



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300

FAX 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

19.
October 2, 1992

To The Honorable, The City Council:

There are a number of steps now in place to address the concerns that have been raised regarding the performance of the housing inspectors in Inspectional Services and the coordination between the Rent Control and Inspectional Services Departments.

First, as the Council is aware, we are advertising for a new Commissioner of Inspectional Services in preparation for the departure of Commissioner Cellucci. A very important criteria in the selection of the new Commissioner will be management experience to ensure that the problems identified within the Department can be addressed.

Second, we are looking at changes that might require home rule authority. We are exploring whether it would be advisable and possible to establish our own standards for housing inspectors. As you know, right now we must hire our housing inspectors from the list of individuals who have taken the Civil Service test. Those requirements may not be sufficient for a city which has the added complexity of rent control. When we have completed the analysis of this issue, I will report back to the Council with my recommendations. We may want to wait to make the final decisions on this issue pending the hiring of the new Commissioner so that he or she can be an integral part of the decisionmaking.

Third, Commissioner Cellucci is putting together his recommendations for the kind of training program that he believes would assist housing inspectors to improve their performance. Whether or not we obtain authority to establish different hiring criteria for our housing inspectors, we can take steps that will enhance their performance.

Fourth, we are looking at ways to make the Inspectional Services information about properties more easily available to the Rent Control Board hearing officers. While it is possible now for a Rent Control Board Examiner to get access to the current complaint information in the Inspectional Services database, it is not currently possible to be move easily between the two agencies databases.

I anticipate that a new Commissioner will want to make many changes in operations within the Inspectional Services Department. Clearly, a very important issue for the new Commissioner to address will be the communication with and interrelationship with the Rent Control Board.

In the short term, Commissioner Cellucci and Executive Director Morris are collaborating on ways to improve communication between the agencies and ways to provide better services. The most important collaboration between the two agencies would mandate housing code inspections for properties where the owner is seeking a rent adjustment if the tenant desires an inspection.

A major concern that was identified at the Rent Control Committee hearings was the granting of rent increases for rent control units that have significant numbers of housing code violations. The proposal currently under discussion that would address that concern would be to inform tenants at the time their landlord applies for certain categories of rent adjustments that the tenants have the right to have a housing inspector inspect their units. No rent increase would be effective for that tenant until all violations cited had been cured.

While this proposal would address a major concern raised at the hearings, it raises other issues that I think the City Council's Rent Control Committee should discuss prior to the City's implementing such a policy. For example, if rent increases for all capital improvements were to be withheld until all code violations within a unit were fixed, this might discourage owners from doing phased rehabilitation of their properties. If an owner cannot obtain a rent increase for repairing his roof unless he has already repaired every other condition in the unit or building, an owner may not be able or willing to begin the repairs. The Rent Control Committee has in the past talked approvingly about phased rehabilitation, and it may want to consider the effects of this proposal on such phased rehabilitation.

Similarly, once a landlord makes the repairs that are required to fix any cited code conditions, the cost of those repairs will be passed on to the tenant since it is either an operating expense or a capital improvement. Tenants may not understand the consequences of their asking for inspections. Indeed, there may be an implicit agreement between landlords and tenants that causes the tenant to live with code violations and the landlord not to seek all the rent increases to which he or she is entitled. That may not be an agreement that the City condones, but the Rent Control Committee may want to explore this issue further.

Finally, the Inspectional Services Department is in the process of drafting regulations for implementation of Administrative Citations to enforce the State Sanitary Code. The Rent Control Committee may want to consider the effect, particularly on small landlords, of a procedure that will increase the number of housing code inspections, which may result in citations being issued.

It may be that the proposed changes in the rent control and inspectional services procedures -- to provide for housing inspections that would prevent rent increases from being implemented where there are sanitary code violations -- is the appropriate response to some of the problems that have been identified. I would propose that the Rent Control Committee be given the opportunity to hold a hearing to address these concerns.

In the meantime, the Rent Control Board will be implementing other changes to ensure that tenants are more easily able to avail themselves of their rights to inspections and their rights to contest rent increases that they believe are unwarranted.

First, notices that are sent to inform tenants that their landlord is seeking a proposed rent increase will contain the important information about the rent increase in Haitian Kreyol, Portuguese, and Spanish as well as English.

Second, the general adjustment notices will inform tenants in Haitian Kreyol, Portuguese and Spanish that copies of all the documents, including the affidavit of conditions and the affidavit of compliance are available in those languages upon request from the Rent Control Board.

Third, the Rent Control Board will consider this month when it addresses issues regarding the general adjustment what process to follow to allow tenants to withdraw an affidavit of compliance where the tenant claims the affidavit was signed without the tenant understanding what he or she was signing.

Fourth, the Rent Control Board will also consider as a part of the next general adjustment whether common area conditions cited in an affidavit of conditions should delay rent increases for all units in the building until the conditions are corrected.

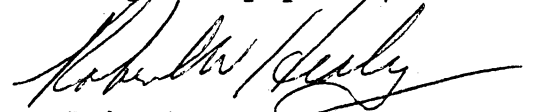
As the Council is aware, there is much work that needs to be done to improve the performance of the housing inspections of the Inspectional Services Department and to improve the coordination between the Rent Control Board and the Inspectional Services Department. I believe that a new Commissioner will be able to bring fresh ideas and energy to the Inspectional Services Department and I will expect that individual to work closely with me and with the Executive Director of the Rent Control Board to pursue appropriate initiatives to ensure highly professional functioning from both Departments.

Attached are the reports requested by the Council regarding the Market, Windsor and Harvard Street properties. The report from the Executive Director of the Rent Control Board details the current status of the rent increases for those properties. The reports from Inspectional Services report on the team inspections that were done

for Windsor and Harvard Streets by the Housing, Wiring, Plumbing,
and Building Inspectors.

I would propose that those reports along with the proposal
regarding housing inspections for properties where rent increases
are sought be referred to the Rent Control Committee.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Robert W. Healy". The signature is written in dark ink and is positioned above the typed name.

Robert W. Healy
City Manager



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831 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139
TEL (617) 349-6161

RENT CONTROL BOARD

TERRENCE P. MORRIS,
EXECUTIVE DIRECTOR

MEMORANDUM

To: Robert Healy, City Manager
From: Terrence Morris, Executive Director CRCB
Re: Rent Control Committee Report (7/30/92)
Date: October 1, 1992

This memo is an update on the rent status of the three buildings which were the subject of an earlier Council inquiry. I have also included staff memos on each of the properties. These memos summarize the rent history and provide a cost breakdown of the average rent.

19-25 Market Street. This property is in the process of being sold to David Aposhian. I have had several conversations with Mr. Aposhian regarding his intentions and the Rent Board's position vis-a-vis the building. Mr. Aposhian intends to restore the lost units and rehabilitate the rest. He is pursuing at least two post-rehab options: (1) conversion to a limited equity cooperative; or (2) undoing the condominium and reinstating the apartment house.

Conversion to a limited equity cooperative would require a removal permit from the Board and would permanently exempt the units from further control under Section 3(b)(4) of the Rent Control Act. Rehabilitation of the units as controlled rental housing has obvious rent-setting implications. Mr. Aposhian has been advised of these:

1. The three units which were totally destroyed (21-2, 21-3 and 21-4) would be exempt as new construction under section 3(b)(2) of the Act;
2. That portion of the insurance proceeds which covered the building loss (as distinguished from relocation costs or lost rents) would be deducted from any rent adjustment claim;
3. The rehab costs and insurance proceeds would be allocated per unit according to the extent of work on each. For example, the units which were totally destroyed would receive a higher allocation. This prevents the controlled units from bearing a disproportionate share of the cost;

4. The maintenance and repair expense which is built into the rent will be significantly reduced since these units will be practically new. It is expected that maintenance expense will be reviewed within six months of the completed rehab and an adjustment made.

Notwithstanding the pending sale, this building had been the subject of a Reg 72 rent adjustment in 1989 where the high maintenance costs were questioned. In that case decided in 1990, the Board opted to treat a portion of said costs as a non-recurring capital expense amortized over three years without interest. This cap is due to expire after 1992 when the rents will be reduced approximately \$14/unit.

266-270 Windsor Street. This building is the object of an on-going Rent Board review of its maintenance and repair expenses as part of a Reg 72 petition also filed in 1989. In that case, the Board conditioned the resultant rent increase upon validation of the maintenance expenses. The owner was required to submit actual expenses for 1990 and 1991 by June 1992, which he has done. Review of these expenses is currently underway. If expenses for 1990-91 show the earlier expenses not to be the norm, a downward adjustment will be made. It is important to note that the Board identified these expenses as a problem well in advance of the recent publicity.

205-211 Harvard Street. The annual maintenance costs for this building (\$59/unit) are more in line with the norm for buildings of this size and age. However, as Attachment III indicates, a significant part of the rent (\$382) is attributable to capital improvements. Therefore, one would expect the maintenance costs to be less for units recently upgraded.

ATTACHMENT I

MEMORANDUM

To: Terry Morris
 From: Buddy Packer
 RE: rents at 19-25 Market St.

