetts House of Representatives  
Room 145  
The State House  
Boston, Massachusetts 02133

RE: Cambridge Home Rule Petition dated January 29, 1990

Dear Mr. McQueen:

Please be advised that this office represents Mr. Alex Steinbergh and Mr. R. Stanley Bowden owners of certain property located at 16 Chauncy Street, Cambridge, Massachusetts.

On January 30, 1990 you received a letter from John E. Flynn, Deputy City Clerk forwarding to you for filing with the Massachusetts House of Representatives an enclosed amended order from the Cambridge City Council on Monday, January 29, 1990 which requested that the Massachusetts Legislature approve certain attached legislation "AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE".

As noted in section 1(c) of the Act, this legislation is proposed largely in response to the case of Steinbergh v. The Cambridge Rent Control Board cited at 406 Mass. 147 (1989) in which Section C 1/2 of Cambridge City Ordinance was ruled invalid. The legislation is based upon the misperception that the loss of this section will result in the loss of rental units to the city.

The section of the Cambridge Rent Control Removal Permit Ordinance which was ruled invalid by the Supreme Judicial Court, section C 1/2, provided that any owner who owned more than one so-called "ordinanced" condominium unit in a particular building in Cambridge, was required to sell all of the condominium units, at the same time, to the same purchaser if he wished to sell any. This restriction was enacted despite the fact that those units covered by this section were subject to rent control in

## Hayes, Clark, Hunt and Embry

Mr. Robert McQueen

-2-

February 15, 1990

the city of Cambridge thus assuring that no tenant, regardless of the owner, could be evicted or have their rent increased unless the Cambridge Rent Control Board approved. Furthermore, because of coordinate provisions in the Cambridge City Ordinances, the unit which was sold could not be owner occupied thus assuring that eviction for owner occupancy could not take place.

In light of these obvious disparities, the Supreme Judicial Court ruled that section C 1/2 was "not necessary" for the preservation of rent control in Cambridge. This position was taken by the Supreme Judicial Court despite the fact that the entire "legislative" findings of the Cambridge City Council when it enacted section C 1/2 were before the court.

In the Steinbergh decision we argued that the city lacked the implied municipal power to enact section C 1/2 and it was upon that argument that this Supreme Judicial Court based its decision. However, we also argued in that case that the imposition of the sale restrictions contained in section C 1/2 was a violation of the Just Compensation and Reasonable Compensation clauses contained in the United States and Massachusetts Constitutions respectively. Though the Supreme Judicial Court did not reach the so-called "takings" issue there is little question that the issue does exist, is valid, and, under current United States Supreme Court cases, presents a cause of action in the event that this section is reenacted. In short, even if the Legislature should re-enact section C 1/2, the grant of legislative authority will not free the City of Cambridge from the responsibility for paying damages for this unconstitutional abridgement of the right to alienate property. It is our expectation that the city will then be required to pay substantial amounts in damages not only to my clients but to others similarly situated.

On December 11, 1989 and again on January 22, 1990 on behalf of my clients, we sent to the various members of the Cambridge City Council a "pre-takings notification letter" informing the Cambridge City Council that in the event section C 1/2 was reenacted it would be our intent to proceed through the courts and seek just compensation for the taking of their property. I enclose a copy of our December 11th letter which was addressed to Councillor Thomas Danehy.

This letter is meant to serve a similar pre-takings notification function and shall constitute a similar pre-taking notification letter to the legislature. In the event that

# Hayes, Clark, Hunt and Embry

Mr. Robert McQueen

-3-

February 15, 1990

Section c 1/2 is reinstated by the legislature, it is our intention to commence suit seeking just compensation for the private property of my clients which will have been taken as a result of this litigation.

I respectfully request that this letter be placed in the appropriate file and given to the appropriate committee members at the time when the House of Representatives takes up this petition on the part of the City of Cambridge.

