

# 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

November 4, 1976

Memo

To: City Manager

From: J. Kenneth Griffin *J.K.G.*

Subject: Report of the Rent Board and Executive Director of compliance with the Orders of the City Council dated April 5, 1976:

On April 5, 1976 the City Council adopted three sets of orders dealing with Rent Control. These orders are attached and numbered 1, 2, and 3. The order numbered 1 adopted by the affirmative vote of eight Councillors simply states the view of the Council and needs no reply from this department. The order numbered 2 adopted by the affirmative votes of five Councillors orders the following:

1. That the City Manager direct the Rent Control Board and the Executive Director of the Rent Control Board to prepare and evaluate proposals that encourage owner-occupants and investor-owners to rehabilitate and modernize their properties and that the proposals shall include the following proposals:
  - A. Conditional de-control of owner-occupied property, particularly 4, 5 and 6-family houses;
  - B. Review of general rent increases on an annual basis, automatically, and any increases should reflect increased costs and mechanisms for incentives;
  - C. Incentives for modernization of heating, plumbing and electrical systems; and
  - D. Rent Adjustment formulas that reflect alternate financing models.

To: City Manager

From: J. Kenneth Griffin

November 4, 1976

Upon receipt of this order numbered 2 I proposed a series of amendments to the Regulations of the Rent Board and presented the proposals to Councillor Clem for his review and to the Board for their consideration. (proposals attached).

On May 4, 1976 I received Councillor Clem's response to my proposals. (attached).

Since that time various amendments have been made to the regulations as the result of my proposals. The proposals which have not been adopted as amendments are still actively under consideration by the Rent Board. (Amendments attached).

2. That the City Manager direct the Rent Control Board to implement administrative procedures that facilitate prompt decisions on evictions, and individual rent adjustments, preferably within 90 days.

Prior to receipt of this order I had already implemented the requested procedures. Since April 5, 1976 the Board has received 296 applications for Certificates of Eviction. The average time from the receipt of these 296 applications by the Board to a decision by the Board is 7.55 days which is well within the 90 days suggested by the order.

Since April 5, 1976 the Board has received 81 petitions for rent adjustment. The average time from the receipt of these 81 petitions by the Board to a decision by the Board is 83.3 days, again within the 90 days suggested by the order. Presently, there are 18 rent adjustment petitions awaiting a decision by the Rent Board. Four of these eighteen cases have been received by the Board within the past week. Three of the remaining fourteen cases are three weeks old. One of the remaining cases is one month old and three are two month's old. Of the remaining cases only three of them are more than 90 days old and there are special reasons for the delays.

The order numbered 3 relates to finding for the Rent Control Committee of the City Council for research.



# City of Cambridge

*Ken  
Huffman*

IN CITY COUNCIL<sup>1</sup>  
April 5, 1976

Councillor Clem

WHEREAS:

The conservation and rehabilitation of the existing housing stock in the City is expressed municipal policy, and

WHEREAS:

The expansion of ownership opportunities to Cambridge residents is likewise a part of this conservation strategy, and

WHEREAS:

Increased ownership and housing rehabilitation contributes to the stability of the City's neighborhoods, therefore be it

RESOLVED:

That the successful implementation of these policies requires that rent control be viewed within the framework of a total housing policy for the City, and be it further

RESOLVED:

That the Cambridge City Council requests the City Manager and the Rent Control Board to recognize the attached orders as items consistent with a total housing policy, and be it further

RESOLVED:

That appropriate steps be taken to apply these orders to the implementation of a total housing policy and the administration of rent and eviction controls.

City Council

*April 5, 1976*

Adopted by the affirmative vote

of 8 members.

*Paul E. Husby*  
City Clerk



# City of Cambridge

AMENDED ORDER

IN CITY COUNCIL<sup>2</sup>  
April 5, 1976

Councillor Clem

ORDERED:

That the City Manager direct the Rent Control Board and the Executive Director of the Rent Control Board to prepare and evaluate proposals that encourage owner-occupants and investor-owners to rehabilitate and modernize their properties, and be it further

ORDERED:

That these proposals include, and not be limited to:

1. Conditional de-control of owner-occupied property, particularly 4, 5 & 6-family houses.
2. Review of general rent increases on an annual basis, automatically, and any increases should reflect increase costs and mechanisms for incentives.
3. Incentives for modernization of heating, plumbing and electrical systems.
4. Rent adjustment formulas that reflect alternate financing models, and be it further

ORDERED:

That the City Manager direct the Rent Control Board to implement administrative procedures that facilitate prompt decisions on evictions, and individual rent adjustments, preferably within 90 days, and be it further

ORDERED:

That the City Manager present the work of the Rent Control Board to the City Council for appropriate review and hearings within 90 days of acceptance of this order.

