



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

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D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

TO: The Honorable, The City Council
FROM: ^{DMD} D. Margaret Drury, City Clerk
RE: Communication from Cambridge Tenant Union

Attached please find a communication from the Cambridge Tenants Union dated April 8, 1993, which was on the consent communications list for April 12, 1993.

When the City Council adjourned without having taken up communications which Council members had earlier transferred to the non-consent list for discussion, the City Clerk's Office placed these communications listed in the Clerk's notes on the communications list for the April 26, 1993 meeting.

However, due to an error in my recordation, the removal of the Cambridge Tenants Union communication did not appear in my notes, and thus, the Clerk's Office included it with the other consent communications as accepted and placed on file.

This communication should have been placed on the list of consent communications for April 26, 1993. Please accept my apology for any confusion this mistake has caused.

cc: William Noble, Cambridge Tenants Union

CAMBRIDGE TENANTS UNION
1151 Massachusetts Avenue
Cambridge, MA 02138
Telephone: 576-1006

1993 APR 22 PM 4:49

April 22, 1993

Cambridge City Council
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

To the Honorable; the City Council:

At the April 12, 1993 meeting, the enclosed communication was before the City Council. The Council acted to take it from the consent communications list and make it a non-consent communication. Subsequently, the Council adjourned without taking up its April 12 non-consent communications which consisted of this item and two or three others.

Members of the Cambridge Tenants Union were present on April 12, 1993 and have since spoken to members of the Council about this matter. We trust that the Council will have CTU's April 8th letter before it for the meeting of April 26, 1993.

Respectfully submitted.



(for) CAMBRIDGE TENANTS UNION
(William S. Noble)

enc: as

Rule 25 invoked 4/23/93

1993 APR 22 PM 4 49

CAMBRIDGE TENANTS UNION
1151 Massachusetts Avenue
Cambridge, MA 02138
Telephone: 576-1006

April 8, 1993

Cambridge City Council
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

To the Honorable; the City Council:

Spokespersons for landlords in the Small Property Owners Association (SPOA) have recently stated, in both the press and on television, that SPOA intends to appeal Superior Court Judge Gordon Doerfer's decision on SPOA's grab-bag lawsuit.

Councillors will recall that Judge Doerfer dismissed all claims that rent control in Cambridge was not constitutional. The decision was not a summary judgment, it was not reached after trial or argument on the merits. It was reached because, as the judge made very clear, the law on the constitutionality of rent control in Cambridge is settled.

SPOA, of course, has the right to appeal Judge Doerfer's decision rather than to proceed with the few remaining routine statutory matters. But, inasmuch as the decision is unambiguous and is grounded on clear, recent and numerous precedents all upholding the constitutionality of rent control, the Cambridge Tenants Union (CTU) believes that now is the time for the City of Cambridge to do more than defend itself legally. Now, in light of Judge Doerfer's decision, Cambridge should fight affirmatively for the sound centerpiece of its housing program.

It seems to the CTU that the merits of SPOA's lawsuit have been questionable from the outset. In the wake of Judge Doerfer's decision, we are starting to ask ourselves what is the real purpose for SPOA's lawsuit? What is the reason SPOA is raising and spending so much money on it? The answer, since we assume SPOA does not receive poor legal advice, has to be politics. SPOA must hope that the lawsuit will, regardless of legal defeats, destabilize Cambridge politics and aid and abet opponents of rent control. In short, it appears to us that SPOA may be using the courts to kick rent control around by propagandizing now discredited arguments of unconstitutionality.

Cambridge City Council
April 8, 1992
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Again, this is SPOA's choice. Now, however, the city also has a choice to make. Faced with a lawsuit that appears to CTU to be a legal non-starter, a lawsuit that SPOA may have started and may continue solely for political, not legal ends, the city must decide how to protect itself and how to protect the thousands of tenants who rely upon rent control to protect them and the housing in which they live.

In the first round of the lawsuit, legal counsel for the city did an excellent job. By moving to dismiss SPOA's complaint and by meeting the legal standards for that motion, the city's lawyers saved Cambridge taxpayers the considerable expense of examining constitutional questions during a trial. Given Judge Doerfer's decision, it is most unfortunate that the city may now face the added expense of an appeal.

For these reasons, the Cambridge Tenants Union asks the Cambridge City Council to request that the City Manager instruct the Rent Control Board's General Counsel and the special counsel representing the city in the SPOA lawsuit to determine whether, should SPOA appeal Judge Doerfer's decision, the city can move to recover its legal costs from the plaintiffs as part of its defense to such an appeal. The larger question to be answered is: can the City of Cambridge be forced, simply because SPOA doesn't like rent control, to expend tax dollars defending its housing policy through endless appeals in this kind of a lawsuit?

SPOA has had its day in court. Judge Doerfer dealt squarely with each of SPOA's constitutional claims and dismissed them. It is time for the city to support, in every way it can, the vital centerpiece of its housing program.

Sincerely,



(for) CAMBRIDGE TENANTS UNION
(William S. Noble)

Consent Comm. # 23 S-190

Resubmitted communication received
from William S. Noble, Cambridge
Tenants Union, regarding the Superior
Court decision on the Small Property
Owners Association's law suit.

In City Council,

April 26, 1993

Placed on file