



City of Cambridge

25.

IN CITY COUNCIL
October 17, 1977

COUNCILLOR ACKERMANN

ORDERED:

That this City Council go on record favoring the filing of the enclosed legislation which amends Section 9 of Chapter 239 of the General Laws entitled "Stay of Proceedings".

In City Council October 17, 1977.
Adopted by a yea and nay vote:-
Yeas 9; Nays 0; Absent 0.
Attest:- Paul E. Healy, City Clerk.

A true copy,

ATTEST:-

A handwritten signature in cursive script that reads "Paul E. Healy".

City of Cambridge

AN ACT TO AMEND CHAPTER 239 OF THE GENERAL LAWS OF THE COMMONWEALTH, ENTITLED SUMMARY PROCESS FOR POSSESSION OF LAND, SO AS TO GRANT ADDITIONAL PROTECTION TO ELDERLY TENANTS WHO FACE EVICTION AS A RESULT OF CONDOMINIUM CONVERSION IN CITIES AND TOWNS WITH STATUTES ENABLING SAID CITIES AND TOWNS TO CONTROL RENTS AND EVICTIONS.

Section 9 of Chapter 239 of the General Laws is hereby deleted and the following section 9 is substituted therefor:

9. Stay of Proceedings.

In an action of summary process to recover possession of premises occupied for dwelling purposes, other than a room or rooms in a hotel, lodging house or rooming house, where a tenancy has been terminated without fault of the tenant, either by operation of law or by act of the landlord, except by a notice to quit for nonpayment of rent as provided in section twelve of chapter one hundred and eighty-six, a stay or stays of judgment and execution may be granted, as hereinafter provided for a period not exceeding six month or for periods not exceeding six months in the aggregate, as the court may deem just and reasonable, upon application of the tenant or the surviving spouse, parent or child of a deceased tenant if such spouse, parent or child occupied said premises for dwelling purposes at the time when said tenancy was terminated and such occupancy was not in violation of the terms of the tenancy; provided, however, that a stay of such judgment and execution shall be granted for not less than ~~six~~ months where the premises at the time of termination of the tenancy were subject to a statute enabling the city or town in which the premises are located to control rents and evictions and where the premises have been converted to a condominium unit pursuant to a condominium master deed recorded pursuant to Chapter 183A of the General Laws, and where the tenant of said premises is 62 years of age or older and has been in continuous possession of said premises since the time when the condominium master deed was recorded pursuant to Chapter 183A of the General Laws; provided, however, that a stay or stays of judgment and execution in the case of premises occupied by an employee of a farmer conditioned upon his employment by such farmer and which employment has been legally terminated, shall not be granted for a period exceeding two months or for periods exceeding two months in the aggregate. (1927, 339, 2; 1953, 485; 1967, 26 1; 1972, 235, 1, approved May 4, 1972; by 2 it takes effect on Sept. 1, 1972.)

N.B. The underlined section above constituted the actual amendment to the Act.

Plant Control Commission
City of Cambridge

#25

A1 Verc

MASSACHUSETTS

In City Council October 12 1976

Roll Call FAVORING FILING OF REGISTRATION

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann	✓			
Mr. Clem	✓			
Mr. Clinton	✓			
Mr. Danehy	✓			
Mr. Duehay	✓			
Mrs. Graham	✓			
Mr. Russell	✓			
Mr. Sullivan	✓			
Mayor Vellucci	✓			

9 0 0

Motion to amend Stay of Proceedings
City of Cambridge
FROM 4 to 6 months *limited*
MASSACHUSETTS

#2 VOTE *limited on voice vote* In City Council *October 17* 1976

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann				
Mr. Clem				
Mr. Clinton				
Mr. Danehy				
Mr. Duehay				
Mrs. Graham				
Mr. Russell				
Mr. Sullivan				
Mayor Vellucci				

Amendment enacted on Section 9 of 239
of FL.



City of Cambridge

26.
IN CITY COUNCIL
October 17, 1977

COUNCILLOR ACKERMANN

WHEREAS:

Many tenants in the City of Cambridge are suffering substantial distress because they face the threat of eviction as a result of condominium conversion, therefore be it

ORDERED:

That the City Manager be requested to consult with appropriate personnel and draft enabling legislation for Council's consideration which would impose some of the principles of the New York condominium law, as attached, and the Illinois condominium statutes, on the Cambridge Rent Control Act.

In City Council October 17, 1977.
Adopted by a voice vote of nine members.
Attest:- Paul E. Healy, City Clerk.

A true copy,

ATTEST:-

Paul E. Healy
City Clerk

CONDOMINIUM COMMISSION City of Cambridge

MASSACHUSETTS

#3 VOTE

In City Council Oct 17 1977

Adopted on Voice Vote

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann				
Mr. Clem				
Mr. Clinton				
Mr. Danehy				
Mr. Duehay				
Mrs. Graham				
Mr. Russell				
Mr. Sullivan				
Mayor Vellucci				

*Add the Ellison how to order
directed to City Manager
— Order adopted as recorded —*



City of Cambridge

27.
IN CITY COUNCIL
October 17, 1977

COUNCILLOR ACKERMAN

ORDERED:

That the City Manager be requested to confer with the Cambridge Rent Control Board on the advisability of amending Regulation 50-13 so that the publication "Condominimums and Cambridge" would have to be made available to tenants and prospective purchasers by condominium developers who have recorded a master deed pursuant to Chapter 183A.

In City Council October 17, 1977.
Adopted by a voice vote of nine members.
Attest:- Paul E. Healy, City Clerk.

A true copy,

ATTEST:-

Paul E. Healy
City Clerk

Order relative to City 1972
City of Cambridge

requesting the Res to consider

MASSACHUSETTS

Amending Res

50-13

In City Council

Oct. 12

1976

#4

RE PROHIBITION

Adopted by voice

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann				
Mr. Clem				
Mr. Clinton				
Mr. Danehy				
Mr. Duehay				
Mrs. Graham				
Mr. Russell				
Mr. Sullivan				
Mayor Vellucci				

Voice vote



CITY OF CAMBRIDGE

678 MASSACHUSETTS AVENUE

CAMBRIDGE, MASSACHUSETTS 02139

TEL. 661-0400-0401-0402-0403-0404

RENT CONTROL BOARD

J. Kenneth Griffin, EXECUTIVE DIRECTOR

Peter D. Stanton, ASSISTANT DIRECTOR

October 3, 1977

Memo

To: Rich McKinnon

From: Ken Griffin

Re: Requested information

Attached are two memo's to the City Council which will provide the Council with information concerning units which have been converted from rental units to condominium units. The first memo gives information as to whether the units are subject to rent control. The second memo gives information as to the number and disposition of applications for certificates of eviction.



CITY OF CAMBRIDGE

678 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139

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RENT CONTROL BOARD

J. Kenneth Griffin, EXECUTIVE DIRECTOR

Peter D. Stanton, ASSISTANT DIRECTOR

October 3, 1977

Memo

To: City Council

From: J. K. Griffin

RE: Condominium Units

At the request of Richard McKinnon I have prepared, from the Assessors' Condominium Survey, a listing showing rent controlled units and exempt units which have been converted from apartment units to condominium units.