<u>DATE</u>	<u>AVG. RENT</u>	<u>notation</u>
1-92	\$709	1992 GA
1-91	\$682	1991 GA
11-90	\$609	RA2-89-138
1-90	\$552	1990 GA
9-89	\$536	RA6-89-023 (capital improvements only)
3-89	\$473	1989 GA
2-89	\$450	RA2-88-016
3-88	\$436	RA2-87-141
6-85	\$290	1985 GA
4-83	\$312	RA2-81-272
3-82	\$217	1982 GA
11-80	\$158	1980 GA
8-79	\$145	1979 GA
6-75	\$152	1975 GA
9-73	\$129	1973 General Adjustment
1967	\$91	rents registered, accepted as actual

The current average rent of \$709 consists of roughly:

Net Operating Income	\$151
Capital Improvement Allowance	\$91
Water	\$100
Taxes	\$24
Heat	\$97
Insurance	\$36
Management Allowance	\$45
Electricity	\$7
Maintenance repair, etc.	\$158

The above figures are based on RA2-89-138 the most recent rent adjustment for this property. The regular hearing process took place for this adjustment. The landlord alleged, in a brief to the Superior Court, that the length of time to process the petition deprived him of a fair net operating income. The Court stated that "the ... petition was unusually complex. The Board's examiners reviewed voluminous documentation, conducted three hearing and evaluated six prior rent adjustments."

The most notable expenses are: heat, water, and maintenance, etc.

A- the heat is limited by the Board's energy efficiency regulation, this limit was appealed to court by the landlord. The Board was upheld. without the limit the expense would be roughly 19% higher

B- the water expense was taken from the Water Department's billings. the previous years water expense was about the same. It is worth noting that the two thirds of the 12% increase in the 1991 GA was a result of the increased allowance for water expenses.

C- the landlord petitioned for an annual allowance of \$34,365 in 1988 dollars. After holding lengthy hearing and reviewing large amounts of documentation the examiner recommended and the Board approved the following amounts: \$1,100 was not allowed; \$25,265 was allowed and built into the rents as an annual maintenance, repair and painting budget; the remaining \$8,000 was allowed at the rate of \$2,667 a year for three years. This amount, (roughly \$14 a month per unit) will be removed from the rent structure after 1992.

MEMORANDUM

To: Terry Morris
 From: Buddy Packer
 RE: rents at 266-270 Windsor St.

RENTAL HISTORY 16 units		
<u>DATE</u>	<u>AVG. RENT</u>	<u>notation</u>
1-92	\$644	1992 GA
1-91	\$615	1991 GA
7-90	\$580	RA2-89-147
1-90	\$486	1990 GA
3-89	\$468	1989 GA
11-88	\$459	RA2-88-017
4-88	\$416	RA2-87-140
6-85	\$269	1985 GA
4-83	\$303	RA2-81-283
3-82	\$247	1982 GA
11-80	\$199	1980 GA
8-79	\$198	1979 GA
8-77	161	1977 GA
6-75	\$154	1975 GA
9-73	\$132	1973 General Adjustment
1970	\$130	rents registered, accepted as actual

It is worth noting that the landlord has petitioned for an additional rent increase for capital improvements. The claim of \$12,500 spent has the potential to increase the average rent by roughly \$10 to \$12.

The current average rent of \$643 consists of roughly:

Net Operating Income	\$201
Capital Improvement Allowance	\$84
Water	\$48
Taxes	\$35
Heat	\$78
Insurance	\$28
Management Allowance	\$41
Electricity	\$5
Maintenance repair, etc.	\$123

The above figures are based on RA2-89-147, the most recent rent adjustment for this property. The regular hearing process took place for this adjustment, two fact-finding hearing were held and the Board heard the case twice.

The most notable expenses are: heat, maintenance, etc.

A- the heat allowance is based actual usage figures submitted in the General Adjustment process. The usage was below the limited imposed by the Board,s energy efficiency regulation.

B- the landlord petitioned for an annual allowance of \$25,522 in 1988 dollars. After holding hearings and reviewing large amounts of documentation the examiner recommended the following: \$11,569 allowed as an annual budget and \$10,067 allowed over three years as deferred maintenance. The remaining \$3,886 was not allowed. The Board affirmed the disallowance of the \$3,886 but did not place the \$10,067 into a three year allowance. Instead, the Board approved \$21,636 as the annual allowance and has required the owner to submit the maintenance and repair costs for 1990 and 1991 in June of 1992. The decision was based on the Board's belief that high maintenance costs are the norm for this building.

MEMORANDUM

To: Terry Morris
 From: Buddy Packer
 RE: rents at 205-211 Harvard St.

RENTAL HISTORY 12 units

<u>DATE</u>	<u>AVG. RENT</u>	<u>notation</u>
1-92	\$1,241	1992 GA
1-91	\$1,116	1991 GA
9-90	\$1,116	final rents from RA2-88-082
1-90	\$1,037	1990 GA
9-89	\$1,037	RA6-89-277 (capital improvements only)
4-89	\$1,026	interim rents from RA2-88-082
3-89	\$959	1989 GA
6-88	\$889	RA6-86-340 (capital improvements only)
8-87	\$745	1987 GA
5-87	\$731	RA2-86-264
6-85	\$504	1985 GA
7-82	\$448	1982 GA
11-80	\$419	1980 GA
8-79	\$368	1979 GA
6-75	\$331	1975 GA
9-73	\$320	1973 General Adjustment
1967	\$243	rents registered accepted as actual

The current average rent of \$1,241 consists of roughly:

Net Operating Income	\$568
Capital Improvement Allowance	\$382
Water	\$42
Taxes	\$69
Heat	\$0
Insurance	\$33
Management Allowance	\$79
Electricity	\$9
Maintenance repair, etc.	\$59

Notes:

1- the base year rents are much higher than the norm. This leads to an extraordinary net operating income for the property.

2-the capital improvement allowance is very high. Costs were reviewed by an examiner after lengthy hearings, they were supported by documentation and the tenants were given notice of all hearings.


3-in one instance the Board disallowed expenses because the Board determined that the work was done to further the plans for condominiums at the property and had no benefit to the tenants. The landlord appealed that decision and won in Superior Court.



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

TO: Joseph J. Cellucci,
Commissioner

DATE: September 29, 1992

FROM: John Fallon 
Acting Senior Inspector

SUBJECT: Team Inspection
266-270 Windsor Street
205-211 Harvard Street

PRESENT: Senior Building Inspector, Ronald Bentubo
Wiring Inspector, Leonard Leonardo
Plumbing Inspector, Leo Malloy
Housing Inspector, John Fallon
Mat Peckham, Property Manager
Alex Steinberg, Owner

The following report is submitted as requested to the findings at the above-listed properties.

266 Windsor Street:

Common hallway: No posting of owner. 410.481
Top floor ceiling peeling paint. (Small area) 410.500

Unit #3. Good Condition
Unit #2. Bathroom ceiling staining 410.500
Unit #1. Good Condition

Basement second means of egress obstruction by tenant 410.451

268 Windsor Street:

Common hallway: Top hallway ceiling staining 410.500
First floor ceiling peeling 410.500
No posting of owner 410.481
Trouble signal in fire panel

Unit #1 - No shower cover for window in bath 410-505
Roaches 410-550 B

Unit #2 - Good Condition

Unit #3 - Hole in kitchen floor	410-500
Unit #4 - Hole in wall around tube	410.500
Replace medicine cabinet	410.
Peeling paint in hallway	410.500
Unit #5 - Repair window in middle room	410.501
Repair window sill in bathroom	410.501
Repair screen in rear bedroom	410.551
Doorknob needed for closet door	410.500
Oven to be checked out	410.100
Unit #6 - Repair window in kitchen	410.501
Seal around ceiling in pantry	410.500
Wall over kitchen door need painting	410.500
Repair cracks in bathroom walls	410.500
Repair window in bedroom	410.501

270 Windsor Street

Unit #1 - Good Condition	
Unit #2 - Bathtub needs to be refinished	410.150
Unit #3 - Repair screen in bedroom	410.150
Unit #4 - Repair back door in kitchen	410.500
Unit #5 - No entry	
Unit #6 - No entry	

205 Harvard Street

Common Hallway: No posting of owner	410-481
Barrels need covers	410-600
Repair holes in back hall wall	410-500
Unit #1-A Tenant to remove debris on back stairs blocking egress	410-451
Unit #2-B Roaches	410-550B
Poor Housekeeping	410-602
2nd means of egress being blocked by tenant	410-451
Unit #3-C Good Condition	

207 Harvard Street

Common Area: Remove Debris 410-602D
Repair back door to the outside 410-500

Unit #1-A Good Condition

Unit #2-B Good Condition

Unit #3-C Repair ceiling in front bedroom 410-500
Repair screen in front bedroom 410-551
Repair smoke detector 410-482
Repair wall in back stairway 410-500

209 Harvard Street

Common Area: Post owners name and number 410-481
Repair walls in hallway 410-500

Unit #1-A Repair tile around tub 410-500
Repair ceiling in bathroom 410-500
Roach infestation 410-550B
Screen needed for bathroom 410-551
Poor housekeeping 410-602B
Second means of egress blocked
by tenant 410-451
" See Photos"

Unit #2-B Total roach infestation 410-550B
Total re-hab needed in Apt.
" See Photos"

Unit #3-C Supply screen for kitchen window 410-551
Repair smoke detector (Battery) 410-482
Roach infestation 410-550B
Repair or replace refrigerator 410-351

211 Harvard Street

Common Areas: Post owners name and phone # 410-481
Remove debris from cellar 410-602D
Rear hallway ceiling stained 410-500
Repair walls in rear hall 410-500

Unit #1-A: Repair kitchen cabinet door-missing	410-351
Supply screen for bathroom	410-551
Repair wall in bathroom	410-451
Tenant blocking front hall egress with debris	410-451
Tenant also blocking second means of egress	410-451
Unit #2-B Roaches	410-550B
Second means of egress being blocked by tenant (See photos)	410-451
Unit #3-C No entry	



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

TO: Joseph J. Cellucci,
Commissioner

FROM: Ronald Bentubo *RMB*
Senior Building Inspector

SUBJECT: 205,207,209, 211 Harvard Street

The following was noted during a team inspection conducted 092992
at the above addresses

1. Rear egress stairs in need of repair. Loose and missing balusters, broken steps and loose posts noted.
2. Two roof chimneys in need of repair.
3. #211 Harvard St. Front door closer broken. Baluster's missing at second level.
Ceiling insulation in cellar to be repaired.
4. #207 Harvard St. Door to cellar missing, balusters missing in first level. Brick pier support in cellar to be repaired.
Ceiling insulation to be repaired.