I am also enclosing with this letter a copy of certain articles from the Cambridge Chronicle dated Thursday, March 1, 1990 together with copies of certain letters published on that date from the Executive Director of the Cambridge Rent Control Board, Terrance B. Morris as well as Frederick Meyer, a prominent local Realtor. You should note, for the record, that the article is clear that at this point in time, more than three months after the Steinbergh decision, apparently not one tenant has been evicted as a result of the loss of the "protections" afforded tenants under the section now proposed before the Legislature.

My thanks for your cooperation in this matter.

Very truly yours,



Frederick B. Hayes, III

FBH:dar  
Enclosure

cc: Joseph E. Connarton  
City Clerk  
City of Cambridge



# City of Cambridge

CALENDAR ITEM # 3

IN CITY COUNCIL

January 29, 1990

VICE MAYOR REEVES  
COUNCILLOR MYERS

ORDERED: That the City of Cambridge approve a petition to the General Court, under section 8 (1) of Article 2, as appearing in Article 89, of the amendments to the Constitution, to enact the attached special law without amendment entitled **"AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE"**.

In City Council January 29, 1990.  
Adopted as amended by a yea and nay vote:-  
Yeas 6; Nays 3; Absent 0.  
Attest:- John E. Flynn, Deputy City Clerk.

A true copy;

ATTEST:-

John E. Flynn  
Deputy City Clerk.

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

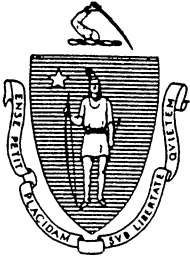
AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED  
RENTAL UNITS IN THE CITY OF CAMBRIDGE.

Petitioners are requested to sign names and addresses legibly.

Kenneth F. Reeves  
with H. Dwyer  
and J. Loomer

Edward G. [unclear]  
[unclear]  
Alice K. Wolf

11 Everett St. Camb. MA 02138  
26 Lowell Street Cambridge MA 02138  
88 Sixth St., Cambridge, MASS. 02141  
106 Dudley St Camb MA 02140  
5 Hollis St Camb. MA 02140  
48 Huron Ave Camb 02138



# The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND ~~XXXXX~~ NINETY

## AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE.

*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. The General Court Finds and declares that:

- (a) In order to meet the serious public emergency that continues to exist in the City of Cambridge with respect to the housing of a substantial number of its citizens, it is necessary to regulate the removal of controlled rental housing units from the market.
- (b) The city's existing powers to regulate such removals pursuant to Chapter 36 of the Acts of 1976, as amended, have proven inadequate, and many such units continue to be removed from rent control.
- (c) Since the November 20, 1989 Steinbergh v. Cambridge Rent Control Board decision, 406 Mass. 147 (1989), hundreds of individual condominium units have been transferred or sold thereby creating a substantial risk of the removal of controlled rental housing units from the rental market.

(d) In order to regulate such removals effectively, it is necessary to regulate the sale of condominium units by the owners of rent controlled buildings, for the reasons stated in the Report of the Cambridge City Council Committee on Rent Control dated May 28, 1981.

(e) In order to regulate such removals effectively, it is also necessary for the City of Cambridge to have the additional powers conferred by Section 3 of this act.

SECTION 2. In the City of Cambridge, no owner of a building for which a condominium master deed has been recorded shall, directly or indirectly sell, offer for sale, or agree to sell any controlled rental unit therein, unless the board has granted a removal permit for that unit, or unless the sale or offer is to, or the agreement is with, a current tenant of the unit who holds an exemption certificate. The board shall issue an exemption certificate to any person who files with it an affidavit in a form prescribed by the board, stating that he is a current tenant of the unit, that he occupied it as a tenant before August 10, 1979, and that he intends in good faith to occupy it indefinitely as its owner. Nothing in this act shall prevent an owner of a building or any portion thereof from conveying his entire interest in the building in good faith to one purchaser, who shall then be subject to the provisions of this act to the same extent as the original owner.