<u>Address</u>	<u>No. Units</u>	<u>Rent Controlled</u>
2 - 8 Bradbury Street	14	No
246 - 250 Brattle Street	16 ✓	Yes
231 - 237 1/2 Broadway	8(5)✓	Yes
395 Broadway	62 ✓	Yes
8 - 10 Channing Place	2	No
9 Chauncy Street	32(33)✓	Yes
19 Chauncy Street	18	No
31 Concord Avenue	32 ✓	Yes
159 Concord Avenue	16	No
61 Dana Street	4	No
30 Donnell Street	2	No
12 - 18 Ellery Street	30 ✓	Yes

(continued)

Total 236
180 RC
56 No

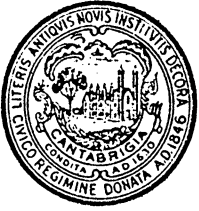
<u>Address</u>	<u>No. Units</u>	<u>Rent Controlled</u>
14 - 14 1/2 Fayette Street	6(20)	Yes
61 Garfield Street	16(25)	Yes
280 Harvard Street	31	No
369 Harvard Street	5(10)	Yes
371 Harvard Street	16	No
26 - 28 Hurlbut Street	12	No
501 Huron Avenue	6	No
12 Inman Street	30	Yes
3 - 4 - 5 Lamson Place	11	Yes
41 - 51 Langdon Street	12	Yes
44 Langdon Street	16	Yes
1105 Massachusetts Avenue	95	No
1137 Massachusetts Avenue	35	Yes
2191 Massachusetts Avenue	15	No
992 - 993 Memorial Drive	36	Yes
987 - 988 - 989 Memorial Drive	83	Yes
205 Mt. Auburn Street	16	No
221 Mt. Auburn Street	67	No
230 Pearl Street	7	Yes
99 - 113 Pleasant Street	7(10)	Yes
12 - 14 Remington Street	30(31)	Yes
6 - 8 Shepard Street	6	Yes
186 - 188 Upland Road	6	No

Memo To: City Council From: J. K. Griffin

October 3, 1977

<u>Address</u>	<u>No. Units</u>	<u>Rent Controlled</u>
45 Vassal Lane	3	No
33 Washington Avenue	7(10)	Yes

Note: The number of units in parenthesis "()" are the number of units registered with rent control when different than dwelling unit count given by the assessors.



CITY OF CAMBRIDGE

678 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139
TEL. 661-0400-0401-0402-0403-0404

RENT CONTROL BOARD

J. Kenneth Griffin, EXECUTIVE DIRECTOR

Peter D. Stanton, ASSISTANT DIRECTOR

October 3, 1977

Memo

To: City Council

From: J. K. Griffin

RE: Condominium units and evictions

At the request of Richard McKinnon I have prepared a list of the applications for certificates of eviction received since January 1, 1977 by the Rent Board where the reason for the application is for possession of a unit by the purchaser (prior to June 30, 1977) or by the record owner of a condominium for the owner's own use and occupation. I have listed the applications by address and given the case number and disposition of each case.

<u>Case Number</u>	<u>Address</u>	<u>Disposition</u>
1. E1977-105	31 Concord Avenue, Apt. 22	Certificate granted
2. E1977-125	31 Concord Avenue, Apt. 32	Application dismissed
3. E1977-144	31 Concord Avenue, Apt. 8	Application dismissed
4. E1977-142	31 Concord Avenue, Apt. 5	Certificate granted
5. E1977-143	31 Concord Avenue, Apt. 7	Certificate granted
6. E1977-106	64 Highland Avenue, Apt. 3	Application denied
7. E1977-068	44 Langdon Street, Apt. 4	Application withdrawn
8. E1977-069	44 Langdon Street, Apt. 5	Application withdrawn
9. E1977-070	44 Langdon Street, Apt. 6	Application withdrawn
10. E1977-071	44 Langdon Street, Apt. 8	Application withdrawn
11. E1977-072	44 Langdon Street, Apt. 14	Application withdrawn
12. E1977-073	44 Langdon Street, Apt. 16	Application withdrawn
13. E1977-074	44 Langdon Street, Apt. 17	Application dismissed
14. E1977-075	44 Langdon Street, Apt. 7	Application withdrawn
15. E1977-118	1137 Massachusetts Avenue, Apt. 34	Application denied
16. E1977-119	1137 Massachusetts ave. Apt. 35	Application denied
17. E1977-120	1137 Massachusetts Ave. Apt. 53	Application denied

Memo To: City Council

From: J. K. Griffin

October 3, 1977

<u>Case Number</u>	<u>Address</u>	<u>Disposition</u>
18. E1977-126	1137 Massachusetts Ave. Apt. 42	Application withdrawn
19. E1977-127	1137 Massachusetts Ave. Apt. 43	Application denied
20. E1977-131	1137 Massachusetts Ave. Apt. 21	Application dismissed
21. E1977-145	1137 Massachusetts Ave. Apt. 53	Certificate granted
22. E1977-160	1137 Massachusetts Ave. Apt. 21	Application dismissed
23. E1977-164	1137 Massachusetts Ave. Apt. 32	Hearing Oct. 13, 1977
24. E1977-122	275 Walden Street, Apt. 3R	Application denied

Note: No other applications have been received in 1977 where the evictions sought are in connection with condominium conversions.

MEMORANDUM

TO: Joint Committee on Condominiums of the Cambridge City Council Housing Committee and Rent Control Committee

FROM: John H. Henn, Special Counsel

DATE: September 26, 1977

The Honorable City Council:

This memorandum and attached outline of proposals is submitted in response to (i) certain of the questions asked and proposals raised at the public meeting of the Joint Committee on July 13, 1977, and (ii) the Progress Report, dated September 12, 1977, submitted by the Chairpersons of the aforementioned Standing Committees of the City Council.

Introduction: The Condominium Conversion Problem

During approximately the past year, the number of conversions or proposed conversions of rent-controlled apartment rental units to condominium units seems to have increased noticeably. (The Board of Assessors has prepared statistics, revised as of 9/7/77, concerning current conversions and proposed conversions.) Public concern over such conversions by existing tenants has certainly increased.

Conversions to condominiums can, of course, result in substantial hardship to affected tenants, especially those elderly tenants who are on fixed and frequently rather low incomes. In addition, tenants who purchase condominium units, as well as other

Purchasers of such units, are often adversely affected by misleading or improper sales practices of condominium developers. Finally, existing tenants in converted buildings can be subject to threatening or coercive practices designed to "persuade" those tenants to move before they are required to do so by law.

In established urban areas, at least, some tendency toward condominium conversions is almost inevitable. This would seem to be true regardless of whether rent control exists, for the simple reason that condominiums offer the financial (and psychological) benefits of home ownership to those who cannot afford their own detached homes. High construction costs, combined with difficulties in finding legally acceptable sites, undoubtedly impede the construction of new multiple-unit housing (condominiums or rental), so that the burden of increasing demand for affordable "home ownership" falls on existing rental buildings available for conversion. Where rent control is in effect, there is an additional strong reason for conversion, of course, which is that the sale of a building by way of selling condominium units is undoubtedly more profitable in the ordinary case than continued operation of the same building on a rental basis. Proceeds from the sale of a building as condominium units, even after deduction of all expenses, undoubtedly brings a considerably higher multiple of the building's previous annual rental income than would a sale of the building as rental property.

There are a number of benefits to any municipality of condominium conversions, of course. As noted, condominiums permit

"home ownership" (a historic American social goal) for those who could not otherwise afford it; owner occupancy, as opposed to absentee ownership, undoubtedly leads to better building maintenance with resulting benefits to the whole neighborhood; and such ownership will very probably raise the value of the underlying property, and thus, increase municipal tax revenue. Also as noted, however, condominium conversions exact their price by way of hardship to rental tenants. Many tenants have no alternative to relocating when conversion occurs, where they cannot afford necessary down-payments for purchase of their unit (and perhaps may not be able to afford mortgage installments as well). In addition, elderly tenants would probably have little interest in building ownership equity, since they would be unlikely to live beyond that initial mortgage period when most of their mortgage payment consists of interest.

