

CITY OF CAMBRIDGE

831 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 499-6161

RENT CONTROL BOARD

TERRENCE P. MORRIS, EXECUTIVE DIRECTOR

MEMORANDUM

To: Robert Healy, City Manager
From: Terrence Morris, Executive Director RCB
Re: Council Order # 14: 2 Essex Street
Date: June 22, 1990

In response to the above-referenced Order please be advised that the above-referenced property has been the subject of two orders (see attached) by the Rent Control Board within the past three months. These orders establish timetables for action by the present owner to restore the two units to the controlled rental market.

On May 31, 1990 I met with the owner and his architect to review their plans for restoration of the units within the existing building. It is my understanding that they have also discussed these plans with both the Community Development Department and concerned neighborhood activists.

The owner expressed a concern with the timetables established by the Board's Notice of Ruling dated June 6, 1990. His present intent is to develop the property in three phases. The rehabilitation of the upper floors of the building at 2 Essex Street for both residential and office use is slated for phase III with a target completion date of September, 1991.

I advised the owner that:

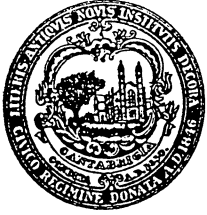
1. in addition to the issue of restoration, there was an issue as to compensation for the period in which the units were "off the market" without benefit of a removal permit;

2. some value for the loss of these units for this period would have to be determined and that this office would attempt to provide some guidance in that determination;

3. before the Board could consider any deviation from its stated position, the owner would have to present an alternative plan that compensated for the units' lack of availability during an extended construction period.

The Board is mindful of the importance of this project for the revitalization of Central Square. Nonetheless, any development must address the long-standing commitment to restoring/maintaining two rent-controlled units as part of the package.

cc. attachments



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RENT CONTROL BOARD

TERRENCE P. MORRIS, EXECUTIVE DIRECTOR

Date: June 6, 1990

Case No: SCX 89 191

Address: 2-2A Essex Street

Notice of Ruling

(Please see Notice of Appeal Rights)

The Board at its meeting of May 23, 1990, voted by a 3-0 margin to affirm and adopt the findings and recommendation of Assistant Counsel Vivian Bendix. Thus the Board ordered that:

1. within three weeks the owner submit three bona fide estimates from contractors to restore the units to habitability;
2. within six weeks the owner submit verification of a financing commitment to perform the work;
3. within four weeks the owner submit a specific plan for the completion of the work within twelve weeks; and
4. the owner's failure to comply with any one of these steps, this case shall be immediately referred to the general counsel for enforcement of the Board's order.

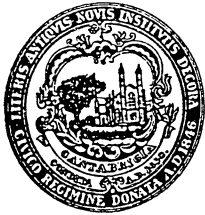
The Board orders that the staff conduct an inspection of the property as soon as possible.

Further the Board hereby clarifies the Notice of Ruling issued on March 19, 1990 to reflect the fact that at their meeting of March 13, 1990 the Board voted that the order set forth in the March 19, 1990 Notice of Ruling runs with the property and any buyer buys subject to that order.

PER ORDER OF THE BOARD

A handwritten signature in cursive script, reading "Judith A. Stalus", is written over a horizontal line.

Judith A. Stalus,
Assistant Director



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RENT CONTROL BOARD

TERRENCE P. MORRIS, EXECUTIVE DIRECTOR

Date: March 19, 1990
Case No: SCX 89 191
Address: 2 Essex St

Notice Of Ruling
(Please see Notice Of Appeal Rights)

The Board at its meeting of March 14, 1990 voted 5-0 to affirm and adopt the findings and recommendation of Assistant Counsel Vivian Bendix that the owner of record, Landon Clay, has violated Ordinance 966, s. 1(b) (4) (v) which prohibits the removal of controlled rental units from the market by not offering them for rent.

Based upon the record before it, the Board expressly rejected the owner's claim that the units were uninhabitable. Therefore the Board hereby orders that the units be offered for rent immediately. In the alternative the owner shall, within ten (10) days submit documentation proving that the units are unfit for habitation. Such documentation shall be specific as to: the conditions that exist; and whether removals of fixtures and/or systems may have contributed to the uninhabitability.

If it is shown that the units are in fact uninhabitable the owner shall be required to submit:

1. within four weeks three bona fide estimates from contractors to restore the units to habitability;
2. verification of a financing commitment to perform the work;
3. a specific plan for the completion of the work within three months or an otherwise reasonable period of time to be determined by the Board;
4. proof of project completion and bona fide offers to rent the units or actual tenancies.

PER ORDER OF THE BOARD

Terrence P. Morris
Executive Director

cc: case, registration files
computer, docket
General Counsel

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OFFICE OF THE CITY MANAGER



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

TEL. 498-9011

FAX. 868-8159

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

June 25, 1990

To The Honorable, The City Council:

With regard to Awaiting Report Item No. 34, relative to a status report of the building located at 2 Essex Street, attached please find a response from Terrence Morris, Executive Director of Rent Control, concerning this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert W. Healy", is written over the typed name and title.

Robert W. Healy
City Manager

RWH/mev
enclosure

Agenda # 42

S-656
Awaiting Report Item Number 34
regarding a status report of the building
located at 2 Essex Street.

In City Council,

June 25, 1990

Placed on file