In City Council April 5, 1976  
Adopted by a yea and nay vote:  
Yeas 5; Nays 3; Absent 1.  
Attest: Paul E. Healy, City Clerk

A true copy,

ATTEST:

*Paul E. Healy*



# City of Cambridge

3.  
IN CITY COUNCIL  
April 5, 1976

Councillor Clem

ORDERED:

That the City Manager make available the resources necessary for the Rent Control Committee of the City Council to design a research program that will provide the information necessary for the Council to evaluate a rent control strategy that is an integral part of a total housing policy, and be it further

ORDERED:

That the Rent Control Committee submit this proposed research program to the City Council after appropriate review and input by tenants and landlords for the Council to consider funding for 1976-77.

in City Council April 5, 1976

Adopted by roll and nay Vote

Yeas 1 Nays 0 Absent 1 Present 1

Paul E. Juby  
City Clerk

Memo

April 28, 1976

To: Rent Board

From: J. Kenneth Griffin

Subject: Suggested amendments to the Rent Board Regulations

I have attached to this memo a copy of the current regulations of the Rent Board. Please consider the following suggested amendments to the regulations for discussion at the Board meeting at 9:00 A. M. Wednesday, May 5, 1976. I would not expect any vote to be taken on the suggested amendments until hearings are held and until there are five board members.

SUGGESTED AMENDMENTS: (Amendments suggested are underlined)

1. 10-01 The following are the regulations of the Cambridge Rent Control Board and shall be effective when promulgated.
2. Regulation Series No. 11 should be omitted from the regulations.
3. 13-01 (a) "The Rent Control Act" or "Act", the Massachusetts Rent and Eviction Control Enabling Act, St. 1970, c. 842 or the Cambridge Rent and Eviction Control Enabling Act, St. 1976, c. 36.
4. 13-01 (j) "Landlord", the owner or the owner's agent.
5. 13-01 (k) "Owner-occupied", a rental unit is owner occupied when a person having at least a 25% beneficial interest in the property occupies the unit as a principal residence.
6. 13-01 (o) "Finder's fee", any fee paid by a tenant to a licensed real estate broker or agent, other than the landlord, for the opportunity to examine or lease any controlled rental unit.
7. 13-01 (p) "Service charge", any fee paid by a tenant to his landlord which is thereafter paid by the landlord to a licensed real estate broker or agent, other than the landlord, for the opportunity to examine or lease any controlled rental unit.

To: Rent Board From: J. Kenneth Griffin

April 28, 1976

8. 20-01 All dwelling units controlled under the provisions of the Rent Control Act, within the City of Cambridge, shall be registered with the Rent Control Board.
9. 21-02 The Board may refuse to accept any petition for rent adjustment filed by the owner or agent of the owner of any controlled rental unit for a period of time equal to the number of days after the day the unit became controlled during which any controlled rental unit owned by such owner remained unregistered or not properly registered.
10. 21-03 The Board shall refuse to docket any application for a Certificate of Eviction for a period of time equal to ninety (90) days or equal to the number of days after the day the unit became controlled, whichever is less, unless such owner can show to the satisfaction of the Board that the failure to register was excusable.
11. 40-01 At the conclusion of any fact-finding proceeding, the presiding officer shall, within fourteen days thereafter, submit to the Board a report of such hearing. This report shall contain a summary of the evidence, the officer's findings of fact, his recommendations thereon, and the reasons for the recommendations. The Board shall make a decision on each case for which a report has been submitted within a reasonable time. All parties in interest shall be given notice that the presiding officer has submitted his report to the Board, and that the Board will conduct the hearing to apply the facts and render a decision at a specified time and place.
12. 40-02 The Board shall either affirm the findings, recommendations and reasons therefor of the examiner or reverse the recommendations of the examiner stating reasons therefor or remand the matter to the examiner for further findings and recommendations stating the reasons for the remand. Oral or written argument shall be permitted before the Board provided however, written arguments must be provided to the Rent Board and all parties in interest not less than five days prior to the hearing before the Board. No evidence, written or otherwise shall be permitted to be presented to the Board, except in the nature of an offer of proof to question the accuracy of the presiding officer's summary of the evidence as reported as presented in the hearing to find the facts. The Board may limit the time permitted parties for argument.

To: Rent Board From: J. Kenneth Griffin

April 28, 1976

13. 41-04 No rehearing shall be allowed if the subject matter of the original hearing, the decision or order of the Board is in litigation either as a result of the filing of an appeal pursuant to Section 10 of the act or the filing of a complaint for ejectment following the issuance of a Certificate of Eviction.
  
14. Regulation Series No. 42 - - - - Appeals
  - 42-01 Any person who is aggrieved by any action, regulation or order of the Board may file a complaint against the Board in the Third District Court of Eastern Middlesex pursuant to the rules of said court.
  
  - 42-02 All actions, regulations, or orders of the Board shall become final and not subject to appeal sixty (60) days following the date of the action, order or effective date of the regulation.
  
15. 44-01 The Board shall assent to service of process and to service of any subpoena by any party who is pursuing remedies under Sections 10, 11 or 12 of the Act. Service upon the executive director shall constitute service upon all members of the Board.
  
16. 45-05 If it is determined as a result of a hearing in accordance with the provisions of Regulation No. 45-02 that a violation of Regulation No. 45-01 has occurred the Board shall credit to past or to future payments of rent by the tenant or tenants involved, any damages assessed pursuant to Regulation Series 45.
  
17. 45-06 If it is determined as a result of a hearing in accordance with the provisions of Regulation No. 45-02 that a violation of Regulation No. 45-01 has occurred the Board may initiate a criminal proceeding under Section 12 of the Act.
  