Of course, the burden on tenants of condominium conversions is not uniformly troublesome. To the extent such conversions merely remove the benefit rent control provides of below-market-rate housing for the upwardly mobile young professionals, private and public administrators, and business people, one may not be overly sympathetic. Such tenants do occupy a considerable number of rental units in the larger brick apartment buildings in the "Harvard Square area" (broadly construed), which are the leading targets of condominium conversions. But the other major occupancy group in those buildings is the elderly.^{1/} It seems clear that the fixed-income

1/ The low and moderate-income family housing which exists largely in the wood-framed structures of east Cambridge, north Cambridge and Cambridgeport does not seem to be a target for condominium conversion at the present.

elderly present a special problem in connection with balancing the undoubted benefits of condominium conversion with the equally undoubted burdens of such conversions -- burdens which, on the fixed income elderly, are often insuperable.

As a separate matter, condominium conversions could create the possibility for abuses unrelated to the forced relocation of existing tenants. These abuses can include misleading advertising practices with respect to potential purchasers, misrepresentations of existing maintenance costs and building quality, and coercive practices used against existing tenants to force and expedite their relocation.

This memorandum and its attachments is addressed, in particular, to the following three questions:

1. What can be done to slow down or prevent tenant displacement caused by condominium conversion, or at least to provide some relocation benefits for the displacee?
2. What can be done by to protect condominium purchasers from unfair sales tactics, or at least to cause adequate disclosure of information to such buyers?
3. What can be done to ~~stop~~ coercive practices in connection with tenant relocation, or at least to insure that adequate information is provided to tenants with respect to their rights?

I. Prevention of Condominium Conversions and/or Assistance to Tenant Relocates.

A. New York City Type of Restrictions

Preliminarily, it should be noted that the imposition of outright prohibitions or direct restrictions on condominium conversions almost certainly requires state legislation. It is unlikely that the second sentence of §10(a) of the Cambridge Rent Control Act -- which says that proposed conversion to a condominium unit is not a valid ground for eviction -- means anything more than that the developer/converter cannot evict in order to convert, as opposed to the meaning that the ultimate purchaser who seeks to occupy cannot evict. (The Rent Board's recent regulation requiring the purchase and taking of a deed prior to eviction is consistent with, and perhaps compelled by, this sentence).

The New York controls on condominium conversions are part of a broader statutory scheme for regulating condominiums which is quite different from the scheme adopted in Massachusetts. In New York, condominium units may not be sold to the public until an offering statement is "accepted" by the Attorney General. This approach is similar to that of the Federal securities law, under which public offerings of securities may not be made until certain offering documents are approved by the Securities and Exchange

Commission. Under the New York system, the Attorney General's "acceptance" is conditioned upon a commitment by the developer/converter that no units will be sold until certain conversion requirements -- principally the requirement that 35% of the tenants in occupancy have agreed to purchase -- have been met. This New York requirement, incidentally, is not limited to rent control units.

Other tenant protections in New York for tenants subject to potential condominium conversion include the requirement that the developer obtain the required number of agreements to purchase (35%) within one year, and that in the event of failure, no new effort may be made for 18 months. In the event the 35% figure is reached, tenants who nevertheless decline to purchase are protected from eviction for two years after units are first offered to the public. Rent control continues to apply to rent-controlled units.

Obviously, the New York system of controlling condominium conversions cannot be grafted whole upon the Massachusetts or Cambridge situation. Massachusetts already has a fairly elaborate statute governing condominiums (General Laws chapter 183A), and is unlikely to change to a system of offering statements and Attorney General review simply upon the urging of one city. It may also be unlikely that the legislature would want to impose state-wide restrictions

upon condominium conversions of all rental housing. It would seem, therefore, that any effort to impose such restrictions should be limited to rent controlled housing. Accordingly, the most appropriate legal mechanism for bringing about these restrictions would appear to be enactment of amendments to the Cambridge Rent Control Act, which would impose additional limitations on the ability of a condominium unit purchaser to evict an existing tenant.^{2/} This would seem to be more feasible than seeking an entirely new home rule statute which would directly limit the developers' abilities to convert to condominiums, but which might well be inconsistent with the present condominium act (which freely permits recording of a condominium master deed), and which would probably also require the creation of a new local administrative body.

Of course, the enactment of condominium conversion controls, even if done in the context of existing rent control legislation and the existing rent control board, creates additional administrative complexities, and new possibilities for litigation. In New York, cases over whether the

2/

The intent of such restrictions would, of course, be to prevent any such condominium unit purchasers from ever coming into existence by discouraging prospective purchasers with the prospect of insuperable burdens for eviction.

minimum percentage figure of tenant-buyers was properly reached, whether certain "buyers" should or should not have been counted, whether vacancies were "excessive" and so forth, are numerous. In Cambridge, similar litigiousness can be predicted, with some likelihood of embroiling the Rent Board in the resulting disputes. The possibility of delaying any and all condominium conversion through litigation is probably very great.

Attached to this Memorandum as Exhibit A is an outline of proposals designed to impose in Cambridge controls analagous to those in New York, but modified to fit local considerations and practices.

B. More Limited Protection to Tenants by Way of Notice Requirements and Rights of First Refusal

Florida has recently imposed certain requirements on conversion of condominiums, which provide some rather limited protections to tenants. (Fla. Sta. Ann. §718.402) One such provision is that existing leases or tenancies cannot be cancelled except upon four months notice or three months if the tenant is given an option to purchase at the same or a lesser price than that offered to the public. Provisions such as these (limited to rent control cases or not) could easily be incorporated into the sections of the general Massachusetts Landlord Tenant Statute (G.L.c. 186) concerning termination of tenancies and the notice requirements therefor. That statute already permits an optional stay of eviction for up

to six months, but a less discretionary protection may seem desirable. The length of notice could be tied to the length of the tenancy, so that longer term tenants get more notice.

As to a right of first refusal, it if were deemed desirable to give existing tenants this right in all condominium conversion cases, that would probably best be done through modification of the Massachusetts Condominium Statute. If it were desired to limit this right to rent controlled conversions, the modification is perhaps better done by amending the Cambridge Rent Control Statute. Whichever, it must be seriously doubted whether there is any real need to make such a statutory change. It would seem that developers would be happy to sell units to existing tenants at the same price that someone from the outside would pay. Creating a statutory right of first refusal would probably do little to discourage outsiders from looking for condominium units, or to lower the price of condominium units, and it would do virtually nothing to protect the fixed-income elderly from being displaced.

Attached to this Memorandum as Exhibit B are proposals consistent with the foregoing section.

C. Relocation Assistance to Condominium Conversion Displacees

In lieu of seeking to bar or hinder condominium conversions, it might be appropriate to consider trying to insure that those who are displaced receive specific benefits in connection with their relocation. This could permit some of

the undoubted benefits of condominium conversion to take place, while utilizing a portion of the frequently substantial profits from conversion to benefit those who are most burdened by it -- the existing tenants. There is some parallel for this in the requirements imposed under both federal and Massachusetts law with respect to displacement caused by government action. (Under Federal law, the applicable statute is the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §4601. The Massachusetts Relocation Assistance Act is Chapter 79A.) These protections in connection with governmental programs causing displacement generally take two forms: first, the governmental displacing agency must make certain monetary payments for moving costs and/or replacement housing,^{1/} and second, the government agency must provide a plan showing that decent, safe and sanitary alternative housing will be available. The latter requirement is not so readily adaptable to the situation of a single conversion of a rental unit building; the requirement of showing the availability of alternative housing, and of preparing a detailed relocation plan,

^{1/} In the case of displacement by local entities using Federal programs, relocations costs are 100% reimbursed by the Federal Government.

arises in the context of fairly large scale governmental projects (e.g., a highway project or an urban renewal project) which cause displacement. The provision of some monetary benefit to the displacee, however, would seem to be a provision that is readily adaptable to the private condominium conversion situation.