#205 Harvard St. Baluster's missing at second and third levels.

5. Unit A. 205 Harvard St. Exterior second exit in need of repair
Loose baluster's, post and threshold noted.
Unit B. 205 Harvard St. No building code violation.
Unit C 205 Harvard St. No building code violation.
Unit D. 205 Harvard St. No. building code violation.
6. Unit A. 207 Harvard St. No building code violation.

Unit B. 207 Harvard St. Second exit door dragging. Hand rail missing in second exit stairway.

Unit C. 207 Harvard St. No building code violation.

7. Unit A. 209 Harvard St. Second exit obstructed by tenant. (Furniture, clothes etc.)

Unit B. 209 Harvard St. Vacant. Needs complete re-hab.

Unit C. 209 Harvard St. No building code violations.

8. Unit A. 211 Harvard St. Second exit obstructed by tenant. (Duct tape, furniture).

Unit B. 211 Harvard St. Second exit obstructed by tenant. (Blankets, mattress and air conditioner).

Unit C. 211 Harvard St. No entry, no key, no one home.



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To: Joseph J. Cellucci
Commissioner

Date: September 29, 1992

From: Ronald T. Bentubo *RTB*
Senior Building Inspector

Subject: 266,268,270 Windsor Street

The following was noted during a team inspection of the above addresses:

1. Exterior front steps especially at #266 in need of repairs.
2. Pre-cast ornamental doorways in need of repairs. Cracks, loose and missing concrete noted.
3. Pre-cast ornamental lintels, window sills and decorative bands throughout building in need of repair. Missing sections, cracks, loose and hanging concrete noted. In some areas the re-bar was exposed.
4. Entry doors at #268 and #270 each have two locks requiring a double action to get out.
5. All rear decks have nails popping from floors.
6. No emergency lights noted at #268 and #270. Front and back stairs each serve six unit.
7. Metal stair edging in second exit at second level coming off. (#270)
8. Metal lath ceiling in cellar in need of repair. Several large openings noted. Also rotted beam over gas meter to be repaired.


9. Unit 3, 266 Windsor Street, No building code violations.
- Unit 2, "" "" , Second exit door dragging and hard to open.
- Unit 1, "" "" , Second exit door can't open completely. Obstructed by door closer on porch door.
- Unit B, "" "" , Entrance to unit has tripping hazard. (Concrete lip) Second exit obstructed, Steps to door used by tenant as storage area.
10. Unit 1, 268 Windsor Street, No building code violations.
- Unit 2, "" "" , "" "" "" ""
- Unit 3, "" "" , "" "" "" ""
- Unit 4, "" "" , "" "" "" ""
- Unit 5, "" "" , "" "" "" ""
- Unit 6, "" "" , No building code violations.
11. Unit 1, 270 Windsor Street, No building code violations.
- Unit 2, "" "" , "" "" "" ""
- Unit 3, "" "" , Concrete threshold to rear porch in need of repair.
- Unit 4, "" "" , No building code violations.
- Unit 5, "" "" , No entry, No key, No one home.
- Unit 6, "" "" , "" "" "" ""



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

TO: Joseph J. Cellucci,
Commissioner

DATE: September 29, 1992

FROM: Leonard Leonardo 
Inspector of Wires

RE: Team Inspection
266 - 270 Windsor Street
205 - 211 Harvard Street

The following violations were found at the above mentioned addresses.

At 266 to 270 Windsor the fire alarm in trouble mode. 266 recently re-wired no violations.

268 Windsor Street

Apt 1. Front living room duplex plate missing.
Front bedroom ceiling light not working, rear bedroom duplex plate missing. Cords are under the rug.

Apt 2. No violations
Apt 3. No violations
Apt 4. No violations
Apt 5. No violations
Apt 6. Pantry ceiling light on cord.

270 Windsor Street

Apt 1. Rear bedroom cord across door.
Apt 2. Pantry cord from ceiling outlet to lamp
Apt 3. No violations
Apt 4. No violations
Apt 5. No entry
Apt 6. No entry

268 - 270 Windsor Street

Install type S fuses in unit fuse holders.

205 to 211 Harvard Street

Could not turn on light in rear exit stairwell from second floor units.

205 Harvard Street

Apt A - No violations

Apt B - No violations

Apt C - Front stairwell emergency lights not working

207 Harvard Street

Cellar washer and dryer wired from public meter not properly supported, staples not insulated, across joists.

Apt A - No violations

Apt B - No violations

Apt C - No violations

209 Harvard Street

Apt A - Front hall light switch broken

Apt B - Kitchen duplex plate missing

Apt C - No violations

211 Harvard Street

Apt A - No violations

Apt B - Front stairwell alarm horn loose

Apt C - No entry



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

TO: Joseph J. Cellucci,
Commissioner

DATE: September 29, 1992

FROM: Leo Malloy, *L.M.*
Inspector of Plumbing & Gas Fitting

SUBJECT: Team Inspection
266-270 Windsor Street
205-211 Harvard Street

The following report is submitted as requested as to the conditions of the above-listed properties with the following inspectors, John Fallon, Housing Inspector, Ron Bentubo, Building Inspector, Lenny Leonardo, Electrical Inspector and Mr. A. Steinberg the owner and property manager for R.C. Group Mr. Peckham.

I found that the plumbing fixtures are installed and operating as required under Chapter 142 Mass General Laws Section 13 as could be determined by visual inspection. The fixtures vary in age but are serviceable and if kept clean by occupants they will operate as required. I found some small plumbing violations which can be easily repaired.

266 Windsor Street

Unit #1 - No violations.
Unit #2 - No violations.
Unit #3 - No violations.

266 B Basement Unit - No violations.

268 Windsor Street

Unit #1 - No violations
Unit #2 - No violations
Unit #3 - No violations
Unit #4 - Shower valve needs to be secured
Unit #5 - A. Radiator in front bedroom needs to be shimmed.
B. Lavatory faucets need new washers.
Unit #6 - Kitchen sink faucet and lavatory faucets need washers.

270 Windsor Street

Unit #1 - No violations
Unit #2 - No violations
Unit #3 - No violations
Unit #4 - No violations
Unit #5 - No entry locks changed
Unit #6 - No entry locks changed

Basement - No violations

I suggest that in apartments where a window is next to the bathtub shower that two (2) rods be used to protect windows. This is not a code requirement but good practice.

205 Harvard Street

Apt A - No violations
Apt B - No violations
Apt C - No violations

207 Harvard Street

Apt A - No violations
Apt B - No violations
Apt C - No violations Being Repainted.

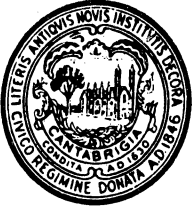
209 Harvard Street

Apt A - No violations plumbing. Tile need some repair.
Apt B - Existing fixtures need cleaning
Apt C - No violations

211 Harvard Street

Apt A - Bathtub drain needs cleaning drains slow. Toilet tank cover cracked
Apt B - No violations
Apt C - No entry

There are individual water heaters and forced hot water gas fired heating boiler separate units for each apartment - they are approximately 5 or 6 years old.



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RENT CONTROL BOARD

TERRENCE P. MORRIS,
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MEMORANDUM

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1. The three units which were totally destroyed (21-2, 21-3 and 21-4) would be exempt as new construction under section 3(b)(2) of the Act;
2. That portion of the insurance proceeds which covered the building loss (as distinguished from relocation costs or lost rents) would be deducted from any rent adjustment claim;
3. The rehab costs and insurance proceeds would be allocated per unit according to the extent of work on each. For example, the units which were totally destroyed would receive a higher allocation. This prevents the controlled units from bearing a disproportionate share of the cost;

4. The maintenance and repair expense which is built into the rent will be significantly reduced since these units will be practically new. It is expected that maintenance expense will be reviewed within six months of the completed rehab and an adjustment made.

Notwithstanding the pending sale, this building had been the subject of a Reg 72 rent adjustment in 1989 where the high maintenance costs were questioned. In that case decided in 1990, the Board opted to treat a portion of said costs as a non-recurring capital expense amortized over three years without interest. This cap is due to expire after 1992 when the rents will be reduced approximately \$14/unit.

