



City of Cambridge

COUNCILLOR VELLUCCI

(Original Agenda No. 19)

IN CITY COUNCIL

September 9, 1985

ORDERED: That under the provisions of Chapter 53, Section 18A of the General Laws of the Commonwealth, the Election Commission be and hereby are directed to place the following non-binding advisory question on the ballot at the next municipal election to be held on November 5, 1985:

"Do you approve of the filing of legislation in the Great and General Court of the Commonwealth which would amend the present Rent Control Law to prevent Harvard Real Estate, Inc. of Harvard College from selling their housing units presently under Rent Control, to faculty members, thereby decontrolling those units and reducing the number of affordable apartments for low- and moderate- income people living in Cambridge?"

YES

☐

NO

☐

City of Cambridge

MASSACHUSETTS

Agenda # 19 - Opinion from the City In City Council September 9 1985
 Solicitor on the referendum-
 question regarding Harvard
 selling university-owned property to its staff.

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton	✓			
Mr. Thomas W. Danehy	✓			
Ms. Saundra Graham	✓			
Mr. Alfred W. LaRosa	✓			
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan	✓			
Mr. Alfred Vellucci	✓			
Ms. Alice K. Wolf	✓			
Mayor Duehay	8	✓		

*Adopted as amended by Council of
 Vellucci. Substituting the words "SMALL RENTAL
 CONTROLLED BUILDINGS FOR WORKS HOUSING UNITS IN LINE #4"*

Copies to Capt
Day Solicitor
Station Commission
and all ships at sea

Best Time

Time 208 Wed Sept 11

on Time copy

~~Sept 11~~

~~Sept 11~~

on vacation schedule

COUNCILOR Vellucci

September 9, 1985

Ordered That under the provisions of
Chapter 53, Section 18A of
the General Laws of the Commonwealth,
the Election Commission be
and hereby are directed to
place the following new
binding advisory question
on the ballot at the
next municipal election to
be held on November 5, 1985
"Do you approve of the fixing
of legislation in the House and
General Court of the Commonwealth

Which would sound the present
Rent Control how to prevent
Harvard Real Estate Inc. or
Harvard College from selling
their small rental controlled
Buildings under Rent Control
to faculty members, thereby
decontrolling those units and
reducing the number of
affordable apartments for
low and moderate income people
living in Cambridge?

Yes ☐
No ☐

→ See Roll Call Adopted 8-1-0



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9020

LAW DEPARTMENT

RUSSELL B. HIGLEY
CITY SOLICITOR

MICHAEL C. COSTELLO
ASSISTANT CITY SOLICITOR

SEVERLIN B. SINGLETON, III
BIRGE ALBRIGHT
SUSAN HICKS SPURLOCK
LEGAL COUNSEL

August 28, 1985

Robert W. Healy
City Manager

RE: Referendum question re Harvard selling university-owned property to its staff

Dear Bob:

My opinion has been requested regarding the proposed draft of a referendum question which reads as follows:

Do you approve of the filing of legislation in the Great and General Court of the Commonwealth which would amend the present Rent Control Law to prevent Harvard Real Estate, Inc. of Harvard College from selling their housing units presently under Rent Control, to faculty members, thereby decontrolling those units and reducing the number of affordable apartments for low- and moderate- income people living in Cambridge?

Small Rental Controlled Buildings

This language was prepared by the City Clerk in response to the following City Council Order of January 21, 1985:

Ordered: That the City Clerk be and hereby is requested to prepare for review by this City Council, appropriate wording of a referenda question which could be placed on the municipal ballot in the upcoming election which would allow the people of Cambridge to express their opinion as to their feeling regarding Harvard University's policy relative to selling university-owned property to faculty and staff.

Since the Council is calling for an expression of opinion by the people of Cambridge, I assume that it intended to act pursuant to G.L.c.53, s18A (non-binding public opinion advisory questions).

I have serious doubts about the constitutionality of this proposed legislation. I will not, however, discuss these doubts at this time, since I believe that there is a fatal procedural flaw as the matter now stands.

General Laws, c.53, s18A states:

"A nonbinding public opinion advisory question may be placed on the ballot...in any city...by vote of the city council". In my opinion this language means that the City Council itself must vote on the precise question to be placed on the ballot. Therefore, it is my opinion that the proposed draft question should not be placed on the ballot unless and until it is approved by the Council.

Very truly yours,

Russell B. Higley

RBH:BA/a

cc: Paul Healy



City of Cambridge

(Amended Agenda Item No. 19)

COUNCILLOR VELLUCCI

IN CITY COUNCIL

September 9, 1985

ORDERED:

That under the provisions of Chapter 53, Section 18A of the General Laws of the Commonwealth, the Election Commission be and hereby are directed to place the following non-binding advisory question on the ballot at the next municipal election to be held on November 5, 1985:-

"Do you approve of the filing of legislation in the Great and General Court of the Commonwealth which would amend the present Rent Control Law to prevent Harvard Real Estate, Inc. of Harvard College from selling their small rental controlled buildings under Rent Control to faculty members, thereby decontrolling those units and reducing the number of affordable apartments for low and moderate income people living in Cambridge?"

YES

☐

NO

☐

In City Council September 9, 1985.

Adopted by a ye and nay vote:-

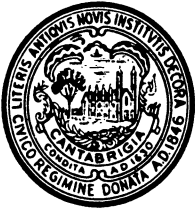
Yeas 8; Nays 1; Absent 0.

Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-

Paul E. Healy, City Clerk.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
DEPUTY CITY MANAGER

September 9, 1985

To the Honorable, the City Council:

As requested by the City Council and the City Clerk, and in accordance with Council Order No. 12, January 21, 1985, I transmit herewith opinion from the City Solicitor, Russell B. Higley, pertaining to a referendum question relative to Harvard's selling university-owned property to its staff.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert W. Healy", is written over a horizontal line.

Robert W. Healy
City Manager

RWH/b

Agenda # 19 *5-634*

Opinion from the City Solicitor on the
Referendum question regarding Harvard
selling university-owned property to its
staff.

t

*copy sent to the City
Solicitor + Susan
Arthur, Election
Commission
9/12/85 mh*

In City Council,
September 9, 1985

CV Order Adopted

*P-11-0
as amended-*

*CVSR
RF
A*

Note Amendment