18. 51-01 (c) The amount claimed by the landlord is in excess of the maximum lawful rent determined pursuant to these regulations or the amount claimed as rent due is offset by the tenant's right to deduct from rent due rent demanded, accepted, received or retained, by the landlord, in excess of the maximum lawful rent.

To: Rent Board From: J. Kenneth Griffin

April 28, 1976

19. 60-01 For the purposes of Section 9(a)(10) of the Act, no Certificate of Eviction shall be issued unless the landlord has clearly specified in his application and proved that the issuance of a certificate would be consistent with both the letter and spirit of the Act. Other just cause for eviction shall include the following reasons:

1. Continued late payment of rent.
2. Refusal to accept a new tenancy upon reasonable terms.
3. Possession required for occupancy of a resident superintendent, provided however, the landlord proves that:
  - a) the tenant from whom possession is sought has been terminated as superintendent based upon good cause;
  - b) the unit has historically been reserved for and occupied by a resident superintendent;
  - c) possession is required as total or partial compensation for the superintendent; and
  - d) a resident superintendent is necessary for the efficient operation, maintenance and management of the property wherein the unit is located.
4. For any other cause determined to be just by the Board based upon the facts of the case presented to it. The provisions of this subsection shall be construed narrowly and shall not include as just cause for eviction the following reasons:
  - a) recovery of possession in order to convert an apartment unit to a condominium unit; or
  - b) recovery of possession in order to make repairs or improvements to the unit not required by the laws of the Commonwealth or the City of Cambridge. Recovery of possession in order to make repairs or improvements may be allowed only pursuant to the provisions of Section 9(a)(6) of the Act.

To: Rent Board From: J. Kenneth Griffin

April 28, 1976

20. 61-01 (d) Omit and make Regulation 61-01(e)  
Regulation 61-01(d).
21. Regulation Series No. 63 ---- Conditional Exemption of  
owner-occupied four, five and six-family houses.

- 63-01 Upon joint application filed by the owner and an approved housing assistance agency, the Board, after proper notice and hearings, shall exempt qualified buildings from the rent regulations imposed on controlled rental units by these regulations and the Act.
- 63-02 Approved housing assistance agencies shall be Homeowners Rehab, Inc., Just-a-Start Corporation, Inc., Riverside-Cambridgeport Community Corporation, Inc., or such other similar agencies approved by the City of Cambridge operated on a non-profit basis with the stated purpose of providing assistance to homeowners for home improvement.
- 63-03 Units shall qualify for exemption under the provisions of this regulation series provided the unit has been qualified in accordance with standards developed and approved by the approved agency and such standards have been accepted and approved by the Board. Standards for qualification shall meet the following minimum standards:
- a) The owner shall occupy a unit in the building as a principal residence during the period of exemption;
  - b) All units in the building have been improved and modernized under a plan developed with the assistance and approval of the approved agency;
  - c) The financing of the improvements has been received and approved as reasonable by the approved agency;
  - d) The quality of the work performed has been approved by the approved agency;
  - e) The improved units will not be removed from the housing stock available to low and moderate income families or elderly persons on fixed income;

To: Rent Board From: J. Kenneth Griffin

April 28, 1976

- f) The improvements are completed within a reasonable period of time with the least possible inconvenience to tenants occupying the units prior to the commencement of the process of improvement; and
- g) The approved agency determines that the need to control the rents pursuant to the provisions of these regulations and the Act no longer exists.

63-04 Any exemption granted pursuant to the provisions of this regulation series may be revoked by the Board upon a finding by the Board that the exemption granted no longer conforms to the purposes and intent of this regulation series and the Act.

22. Regulation Series No. 64 - - - - Exemption of Luxury Housing Units

64-01 Upon the approval and order of the City Council and application by the owner, the Board may, after notice and hearings, exempt luxury housing units from the provisions of these regulations and from the rent and eviction controls of the Act, provided that no more than five thousand rental units may be exempted under the provisions of this regulation series.

64-02 Luxury housing units shall be units rented for monthly rental levels, not exceeding the lawful maximum rent levels established prior to decontrol:

1. greater than \$485.00 provided further that:

- a) the services provided to the unit and included in the rental agreement, including repairs, replacement, maintenance, painting, decorating, providing light, heat, hot and cold water, elevator service, window shades and screens, storage, kitchen, bath and laundry facilities and privileges, janitor services, refuse removal, furnishings, and any other benefit, privilege or facility connected with the use or occupancy of the rental unit exceed, in the opinion of the Board, services normally provided to the majority or rental units in the City to such a degree as to be considered luxury services;

To: Rent Board From: J. Kenneth Griffin

April 28, 1976

- b) Such luxury services were provided at the rental level greater than \$485.00 prior to decontrol; and
- c) No occupant of the unit pays more than 33% of personal income for the rental of the unit. If the unit is occupied by more than two unrelated persons, rental payments shall be equally proportioned to each of such unrelated persons and the percentage of personal income shall be calculated based on the proportioned share of rent paid from such person's actual personal income: or

- 2. greater than \$800.00 for single family houses occupied by not more than two unrelated persons.