266-270 Windsor Street. This building is the object of an on-going Rent Board review of its maintenance and repair expenses as part of a Reg 72 petition also filed in 1989. In that case, the Board conditioned the resultant rent increase upon validation of the maintenance expenses. The owner was required to submit actual expenses for 1990 and 1991 by June 1992, which he has done. Review of these expenses is currently underway. If expenses for 1990-91 show the earlier expenses not to be the norm, a downward adjustment will be made. It is important to note that the Board identified these expenses as a problem well in advance of the recent publicity.

205-211 Harvard Street. The annual maintenance costs for this building (\$59/unit) are more in line with the norm for buildings of this size and age. However, as Attachment III indicates, a significant part of the rent (\$382) is attributable to capital improvements. Therefore, one would expect the maintenance costs to be less for units recently upgraded.

ATTACHMENT I

MEMORANDUM

To: Terry Morris
 From: Buddy Packer
 RE: rents at 19-25 Market St.

RENTAL HISTORY		16 units
DATE	AVG. RENT	notation
1-92	\$709	1992 GA
1-91	\$682	1991 GA
11-90	\$609	RA2-89-138
1-90	\$552	1990 GA
9-89	\$536	RA6-89-023 (capital improvements only)
3-89	\$473	1989 GA
2-89	\$450	RA2-88-016
3-88	\$436	RA2-87-141
6-85	\$290	1985 GA
4-83	\$312	RA2-81-272
3-82	\$217	1982 GA
11-80	\$158	1980 GA
8-79	\$145	1979 GA
6-75	\$152	1975 GA
9-73	\$129	1973 General Adjustment
1967	\$91	rents registered, accepted as actual

The current average rent of \$709 consists of roughly:

Net Operating Income	\$151
Capital Improvement Allowance	\$91
Water	\$100
Taxes	\$24
Heat	\$97
Insurance	\$36
Management Allowance	\$45
Electricity	\$7
Maintenance repair, etc.	\$158

The above figures are based on RA2-89-138 the most recent rent adjustment for this property. The regular hearing process took place for this adjustment. The landlord alleged, in a brief to the Superior Court, that the length of time to process the petition deprived him of a fair net operating income. The Court stated that "the ... petition was unusually complex. The Board's examiners reviewed voluminous documentation, conducted three hearing and evaluated six prior rent adjustments."

The most notable expenses are: heat, water, and maintenance, etc.

A- the heat is limited by the Board's energy efficiency regulation, this limit was appealed to court by the landlord. The Board was upheld. without the limit the expense would be roughly 19% higher

B- the water expense was taken from the Water Department's billings. the previous years water expense was about the same. It is worth noting that the two thirds of the 12% increase in the 1991 GA was a result of the increased allowance for water expenses.

C- the landlord petitioned for an annual allowance of \$34,365 in 1988 dollars. After holding lengthy hearing and reviewing large amounts of documentation the examiner recommended and the Board approved the following amounts: \$1,100 was not allowed; \$25,265 was allowed and built into the rents as an annual maintenance, repair and painting budget; the remaining \$8,000 was allowed at the rate of \$2,667 a year for three years. This amount, (roughly \$14 a month per unit) will be removed from the rent structure after 1992.

ATTACHMENT II

MEMORANDUM

To: Terry Morris
 From: Buddy Packer
 RE: rents at 266-270 Windsor St.

RENTAL HISTORY 16 units		
<u>DATE</u>	<u>AVG. RENT</u>	<u>notation</u>
1-92	\$644	1992 GA
1-91	\$615	1991 GA
7-90	\$580	RA2-89-147
1-90	\$486	1990 GA
3-89	\$468	1989 GA
11-88	\$459	RA2-88-017
4-88	\$416	RA2-87-140
6-85	\$269	1985 GA
4-83	\$303	RA2-81-283
3-82	\$247	1982 GA
11-80	\$199	1980 GA
8-79	\$198	1979 GA
8-77	161	1977 GA
6-75	\$154	1975 GA
9-73	\$132	1973 General Adjustment
1970	\$130	rents registered, accepted as actual

It is worth noting that the landlord has petitioned for an additional rent increase for capital improvements. The claim of \$12,500 spent has the potential to increase the average rent by roughly \$10 to \$12.

The current average rent of \$643 consists of roughly:

Net Operating Income	\$201
Capital Improvement Allowance	\$84
Water	\$48
Taxes	\$35
Heat	\$78
Insurance	\$28
Management Allowance	\$41
Electricity	\$5
Maintenance repair, etc.	\$123

The above figures are based on RA2-89-147, the most recent rent adjustment for this property. The regular hearing process took place for this adjustment, two fact-finding hearing were held and the Board heard the case twice.

The most notable expenses are:heat, maintenance, etc.

A- the heat allowance is based actual usage figures submitted in the General Adjustment process. The usage was below the limited imposed by the Board,s energy efficiency regulation.

B- the landlord petitioned for an annual allowance of \$25,522 in 1988 dollars. After holding hearings and reviewing large amounts of documentation the examiner recommended the following: \$11,569 allowed as an annual budget and \$10,067 allowed over three years as deferred maintenance. The remaining \$3,886 was not allowed. The Board affirmed the disallowance of the \$3,886 but did not place the \$10,067 into a three year allowance. Instead, the Board approved \$21,636 as the annual allowance and has required the owner to submit the maintenance and repair costs for 1990 and 1991 in June of 1992. The decision was based on the Board's belief that high maintenance costs are the norm for this building.

MEMORANDUM

To: Terry Morris
 From: Buddy Packer
 RE: rents at 205-211 Harvard St.

RENTAL HISTORY 12 units

<u>DATE</u>	<u>AVG. RENT</u>	<u>notation</u>
1-92	\$1,241	1992 GA
1-91	\$1,116	1991 GA
9-90	\$1,116	final rents from RA2-88-082
1-90	\$1,037	1990 GA
9-89	\$1,037	RA6-89-277 (capital improvements only)
4-89	\$1,026	interim rents from RA2-88-082
3-89	\$959	1989 GA
6-88	\$889	RA6-86-340 (capital improvements only)
8-87	\$745	1987 GA
5-87	\$731	RA2-86-264
6-85	\$504	1985 GA
7-82	\$448	1982 GA
11-80	\$419	1980 GA
8-79	\$368	1979 GA
6-75	\$331	1975 GA
9-73	\$320	1973 General Adjustment
1967	\$243	rents registered accepted as actual

The current average rent of \$1,241 consists of roughly:

Net Operating Income	\$568
Capital Improvement Allowance	\$382
Water	\$42
Taxes	\$69
Heat	\$0
Insurance	\$33
Management Allowance	\$79
Electricity	\$9
Maintenance repair, etc.	\$59

Notes:

1- the base year rents are much higher than the norm. This leads to an extraordinary net operating income for the property.

2-the capital improvement allowance is very high. Costs were reviewed by an examiner after lengthy hearings, they were supported by documentation and the tenants were given notice of all hearings.


3-in one instance the Board disallowed expenses because the Board determined that the work was done to further the plans for condominiums at the property and had no benefit to the tenants. The landlord appealed that decision and won in Superior Court.



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

TO: Joseph J. Cellucci,
Commissioner

DATE: September 29, 1992

FROM: John Fallon, 
Acting Senior Inspector

SUBJECT: Team Inspection
266-270 Windsor Street
205-211 Harvard Street

PRESENT: Senior Building Inspector, Ronald Bentubo
Wiring Inspector, Leonard Leonardo
Plumbing Inspector, Leo Malloy
Housing Inspector, John Fallon
Mat Peckham, Property Manager
Alex Steinberg, Owner

The following report is submitted as requested to the findings at the above-listed properties.

266 Windsor Street:

Common hallway: No posting of owner. 410.481
Top floor ceiling peeling paint. (Small area) 410.500

Unit #3. Good Condition
Unit #2. Bathroom ceiling staining 410.500
Unit #1. Good Condition

Basement second means of egress obstruction by tenant 410.451

268 Windsor Street:

Common hallway: Top hallway ceiling staining 410.500
First floor ceiling peeling 410.500
No posting of owner 410.481
Trouble signal in fire panel

Unit #1 - No shower cover for window in bath 410-505
Roaches 410-550 B

Unit #2 - Good Condition

Unit #3 - Hole in kitchen floor	410-500
Unit #4 - Hole in wall around tube	410.500
Replace medicine cabinet	410.
Peeling paint in hallway	410.500
Unit #5 - Repair window in middle room	410.501
Repair window sill in bathroom	410.501
Repair screen in rear bedroom	410.551
Doorknob needed for closet door	410.500
Oven to be checked out	410.100
Unit #6 - Repair window in kitchen	410.501
Seal around ceiling in pantry	410.500
Wall over kitchen door need painting	410.500
Repair cracks in bathroom walls	410.500
Repair window in bedroom	410.501

270 Windsor Street

Unit #1 - Good Condition	
Unit #2 - Bathtub needs to be refinished	410.150
Unit #3 - Repair screen in bedroom	410.150
Unit #4 - Repair back door in kitchen	410.500
Unit #5 - No entry	
Unit #6 - No entry	