### SECTION 3.

(a) Notwithstanding the provisions of any general or special law to the contrary, including without limitation, the provisions of General Laws chapters one hundred and fifty six B, one hundred and fifty-seven, and one hundred and eighty-three A, the City of Cambridge may, by ordinance, further regulate and

control the removal of controlled rental units from the rental housing market, the reduction in the total number of controlled rental units in a building, structure or part thereof, or the change in form of ownership of a building, structure or part thereof containing controlled rental units. Such regulations and controls may include, but are not limited to , the authority to:

(i) require that no person shall remove a controlled rental unit from rental housing use without first obtaining a removal permit from the rent control board. Such permit may be subject to terms and conditions not inconsistent with the purposes and provisions of this act;

(ii) require that no person shall convert a controlled rental unit to a condominium or cooperative without first obtaining a removal permit for that purpose from the rent control board. "Convert" shall include recording a master deed pursuant to the provisions of chapter one hundred and eighty-three A of the General Laws, or filing articles of organization pursuant chapters one hundred and fifty-six, B or one hundred and fifty-seven of the General Laws, or advertising, offering for sale or selling a unit as a condominium or cooperative unit.

(iii) regulate evictions relating to the conversion of a controlled rental unit to a condominium or to a cooperative subject to such terms and conditions not inconsistent with the purposes and provisions of this act.

(b) Any hearings regarding matters related to removal permits or evictions shall be conducted by the board in accordance with the provisions of section five of Chapter 36 of the Acts of 1976, as amended.

SECTION 4. Section 9(a)(8) of chapter 36 of the Acts of 1976 is hereby amended to read as follows:

"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; except that no action shall be brought under this clause to recover possession from a tenant who is sixty years of age or older and who occupied the unit continuously since before the recording of the master deed, or to recover possession of a condominium unit subject to chapter 8.44 of the Cambridge Municipal Code."

SECTION 5. Violation of any provision of this act, or of any ordinance or regulation adopted hereunder, shall constitute a violation of Chapter 36 of the Acts of 1976, as amended. In addition the board or any person aggrieved by a violation of this act or any such ordinance or regulation may enforce its provisions in a civil action for damages or for declaratory or injunctive relief.

SECTION 6. The City of Cambridge may adopt ordinances, and the board may adopt regulations, to carry out the purposes of this act.

SECTION 7. Any person who is aggrieved by any action, regulation or order of the board may appeal or file a complaint pursuant to Section 10 of Chapter 36 of the Acts of 1976, as amended, unless otherwise defined in this act.

SECTION 8. If any provision of this act or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of the act and the applicability of such provision to other persons or circumstances shall not be affected thereby; provided also that nothing herein shall be construed to limit the authority of the city and the rent control board to regulate removal of controlled rental units as previously judicially determined.

SECTION 9. This act shall take effect upon its passage.



# City of Cambridge

CALENDAR ITEM # 3

IN CITY COUNCIL

January 29, 1990

VICE MAYOR REEVES  
COUNCILLOR MYERS

ORDERED:

That the City of Cambridge approve a petition to the General Court, under section 8 (1) of Article 2, as appearing in Article 89, of the amendments to the Constitution, to enact the attached special law without amendment entitled **"AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE"**.

In City Council January 29, 1990.

Adopted as amended by a yea and nay vote:-  
Yeas 6; Nays 3; Absent 0.

Attest:- John E. Flynn, Deputy City Clerk.

A true copy;

ATTEST:-

A handwritten signature in cursive script that reads "John E. Flynn".

John E. Flynn  
Deputy City Clerk.

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

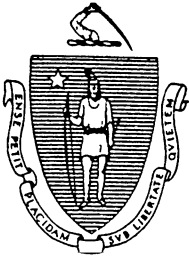
The undersigned, citizens of Cambridge, respectfully  
petition for the passage of the accompanying bill or resolve, and/or for legislation

AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED  
RENTAL UNITS IN THE CITY OF CAMBRIDGE.

Petitioners are requested to sign names and addresses legibly.