64-03 Any exemption granted pursuant to the provisions of this regulation series may be revoked by the Board upon a finding by the Board that the exemption granted no longer conforms to the purposes and intent of this regulation series and the Act.

23. Regulation Series No. 70 - - - - General Adjustments

70-01 The Board shall, on an annual basis or as otherwise determined by the Board, consider a general rent adjustment for all controlled rental units in accordance with its authority and pursuant to Sections 7(a) and 8(b) of the Act.

70-02 The Board may, after proper notice and hearings promulgate regulations to effectuate a general rent adjustment if, after proper consideration, the Board determines a general adjustment is an appropriate exercise of its rule making powers pursuant to Section 5(e) of the Act.

70-03 Any regulations promulgated pursuant to Regulation 70-02 shall be effective for a specified period of time not exceeding eighteen months.

70-04 Omit.

70-05 Omit.

70-06 Omit.

70-07 Omit.

70-08 Omit.

70-09 Omit.

April 28, 1976

24. Regulation Series No. 72 - - - - Individual Adjustments

72-02 For all controlled rental units which were not in existence for the calendar year ending December 31, 1967 or for the fiscal year which includes September, 1967 or as to which in the Board's opinion no reliable rent and expense figures are available for the calendar year ending December 31, 1967 or for the fiscal year which includes September, 1967, fair net operating income shall be determined on a basis consistent with the provisions of paragraph 72-01, after giving consideration for any special factors involved in respect of such units.

72-03 (a) For all controlled rental units subject to the provisions of Regulation 72-02, except for units which have been subject to an individual rent adjustment approved by the Board pursuant to Regulation Series No. 72 prior to July 1, 1976, fair net operating income shall not exceed the total rent lawfully payable for such rental unit for the calendar year ending December 31, 1973 or the fiscal year which includes September 1973, less the expenses itemized in Regulation 72-04 (a) for the same periods, increased or decreased by the adjustments set forth in Regulation 72-04 after giving consideration for any special factors involved in respect of such units.

72-03 (b) For all controlled rental units subject to the provisions of Regulation 72-02 which have been subject to an individual rent adjustment, approved by the Rent Board pursuant to the provisions of Regulation Series No. 72 prior to July 1, 1976, fair net operating income shall not exceed the fair net operating income allowed as a result of the Board's approval pursuant to Regulation Series No. 72, increased or decreased by the adjustments set forth in Regulation 72-04 after giving consideration for any special factors involved in respect of such units.

72-03 (c) For all controlled rental units subject to the provisions of Regulation 72-02 as to which in the Board's opinion no reliable rent and expense figures are available for the fiscal year which includes September 1973 or for the calendar year 1973, fair net operating income shall be determined based on all relevant information known to the Board, in a manner consistent with the purposes and intent of the Rent Control Law.

To: Rent Board From: J. Kenneth Griffin

April 28, 1976

72-04 (b) The percentage of increases in the cost of living on a year end basis as calculated by the Rent Board based on the consumer price index of the United States Department of Labor, except as provided in paragraph 72-12.

72-04 (c) Capital improvements made by the owner which are not made necessary by:

1. decreases in living space, services and other amenities; or
2. substantial deterioration of the controlled rental unit, other than as a result of ordinary wear and tear; or
3. failure of the owner to perform ordinary repair, replacement or maintenance.

72-06 All rent adjustments granted by the Board under this Regulation Series shall be computed to the nearest whole dollar amount and adjustment allowed according to such computation.

72-07 No rent increase shall become effective except upon one month prior written notice by the owner to the occupant and not until the first rent due day at least twenty-eight days following the sending of the notice specified in Regulation 41-01 unless the unit effected is unoccupied at the time of the decision to adjust the rent of said unit, in which case, the adjustment shall be effective immediately upon notice from the Board to the owner of said unit.

72-08 Nothing contained herein shall obligate an owner to raise the rent for any controlled unit to the level determined pursuant to this Regulation Series, but no owner shall be permitted to ask for or receive any rent in excess of the maximum lawful rent or in excess of the level established in a then existing lease, whichever is less.

72-10 Capital expenses incurred since the base date established pursuant to Regulations 72-01 or 72-02 shall be allowed, subject to the provisions of Regulation 72-04 (c), in accordance with the following schedule or as otherwise determined

To: Rent Board From: J. Kenneth Griffin

April 28, 1976

reasonable by the Board as an expense amortized in accordance with the following schedule by multiplying the total cost of the improvement by the amortization factor to determine the annual allowable expense of the item:

Improvement	Useful Life	Amortization factor
1. Air conditioner	10	.1553
2. Bathroom materials and installation	15	.1254
3. Boiler or heating system	15	.1254
4. Carpentry or contract construction	15	.1254
5. Ceiling, materials and installation	15	.1254
6. Garbage disposal	5	.2521
7. Dishwasher	10	.1553
8. Downspouts and eaves	10	.1553
9. Electric wiring or equipment (w/o motors)	15	.1254
10. Electric equipment (with motors)	10	.1553
11. Elevator, materials and installation	15	.1254
12. Exterior painting	5	.2521
13. Exterior steps, bricks or concrete	15	.1254
14. Exterior steps, wood	10	.1553
15. Fire escape	15	.1254
16. Flooring, hardwood	15	.1254
17. Flooring, tile, linoleum	8	.1790
18. Flooring, carpet	6	.2194
19. Flooring, sand and refinish	5	.2521
20. Furniture, new	10	.1553
21. Furniture, used	5	.2521
22. Hot water equipment	15	.1254
23. Kitchen, materials and installation	15	.1254
24. Landscaping	15	.1254
25. Masonry	15	.1254
26. Plastering, major	15	.1254
27. Plumbing, major	15	.1254
28. Refrigerators, new	10	.1553
29. Refrigerators, used	5	.2521
30. Roof, materials and installation	15	.1254
31. Sewer lines and piping	15	.1254
32. Siding	15	.1254
33. Storm windows	10	.1553
34. Sidewalks	15	.1254
35. Stoves, any type, new	10	.1553
36. Stoves, any type, used	5	.2521
37. Water heaters	8	.1790
38. Windows, wood frame	10	.1553

To: Rent Board From: J. Kenneth Griffin

April 28, 1976

- 72-11 Commencing July 1, 1976, if the Board determines that an owner knew or should reasonably have known at the time of filing a petition for a rent adjustment that any of the rental units within the building with respect to which such adjustment is sought did not comply with the requirements of Regulation 72-05, the Board may, in accordance with a schedule, published from time to time by the Board, adjust downward the fair rent of such units as did not so comply for the period of such non-compliance and permit a retroactive credit, on a pro-rata basis, to be taken by the tenants who occupied such units during the period of such non-compliance. For the purposes of Regulation 72-11 only, an owner shall be deemed to have known of such non-compliance if the matters constituting non-compliance are such as would come to the attention of the owner in the normal course of managing the unit.
- 72-12 For the purposes of adjusting rent and in consideration of the provisions of paragraphs 72-04 (e) and 72-04 (f), a finding by the Board that the owner has allowed the unit to substantially deteriorate because of the failure of the owner to perform ordinary repair, replacement and maintenance, shall preclude the Board from making any adjustment in rent to account for the percentage increase in the cost of living as provided for by Regulation 72-04(b).
- 72-13 For the purposes of adjusting rent and in consideration of the provisions of paragraph 72-04 (d) a finding by the Board that the owner has increased or decreased living space, services, or other amenities, shall result in a corresponding increase or decrease in rent in an amount equal to the fair value of the living space, service or other amenity as determined by the Board.
- 72-14 Pursuant to Regulation 72-04 (g) the Board may adjust rents in order to avoid hardships which would otherwise result if adjustment was computed pursuant to this Regulation Series provided such adjustment to avoid hardship is made to allow an annual gross income to avoid a negative cash flow to the owner and the Board determines that the owner's cash flow requirements are reasonable. A reasonable cash flow shall be determined by an examination of the purchase price of the unit, the financing, and the operating costs.

To: Rent Board From: J. Kenneth Griffin

April 28, 1976

25. Regulation Series No. 73 - - - - Individual Adjustments by Agreement

73-01 Rent adjustments may be allowed by agreement between the owner and tenant of the affected unit provided the owner and tenant waive their right to a hearing and such adjustment is approved by the Executive Director or the Board in accordance with the provisions of this regulation series.

73-02 Pursuant to this regulation series the Executive Director may approve rent adjustments made in accordance with the provisions of Regulation Series No. 72 provided the provisions of Regulations 72-03 (c), 72-09, 72-11, 72-12 and 72-14 are not used to compute the adjustment.

73-03 No rent adjustment by agreement shall be approved until the owner of the affected unit completes a petition for rent adjustment indicating a desire to have the adjustment approved by agreement and after proper notice and hearing a report prepared by a hearing examiner recommending a rent adjustment is signed by the owner and tenant of the affected unit together with waivers of the right to a hearing before the Board.

73-04 Omit.

73-05 Omit.

73-06 Omit.

73-07 Omit.

73-08 Omit.

26. 75-01 Upon application to the Rent Board the Board may increase the maximum lawful rent for a unit or units in accordance with the provisions of this Regulation Series provided:

a) That the application under this section conforms to the provisions of Regulation Series No. 30;

b) That attached to the application is a copy of a recent inspection report by a City Health Inspector indicating that the unit or units comply with all health code regulations;

c) That as a result of a fact finding hearing before an examiner the facts attested to in the application

qualify the unit or units for an increase in maximum rent;

- d) That subject to the approval of the executive director the hearing examiner approved an increase in the maximum lawful rent;
- e) That the landlord is not in violation of any of the provisions of the Rent Board's Regulations;
- f) That the Rent Board notifies the landlord and tenants of the approved increase in the maximum rent; and
- g) That the landlord complies with all procedures necessary to collect an increase including, but not limited to, giving at least one rental period notice to the tenant or tenants affected before the adjustment is effective to increase the maximum lawful rent.