205 Harvard Street

Common Hallway: No posting of owner	410-481
Barrels need covers	410-600
Repair holes in back hall wall	410-500
Unit #1-A Tenant to remove debris on back stairs blocking egress	410-451
Unit #2-B Roaches	410-550B
Poor Housekeeping	410-602
2nd means of egress being blocked by tenant	410-451
Unit #3-C Good Condition	

207 Harvard Street

Common Area: Remove Debris	410-602D
Repair back door to the outside	410-500
Unit #1-A Good Condition	
Unit #2-B Good Condition	
Unit #3-C Repair ceiling in front bedroom	410-500
Repair screen in front bedroom	410-551
Repair smoke detector	410-482
Repair wall in back stairway	410-500

209 Harvard Street

Common Area: Post owners name and number	410-481
Repair walls in hallway	410-500
Unit #1-A Repair tile around tub	410-500
Repair ceiling in bathroom	410-500
Roach infestation	410-550B
Screen needed for bathroom	410-551
Poor housekeeping	410-602B
Second means of egress blocked by tenant	410-451
" See Photos"	
Unit #2-B Total roach infestation	410-550B
Total re-hab needed in Apt.	
" See Photos"	
Unit #3-C Supply screen for kitchen window	410-551
Repair smoke detector (Battery)	410-482
Roach infestation	410-550B
Repair or replace refrigerator	410-351

211 Harvard Street

Common Areas: Post owners name and phone #	410-481
Remove debris from cellar	410-602D
Rear hallway ceiling stained	410-500
Repair walls in rear hall	410-500

Unit #1-A: Repair kitchen cabinet door-missing	410-351
Supply screen for bathroom	410-551
Repair wall in bathroom	410-451
Tenant blocking front hall egress with debris	410-451
Tenant also blocking second means of egress	410-451
Unit #2-B Roaches	410-550B
Second means of egress being blocked by tenant (See photos)	410-451
Unit #3-C No entry	



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

TO: Joseph J. Cellucci,
Commissioner

FROM: Ronald Bentubo *RMB*
Senior Building Inspector

SUBJECT: 205,207,209, 211 Harvard Street

The following was noted during a team inspection conducted 092992
at the above addresses

1. Rear egress stairs in need of repair. Loose and missing balusters, broken steps and loose posts noted.
2. Two roof chimneys in need of repair.
3. #211 Harvard St. Front door closer broken. Baluster's missing at second level.
Ceiling insulation in cellar to be repaired.
4. #207 Harvard St. Door to cellar missing, balusters missing in first level. Brick pier support in cellar to be repaired.
Ceiling insulation to be repaired.

#205 Harvard St. Baluster's missing at second and third levels.

5. Unit A. 205 Harvard St. Exterior second exit in need of repair
Loose baluster's, post and threshold noted.
Unit B. 205 Harvard St. No building code violation.
Unit C. 205 Harvard St. No building code violation.
Unit D. 205 Harvard St. No. building code violation.
6. Unit A. 207 Harvard St. No building code violation.

Unit B. 207 Harvard St. Second exit door dragging. Hand rail missing in second exit stairway.

Unit C. 207 Harvard St. No building code violation.

7. Unit A. 209 Harvard St. Second exit obstructed by tenant. (Furniture, clothes etc.)

Unit B. 209 Harvard St. Vacant. Needs complete re-hab.

Unit C. 209 Harvard St. No building code violations.

8. Unit A. 211 Harvard St. Second exit obstructed by tenant. (Duct tape, furniture).

Unit B. 211 Harvard St. Second exit obstructed by tenant. (Blankets, mattress and air conditioner).

Unit C. 211 Harvard St. No entry, no key, no one home.



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To: Joseph J. Cellucci
Commissioner

Date: September 29, 1992

From: Ronald T. Bentubo *RTB*
Senior Building Inspector

Subject: 266,268,270 Windsor Street

The following was noted during a team inspection of the above addresses:

1. Exterior front steps especially at #266 in need of repairs.
2. Pre-cast ornamental doorways in need of repairs. Cracks, loose and missing concrete noted.
3. Pre-cast ornamental lintels, window sills and decorative bands throughout building in need of repair. Missing sections, cracks, loose and hanging concrete noted. In some areas the re-bar was exposed.
4. Entry doors at #268 and #270 each have two locks requiring a double action to get out.
5. All rear decks have nails popping from floors.
6. No emergency lights noted at #268 and #270. Front and back stairs each serve six unit.
7. Metal stair edging in second exit at second level coming off. (#270)
8. Metal lath ceiling in cellar in need of repair. Several large openings noted. Also rotted beam over gas meter to be repaired.

- 9. Unit 3, 266 Windsor Street, No building code violations.
- Unit 2, "" "" , Second exit door dragging and hard to open.
- Unit 1, "" "" , Second exit door can't open completely. Obstructed by door closer on porch door.
- Unit B, "" "" , Entrance to unit has tripping hazard. (Concrete lip) Second exit obstructed, Steps to door used by tenant as storage area.

- 10. Unit 1, 268 Windsor Street, No building code violations.
- Unit 2, "" "" , "" "" "" ""
- Unit 3, "" "" , "" "" "" ""
- Unit 4, "" "" , "" "" "" ""
- Unit 5, "" "" , "" "" "" ""
- Unit 6, "" "" , No building code violations.


- 11. Unit 1, 270 Windsor Street, No building code violations.
- Unit 2, "" "" , "" "" "" ""
- Unit 3, "" "" , Concrete threshold to rear porch in need of repair.
- Unit 4, "" "" , No building code violations.
- Unit 5, "" "" , No entry, No key, No one home.
- Unit 6, "" "" , "" "" "" ""



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

TO: Joseph J. Cellucci,
Commissioner

DATE: September 29, 1992

FROM: Leonard Leonardo 
Inspector of Wires

RE: Team Inspection
266 - 270 Windsor Street
205 - 211 Harvard Street

The following violations were found at the above mentioned addresses.

At 266 to 270 Windsor the fire alarm in trouble mode. 266 recently re-wired no violations.

268 Windsor Street

Apt 1. Front living room duplex plate missing.
Front bedroom ceiling light not working, rear bedroom duplex plate missing. Cords are under the rug.

Apt 2. No violations
Apt 3. No violations
Apt 4. No violations
Apt 5. No violations
Apt 6. Pantry ceiling light on cord.

270 Windsor Street

Apt 1. Rear bedroom cord across door.
Apt 2. Pantry cord from ceiling outlet to lamp
Apt 3. No violations
Apt 4. No violations
Apt 5. No entry
Apt 6. No entry

268 - 270 Windsor Street

Install type S fuses in unit fuse holders.

205 to 211 Harvard Street

Could not turn on light in rear exit stairwell from second floor units.

205 Harvard Street

Apt A - No violations

Apt B - No violations

Apt C - Front stairwell emergency lights not working

207 Harvard Street

Cellar washer and dryer wired from public meter not properly supported, staples not insulated, across joists.

Apt A - No violations

Apt B - No violations

Apt C - No violations

209 Harvard Street

Apt A - Front hall light switch broken

Apt B - Kitchen duplex plate missing

Apt C - No violations

211 Harvard Street

Apt A - No violations

Apt B - Front stairwell alarm horn loose

Apt C - No entry



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

TO: Joseph J. Cellucci,
Commissioner

DATE: September 29, 1992

FROM: Leo Malloy, *L.M.*
Inspector of Plumbing & Gas Fitting

SUBJECT: Team Inspection
266-270 Windsor Street
205-211 Harvard Street

The following report is submitted as requested as to the conditions of the above-listed properties with the following inspectors, John Fallon, Housing Inspector, Ron Bentubo, Building Inspector, Lenny Leonardo, Electrical Inspector and Mr. A. Steinberg the owner and property manager for R.C. Group Mr. Peckham.

I found that the plumbing fixtures are installed and operating as required under Chapter 142 Mass General Laws Section 13 as could be determined by visual inspection. The fixtures vary in age but are serviceable and if kept clean by occupants they will operate as required. I found some small plumbing violations which can be easily repaired.

266 Windsor Street

Unit #1 - No violations.
Unit #2 - No violations.
Unit #3 - No violations.

266 B Basement Unit - No violations.

268 Windsor Street

Unit #1 - No violations
Unit #2 - No violations
Unit #3 - No violations
Unit #4 - Shower valve needs to be secured
Unit #5 - A. Radiator in front bedroom needs to be shimmed.
B. Lavatory faucets need new washers.
Unit #6 - Kitchen sink faucet and lavatory faucets need washers.

270 Windsor Street

Unit #1 - No violations
Unit #2 - No violations
Unit #3 - No violations
Unit #4 - No violations
Unit #5 - No entry locks changed
Unit #6 - No entry locks changed

Basement - No violations

I suggest that in apartments where a window is next to the bathtub shower that two (2) rods be used to protect windows. This is not a code requirement but good practice.

205 Harvard Street

Apt A - No violations
Apt B - No violations
Apt C - No violations

207 Harvard Street

Apt A - No violations
Apt B - No violations
Apt C - No violations Being Repainted.

209 Harvard Street

Apt A - No violations plumbing. Tile need some repair.
Apt B - Existing fixtures need cleaning
Apt C - No violations

211 Harvard Street

Apt A - Bathtub drain needs cleaning drains slow. Toilet tank cover cracked
Apt B - No violations
Apt C - No entry

There are individual water heaters and forced hot water gas fired heating boiler separate units for each apartment - they are approximately 5 or 6 years old.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300

FAX 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

October 2, 1992

To The Honorable, The City Council:

There are a number of steps now in place to address the concerns that have been raised regarding the performance of the housing inspectors in Inspectional Services and the coordination between the Rent Control and Inspectional Services Departments.