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with H. Dylung  
in G. Loomer  
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# The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND ~~XXXXX~~ NINETY

## AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE.

*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. The General Court Finds and declares that:

- (a) In order to meet the serious public emergency that continues to exist in the City of Cambridge with respect to the housing of a substantial number of its citizens, it is necessary to regulate the removal of controlled rental housing units from the market.
- (b) The city's existing powers to regulate such removals pursuant to Chapter 36 of the Acts of 1976, as amended, have proven inadequate, and many such units continue to be removed from rent control.
- (c) Since the November 20, 1989 Steinbergh v. Cambridge Rent Control Board decision, 406 Mass. 147 (1989), hundreds of individual condominium units have been transferred or sold thereby creating a substantial risk of the removal of controlled rental housing units from the rental market.

(d) In order to regulate such removals effectively, it is necessary to regulate the sale of condominium units by the owners of rent controlled buildings, for the reasons stated in the Report of the Cambridge City Council Committee on Rent Control dated May 28, 1981.

(e) In order to regulate such removals effectively, it is also necessary for the City of Cambridge to have the additional powers conferred by Section 3 of this act.

SECTION 2. In the City of Cambridge, no owner of a building for which a condominium master deed has been recorded shall, directly or indirectly sell, offer for sale, or agree to sell any controlled rental unit therein, unless the board has granted a removal permit for that unit, or unless the sale or offer is to, or the agreement is with, a current tenant of the unit who holds an exemption certificate. The board shall issue an exemption certificate to any person who files with it an affidavit in a form prescribed by the board, stating that he is a current tenant of the unit, that he occupied it as a tenant before August 10, 1979, and that he intends in good faith to occupy it indefinitely as its owner. Nothing in this act shall prevent an owner of a building or any portion thereof from conveying his entire interest in the building in good faith to one purchaser, who shall then be subject to the provisions of this act to the same extent as the original owner.

### SECTION 3.

(a) Notwithstanding the provisions of any general or special law to the contrary, including without limitation, the provisions of General Laws chapters one hundred and fifty six B, one hundred and fifty-seven, and one hundred and eighty-three A, the City of Cambridge may, by ordinance, further regulate and

control the removal of controlled rental units from the rental housing market, the reduction in the total number of controlled rental units in a building, structure or part thereof, or the change in form of ownership of a building, structure or part thereof containing controlled rental units. Such regulations and controls may include, but are not limited to , the authority to:

(i) require that no person shall remove a controlled rental unit from rental housing use without first obtaining a removal permit from the rent control board. Such permit may be subject to terms and conditions not inconsistent with the purposes and provisions of this act;

(ii) require that no person shall convert a controlled rental unit to a condominium or cooperative without first obtaining a removal permit for that purpose from the rent control board. "Convert" shall include recording a master deed pursuant to the provisions of chapter one hundred and eighty-three A of the General Laws, or filing articles of organization pursuant chapters one hundred and fifty-six, B or one hundred and fifty-seven of the General Laws, or advertising, offering for sale or selling a unit as a condominium or cooperative unit.

(iii) regulate evictions relating to the conversion of a controlled rental unit to a condominium or to a cooperative subject to such terms and conditions not inconsistent with the purposes and provisions of this act.

(b) Any hearings regarding matters related to removal permits or evictions shall be conducted by the board in accordance with the provisions of section five of Chapter 36 of the Acts of 1976, as amended.

SECTION 4. Section 9(a)(8) of chapter 36 of the Acts of 1976 is hereby amended to read as follows:

"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; except that no action shall be brought under this clause to recover possession from a tenant who is sixty years of age or older and who occupied the unit continuously since before the recording of the master deed, or to recover possession of a condominium unit subject to chapter 8.44 of the Cambridge Municipal Code."

SECTION 5. Violation of any provision of this act, or of any ordinance or regulation adopted hereunder, shall constitute a violation of Chapter 36 of the Acts of 1976, as amended. In addition the board or any person aggrieved by a violation of this act or any such ordinance or regulation may enforce its provisions in a civil action for damages or for declaratory or injunctive relief.

SECTION 6. The City of Cambridge may adopt ordinances, and the board may adopt regulations, to carry out the purposes of this act.