75-02 Upon application to the Rent Board the Board may decrease the maximum lawful rent for a unit or units in accordance with the provisions of this Regulation Series provided:

- a) That the application under this section conforms to the provisions of Regulation Series No. 30;
- b) That if the application is filed by a tenant or by the tenants, the tenant or any of the tenants filing the application are not more than sixty days in arrears in payment of rent unless the arrearage is due to a lawful withholding of payment of rent under the provisions of Section eight A of Chapter 239 of the General Laws or is due to a withholding of rent under the provisions of any other applicable law, ordinance or regulation;
- c) That as a result of a fact finding hearing before an examiner the facts attested to in the application qualify the unit or units for a decrease in maximum rent;
- d) That subject to the approval of the executive director the hearing examiner approves a decrease in the maximum lawful rent; and
- e) That the Rent Board notifies the landlord and tenants of the approved decrease in the maximum rent.

75-03 Pursuant to Regulation Nos. 75-01 (c) and 75-02 (c) the fact finding hearing shall be conducted pursuant to Regulation Series No. 35 except Regulations Nos. 35-04, 35-05, 35-06, and Regulation Series No. 40 shall not apply.

75-04 A standard rental increase or decrease shall be based on increases or decreases in services or facilities. Standard rental increases or decreases will be allowed pursuant to the following schedule provided that the service or facility is substantially equivalent to that listed in the following schedule. If the service or facility is not substantially equivalent to that listed in the following schedule, the hearing examiner may make an adjustment in a reasonable manner.

A. Parking

1. Offstreet: Value of facility is \$15.00 per month.

2. Indoor: Value of facility is \$25.00 per month.

B. Furniture: Value of service is \$8.00 per room per month.

C. Airconditioning:

1. Individual airconditioning unit: Value of service is \$50.00 per unit per year.

2. Central airconditioning: Value of service is \$62.00 per unit per year.

D. Heat: For central heating only, the value of the service is \$240.00 per unit per year.

E. Gas for cooking: Value of service is \$6.00 per month per unit.

F. Electricity: Value of service is \$24.00 per unit per month.

G. Dishwasher: Value of service is \$60.00 per unit per year.

H. Clothes dryer: Value of service is \$25.00 per unit per year.

I. Clothes washer: Value of service is \$25.00 per unit per year.

J. Refrigerator: Value of service is \$40.00 per unit per year.

K. Modernization of heating, plumbing, or electrical system: Value of service is \$750.00 per building per year.

April 28, 1976

75-05 A rental decrease shall be allowed to account for conditions defined as substantial code violations by Regulation 13-01 (h) pursuant to the following schedule:

- a) lead paint which creates a hazard of lead poisoning to the children occupying the unit - abate the entire rent due each month;
- b) frequent lack of sufficient water supply or frequent lack of sufficient heat or hot water - reduce the rent by an amount equal to the monthly maximum rent divided by fifteen, times the number of days the condition existed during the two months immediately prior to the filing of a petition pursuant to this section;
- c) defective or exposed electrical wiring or outlets - reduce the rent by an amount equal to the monthly maximum rent divided by thirty, times the number of days the condition existed during the week immediately following the filing of a petition pursuant to this section;
- d) infestation of insects or rodents or defective drains, sewage systems or toilet facilities - reduce the rent by an amount equal to the monthly maximum rent divided by ten, times the number of days the condition existed during the ten days immediately following the filing of a petition pursuant to this section; and
- e) all other substantial violations defined by Regulation 13-01 (h) - reduce the rent by an amount equal to the monthly maximum rent divided by fourteen, times the number of days the condition existed during the seven days immediately following the filing of a petition pursuant to this section.

75-06 Rent reductions made pursuant to Regulation 75-05 shall be effective for a period of time equal to the period of time when the substandard condition was found to exist. The period of effectiveness shall commence to run once the violation has been cured. However, the reduction shall be effective immediately upon the granting of the reduction.

75-07 At the conclusion of the fact finding hearing, the presiding officer shall submit to the executive director a report of such hearing which shall specify the services or facilities increased or decreased. If the executive director approves the recommendations of the presiding

To: Rent Board From: J. Kenneth Griffin

April 28, 1976

officer after determining that the approval is within the spirit and intent of the Rent Control Act and the Regulations of the Rent Board, notice of the approval will be sent to all parties and the adjustment will be effective in accordance with the provisions of Regulations 41-01 and 72-07.

75-08 The Schedules detailed in Regulation 75-04 and 75-05 shall be used for the purpose of adjusting rent in accordance with the provisions of Regulation 72-11 until further order of the Rent Board.



CITY OF CAMBRIDGE  
INTEROFFICE CORRESPONDENCE

To Ken Griffin

Date May 4, 1976

From David Clem

Reference

Subject Suggested Amendments to the Rent Board Regulations

I must preface my remarks with the admission that I am far more familiar with the Rent and Eviction Control Act than I am with the regulations of the Rent Board. Consequently, most of my comments will be addressed to those recommended changes I have introduced or discussed with you earlier.

40-01 I think this change is excellent and, by the way, long overdue.

60-01 I think these changes are warranted.

No. 63 This certainly meets the intent of my request to consider this conditional exemption. I believe 63-03 (e) could be made stronger by using Section 8 definitions of low and moderate income families. I disagree with (g) because that shifts the Rent Board's responsibility to the housing assistance agencies which, I believe, is improper. While I think they can handle the administrative monitoring in sections (b), (c), (d), (e), (f), I believe (g) should be shared jointly at a minimum.

