

GASTON SNOW & ELY BARTLETT

WILLIAM GASTON (1844-1894)
FREDERICK E. SNOW (1886-1935)
JOSEPH E. ELY (1905-1956)
JOSEPH W. BARTLETT (1901-1960)

Reply to:

STATE STREET BANK BUILDING
225 FRANKLIN STREET
BOSTON, MASSACHUSETTS 02110
617/482-2310
CABLE ADDRESS: GASTOW

SHAWMUT BANK BUILDING
82 DEVONSHIRE STREET
BOSTON, MASSACHUSETTS 02109
617/227-3180

March 14, 1974
LFK-14-17

MEMORANDUM

To: Cambridge City Councillors

From: *Former*
Chairman of Rent Control Board

You will receive separately the Report of J. Kenneth Griffin, Executive Director of the Rent Control Board which, hopefully, to your satisfaction, responds to four areas of inquiry made by the Council at its February 14, 1974 meeting. I would like to address myself to the two ordinances proposed by Councillor Wylie and the additional orders introduced by Councillor Duehay.

The proposed Access to Records ordinance is in my opinion, most inadvisable. It has been before the Board at least a couple of times, introduced by tenant organizations, and has been rejected by a majority of the Board for the following reasons.

(a) One of the stated purposes was to allow tenant organizations outside of Cambridge to review our records for use outside Cambridge. This, I submit, serves no useful function for Cambridge.

(b) The office is not designed to allow people to request and examine files while normal business is being conducted.

(c) The opportunity for misplacing or losing documents is substantially increased.

(d) Handling of requests might become so burdensome to the staff that they would have to delay other important matters.

(e) There are not sufficient safeguards to protect the rights of privacy. Many tenants don't want others to know what rent they are paying; it is doubtful that

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all such tenants would notify the Board in writing of their desire or that such notices would insure that their rents would not be subject to inspection by others.

(f) There is no need for one person to know what rent another is paying unless he has a direct and immediate interest therein, and such interest is not otherwise adequately protected.

I am unalterably opposed to the proposed ordinance.

The proposed Fuel Cost Increase ordinance puts the cart before the horse: The Board hasn't even had hearings yet (now scheduled for March 28, 1974) on whether there should be any adjustment for fuel costs. Chapter 842 provides that owners are to receive a "fair net operating income". Any fuel adjustment would be for such purpose. If an owner is limited to one half of what is needed to assure a fair net operating income, the action, in my opinion, may be illegal under Chapter 842. The statute does not provide for allocations; it is arguable that (i) an ordinance can and (ii) that the Council can substitute its judgment for that of the Board even before a hearing has been had.

Councillor Duehay's suggestion for a tenant handbook stresses a need which we have long recognized. Drafts of such a handbook have been before the Board. Since these understandably are tenant oriented, some members of the Board have problems with certain sections, If these sections are removed or amended, it no longer satisfies other members.

Finally, if the Board and its staff were to do a complete evaluation of itself, it would have little time to do anything else since the Board doesn't have enough troops to do what's now before it. We did recently consider contracting with another City agency to do just such a study, but when we looked at our budget we found we couldn't afford it. In any case, I think such an evaluation is best done by an outside agency, not the Board itself.

In conclusion, I would like to say that while the Board has been delighted to have the thoughts of the Council on Rent Control and to respond to its inquiries, Chapter 842, I respectfully point out, does place the

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ultimate responsibility for the Rent Control program in the Board. We have attempted to discharge that responsibility by construing the law and administering the program in as even-handed objective manner as possible. If the results are found by the Council to be unsatisfactory, then the Council can switch back to an Administrator or vote the whole program out. Although last month's vote of 5 to 4 to retain the program was hardly of landslide proportions, I am sure you will understand that the Board regarded it as a mandate to continue our efforts.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Alan L. Lefkowitz". The signature is fluid and cursive, with a large, stylized "L" and "W".

Alan L. Lefkowitz
Former Chairman

ALL:mm
Enclosure

Com. from Alan L. Lefkowitz, former chairman of the Rent Control Board, in response to 4 inquiries made by the City Council at its meeting of 2/14/74 together with comments on the proposed ordinance introduced by Councillor Wylie and orders introduced by Councillor Duehay.

In City Council,

March 18, 1974

3/18/74

- Placed on File -