A requirement that some monetary payment be made to condominium conversion displacees^{1/} could be imposed in the context of an amendment to the eviction control section of the Cambridge Rent Control Act, assuming the requirement is to be limited to rent controlled buildings. Some appropriate figure for a payment would have to be arrived at which would reflect the cost of moving, the burden of looking for new accommodations, and the likely increased costs of new accommodations (which would to some extent be subsidized for a short period of time). The Federal "moving costs" system has a formula tied to actual moving costs plus specific costs for replacement housing. This requires an administrative body (for example, a redevelopment authority) to administer. It would probably make more sense, in the context of private condominium conversions, simply to require that an existing tenant be paid a percentage of the purchase price (as a

1/ Which requirement might, usefully, be combined with a substantial notice period of termination of the existing tenancy

broker is paid), with that percentage increasing up to a maximum limit depending on how long the existing tenant has resided in the unit. A tenant who has been in a unit for one year or less might be considered ineligible for the payment.

As a practical matter, then, the rent board would refuse an eviction certificate to a condominium unit purchaser unless the required "relocation benefit" had been paid. As the purchaser would know that his or her purchase would be subject to this obligation, the purchase price of the unit would be comensurately lowered (or the developer/converter would agree to assume it).

Attached to this Memorandum as Exhibit C is an outline of proposals designed to implement this relocation benefit proposal.

II. Protections for Potential Condominium Unit Purchasers

The Massachusetts condominium statute (chapter 183A) already provides a number of controls on condominium sales and condominium ownership, whether resulting from new construction or conversion. With respect to disclosure prior to sale, however, the existing statute could probably be expanded. Alternatively, the Attorney General's office could issue rules and regulations concerning condominium conversions in connection with its power to issue rule and regulations governing unfair or deceptive

acts or practices in the conduct of any trade or commerce (General Laws, chapter 93A, section 2).

There are a number of statutes in other states imposing disclosure and/or inspection requirements concerning condominiums. E.g., N.Y. Gen. Business Law §352-e(1)(b); Ohio Rev. Code Ann. §5311.05; Illinois Rev. Stat., c.30, §322; Florida Stat. Ann. §718.504; Michigan Comp. Laws. Ann. §559.25. Some of these statutes (e.g., in Florida and New York) take the route of requiring a condominium developer to file a prospectus or offering statement with some governmental entity, and then impose a number of requirements with respect to the contents of that offering statement. Other statutes impose civil or criminal penalties for misrepresentations of fact concerning condominiums offered for sale. Other statutes (e.g., in Illinois) require, without specifying that some form of prospectus or offering statement must be used, that a variety of items of information must be provided to the prospective condominium purchaser.

In connection with this topic, I have reviewed the draft document entitled "Condominiums and Cambridge" which was prepared by the executive director of the Rent Control Board. From the stand-point of the specific problems that a potential condominium unit purchaser faces in regard to a rent-controlled unit, this publication seems to provide a comprehensive description of the information which such purchaser might like to

have. Although the matter is not free from doubt, it is my view that the Board could, as a matter of regulation, require that all owners of rent-controlled units who record a condominium master deed must, within a certain number of days thereafter, provide such publication free of charge to each of its existing tenants, and also to all prospective purchasers. Such a regulation would probably have to be enforced under the criminal penalties section of the statute, as it would be difficult to enforce it in any way that relates to eviction control (at least without further legislation).

If the Standing Committees are interested in the foregoing proposal, it should presumably be referred to the Rent Control Board before further action is taken.

III. Protection of Tenants from "Threat" Letters and from Similar Coercive Acts

Although I have not personally seen any so-called "threat" letters, I am informed that this is a serious problem, and that the letters do have a tendency to frighten tenants into relocating prior to the time they might be legally obliged to move. In this regard, the proposed amendment to the Regulations series 50 of the Rent Control Board that is attached to the joint committee report of September 12, 1977 seems to me to be within the power of the Board, and consistent with the objective of minimizing the effect of any coercive or threatening acts.

In addition, the Rent Control Board also could enact regula-

tions which specifically outlaw certain coercive acts or practices which have a tendency to make tenants think they have to move before they are legally obliged to do so, and which may even cause tenants so to move. I am not familiar with the details of any of these acts or practices, and cannot, therefore, provide a list of possible prohibited practices.^{1/} The Rent Board may be the appropriate body to assemble data and prepare such a list.

The Rent Board is empowered to promulgate regulations to further and effectuate the purposes of the act which establishes the Board, and that act controls evictions as well as rents. Since tenants are guaranteed certain procedural and substantive rights under the act which directly limit and regulate their exposure to eviction, the Rent Board should be able to make regulations which would prevent coerced tenancy terminations prior to the time a tenant could legally be evicted.

Alternatively, of course, the Attorney General's office could be approached to promulgate regulations under its powers to regulate unfair acts or practices in the conduct of any trade or commerce (Chapter 93A). Given that the Cambridge problem is a specific and local one arising out of the interrelationship between rent control and condominiums, it would seem that local (i.e. Rent Board) regulations would be the more appropriate approach.

^{1/} No list of prohibited practices is attached hereto, therefore.

EXHIBIT A

CONDOMINIUM CONVERSION RESTRICTIONS
(Analogous to New York Controls)

1. Seek statutory amendments to the Cambridge Rent Control Enabling Act (St. 1976, c.36).
 - (a) Revise provisions concerning eviction at the instance of a unit owner seeking possession for himself or his family.
 - (b) When such owner seeks possession of a condominium (or cooperative) unit, grant eviction certificate only when certain tenant protection conversion requirements have been met.
2. Possible tenant protections as preconditions for eviction by any condominium unit purchaser
 - (a) Within one year of recording condominium master deed for rent-controlled building, the developer must notify Rent Board and obtain commitments to purchase from at least [35]% of the rental tenants.
 - (i) Rent Board empowered to issue a certificate of satisfaction of this requirement
 - (ii) Tenants may be heard before Board
 - (iii) Decision of Board to be final and not subject to judicial review
 - (b) If required percentage of tenant purchase commitments not obtained within one year, developer must so notify

Board, and may not try again for [eighteen months]

3. Tenants who decline to purchase may not be evicted prior to [two] years from recording of master deed.*
4. Rent-control rents continue to apply until eviction legally occurs.
5. Limit all of the foregoing protections to:
 - (a) Tenants who have resided in the units for X years or longer (tenants not in that category are then not counted for calculating the percentage of tenant purchase commitments); and/or
 - (b) Tenant over 62(?) years of age.

* Rent Board and summary process hearings need not be so delayed, but no execution on a judgment for possession can issue until two year date has passed.

EXHIBIT B

NOTICE PROTECTIONS -- RIGHT OF FIRST REFUSAL

1. Seek statutory amendment to landlord tenant act (G.L.c. 186) or to Cambridge Rent Control Enabling Act.
2. [Certain] tenants are entitled to a minimum of [4?] months notice of the termination of their tenancy, regardless of any lease or contract terms to the contrary, whenever their rental unit has been converted to a condominium unit during their tenancy.
 - (a) This protection could be limited to tenants over 62.
 - (b) This protection could be limited to tenants who have occupied their unit for more than [one?] year prior to conversion
 - (c) This protection could be a sliding one:
 - (i) tenancy of 1-3 years: 4 months notice
 - (ii) 3-5 years: 6 months noticeetc.
3. A tenant of a rental unit converted to a condominium unit during his or her tenancy has a right of first refusal or option to purchase at the price a third party has offered.*

* Details of this can be worked out if Council thinks such a protection really needed.

EXHIBIT C

RELOCATION BENEFIT TO CONDOMINIUM CONVERSION DISPLACED

1. Seek statutory amendment to Cambridge Rent Control Enabling Act
 - (a) Revise provisions concerning evictions at the instance of a unit owner seeking possession.
 - (b) Grant eviction certificate only when "relocation benefit" paid.