63-04 Very good. It is certainly my desire to monitor this process because I believe it can work to the best interests of lower income families.

Regulation No. 64 - Seems reasonable to me. I will be happy to enter the appropriate order in Council.

64-02 (c) Anything magic about 33%? Urban Land Institute just published information indicated the average expenditure for housing was 32% of gross income. I also think income should be determined by latest 1040, a requirement moderate income homewoners must meet before receiving municipal assistance such as the paint project of RCCC.

64-02 (2) Why not leave out "occupied by not more than two unrelated persons" or make sure dwelling conform to rooming house provisions, i.e. licensing?

70-01 Excellent.

72-03 I am curious why this standard can not be applied in 72-03 (a) & (b).

72-08 I am confused by this. Shouldn't it relate to other sections which allow for increases under controlled conditions?

72-14 Is this your response to my request for specialized treatment of small landlords? If so, I still do not have a real understanding of how it might work.

Regulation Series No. 73 - I think this is a good regulation; however, I think the rent should go back to standard controls upon new tenancy.

Regulation Series No. 75 - Good.

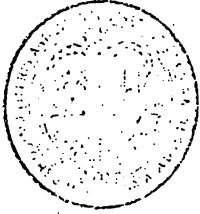
75-02 (b) Are there any other provisions other than Section eight A of Chapter 239? If not, I think this clause should be deleted.

75-04 Add "subject to the specific directions of the Board". I have heard of cases where the Board remanded a case with specific instructions for computation or examination only to have the hearing examiner choose, arbitrarily, another method.

75-05 (a) Lead paint is a tremendous burden to shift entirely to a landlord. Other forces are just as much to blame and therefore should share in the costs.

75-05 (b), (c), (d), (e) I go along with this assuming there is a provision which mandates proper notification to the landlord by the tenants before they file a petition.

Good job, Ken.



# CITY OF CAMBRIDGE

678 MASSACHUSETTS AVENUE

CAMBRIDGE, MASSACHUSETTS 02139

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

## RENT CONTROL BOARD

George Waldstein, Chairman

### MEMBERS

Joyce Alexander

Gerald Billow

Alfred Cohn

Paul Watkins

### OFFICIAL NOTICE

November 4, 1976

The following amendments to the Rent Board's Regulations have been approved by the Board and are in effect:

- "10 - 01 The following are the regulations of the Cambridge Rent Control Board".
- "11 - 01 Applications for Certificates of Eviction, petitions for rent adjustments and complaints shall be made on forms provided by the Board and available from the Board at the Board's offices. All notices and other forms required by these Regulations shall be in such form as provided and made available by the Board".
- "13 - 01 (a) The Rent Control Act or Act, the Massachusetts Rent and Eviction Control Enabling Act, St. 1970, c. 842 or the Cambridge Rent and Eviction Control Enabling Act, St. 1976 c. 36".
- "13 - 01 (j) "Landlord", the owner or, except for the purposes of Regulations 13 - 01(o), 13 - 01(p) and 58 - 01 and Section 9(a)(8) of the Act, the owner's agent".
- "13 - 01 (k) "Owner - occupied", a rental unit is owner-occupied when the owner of the unit occupies the unit as principal residence".
- "13 - 01 (o) "Finder's fee", any fee paid by a tenant to a licensed real estate broker or agent, other than the landlord, for the opportunity to examine or lease any controlled rental unit".
- "13 - 01 (p) "Service charge", any fee paid by a tenant to his landlord which is thereafter paid by the landlord to a licensed real estate broker or agent, other than the landlord, for the opportunity to examine or lease any controlled rental unit".
- "20 - 01 All dwelling units controlled under the provisions of the Rent Control Act, within the City of Cambridge, shall be registered with the Rent Control Board".

- "21 - 02 The Board shall refuse to grant any petition for rent adjustment filed by the owner or agent of the owner of any controlled rental unit for a period of time equal to the number of days after the day the unit became controlled during which any controlled rental unit owned by such owner remained unregistered or not properly registered, unless such owner can show to the satisfaction of the Board that the failure to register was excusable".
- "21 - 03 The Board shall refuse to grant any application for a Certificate of Eviction for a period of time equal to ninety (90) days or equal to the number of days after the day the unit owned by such owner seeking the certificate remained unregistered or not properly registered after the day the unit became controlled, whichever is less, unless such owner can show to the satisfaction of the Board that the failure to register was excusable".
- "40 - 01 At the conclusion of any fact-finding proceeding, the presiding officer shall, within fourteen days thereafter, submit to the Board a report of such hearing. This report shall contain a summary of the evidence, the officer's findings of fact, his recommendations thereon, and the reasons for the recommendations. The Board shall make a decision on each case for which a report has been submitted within a reasonable time. All parties in interest shall be given notice that the presiding officer has submitted his report to the Board, and that the Board will conduct the hearing to apply the facts and render a decision at a specified time and place".
- "40 - 02 The Board shall affirm the recommendations of the examiner, or reverse the recommendations of the examiner, or remand the matter to the examiner for further findings and recommendations stating the reasons for the remand, or make such other decision as it shall deem appropriate. Oral or written argument shall be permitted before the Board provided however, written arguments should be provided to the Board and all parties in interest not less than five days prior to the hearing before the Board. The Board shall refuse to accept any evidence, written or otherwise, except in the nature of an offer of proof to question the accuracy of the examiner's summary of the evidence. The Board may limit the time permitted parties for argument".