First, as the Council is aware, we are advertising for a new Commissioner of Inspectional Services in preparation for the departure of Commissioner Cellucci. A very important criteria in the selection of the new Commissioner will be management experience to ensure that the problems identified within the Department can be addressed.

Second, we are looking at changes that might require home rule authority. We are exploring whether it would be advisable and possible to establish our own standards for housing inspectors. As you know, right now we must hire our housing inspectors from the list of individuals who have taken the Civil Service test. Those requirements may not be sufficient for a city which has the added complexity of rent control. When we have completed the analysis of this issue, I will report back to the Council with my recommendations. We may want to wait to make the final decisions on this issue pending the hiring of the new Commissioner so that he or she can be an integral part of the decisionmaking.

Third, Commissioner Cellucci is putting together his recommendations for the kind of training program that he believes would assist housing inspectors to improve their performance. Whether or not we obtain authority to establish different hiring criteria for our housing inspectors, we can take steps that will enhance their performance.

Fourth, we are looking at ways to make the Inspectional Services information about properties more easily available to the Rent Control Board hearing officers. While it is possible now for a Rent Control Board Examiner to get access to the current complaint information in the Inspectional Services database, it is not currently possible to be move easily between the two agencies databases.

I anticipate that a new Commissioner will want to make many changes in operations within the Inspectional Services Department. Clearly, a very important issue for the new Commissioner to address will be the communication with and interrelationship with the Rent Control Board.

In the short term, Commissioner Cellucci and Executive Director Morris are collaborating on ways to improve communication between the agencies and ways to provide better services. The most important collaboration between the two agencies would mandate housing code inspections for properties where the owner is seeking a rent adjustment if the tenant desires an inspection.

A major concern that was identified at the Rent Control Committee hearings was the granting of rent increases for rent control units that have significant numbers of housing code violations. The proposal currently under discussion that would address that concern would be to inform tenants at the time their landlord applies for certain categories of rent adjustments that the tenants have the right to have a housing inspector inspect their units. No rent increase would be effective for that tenant until all violations cited had been cured.

While this proposal would address a major concern raised at the hearings, it raises other issues that I think the City Council's Rent Control Committee should discuss prior to the City's implementing such a policy. For example, if rent increases for all capital improvements were to be withheld until all code violations within a unit were fixed, this might discourage owners from doing phased rehabilitation of their properties. If an owner cannot obtain a rent increase for repairing his roof unless he has already repaired every other condition in the unit or building, an owner may not be able or willing to begin the repairs. The Rent Control Committee has in the past talked approvingly about phased rehabilitation, and it may want to consider the effects of this proposal on such phased rehabilitation.

Similarly, once a landlord makes the repairs that are required to fix any cited code conditions, the cost of those repairs will be passed on to the tenant since it is either an operating expense or a capital improvement. Tenants may not understand the consequences of their asking for inspections. Indeed, there may be an implicit agreement between landlords and tenants that causes the tenant to live with code violations and the landlord not to seek all the rent increases to which he or she is entitled. That may not be an agreement that the City condones, but the Rent Control Committee may want to explore this issue further.

Finally, the Inspectional Services Department is in the process of drafting regulations for implementation of Administrative Citations to enforce the State Sanitary Code. The Rent Control Committee may want to consider the effect, particularly on small landlords, of a procedure that will increase the number of housing code inspections, which may result in citations being issued.

It may be that the proposed changes in the rent control and inspectional services procedures -- to provide for housing inspections that would prevent rent increases from being implemented where there are sanitary code violations -- is the appropriate response to some of the problems that have been identified. I would propose that the Rent Control Committee be given the opportunity to hold a hearing to address these concerns.

In the meantime, the Rent Control Board will be implementing other changes to ensure that tenants are more easily able to avail themselves of their rights to inspections and their rights to contest rent increases that they believe are unwarranted.

First, notices that are sent to inform tenants that their landlord is seeking a proposed rent increase will contain the important information about the rent increase in Haitian Kreyol, Portuguese, and Spanish as well as English.

Second, the general adjustment notices will inform tenants in Haitian Kreyol, Portuguese and Spanish that copies of all the documents, including the affidavit of conditions and the affidavit of compliance are available in those languages upon request from the Rent Control Board.

Third, the Rent Control Board will consider this month when it addresses issues regarding the general adjustment what process to follow to allow tenants to withdraw an affidavit of compliance where the tenant claims the affidavit was signed without the tenant understanding what he or she was signing.

Fourth, the Rent Control Board will also consider as a part of the next general adjustment whether common area conditions cited in an affidavit of conditions should delay rent increases for all units in the building until the conditions are corrected.

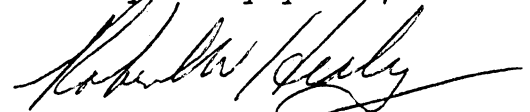
As the Council is aware, there is much work that needs to be done to improve the performance of the housing inspections of the Inspectional Services Department and to improve the coordination between the Rent Control Board and the Inspectional Services Department. I believe that a new Commissioner will be able to bring fresh ideas and energy to the Inspectional Services Department and I will expect that individual to work closely with me and with the Executive Director of the Rent Control Board to pursue appropriate initiatives to ensure highly professional functioning from both Departments.

Attached are the reports requested by the Council regarding the Market, Windsor and Harvard Street properties. The report from the Executive Director of the Rent Control Board details the current status of the rent increases for those properties. The reports from Inspectional Services report on the team inspections that were done

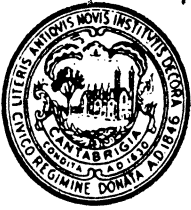
for Windsor and Harvard Streets by the Housing, Wiring, Plumbing,
and Building Inspectors.

I would propose that those reports along with the proposal
regarding housing inspections for properties where rent increases
are sought be referred to the Rent Control Committee.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Robert W. Healy". The signature is written in dark ink and is positioned above the typed name.

Robert W. Healy
City Manager



CITY OF CAMBRIDGE

831 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139
TEL (617) 349-6161

RENT CONTROL BOARD

TERRENCE P. MORRIS,
EXECUTIVE DIRECTOR

MEMORANDUM

To: Robert Healy, City Manager
From: Terrence Morris, Executive Director CRCB
Re: Rent Control Committee Report (7/30/92)
Date: October 1, 1992

This memo is an update on the rent status of the three buildings which were the subject of an earlier Council inquiry. I have also included staff memos on each of the properties. These memos summarize the rent history and provide a cost breakdown of the average rent.

19-25 Market Street. This property is in the process of being sold to David Aposhian. I have had several conversations with Mr. Aposhian regarding his intentions and the Rent Board's position vis-a-vis the building. Mr. Aposhian intends to restore the lost units and rehabilitate the rest. He is pursuing at least two post-rehab options: (1) conversion to a limited equity cooperative; or (2) undoing the condominium and reinstating the apartment house.

Conversion to a limited equity cooperative would require a removal permit from the Board and would permanently exempt the units from further control under Section 3(b)(4) of the Rent Control Act. Rehabilitation of the units as controlled rental housing has obvious rent-setting implications. Mr. Aposhian has been advised of these:

1. The three units which were totally destroyed (21-2, 21-3 and 21-4) would be exempt as new construction under section 3(b)(2) of the Act;
2. That portion of the insurance proceeds which covered the building loss (as distinguished from relocation costs or lost rents) would be deducted from any rent adjustment claim;
3. The rehab costs and insurance proceeds would be allocated per unit according to the extent of work on each. For example, the units which were totally destroyed would receive a higher allocation. This prevents the controlled units from bearing a disproportionate share of the cost;

4. The maintenance and repair expense which is built into the rent will be significantly reduced since these units will be practically new. It is expected that maintenance expense will be reviewed within six months of the completed rehab and an adjustment made.

Notwithstanding the pending sale, this building had been the subject of a Reg 72 rent adjustment in 1989 where the high maintenance costs were questioned. In that case decided in 1990, the Board opted to treat a portion of said costs as a non-recurring capital expense amortized over three years without interest. This cap is due to expire after 1992 when the rents will be reduced approximately \$14/unit.

266-270 Windsor Street. This building is the object of an on-going Rent Board review of its maintenance and repair expenses as part of a Reg 72 petition also filed in 1989. In that case, the Board conditioned the resultant rent increase upon validation of the maintenance expenses. The owner was required to submit actual expenses for 1990 and 1991 by June 1992, which he has done. Review of these expenses is currently underway. If expenses for 1990-91 show the earlier expenses not to be the norm, a downward adjustment will be made. It is important to note that the Board identified these expenses as a problem well in advance of the recent publicity.

205-211 Harvard Street. The annual maintenance costs for this building (\$59/unit) are more in line with the norm for buildings of this size and age. However, as Attachment III indicates, a significant part of the rent (\$382) is attributable to capital improvements. Therefore, one would expect the maintenance costs to be less for units recently upgraded.

ATTACHMENT I

MEMORANDUM

To: Terry Morris
 From: Buddy Packer
 RE: rents at 19-25 Market St.