2. Relocation benefit to tenant displaced by condominium conversion
 - (a) Benefit only available to tenant who had been in continuous possession at time of recording condominium master deed;
 - (b) Maximum benefit to be [X]% of purchase price of unit;*
 - (c) Benefit calculated on sliding scale, e.g., each year of continuous possession in excess of one results in a relocation benefit of 1% of price, up to [5]% maximum

* If maximum benefit is 5%, a \$40,000 condominium unit -- a fairly common price -- would produce a maximum benefit of \$2000.



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 876-6800

OFFICE OF THE ASSESSORS

Charles R. Laverty, Jr., CAE, CMA
Faith D. McDonald
Rudolph R. Russo, CAE, CMA

September 26, 1977

Mr. Richard E. McKinnon
Administrative Assistant
City Council Office
City Hall
Cambridge, Massachusetts

Re: Condominium Sales

Dear Richard:

Pursuant to your request, we have researched the sales as reported in the Banker and Tradesman publication and the following condominium sales were reported since June 30, 1977:

395 Broadway

9-7-77	Unit #R5A	\$19,000
8-24-77	" L5F	22,000
	" R5E	37,000

14 Concord Avenue

9-7-77	Unit #312	\$30,000
8-10-77	" 318	31,000

31 Concord Avenue

9-7-77	Unit #16	\$26,900
	" 19	27,900
8-24-77	" 8	29,300
	" 10	20,000
8-31-77	" 1	25,000

12-16 Ellery St.

9-21-77	Unit #505	\$31,000
9-7-77	" 404	33,000
	" 506	33,000

12-16 Ellery St. cont'd.

8-24-77	Unit #202	\$30,000
"	401	33,500
"	605	33,000

44 Langdon St.

8-10-77	Unit #7	\$26,500
8-3-77	" 1 (Bld 2)	48,000
"	8	38,000

1105 Mass. Avenue

9-7-77	Unit #3E	\$45,000
8-24-77	" 9F	36,000
7-27-77	" 12H	38,000

1137 Mass. Avenue

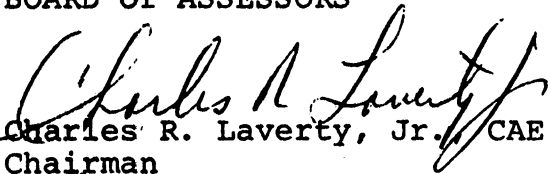
9-7-77	Unit #32	\$15,000
"	43	16,900

33 Parker St.

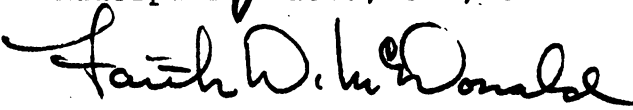
8-3-77	Unit #1	\$43,000
--------	---------	----------

Very truly yours,

BOARD of ASSESSORS


 Charles R. Lavery, Jr., CAE, CMA
 Chairman


 Rudolph R. Russo, CAE, CMA


 Faith D. McDonald

CRLjr:kw

CAMBRIDGE CONDOMINIUM SURVEY
PREPARED BY THE BOARD OF ASSESSORS

CURRENT CONDOMINIUM BUILDINGS							
ADDRESS	NO. UNITS	DEV. YEAR	CONV.	SELLING PRICES	RESALES	SOLD OUT	COMMENT
2-8 Bradbury	14	72	Yes	30,000 59,900	70,750 77,500	Yes	
246-250 Brattle	16	73	Yes	20,000 40,000	Same	Yes	
231-237½ Broadway	8	74	Yes	10,000 11,000	21,000 only 1	Yes	
395 Broadway	62	75-76	Yes	16,150 37,500	-	53 Sold	
8-10 Channing Place	2	72	Yes	32,000 108,000	-	Yes	
9 Chauncy	32	75	New	18,500 36,400	-	17 Sold	
19 Chauncy	18	74	New	50,000 73,000	-	Yes	
159 Concord Ave.	16	71-72	New	46,000 51,000 53,500	-	Developer (1) Take Back in Most Cases	
61 Dana	4	76-77	Yes	38,500 48,500	-	Yes	
30 Donnell	2	70	Yes	47,500 Each	78,000	Yes	
14-14½ Fayette	6	75	Yes	32,000 36,000	-	Yes	

61 Garfield	16	76-77	Yes	20,000 31,900	-	Yes
280 Harvard	31	74	New	Only 1 sold 36,000	-	Unable to market
369 Harvard	5	75	Yes	23,760 42,900	-	Yes
371 Harvard	16	73	Yes	23,000 33,000	Same Not Many	Yes
26-28 Hurlbut	12	75	Yes	Range 30,000	-	10 Sold
501 Huron Avenue	6	71	Yes	11,700 16,000	25,000 (1)	Yes
12 Inman	30	74	Yes	18,500 33,900	34,900 (1)	19 Sold
3-4-5 Lamson Place	11	74	Yes	Unsold	-	-
41 thru 51 Langdon	12	74	Yes	15,900 28,900	-	Yes
1105 Mass. Ave.	95	74	New	30,000 75,000	-	50 Sold
2192 Mass. Ave.	15	73	Yes	29,900 31,500	-	2 Sold
92-993 Memorial Drive	36	71	Yes	28,000 48,000	71,000 Not Many	Yes
37-988-989 Memorial Drive	83	74	Yes	21,000 85,000	Same	Yes

105 Mt. Auburn	16	72	Yes	25,000 31,000	34,000 38,000	Yes
121 Mt. Auburn	67	72	Yes	34,900 80,000	70,000	Yes
130 Pearl	7	74	Yes	-	-	None
9-113 Pleasant	8	74	Yes	33,900	-	1 Sold
-8 Shepard	6	75	Yes	33,500	-	1 Sold
186-188 Upland Road	6	73	Yes	30,000 Generally to Occupants	-	Yes
5 Vassal Lane	3	72	Yes	13,000	-	Yes
13 Washington Ave.	7	73	Yes	25,000 70,000	-	Yes
1 Concord Ave.	$\frac{32}{21}$	77-78	Yes	19,000 29,300	-	10
2-18 Ellery	30	77-78	Yes	30,000 33,000	-	5
4 Langdon	$\frac{16}{12}$	77-78	Yes	25,000 48,000	-	5
137 Mass. Ave.	35	77-78	Yes	15,900 17,900	-	2
12-14 Remington	30	77-78	Yes	30,000 35,000	-	-
1 Concord Ave.	48	77-78	Yes	30,000 31,000	-	2
1 Highland	6	77-78	Yes	29,000 31,000	-	3

FALS

UNITS

No. of Buildings - 39

850

524



CITY OF CAMBRIDGE
MASSACHUSETTS
CAMBRIDGE CITY COUNCIL

September 30, 1977

The Honorable, the City Council,

Enclosed for your review are various items concerning condominium conversion for Monday evening's Rent Control Committee Meeting at 6:00 p.m., as follows:

A. 6 Petitions to the General Court:

- 1-5, P
2
1. Providing relocation benefits to tenants as described
 2. Providing relocation benefits to elderly tenants as described
 3. Preventing the eviction of tenants as described
 4. Preventing the eviction of elderly tenants as described
 5. Providing a stay of judgment for at least four months for tenants as described
 6. Providing a stay of judgment for at least four months for elderly tenants as described. # 637

B. 3 Council Orders:

1. Requesting the City Manager to draft the N.Y. condominium law, so called, for local use
2. Requesting that a condominium publication be made available to tenants and prospective purchasers.
3. Requesting that a study be done on a zoning change to limit the number of unrelated individuals living in a dwelling unit to two persons

Very truly yours,

Richard E. McKinnon
Admin. Asst. to the Council



City of Cambridge

IN CITY COUNCIL

WHEREAS:

Many tenants in the City of Cambridge are suffering substantial distress because they face the threat of eviction as a result of condominium conversions, therefore be it

ORDERED:

That the Cambridge City Council hereby petitions the General Court under Section 8 of Article II, as amended by Article LXXXIX, of the Amendments to the Constitution, to enact the attached special law, entitled "AN ACT TO AMEND THE CAMBRIDGE RENT CONTROL LAW BY ASSISTING TENANTS WHO ARE EVICTED AS A RESULT OF CONDOMINIUM CONVERSIONS."