SECTION 7. Any person who is aggrieved by any action, regulation or order of the board may appeal or file a complaint pursuant to Section 10 of Chapter 36 of the Acts of 1976, as amended, unless otherwise defined in this act.

SECTION 8. If any provision of this act or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of the act and the applicability of such provision to other persons or circumstances shall not be affected thereby; provided also that nothing herein shall be construed to limit the authority of the city and the rent control board to regulate removal of controlled rental units as previously judicially determined.

SECTION 9. This act shall take effect upon its passage.

"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; except that no action shall be brought under this clause to recover possession of a condominium unit subject to chapter 8.44 of the Cambridge Municipal Code."

→ *insert 4*  
SECTION 5. Violation of any provision of this act, or of any ordinance or regulation adopted hereunder, shall constitute a violation of Chapter 36 of the Acts of 1976, as amended. In addition the board or any person aggrieved by a violation of this act or any such ordinance or regulation may enforce its provisions in a civil action for damages or for declaratory or injunctive relief.

SECTION 6. The City of Cambridge may adopt ordinances, and the board may adopt regulations, to carry out the purposes of this act.

SECTION 7. Any person who is aggrieved by any action, regulation or order of the board may appeal or file a complaint pursuant to Section 10 of Chapter 36 of the acts of 1976, as amended, unless otherwise defined in this act.

SECTION 8. If any provision of this act or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of the act and the applicability of such provision to other persons or circumstances shall not be affected thereby; provided also that nothing herein shall be construed to limit the authority of the city and the rent control board to regulate removal of controlled rental units as previously judicially determined.

SECTION 9. This act shall take effect upon its passage.

THE COMMONWEALTH OF MASSACHUSETTS

In the year One Thousand Nine Hundred and Ninety

AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER  
REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE.

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

SECTION 1. The General Court finds and declares that:

(a) In order to meet the serious public emergency that continues to exist in the City of Cambridge with respect to the housing of a substantial number of its citizens, it is necessary to regulate the removal of controlled rental housing units from the market.

(b) The city's existing powers to regulate such removals pursuant to Chapter 36 of the Acts of 1976, as amended, have proven inadequate, and many such units continue to be removed from rent control.

(c) Since the November 20, 1989 Steinbergh v. Cambridge Rent Control Board decision, 406 Mass. 147 (1989), hundreds of individual condominium units have been transferred or sold thereby creating a substantial risk of the removal of controlled rental housing units from the rental market.

(d) In order to regulate such removals effectively, it is necessary to regulate the sale of condominium units by the owners of rent controlled buildings, for the reasons stated in the Report of the Cambridge City Council Committee on Rent Control dated May 28, 1981.

(e) In order to regulate such removals effectively, it is also necessary for the City of Cambridge to have the additional powers conferred by Section 3 of this act.

SECTION 2. In the City of Cambridge, no owner of a building for which a condominium master deed has been recorded shall, directly or indirectly sell, offer for sale, or agree to sell any controlled rental unit therein, unless the board has granted a removal permit for that unit, or unless the sale or offer is to, or the agreement is with, a current tenant of the unit who holds an exemption certificate. The board shall issue an

exemption certificate to any person who files with it an affidavit in a form prescribed by the board, stating that he is a current tenant of the unit, that he occupied it as a tenant before August 10, 1979, and that he intends in good faith to occupy it indefinitely as its owner. Nothing in this act shall prevent an owner of a building or any portion thereof from conveying his entire interest in the building in good faith to one purchaser, who shall then be subject to the provisions of this act to the same extent as the original owner.