<u>DATE</u>	<u>AVG. RENT</u>	<u>notation</u>
1-92	\$709	1992 GA
1-91	\$682	1991 GA
11-90	\$609	RA2-89-138
1-90	\$552	1990 GA
9-89	\$536	RA6-89-023 (capital improvements only)
3-89	\$473	1989 GA
2-89	\$450	RA2-88-016
3-88	\$436	RA2-87-141
6-85	\$290	1985 GA
4-83	\$312	RA2-81-272
3-82	\$217	1982 GA
11-80	\$158	1980 GA
8-79	\$145	1979 GA
6-75	\$152	1975 GA
9-73	\$129	1973 General Adjustment
1967	\$91	rents registered, accepted as actual

The current average rent of \$709 consists of roughly:

Net Operating Income	\$151
Capital Improvement Allowance	\$91
Water	\$100
Taxes	\$24
Heat	\$97
Insurance	\$36
Management Allowance	\$45
Electricity	\$7
Maintenance repair, etc.	\$158

The above figures are based on RA2-89-138 the most recent rent adjustment for this property. The regular hearing process took place for this adjustment. The landlord alleged, in a brief to the Superior Court, that the length of time to process the petition deprived him of a fair net operating income. The Court stated that "the ... petition was unusually complex. The Board's examiners reviewed voluminous documentation, conducted three hearing and evaluated six prior rent adjustments."

The most notable expenses are: heat, water, and maintenance, etc.

A- the heat is limited by the Board's energy efficiency regulation, this limit was appealed to court by the landlord. The Board was upheld. without the limit the expense would be roughly 19% higher

B- the water expense was taken from the Water Department's billings. the previous years water expense was about the same. It is worth noting that the two thirds of the 12% increase in the 1991 GA was a result of the increased allowance for water expenses.

C- the landlord petitioned for an annual allowance of \$34,365 in 1988 dollars. After holding lengthy hearing and reviewing large amounts of documentation the examiner recommended and the Board approved the following amounts: \$1,100 was not allowed; \$25,265 was allowed and built into the rents as an annual maintenance, repair and painting budget; the remaining \$8,000 was allowed at the rate of \$2,667 a year for three years. This amount, (roughly \$14 a month per unit) will be removed from the rent structure after 1992.

ATTACHMENT II

MEMORANDUM

To: Terry Morris
 From: Buddy Packer
 RE: rents at 266-270 Windsor St.

RENTAL HISTORY		16 units
<u>DATE</u>	<u>AVG. RENT</u>	<u>notation</u>
1-92	\$644	1992 GA
1-91	\$615	1991 GA
7-90	\$580	RA2-89-147
1-90	\$486	1990 GA
3-89	\$468	1989 GA
11-88	\$459	RA2-88-017
4-88	\$416	RA2-87-140
6-85	\$269	1985 GA
4-83	\$303	RA2-81-283
3-82	\$247	1982 GA
11-80	\$199	1980 GA
8-79	\$198	1979 GA
8-77	161	1977 GA
6-75	\$154	1975 GA
9-73	\$132	1973 General Adjustment
1970	\$130	rents registered, accepted as actual

It is worth noting that the landlord has petitioned for an additional rent increase for capital improvements. The claim of \$12,500 spent has the potential to increase the average rent by roughly \$10 to \$12.

The current average rent of \$643 consists of roughly:

Net Operating Income	\$201
Capital Improvement Allowance	\$84
Water	\$48
Taxes	\$35
Heat	\$78
Insurance	\$28
Management Allowance	\$41
Electricity	\$5
Maintenance repair, etc.	\$123

The above figures are based on RA2-89-147, the most recent rent adjustment for this property. The regular hearing process took place for this adjustment, two fact-finding hearing were held and the Board heard the case twice.

The most notable expenses are: heat, maintenance, etc.

A- the heat allowance is based actual usage figures submitted in the General Adjustment process. The usage was below the limited imposed by the Board,s energy efficiency regulation.

B- the landlord petitioned for an annual allowance of \$25,522 in 1988 dollars. After holding hearings and reviewing large amounts of documentation the examiner recommended the following: \$11,569 allowed as an annual budget and \$10,067 allowed over three years as deferred maintenance. The remaining \$3,886 was not allowed. The Board affirmed the disallowance of the \$3,886 but did not place the \$10,067 into a three year allowance. Instead, the Board approved \$21,636 as the annual allowance and has required the owner to submit the maintenance and repair costs for 1990 and 1991 in June of 1992. The decision was based on the Board's belief that high maintenance costs are the norm for this building.

MEMORANDUM

To: Terry Morris
 From: Buddy Packer
 RE: rents at 205-211 Harvard St.

RENTAL HISTORY 12 units

<u>DATE</u>	<u>AVG. RENT</u>	<u>notation</u>
1-92	\$1,241	1992 GA
1-91	\$1,116	1991 GA
9-90	\$1,116	final rents from RA2-88-082
1-90	\$1,037	1990 GA
9-89	\$1,037	RA6-89-277 (capital improvements only)
4-89	\$1,026	interim rents from RA2-88-082
3-89	\$959	1989 GA
6-88	\$889	RA6-86-340 (capital improvements only)
8-87	\$745	1987 GA
5-87	\$731	RA2-86-264
6-85	\$504	1985 GA
7-82	\$448	1982 GA
11-80	\$419	1980 GA
8-79	\$368	1979 GA
6-75	\$331	1975 GA
9-73	\$320	1973 General Adjustment
1967	\$243	rents registered accepted as actual

The current average rent of \$1,241 consists of roughly:

Net Operating Income	\$568
Capital Improvement Allowance	\$382
Water	\$42
Taxes	\$69
Heat	\$0
Insurance	\$33
Management Allowance	\$79
Electricity	\$9
Maintenance repair, etc.	\$59

Notes:

1- the base year rents are much higher than the norm. This leads to an extraordinary net operating income for the property.

2-the capital improvement allowance is very high. Costs were reviewed by an examiner after lengthy hearings, they were supported by documentation and the tenants were given notice of all hearings.


3-in one instance the Board disallowed expenses because the Board determined that the work was done to further the plans for condominiums at the property and had no benefit to the tenants. The landlord appealed that decision and won in Superior Court.



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

TO: Joseph J. Cellucci,
Commissioner

DATE: September 29, 1992

FROM: John Fallon 
Acting Senior Inspector

SUBJECT: Team Inspection
266-270 Windsor Street
205-211 Harvard Street

PRESENT: Senior Building Inspector, Ronald Bentubo
Wiring Inspector, Leonard Leonardo
Plumbing Inspector, Leo Malloy
Housing Inspector, John Fallon
Mat Peckham, Property Manager
Alex Steinberg, Owner

The following report is submitted as requested to the findings at the above-listed properties.

266 Windsor Street:

Common hallway: No posting of owner. 410.481
Top floor ceiling peeling paint. (Small area) 410.500

Unit #3. Good Condition
Unit #2. Bathroom ceiling staining 410.500
Unit #1. Good Condition

Basement second means of egress obstruction by tenant 410.451

268 Windsor Street:

Common hallway: Top hallway ceiling staining 410.500
First floor ceiling peeling 410.500
No posting of owner 410.481
Trouble signal in fire panel

Unit #1 - No shower cover for window in bath 410-505
Roaches 410-550 B

Unit #2 - Good Condition

Unit #3 - Hole in kitchen floor	410-500
Unit #4 - Hole in wall around tube	410.500
Replace medicine cabinet	410.
Peeling paint in hallway	410.500
Unit #5 - Repair window in middle room	410.501
Repair window sill in bathroom	410.501
Repair screen in rear bedroom	410.551
Doorknob needed for closet door	410.500
Oven to be checked out	410.100
Unit #6 - Repair window in kitchen	410.501
Seal around ceiling in pantry	410.500
Wall over kitchen door need painting	410.500
Repair cracks in bathroom walls	410.500
Repair window in bedroom	410.501

270 Windsor Street

Unit #1 - Good Condition	
Unit #2 - Bathtub needs to be refinished	410.150
Unit #3 - Repair screen in bedroom	410.150
Unit #4 - Repair back door in kitchen	410.500
Unit #5 - No entry	
Unit #6 - No entry	

205 Harvard Street

Common Hallway: No posting of owner	410-481
Barrels need covers	410-600
Repair holes in back hall wall	410-500

Unit #1-A Tenant to remove debris on back stairs blocking egress	410-451
Unit #2-B Roaches	410-550B
Poor Housekeeping	410-602
2nd means of egress being blocked by tenant	410-451
Unit #3-C Good Condition	

207 Harvard Street

Common Area: Remove Debris 410-602D
Repair back door to the outside 410-500

Unit #1-A Good Condition

Unit #2-B Good Condition

Unit #3-C Repair ceiling in front bedroom 410-500
Repair screen in front bedroom 410-551
Repair smoke detector 410-482
Repair wall in back stairway 410-500

209 Harvard Street

Common Area: Post owners name and number 410-481
Repair walls in hallway 410-500

Unit #1-A Repair tile around tub 410-500
Repair ceiling in bathroom 410-500
Roach infestation 410-550B
Screen needed for bathroom 410-551
Poor housekeeping 410-602B
Second means of egress blocked
by tenant 410-451
" See Photos"

Unit #2-B Total roach infestation 410-550B
Total re-hab needed in Apt.
" See Photos"

Unit #3-C Supply screen for kitchen window 410-551
Repair smoke detector (Battery) 410-482
Roach infestation 410-550B
Repair or replace refrigerator 410-351

211 Harvard Street

Common Areas: Post owners name and phone # 410-481
Remove debris from cellar 410-602D
Rear hallway ceiling stained 410-500
Repair walls in rear hall 410-500

Unit #1-A: Repair kitchen cabinet door-missing	410-351
Supply screen for bathroom	410-551
Repair wall in bathroom	410-451
Tenant blocking front hall egress with debris	410-451
Tenant also blocking second means of egress	410-451
Unit #2-B Roaches	410-550B
Second means of egress being blocked by tenant (See photos)	410-451
Unit #3-C No entry	



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

TO: Joseph J. Cellucci,
Commissioner

FROM: Ronald Bentubo *RMB*
Senior Building Inspector

SUBJECT: 205, 207, 209, 211 Harvard Street

The following was noted during a team inspection conducted 092992
at the above addresses

1. Rear egress stairs in need of repair. Loose and missing balusters, broken steps and loose posts noted.
2. Two roof chimneys in need of repair.
3. #211 Harvard St. Front door closer broken. Baluster's missing at second level.
Ceiling insulation in cellar to be repaired.
4. #207 Harvard St. Door to cellar missing, balusters missing in first level. Brick pier support in cellar to be repaired.
Ceiling insulation to be repaired.