AN ACT TO AMEND THE CAMBRIDGE RENT CONTROL LAW BY ASSISTING TENANTS WHO ARE EVICTED AS A RESULT OF CONDOMINIUM CONVERSIONS.

BE IT ENACTED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES IN GENERAL COURT ASSEMBLED, AND BY THE AUTHORITY OF THE SAME, AS FOLLOWS:

Paragraph (a) of Section 9 of Chapter 36 of the Acts of 1976 is hereby amended by deleting the semi-colon at the end of subparagraph (8), substituting a comma therefor, and adding the following:

"Provided, however, that if the unit has been converted to a condominium and the tenant has been in continuous possession of the unit since the time that the condominium master deed has been recorded under Chapter 183A of the General Laws, then no certificate of eviction shall issue under paragraph (b) of this section until the landlord has paid to the tenant a sum equal to 3% of the purchase price of said unit.



City of Cambridge

IN CITY COUNCIL

WHEREAS: Many elderly tenants in the City of Cambridge are suffering substantial distress because they face the threat of eviction as a result of condominium conversions, therefore be it

ORDERED: That the Cambridge City Council hereby petitions the General Court under Section 8 of Article II, as amended by Article LXXXIX, of the Amendments to the Constitution, to enact the attached special law, entitled "AN ACT TO AMEND THE CAMBRIDGE RENT CONTROL LAW BY ASSISTING ELDERLY TENANTS WHO ARE EVICTED AS A RESULT OF CONDOMINIUM CONVERSIONS."

AN ACT TO AMEND THE CAMBRIDGE RENT CONTROL LAW
BY ASSISTING ELDERLY TENANTS WHO ARE EVICTED
AS A RESULT OF CONDOMINIUM CONVERSIONS.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES IN GENERAL COURT ASSEMBLED, AND BY THE AUTHORITY OF THE SAME, AS FOLLOWS:

Paragraph (a) of Section 9 of Chapter 36 of the Acts of 1976 is hereby amended by deleting the semi-colon at the end of subparagraph (8), substituting a comma therefor, and adding the following:

"provided, however, that if the unit has been converted to a condominium and the tenant is 62 years of age or older and has been in continuous possession of the unit since the time that the condominium master deed has been recorded under Chapter 183A of the General Laws, then no certificate of eviction shall issue under paragraph (b) of this section until the landlord has paid to the elderly tenant a sum equal to 3% of the purchase price of said unit.



City of Cambridge

IN CITY COUNCIL

WHEREAS: Chapter 36 of the Acts of 1976 declared the existence of a housing emergency in the city of Cambridge because of a substantial and increasing shortage of decent rental housing accommodations especially for families of low and moderate income and for elderly people on fixed incomes, and accordingly continues the rent and eviction control program; and

WHEREAS: That Act also declared that recovery of possession in order to convert an apartment unit to a condominium unit shall not be a valid reason to recover possession of a controlled rental unit; and

WHEREAS: The sale of individual condominium units to landlords who then evict tenants and occupy the units themselves, further aggravates the shortage of decent rental housing accommodations which it is the policy of this city to alleviate; now, therefore be it

ORDERED: That the Cambridge City Council hereby petitions the General Court under Section 8 of Article II, as amended by Article LXXXIX, of the Amendments to the Constitution, to enact the attached special law entitled "AN ACT TO AMEND THE CAMBRIDGE RENT CONTROL LAW BY PREVENTING THE EVICTION OF TENANTS IN A CONTROLLED CONDOMINIUM UNIT."

AN ACT TO AMEND THE CAMBRIDGE RENT CONTROL LAW BY
PREVENTING THE EVICTION OF TENANTS IN A CONTROLLED
CONDOMINIUM UNIT.

Be it enacted by the Seante and House of Representa-
tives in General Court assembled, and by the authority
of the same, as follows:

Section 9(a) of Chapter 36 of the Acts of 1976 is
hereby amended by striking out paragraph (8) and
inserting in place thereof the following paragraph:

8) the landlord seeks to recover possession of a con-
trolled rental unit, other than a condominium unit,
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.



City of Cambridge

IN CITY COUNCIL

- WHEREAS: Chapter 36 of the Acts of 1976 declared the existence of a housing emergency in the city of Cambridge because of a substantial and increasing shortage of decent rental housing accommodations especially for persons, including elderly people, on fixed incomes, and accordingly continued the rent and eviction control program; and
- WHEREAS: That Act also declared that recovery of possession in order to convert an apartment unit to a condominium unit shall not be a valid reason to recover possession of a controlled rental unit; and
- WHEREAS: The sale of individual condominium units to landlords who then evict elderly tenants and occupy the units themselves, further aggravates the shortage of decent rental housing accommodations which it is the policy of this city to alleviate; now, therefore be it
- ORDERED: That the Cambridge City Council hereby petitions the General Court under Section 8 of Article II, as amended by Article LXXXIX, of the Amendments to the Constitution, to enact the attached special law entitled "AN ACT TO AMEND THE CAMBRIDGE RENT CONTROL LAW BY PREVENTING THE EVICTION OF ELDERLY TENANTS IN A CONTROLLED CONDOMINIUM UNIT."

AN ACT TO AMEND THE CAMBRIDGE RENT CONTROL LAW BY
PREVENTING THE EVICTION OF ELDERLY TENANTS IN A
CONTROLLED CONDOMINIUM UNIT.

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

Section 9(a) of Chapter 36 of the Acts of 1976 is hereby amended by striking out paragraph (8) and inserting in place thereof the following paragraph:

8) the landlord seeks to recover possession of a controlled rental unit, other than a condominium unit which is occupied by a tenant who is 62 years of age or older and who has been in continuous occupancy since the time that the master condominium deed has been recorded under Chapter 183A of the General Laws, 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;



City of Cambridge

IN CITY COUNCIL

WHEREAS:

Many tenants throughout the Commonwealth are suffering substantial distress because they face the threat of eviction as a result of condominium conversion, therefore be it

ORDERED:

That the Cambridge City Council petition the General Court for the following legislation:

AN ACT TO AMEND CHAPTER 239 OF THE GENERAL LAWS OF THE COMMONWEALTH, ENTITLED SUMMARY PROCESS FOR POSSESSION OF LAND, SO AS TO GRANT ADDITIONAL PROTECTION TO TENANTS WHO FACE EVICTION AS A RESULT OF CONDOMINIUM CONVERSION IN CITIES AND TOWNS WITH STATUTES ENABLING SAID CITIES AND TOWNS TO CONTROL RENTS AND EVICTIONS.

AN ACT TO AMEND CHAPTER 239 OF THE GENERAL LAWS OF THE COMMONWEALTH, ENTITLED SUMMARY PROCESS FOR POSSESSION OF LAND, SO AS TO GRANT ADDITIONAL PROTECTION TO TENANTS WHO FACE EVICTION AS A RESULT OF CONDOMINIUM CONVERSION IN CITIES AND TOWNS WITH STATUTES ENABLING SAID CITIES AND TOWNS TO CONTROL RENTS AND EVICTIONS.