### SECTION 3.

(a) Notwithstanding the provisions of any general or special law to the contrary, including without limitation, the provisions of General Laws chapters one hundred and fifty six B, one hundred and fifty-seven, and one hundred and eighty-three A, the City of Cambridge may, by ordinance, further regulate and control the removal of controlled rental units from the rental housing market, the reduction in the total number of controlled rental units in a building, structure or part thereof, or the change in form of ownership of a building, structure or part thereof containing controlled rental units. Such regulations and controls may include, but are not limited to, the authority to:

(i) require that no person shall remove a controlled rental unit from rental housing use without first obtaining a removal permit from the rent control board. Such permit may be subject to terms and conditions not inconsistent with the purposes and provisions of this act;

(ii) require that no person shall convert a controlled rental unit to a condominium or cooperative without first obtaining a removal permit for that purpose from the rent control board. "Convert" shall include recording a master deed pursuant to the provisions of chapter one hundred and eighty-three A of the General Laws or filing articles of organization pursuant chapters one hundred and fifty six, B or one hundred and fifty-seven of the General Laws, or advertising, offering for sale or selling a unit as a condominium or cooperative unit.

(iii) regulate evictions relating to the conversion of a controlled rental unit to a condominium or to a cooperative subject to such terms and conditions not inconsistent with the purposes and provisions of this act.

(b) Any hearings regarding matters related to removal permits or evictions shall be conducted by the board in accordance with the provisions of section five of Chapter 36 of the Acts of 1976, as amended.

SECTION 4. Section 9(a)(8) of chapter 36 of the Acts of 1976 is hereby amended to read as follows:

*Amendment*

"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; except that no action shall be brought under this clause to recover possession from a tenant who is sixty years of age or older and who occupied the unit continuously since before the recording of the master deed, or to recover possession of a condominium unit subject to chapter 8.44 of the Cambridge Municipal Code."

SECTION 5. Violation of any provision of this act, or of any ordinance or regulation adopted hereunder, shall constitute a violation of Chapter 36 of the Acts of 1976, as amended. In addition the board or any person aggrieved by a violation of this act or any such ordinance or regulation may enforce its provisions in a civil action for damages or for declaratory or injunctive relief.

SECTION 6. The City of Cambridge may adopt ordinances, and the board may adopt regulations, to carry out the purposes of this act.

SECTION 7. Any person who is aggrieved by any action, regulation or order of the board may appeal or file a complaint pursuant to Section 10 of Chapter 36 of the Acts of 1976, as amended.

SECTION 8. Terms used in this act shall have the meanings assigned to them by chapter 36 of the acts of 1976, as amended, unless otherwise defined in this act.

SECTION 9. If any provision of this act or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of the act and the applicability of such provision to other persons or circumstances shall not be affected thereby; provided also that nothing herein shall be construed to limit the authority of the city and the rent control board to regulate removal of controlled rental units as previously judicially determined.

SECTION 10. This act shall take effect upon its passage.



# City of Cambridge

28.

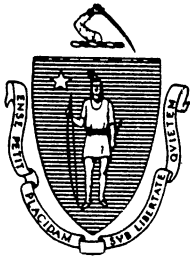
IN CITY COUNCIL

January 22, 1990

VICE MAYOR REEVES  
COUNCILLOR MYERS

ORDERED: That the City of Cambridge approve a petition to the General Court, under section 8 (1) of Article 2, as appearing in Article 89, of the amendments to the Constitution, to enact the attached special law without amendment entitled **"AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE"**.

**CHARTER RIGHT EXERCISED BY COUNCILLOR WALSH**



# The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY-

## AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE.

*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. The General Court Finds and declares that:

- (a) In order to meet the serious public emergency that continues to exist in the City of Cambridge with respect to the housing of a substantial number of its citizens, it is necessary to regulate the removal of controlled rental housing units from the market.
- (b) The city's existing powers to regulate such removals pursuant to Chapter 36 of the Acts of 1976, as amended, have proven inadequate, and many such units continue to be removed from rent control.
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(d) In order to regulate such removals effectively, it is necessary to regulate the sale of condominium units by the owners of rent controlled buildings, for the reasons stated in the Report of the Cambridge City Council Committee on Rent Control dated May 28, 1981.

(e) In order to regulate such removals effectively, it is also necessary for the City of Cambridge to have the additional powers conferred by Section 3 of this act.

