



CITY OF CAMBRIDGE

639 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139
TEL 498-9077

RENT CONTROL BOARD

PETER D. STANTON, EXECUTIVE DIRECTOR

September 20, 1979

Mr. James L. Sullivan
City Manager
City Hall
Cambridge, MA 02139

Re: City Council Order No. 22 (September 10, 1979)

Dear Mr. Sullivan:

In response to your request, I submit the following report.

In order to adequately explain why properties not subject to the Rent Control Act receive Notices of New Maximum Rent, it is necessary to provide the following background.

The Rent Control Act (Chapter 36 of the Acts of 1976) and the Regulations of the Rent Control Board require that all properties subject to the Act must be registered with the Board. Such Registrations forms are the main source of the Board's data on Cambridge properties. The information placed on the Registration form by the landlord is generally assumed to be accurate by the Board.

In some few cases, a fact-finding hearing is held to clear up an ambiguity concerning a Registration form.

After a property is registered with the Board and the Board has determined the property to be subject to the Rent Control Act, the status of the property in the Board's records cannot be changed without the approval of the Board.

In a limited number of cases, the Board has allowed the Executive Director the authority to change the status of a property. Normally, this is allowed where a three-family non-owner-occupied house becomes an owner-occupied three-family house.

You should also be aware that some properties contain a mixture of controlled and exempt apartments. There are various reasons

Mr. James L. Sullivan
City Manager

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why an apartment may be considered exempt by the Board. Some are as follows:

1. Leased housing unit
2. Owner-occupied unit
3. Unit occupied by a Harvard or MIT affiliated individual, where the building is owned by either Harvard or MIT.

In all cases where, either the status of a property or the status of an apartment changes from controlled to exempt, the Board relies on the landlord to inform the Board of this change. Except in the limited number of cases referred to above, a fact-finding hearing before a Hearing Examiner and a ruling from the Rent Control Board is necessary in order to change the Board's records in this regard.

In my opinion, any other procedure would lead to abuses which could result in gross violations of the Rent Control Act.

It should be recognized that a property does not become exempt or controlled due to any action by the Rent Control Board. The Board's action is merely to alter its records concerning the status of a property. Exemptions are only created by the Rent Control Act and not by the Board.

Therefore, the following are reasons why an exempt property may continue to receive Notices of New Maximum:

1. The landlord has failed to notify the Board of a change in status.
2. The landlord has notified the Board of a change in status and the hearing process is not complete as of the date the Notices of New Maximum Rent are mailed.
3. The Board has allowed a change to its records concerning the status of a property, but this change was not key punched into the Board's computer system prior to the mailing of the Notices of New Maximum Rent.

It is my judgement that 80 to 90 percent of the cases where exempt properties received a Notice of New Maximum Rent are due to the failure of the landlord to notify the Board.

Mr. James L. Sullivan
City Manager

September 20, 1979

It is also my belief that no more than twenty-five (25) such properties received Notices of New Maximum Rent. The Board mailed Notices to 3167 properties in Cambridge.

I hope this will satisfy your request.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Peter D. Stanton", written over a horizontal line.

Peter D. Stanton
Executive Director

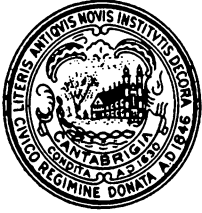
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cc: Rent Control Board

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OFFICE OF THE
CITY MANAGER



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

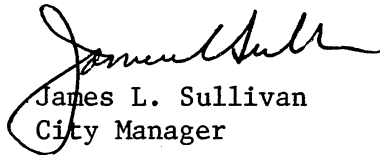
EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

September 24, 1979

To the Honorable, the City Council:

With respect to Awaiting Report Item No. 19 relative to notices of rent increases being sent to properties not subject to rent control, enclosed please find copy of a report from the Rent Control Board.

Very truly yours,


James L. Sullivan
City Manager

JLS/mbf
Enc.

Agenda #7

S-513

Response to Awaiting Report No. 19 re:
notices of rent increases being sent to pro-
perties not subject to rent control.

In City Council,

Septl 24, 1979

9/24/79

Placed on File