Regulation Series No. 42 - - - Appeals

- 42 - 01 Any person who is aggrieved by any action, regulation or order of the Board may file a complaint against the Board in the Third District Court of Eastern Middlesex pursuant to the rules of said court.
- 42 - 02 All decisions or orders of the Board shall become final and not subject to appeal ninety (90) days following the effective date of the decision or order.
- 44 - 01 The Board shall assent to service of process and to service of any subpoena by any party who is pursuing remedies under Sections 10, 11 or 12 of the Act. Service upon the executive director shall constitute service upon all members of the Board".
- 45 - 05 If it is determined as a result of a hearing in accordance with the provisions of Regulation 45 - 02 that a violation of Regulation 45 - 01 has occurred the Board shall credit to past or to future payments of rent by the tenant or tenants involved, any damages assessed pursuant to Regulation Series 45".
- 45 - 06 If it is determined as a result of a hearing in accordance with the provisions of Regulation 45 - 02 that a violation of Regulation 45 - 01 has occurred the Board may initiate a criminal proceeding under Section 12 of the Act".
- 51 - 01 (c) The rent claimed by the landlord is in excess of the maximum lawful rent or the amount claimed as rent due is offset by the tenant's right to deduct from rent due rent paid to the landlord in excess of the maximum lawful rent.
- 51 - 01 (d) Repealed
- 60 - 01 For the purposes of Section 9(a)(10) of the Act, no Certificate of Eviction shall be issued unless the landlord has clearly specified in his application and proved that the issuance of a certificate would be consistent with both the letter and spirit of the Act. The provisions of this subsection shall be construed narrowly and shall not include as just cause for eviction the following reasons:
- i. Recovery of possession in order to convert an apartment unit to a condominium unit; or

- ii. Recover of possession in order to make repairs or improvements to the unit not required by the laws of the Commonwealth or the City of Cambridge.

Regulation Series No. 70 - - - - Repealed

70 - 01 Repealed

70 - 02 Repealed

70 - 03 Repealed

70 - 04 Repealed

70 - 05 Repealed

70 - 06 Repealed

70 - 07 Repealed

70 - 08 Repealed

70 - 09 Repealed

72 - 02 For all controlled rental units which were not in existence for the calendar year ending December 31, 1967 or for the fiscal year which includes September, 1967 or as to which in the Board's opinion no reliable rent and expense figures are available for the calendar year ending December 31, 1967 or for the fiscal year which includes September, 1967, fair net operating income shall be determined on a basis consistent with the provisions of Regulation 72 - 01, after giving consideration for any special factors involved in respect of such units.

72 - 04 a. (ix) Maintenance and repairs

72 - 04 b. The percentage of increases in the cost of living, on a year end basis, as calculated by the Rent Board based on the "Consumer Price Index" of the United States Department of Labor.

72 - 06 All rent adjustments granted by the Board under this regulation series shall be computed to the nearest whole dollar amount and adjustment allowed according to such computation.

72 - 07 No rent increase shall become effective except upon one

month prior written notice by the owner to the occupant and not until the first rent due day at least twenty-eight days following the sending of the notice specified in Regulation 41 - 01 unless the unit affected is unoccupied at the time of the decision to adjust the rent of said unit, in which case, the adjustment shall be effective immediately upon notice from the Board to the owner of said unit.

- 72 - 08 Nothing contained herein shall obligate an owner to increase the rent for any controlled unit to the level determined pursuant to this regulation series, but no owner shall be permitted to ask for or receive any rent in excess of the maximum lawful rent or in excess of the level established in a then existing lease, whichever is less.

Regulation Series No. 73 - - - - Repealed

73 - 01 Repealed

73 - 02 Repealed

73 - 03 Repealed

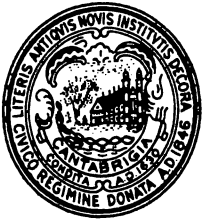
73 - 04 Repealed

73 - 05 Repealed

73 - 06 Repealed

73 - 07 Repealed

73 - 08 Repealed



# CITY OF CAMBRIDGE

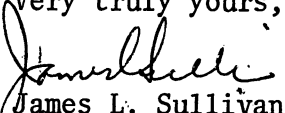
CAMBRIDGE, MASSACHUSETTS 02139  
Tel. 876-6800

EXECUTIVE DEPARTMENT  
JAMES L. SULLIVAN  
City Manager

November 8, 1976

To the Honorable, the City Council:

I transmit herewith a copy of a communication from  
J. Kenneth Griffin, Executive Director of the Rent Control  
Board, relative to City Council Orders 1,2 and 3 of  
April 5, 1976.

Very truly yours,  
  
James L. Sullivan  
City Manager

JLS/nwc

Agenda # 11 F-311

Rent Control matters.

11/8/76  
Referred to Rent  
Control Committee

In City Council,

November 8, 1976

*T. [unclear]*