SECTION 2. In the City of Cambridge, no owner of a building for which a condominium master deed has been recorded shall, directly or indirectly sell, offer for sale, or agree to sell any controlled rental unit therein, unless the board has granted a removal permit for that unit, or unless the sale or offer is to, or the agreement is with, a current tenant of the unit who holds an exemption certificate. The board shall issue an exemption certificate to any person who files with it an affidavit in a form prescribed by the board, stating that he is a current tenant of the unit, that he occupied it as a tenant before August 10, 1979, and that he intends in good faith to occupy it indefinitely as its owner. Nothing in this act shall prevent an owner of a building or any portion thereof from conveying his entire interest in the building in good faith to one purchaser, who shall then be subject to the provisions of this act to the same extent as the original owner.

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(a) Notwithstanding the provisions of any general or special law to the contrary, including without limitation, the provisions of General Laws chapters one hundred and fifty six B, one hundred and fifty-seven, and one hundred and eighty-three A, the City of Cambridge may, by ordinance, further regulate and



control the removal of controlled rental units from the rental housing market, the reduction in the total number of controlled rental units in a building, structure or part thereof, or the change in form of ownership of a building, structure or part thereof containing controlled rental units. Such regulations and controls may include, but are not limited to , the authority to:

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SECTION 9. This act shall take effect upon its passage.



*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 REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED  
RENTAL UNITS IN THE CITY OF CAMBRIDGE.

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Petitioners are requested to sign names and addresses legibly.

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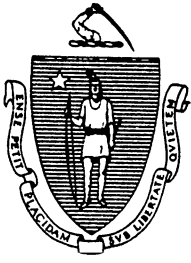
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# The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY-

## AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE.

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SECTION 1. The General Court Finds and declares that:

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(b) Any hearings regarding matters related to removal permits or evictions shall be conducted by the board in accordance with the provisions of section five of Chapter 36 of the Acts of 1976, as amended.

SECTION 4. Section 9(a)(8) of chapter 36 of the Acts of 1976 is hereby amended to read as follows:

"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; except that no action shall be brought under this clause to recover possession of a condominium unit subject to chapter 8.44 of the Cambridge Municipal Code."

SECTION 5. Violation of any provision of this act, or of any ordinance or regulation adopted hereunder, shall constitute a violation of Chapter 36 of the Acts of 1976, as amended. In addition the board or any person aggrieved by a violation of this act or any such ordinance or regulation may enforce its provisions in a civil action for damages or for declaratory or injunctive relief.

SECTION 6. The City of Cambridge may adopt ordinances, and the board may adopt regulations, to carry out the purposes of this act.

SECTION 7. Any person who is aggrieved by any action, regulation or order of the board may appeal or file a complaint pursuant to Section 10 of Chapter 36 of the acts of 1976, as amended, unless otherwise defined in this act.

SECTION 8. If any provision of this act or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of the act and the applicability of such provision to other persons or circumstances shall not be affected thereby; provided also that nothing herein shall be construed to limit the authority of the city and the rent control board to regulate removal of controlled rental units as previously judicially determined.

SECTION 9. This act shall take effect upon its passage.

*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 REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED  
RENTAL UNITS IN THE CITY OF CAMBRIDGE.

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Petitioners are requested to sign names and addresses legibly.

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# City of Cambridge

28.

IN CITY COUNCIL

January 22, 1990

VICE MAYOR REEVES  
COUNCILLOR MYERS

ORDERED: That the City of Cambridge approve a petition to the General Court, under section 8 (1) of Article 2, as appearing in Article 89, of the amendments to the Constitution, to enact the attached special law without amendment entitled **"AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE"**.

Order # 28

S-64

Vice-Mayor Reeves and Councillor Myers  
re: filing of legislation entitled "AN  
ACT REGULATING CONDOMINIUM CONVERSION  
AND OTHER REMOVALS OF CONTROLLED RENTAL  
UNITS IN THE CITY OF CAMBRIDGE".

In City Council,

January 22, 1990

1/22/90

Charter Right exercised  
by Councillor Walsh

1/29/90 Legislation

Amended - Order adopted

as amended 6-3-0