Section 9 of chapter 239 of the General Laws is hereby deleted and the following section 9 is substituted therefor:

9. Stay of Proceedings.

In an action of summary process to recover possession of premises occupied for dwelling purposes, other than a room or rooms in a hotel, lodging house or rooming house, where a tenancy has been terminated without fault of the tenant, either by operation of law or by act of the landlord, except by a notice to quit for nonpayment of rent as provided in section twelve of chapter one hundred and eighty-six, a stay or stays of judgment and execution may be granted, as hereinafter provided for a period not exceeding six months or for periods not exceeding six months in the aggregate, as the court may deem just and reasonable, upon application of the tenant or the surviving spouse, parent or child of a deceased tenant if such spouse, parent or child occupied said premises for dwelling purposes at the time when said tenancy was terminated and such occupancy was not in violation of the terms of the tenancy; provided, however, that a stay of such judgment and execution shall be granted for not less than four months where the premises at the time of termination of the tenancy were subject to a statute enabling the city or town in which the premises are located to control rents and evictions and where the premises have been converted to a condominium unit pursuant to a condominium master deed recorded pursuant to Chapter 183A of the General Laws; provided, however, that a stay or stays of judgment and execution in the case of premises occupied by an employee of a farmer conditioned upon his employment by such farmer and which employment has been legally terminated, shall not be granted for a period exceeding two months or for periods exceeding two months in the aggregate. (1927, 339, 2; 1953, 485; 1967, 26 1; 1972, 235, 1, approved May 4, 1972; by . 2 it takes effect on Sept. 1, 1972.)

N.B. The underlined section above constitutes the actual amendment to the Act.



City of Cambridge

IN CITY COUNCIL

WHEREAS: Many elderly tenants throughout the Commonwealth are suffering substantial distress because they face the threat of eviction as a result of condominium conversion, therefore be it

ORDERED: That the Cambridge City Council petition the General Court for the following legislation:

AN ACT TO AMEND CHAPTER 239 OF THE GENERAL LAWS OF THE COMMONWEALTH, ENTITLED SUMMARY PROCESS FOR POSSESSION OF LAND, SO AS TO GRANT ADDITIONAL PROTECTION TO ELDERLY TENANTS WHO FACE EVICTION AS A RESULT OF CONDOMINIUM CONVERSION IN CITIES AND TOWNS WITH STATUTES ENABLING SAID CITIES AND TOWNS TO CONTROL RENTS AND EVICTIONS.



City of Cambridge

IN CITY COUNCIL

WHEREAS: Many tenants throughout the Commonwealth are suffering substantial distress because they face the threat of eviction as a result of condominium conversion, therefore be it

ORDERED: That the Cambridge City Council petition the General Court for the following legislation:

AN ACT TO AMEND CHAPTER 239 OF THE GENERAL LAWS OF THE COMMONWEALTH, ENTITLED SUMMARY PROCESS FOR POSSESSION OF LAND, SO AS TO GRANT ADDITIONAL PROTECTION TO TENANTS WHO FACE EVICTION AS A RESULT OF CONDOMINIUM CONVERSION IN CITIES AND TOWNS WITH STATUTES ENABLING SAID CITIES AND TOWNS TO CONTROL RENTS AND EVICTIONS.

AN ACT TO AMEND CHAPTER 239 OF THE GENERAL LAWS OF THE COMMONWEALTH, ENTITLED SUMMARY PROCESS FOR POSSESSION OF LAND, SO AS TO GRANT ADDITIONAL PROTECTION TO ELDERLY TENANTS WHO FACE EVICTION AS A RESULT OF CONDOMINIUM CONVERSION IN CITIES AND TOWNS WITH STATUTES ENABLING SAID CITIES AND TOWNS TO CONTROL RENTS AND EVICTIONS.

Section 9 of chapter 239 of the General Laws is hereby deleted and the following section 9 is substituted therefor:

9. Stay of Proceedings.

In an action of summary process to recover possession of premises occupied for dwelling purposes, other than a room or rooms in a hotel, lodging house or rooming house, where a tenancy has been terminated without fault of the tenant, either by operation of law or by act of the landlord, except by a notice to quit for nonpayment of rent as provided in section twelve of chapter one hundred and eighty-six, a stay or stays of judgment and execution may be granted, as hereinafter provided for a period not exceeding six months or for periods not exceeding six months in the aggregate, as the court may deem just and reasonable, upon application of the tenant or the surviving spouse, parent or child of a deceased tenant if such spouse, parent or child occupied said premises for dwelling purposes at the time when said tenancy was terminated and such occupancy was not in violation of the terms of the tenancy; provided, however, that a stay of such judgment and execution shall be granted for not less than four months where the premises at the time of termination of the tenancy were subject to a statute enabling the city or town in which the premises are located to control rents and evictions and where the premises have been converted to a condominium unit pursuant to a condominium master deed recorded pursuant to Chapter 183A of the General Laws, and where the tenant of said premises is 62 years of age or older and has been in continuous possession of said premises since the time when the condominium master deed was recorded pursuant to Chapter 183A of the General Laws; provided, however, that a stay or stays of judgment and execution in the case of premises occupied by an employee of a farmer conditioned upon his employment by such farmer and which employment has been legally terminated, shall not be granted for a period exceeding two months or for periods exceeding two months in the aggregate. (1927, 339, 2; 1953, 485; 1967, 26 1; 1972, 235, 1, approved May 4, 1972; by 2 it takes effect on Sept. 1, 1972.)

N.B. The underlined section above constitutes the actual amendment to the Act.



City of Cambridge

IN CITY COUNCIL

WHEREAS:

Many tenants in the City of Cambridge are suffering substantial distress because they face the threat of eviction as a result of condominium conversions, therefore be it

ORDERED:

That the City Manager be requested to consult with appropriate personnel and draft enabling legislation for Council's consideration which would impose some of the principles of the New York condominium law, as attached, on the Cambridge Rent Control Act.

EXHIBIT A

CONDOMINIUM CONVERSION RESTRICTIONS
(Analogous to New York Controls)

1. Seek statutory amendments to the Cambridge Rent Control Enabling Act (St. 1976, c.36).
 - (a) Revise provisions concerning eviction at the instance of a unit owner seeking possession for himself or his family.
 - (b) When such owner seeks possession of a condominium (or cooperative) unit, grant eviction certificate only when certain tenant protection conversion requirements have been met.
2. Possible tenant protections as preconditions for eviction by any condominium unit purchaser
 - (a) Within one year of recording condominium master deed for rent-controlled building, the developer must notify Rent Board and obtain commitments to purchase from at least [35]% of the rental tenants.
 - (i) Rent Board empowered to issue a certificate of satisfaction of this requirement
 - (ii) Tenants may be heard before Board
 - (iii) Decision of Board to be final and not subject to judicial review
 - (b) If required percentage of tenant purchase commitments not obtained within one year, developer must so notify

Board, and may not try again for [eighteen months]

3. Tenants who decline to purchase may not be evicted prior to [two] years from recording of master deed.*
4. Rent-control rents continue to apply until eviction legally occurs.
5. Limit all of the foregoing protections to:
 - (a) Tenants who have resided in the units for X years or longer (tenants not in that category are then not counted for calculating the percentage of tenant purchase commitments); and/or
 - (b) Tenant over 62(?) years of age.

* Rent Board and summary process hearings need not be so delayed, but no execution on a judgment for possession can issue until two year date has passed.



City of Cambridge

Councillor Ackermann

IN CITY COUNCIL
October 3, 1977

ORDERED: That the City Manager be requested to confer with the Cambridge Rent Control Board on the advisability of amending Regulation 50-13 so that the publication "Condominiums and Cambridge" would have to be made available to tenants and prospective purchasers by condominium developers who have recorded a master deed pursuant to Chapter 183A.



City of Cambridge

Councillor Graham

IN CITY COUNCIL
October 3, 1977

ORDERED: That the Housing Committee of the City Council be requested to study whether or not it would be appropriate to amend the Zoning Ordinances of the City of Cambridge by prohibiting more than two unrelated individuals to live together in a single dwelling unit.



CITY OF CAMBRIDGE
MASSACHUSETTS
CAMBRIDGE CITY COUNCIL

October 3, 1977

Committee Report
Rent Control Committee
October 3, 1977

The Rent Control Committee met on October 3, 1977 at 6:30 P.M. in the Council Chambers; Councillor Ackermann serving as Chairperson, all Councillors present.

