

348 Franklin Street
Cambridge, MA 02139-3731
December 1, 1990

City Council
City of Cambridge

TO THE HONORABLE, THE CAMBRIDGE CITY COUNCIL:

I wish to thank the Rent Control Committee for having a meeting concerning the ideas I have presented concerning condo eviction.

I am sorry I did not learn the topic of the meeting until the beginning of the meeting. I would have been pleased to bring HUD tenants to support protection against eviction of post rent control tenants, tenants of twos and threes to support protection against their eviction, and tenants under or allegedly under the transition exemption.

The only really negative comment, public or council, came from Councillor Walsh. His statement was understandable, being consistent with his long standing position. I strongly appreciate what he did not oppose.

COUNCILLOR WALSH DID NOT OPPOSE APPLICATION OF THE STATE CONDO CONVERSION LAW TO POST RENT CONTROL BUILDINGS. THUS, HE DOES NOT APPEAR TO OPPOSE GIVING HUD TENANTS THE SAME LEVEL OF PROTECTION WHICH EXISTS IN THE REST OF THE STATE, WITH THE SAME LEVEL OF ADDITIONAL, MORE RESTRICTIVE, LOCAL REGULATIONS WHICH ARE ALLOWED COMMUNITIES IN THE REST OF THE STATE.

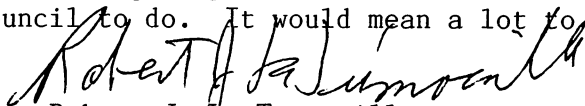
IT IS REASONABLE THAT THE COUNCIL COULD UNANIMOUSLY SUPPORT APPLYING THE STATE CONDO CONVERSION LAW TO POST RENT CONTROL BUILDINGS. THE PEOPLE REALLY AT STAKE WITH SUCH A CHANGE, THE HUD TENANTS, ARE THE TRULY NEEDY TENANTS OF THE CITY. The State Condo Conversion Law protections are consistent with the positions of all nine city councillors.

I hope that the City Council will go forward with the recommendations I have made. Enclosed is the necessary language to protect post rent control tenants under the State condo conversion statute. [Note: Rent control tenants, because of the lower level of protection, should not be ~~presently~~ placed under the state act.] Protection for post Rent Control tenants would end, because of the provisions of the state statute, with units constructed in 1983.

I have previously submitted language (copy enclosed, with updated Cambridge code references) which would protect against evictions under the remaining loopholes in the ordinance that I am aware of, the "transition exemptions". I hope that the council will protect all tenants of rent control housing from condo eviction. This change would protect rent control tenants in units which have always been tenant occupied. It concerns condo master deeds prior to August 1979 and includes many existing hybrid buildings. This change is a matter of basic equity. It protects tenants from a threat most do not even know exists. Why should there be second class rent control tenants? Why should transition language which had no value after 1980 remain as a secret threat to tenants?

I am, at this time, not proposing specific language concerning protection from condo eviction of tenants of "owner occupied" twos and threes and protections of tenants of other Rent Control exempt, pre-1969 units. This complex issue requires a great deal of work and discussions and major changes to the Rent Control Act.

Protection of post rent control / HUD tenants and protection of those rent control tenants falling under remaining loopholes in the Ordinance should be very easy for the City Council to do. It would mean a lot to affected tenants.


Robert J. La Tremouille

Enclosure 1, Presently Proposed Changes

DEC 3 1980 AM 7:59

1. Proposed State Legislation.

- a. Amend chapter 527 of the Statutes of 1983, as amended, by deleting the period at the end of the third unnumbered paragraph of Section 2, and inserting the following in place thereof:

, except that this act, including but not limited to the local legislative powers granted hereby, shall apply in the City of Cambridge to rental units the construction of which was completed on or after January one, nineteen hundred and sixty-nine, or which are housing units created by conversion from a non-housing to a housing use on or after said date. "Rental Units" as used in the immediately preceding sentence shall be defined as stated in Chapter 36 of the Acts of 1976 as amended.

[Note: tracks, word for word, section 3(b)(2) of the Rent Control Act.]

- b. Amend Chapter 36 of the Acts of 1976, as amended, by inserting a new sentence immediately following the first sentence of Section 5(a), so that, with this insertion, the first two sentences read:

This act shall be administered by a rent control board. Said rent control board shall also administer chapter 527 of the Statutes of 1983 as amended, insofar as it is applicable in the City of Cambridge.

2. Proposed removal ordinance change.

Amend Chapter 8.44 of the Cambridge Municipal Code by amending section 8.44.020.5.6,

- a. by inserting therein after the first "August 10, 1979,": "and which has been once legally occupied by the unit owner prior to August 1, 1990.", and
- b. by deleting the balance of that sentence so that the paragraph picks up again with the last sentence,

as a result of which said section reads as follows:

"Removal from the market" does not include occupancy of . . . a condominium unit as to which it can be shown with respect to its initial sale after the recording of the master deed that a purchase and sale agreement has been entered into prior to August 10, 1979, and which has been once legally occupied by the unit owner prior to May 1, 1990. No condominium unit once legally occupied by the unit owner shall ever again be subject to this section for any reason.

71 S-1222
Comm. from Robert J. LaTremouille,
348 Franklin Street, concerning condo
evictions.

In City Council,

December 10, 1990

Placed on file