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**CITY OF CAMBRIDGE**

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 876-6800

LAW DEPARTMENT

EDWARD D. MCCARTHY  
ACTING CITY SOLICITOR

ROWENA E. TAYLOR  
ASSISTANT CITY SOLICITOR

CHARLES WATSON  
LEGISLATIVE AGENT

March 4, 1974

Mr. John H. Corcoran  
City Manager  
City Hall  
Cambridge, Massachusetts

Dear Sir:

You have requested my opinion pursuant to an Order of the City Council whether single-family-dwelling-owner-occupied or rented are subject to Rent Control.

Clearly, an owner-occupied-single-family-dwelling would not be subject to Rent Control since it would in that case contain no rental unit.

Chapter 842 of the Acts of 1970 defines rental units in Section 3 thereof, as follows:

"Any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, including houses, apartments, rooming or boardinghouse units, and other properties used for living or dwelling purposes, together with all services connected with the use or occupancy of such property."

Mr. John H. Corcoran  
City Manager

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March 4, 1974

The same Section sub-paragraph B-6 excludes rental units in an owner-occupied-two-family or three-family house.

There is no provision in Chapter 842 that would exempt a nonowner-occupied-single-family dwelling from the operation of Rent Control.

The Supreme Judicial Court in the case of Marshal House, Inc. v. Rent Control of Brookline, 358, Mass. 686 upheld the validity of these exemptions based on the fact that the landlord in these situations lived on the premises, would be more likely to maintain the building in a safe and clean condition and more apt to get along with their few tenants whom they lived with on a day to day basis.

It is therefore, my opinion that a single-family dwelling which is "offered for rent, for living or dwelling purposes" is subject to Rent Control.

Very truly yours,

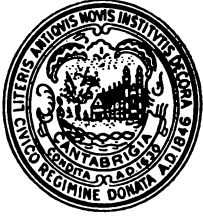
  
Edward D. McCarthy  
Acting City Solicitor

EDMcC:cas

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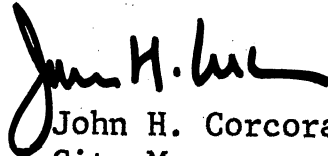
EXECUTIVE DEPARTMENT  
JOHN H. CORCORAN  
City Manager  
JAMES L. FARRELL  
Assistant City Manager

March 4, 1974

To the Honorable, the City Council:

With reference to City Council Order of February 25, 1974, I transmit herewith a self-explanatory communication from Edward D. McCarthy, Acting City Solicitor, this date, pertaining to whether single-family-dwelling-owner-occupied or rented is subject to Rent Control.

Very truly yours,

  
John H. Corcoran  
City Manager

JHC/b

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14. Communication from JOHN H. Corcoran, with opinion of City Solicitor relative to Council Order of 2/25 re: single family houses under Rent Control

March 4, 1974

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