Mr. Henn outlined his memorandum and legislative proposals to the Council; after which a question period and public discussion ensued.

Motions to refer legislative proposals A1-A5 of the attached memorandum failed of adoption. *Adopted 10/17/77*

Motion to refer A6 was adopted with the following amendment:
four is deleted and six is substituted in the phrase:
not less than four months *Adopted 10-17-77*

Motion to refer Council order B1 was adopted with the following amendment:
after the phrase "New York Condominium law" add "and the Illinois
Condominium Statutes" *Adopted 10-17-77*

Motion to refer Council order B2 was adopted. *Adopted 10-17-77*

Committee also adopted a motion by Councillor Duehay requesting the Planning Department to investigate the advisability of Cambridge's adopting other models.

The Committee recommends that all adopted motions be referred to the City Council.

For the Committee,

Barbara Ackermann
Chairperson

Cal # 12. S-# 529

Report from the Committee on Rent Control
re: condominium conversion.

S-1977

In City Council,
October 3, 1977



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND SEVENTY-SEVEN

AN ACT TO AMEND CHAPTER 239 OF THE GENERAL LAWS OF THE COMMONWEALTH, ENTITLED SUMMARY PROCESS FOR POSSESSION OF LAND, SO AS TO GRANT ADDITIONAL PROTECTION TO ELDERLY TENANTS WHO FACE EVICTION AS A RESULT OF CONDOMINIUM CONVERSION IN CITIES AND TOWNS WITH STATUTES ENABLING SAID CITIES AND TOWNS 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. Section 9 of Chapter 239 of the General Laws is hereby deleted and the following section 9 is substituted therefor:

9. Stay of Proceedings.

In an action of summary process to recover possession of premises occupied for dwelling purposes, other than a room or rooms in a hotel, lodging house or rooming house, where a tenancy has been terminated without fault of the tenant, either by operation of law or by act of the landlord, except by a notice to quit for nonpayment of rent as provided in section twelve of chapter one hundred and eighty-six, a stay or stays of judgment and execution may be granted, as hereinafter provided for a period not exceeding six month or for periods not exceeding six months in the aggregate, as the court may deem just and reasonable, upon application of the tenant or the surviving spouse, parent or child of a

deceased tenant if such spouse, parent or child occupied said premises for dwelling purposes at the time when said tenancy was terminated and such occupancy was not in violation of the terms of the tenancy; provided, however, that a stay of such judgment and execution shall be granted for not less than six months where the premises at the time of termination of the tenancy were subject to a statute enabling the city or town in which the premises are located to control rents and evictions and where the premises have been converted to a condominium unit pursuant to a condominium master deed recorded pursuant to Chapter 183A of the General Laws, and where the tenant of said premises is 62 years of age or older and has been in continuous possession of said premises since the time when the condominium master deed was recorded pursuant to Chapter 183A of the General Laws; provided, however, that a stay or stays of judgment and execution in the case of premises occupied by an employee of a farmer conditioned upon his employment by such farmer and which employment has been legally terminated, shall not be granted for a period exceeding two months or for periods exceeding two months in the aggregate. (1927, 339, 2; 1953, 485; 1967, 26, 1; 1972, 235, 1, approved May 4, 1972; by 2 it takes effect on September 1, 1972.)

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

The undersigned, citizens of City of Cambridge respectfully
petition for the passage of the accompanying bill or resolve, and/or for legislation to amend Chapter 239
of the General Laws of the Commonwealth, entitled summary process for possession
of land, so as to grant additional protection to elderly tenants who face evic-
tion as a result of condominium conversion in cities and towns with statutes
enabling said cities and towns to control rents and evictions.

Petitioners are requested to sign names and addresses legibly.

Barbara Whinnery, Councillor

David Clew, Councillor

Daniel J. Clinton, Councillor

Kathleen J. Sullivan Councillor

Saundra Graham

Gregory Velloni

James Sullivan, City Manager

41 Gibson Street, Cambridge

102 Western Ave., Cambridge

31 Rockingham St Cambridge

28 Putnam Ave. Cambridge

189 Western Ave. Camb.

42 Porter St

City Hall, Cambridge, Mass.



City of Cambridge

25.

IN CITY COUNCIL

October 17, 1977

COUNCILLOR ACKERMANN

ORDERED:

That this City Council go on record favoring the filing of the enclosed legislation which amends Section 9 of Chapter 239 of the General Laws entitled "Stay of Proceedings".

In City Council October 17, 1977.
 Adopted by a yea and nay vote:-
 Yeas 9; Nays 0; Absent 0.
 Attest:- Paul E. Healy, City Clerk.

A true copy,

ATTEST:-

Paul E. Healy

Oct. 20, 1977

A TRUE COPY ATTEST:

Joseph E. Sennerton
 Deputy CITY CLERK

*Approved by
 Mayor Alfred Vellucci*

City of Cambridge

AN ACT TO AMEND CHAPTER 239 OF THE GENERAL LAWS OF THE COMMONWEALTH, ENTITLED SUMMARY PROCESS FOR POSSESSION OF LAND, SO AS TO GRANT ADDITIONAL PROTECTION TO ELDERLY TENANTS WHO FACE EVICTION AS A RESULT OF CONDOMINIUM CONVERSION IN CITIES AND TOWNS WITH STATUTES ENABLING SAID CITIES AND TOWNS TO CONTROL RENTS AND EVICTIONS.

Section 9 of Chapter 239 of the General Laws is hereby deleted and the following section 9 is substituted therefor:

9. Stay of Proceedings.

In an action of summary process to recover possession of premises occupied for dwelling purposes, other than a room or rooms in a hotel, lodging house or rooming house, where a tenancy has been terminated without fault of the tenant, either by operation of law or by act of the landlord, except by a notice to quit for nonpayment of rent as provided in section twelve of chapter one hundred and eighty-six, a stay or stays of judgment and execution may be granted, as hereinafter provided for a period not exceeding six month or for periods not exceeding six months in the aggregate, as the court may deem just and reasonable, upon application of the tenant or the surviving spouse, parent or child of a deceased tenant if such spouse, parent or child occupied said premises for dwelling purposes at the time when said tenancy was terminated and such occupancy was not in violation of the terms of the tenancy; provided, however, that a stay of such judgment and execution shall be granted for not less than six months where the premises at the time of termination of the tenancy were subject to a statute enabling the city or town in which the premises are located to control rents and evictions and where the premises have been converted to a condominium unit pursuant to a condominium master deed recorded pursuant to Chapter 183A of the General Laws, and where the tenant of said premises is 62 years of age or older and has been in continuous possession of said premises since the time when the condominium master deed was recorded pursuant to Chapter 183A of the General Laws; provided, however, that a stay or stays of judgment and execution in the case of premises occupied by an employee of a farmer conditioned upon his employment by such farmer and which employment has been legally terminated, shall not be granted for a period exceeding two months or for periods exceeding two months in the aggregate. (1927, 339, 2; 1953, 485; 1967, 26 1; 1972, 235, 1, approved May 4, 1972; by 2 it takes effect on Sept. 1, 1972.)

N.B. The underlined section above constituted the actual amendment to the Act.



City of Cambridge

25.

IN CITY COUNCIL

October 17, 1977

COUNCILLOR ACKERMANN

ORDERED:

That this City Council go on record favoring the filing of the enclosed legislation which amends Section 9 of Chapter 239 of the General Laws entitled "Stay of Proceedings".

In City Council October 17, 1977.

Adopted by a yea and nay vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- Paul E. Healy, City Clerk.

A true copy,

ATTEST:-

A handwritten signature in cursive script that reads "Paul E. Healy".

Order #25

S-529

C. Ackermann re: filing of legislation entitled: "Stay of Proceedings".

In City Council,
Oct. 17, 1977

10-17-77

Order

Adopted