#205 Harvard St. Baluster's missing at second and third levels.

5. Unit A. 205 Harvard St. Exterior second exit in need of repair
Loose baluster's, post and threshold noted.
Unit B. 205 Harvard St. No building code violation.
Unit C. 205 Harvard St. No building code violation.
Unit D. 205 Harvard St. No. building code violation.
6. Unit A. 207 Harvard St. No building code violation.

Unit B. 207 Harvard St. Second exit door dragging. Hand rail missing in second exit stairway.

Unit C. 207 Harvard St. No building code violation.

7. Unit A. 209 Harvard St. Second exit obstructed by tenant. (Furniture, clothes etc.)

Unit B. 209 Harvard St. Vacant. Needs complete re-hab.

Unit C. 209 Harvard St. No building code violations.

8. Unit A. 211 Harvard St. Second exit obstructed by tenant. (Duct tape, furniture).

Unit B. 211 Harvard St. Second exit obstructed by tenant. (Blankets, mattress and air conditioner).

Unit C. 211 Harvard St. No entry, no key, no one home.



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To: Joseph J. Cellucci
Commissioner

Date: September 29, 1992

From: Ronald T. Bentubo *RTB*
Senior Building Inspector

Subject: 266,268,270 Windsor Street

The following was noted during a team inspection of the above addresses:

1. Exterior front steps especially at #266 in need of repairs.
2. Pre-cast ornamental doorways in need of repairs. Cracks, loose and missing concrete noted.
3. Pre-cast ornamental lintels, window sills and decorative bands throughout building in need of repair. Missing sections, cracks, loose and hanging concrete noted. In some areas the re-bar was exposed.
4. Entry doors at #268 and #270 each have two locks requiring a double action to get out.
5. All rear decks have nails popping from floors.
6. No emergency lights noted at #268 and #270. Front and back stairs each serve six unit.
7. Metal stair edging in second exit at second level coming off. (#270)
8. Metal lath ceiling in cellar in need of repair. Several large openings noted. Also rotted beam over gas meter to be repaired.

9. Unit 3, 266 Windsor Street, No building code violations.
- Unit 2, "" "" , Second exit door dragging and hard to open.
- Unit 1, "" "" , Second exit door can't open completely. Obstructed by door closer on porch door.
- Unit B, "" "" , Entrance to unit has tripping hazard. (Concrete lip) Second exit obstructed, Steps to door used by tenant as storage area.
10. Unit 1, 268 Windsor Street, No building code violations.
- Unit 2, "" "" , "" "" "" ""
- Unit 3, "" "" , "" "" "" ""
- Unit 4, "" "" , "" "" "" ""
- Unit 5, "" "" , "" "" "" ""
- Unit 6, "" "" , No building code violations.
11. Unit 1, 270 Windsor Street, No building code violations.
- Unit 2, "" "" , "" "" "" ""
- Unit 3, "" "" , Concrete threshold to rear porch in need of repair.
- Unit 4, "" "" , No building code violations.
- Unit 5, "" "" , No entry, No key, No one home.
- Unit 6, "" "" , "" "" "" ""



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

TO: Joseph J. Cellucci,
Commissioner

DATE: September 29, 1992

FROM: Leonard Leonardo *LL*
Inspector of Wires

RE: Team Inspection
266 - 270 Windsor Street
205 - 211 Harvard Street

The following violations were found at the above mentioned addresses.

At 266 to 270 Windsor the fire alarm in trouble mode. 266 recently re-wired no violations.

268 Windsor Street

Apt 1. Front living room duplex plate missing.
Front bedroom ceiling light not working, rear bedroom duplex plate missing. Cords are under the rug.

Apt 2. No violations
Apt 3. No violations
Apt 4. No violations
Apt 5. No violations
Apt 6. Pantry ceiling light on cord.

270 Windsor Street

Apt 1. Rear bedroom cord across door.
Apt 2. Pantry cord from ceiling outlet to lamp
Apt 3. No violations
Apt 4. No violations
Apt 5. No entry
Apt 6. No entry

268 - 270 Windsor Street

Install type S fuses in unit fuse holders.

205 to 211 Harvard Street

Could not turn on light in rear exit stairwell from second floor units.

205 Harvard Street

Apt A - No violations

Apt B - No violations

Apt C - Front stairwell emergency lights not working

207 Harvard Street

Cellar washer and dryer wired from public meter not properly supported, staples not insulated, across joists.

Apt A - No violations

Apt B - No violations

Apt C - No violations

209 Harvard Street

Apt A - Front hall light switch broken

Apt B - Kitchen duplex plate missing

Apt C - No violations

211 Harvard Street

Apt A - No violations

Apt B - Front stairwell alarm horn loose

Apt C - No entry



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

TO: Joseph J. Cellucci,
Commissioner

DATE: September 29, 1992

FROM: Leo Malloy, *L.M.*
Inspector of Plumbing & Gas Fitting

SUBJECT: Team Inspection
266-270 Windsor Street
205-211 Harvard Street

The following report is submitted as requested as to the conditions of the above-listed properties with the following inspectors, John Fallon, Housing Inspector, Ron Bentubo, Building Inspector, Lenny Leonardo, Electrical Inspector and Mr. A. Steinberg the owner and property manager for R.C. Group Mr. Peckham.

I found that the plumbing fixtures are installed and operating as required under Chapter 142 Mass General Laws Section 13 as could be determined by visual inspection. The fixtures vary in age but are serviceable and if kept clean by occupants they will operate as required. I found some small plumbing violations which can be easily repaired.

266 Windsor Street

Unit #1 - No violations.
Unit #2 - No violations.
Unit #3 - No violations.

266 B Basement Unit - No violations.

268 Windsor Street

Unit #1 - No violations
Unit #2 - No violations
Unit #3 - No violations
Unit #4 - Shower valve needs to be secured
Unit #5 - A. Radiator in front bedroom needs to be shimmed.
B. Lavatory faucets need new washers.
Unit #6 - Kitchen sink faucet and lavatory faucets need washers.

270 Windsor Street

Unit #1 - No violations
Unit #2 - No violations
Unit #3 - No violations
Unit #4 - No violations
Unit #5 - No entry locks changed
Unit #6 - No entry locks changed

Basement - No violations

I suggest that in apartments where a window is next to the bathtub shower that two (2) rods be used to protect windows. This is not a code requirement but good practice.

205 Harvard Street

Apt A - No violations
Apt B - No violations
Apt C - No violations

207 Harvard Street

Apt A - No violations
Apt B - No violations
Apt C - No violations Being Repainted.

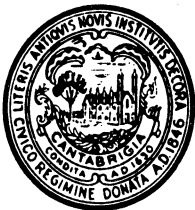
209 Harvard Street

Apt A - No violations plumbing. Tile need some repair.
Apt B - Existing fixtures need cleaning
Apt C - No violations

211 Harvard Street

Apt A - Bathtub drain needs cleaning drains slow. Toilet tank cover cracked
Apt B - No violations
Apt C - No entry

There are individual water heaters and forced hot water gas fired heating boiler separate units for each apartment - they are approximately 5 or 6 years old.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300

FAX 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

October 2, 1992

To The Honorable, The City Council:

There are a number of steps now in place to address the concerns that have been raised regarding the performance of the housing inspectors in Inspectional Services and the coordination between the Rent Control and Inspectional Services Departments.

First, as the Council is aware, we are advertising for a new Commissioner of Inspectional Services in preparation for the departure of Commissioner Cellucci. A very important criteria in the selection of the new Commissioner will be management experience to ensure that the problems identified within the Department can be addressed.

Second, we are looking at changes that might require home rule authority. We are exploring whether it would be advisable and possible to establish our own standards for housing inspectors. As you know, right now we must hire our housing inspectors from the list of individuals who have taken the Civil Service test. Those requirements may not be sufficient for a city which has the added complexity of rent control. When we have completed the analysis of this issue, I will report back to the Council with my recommendations. We may want to wait to make the final decisions on this issue pending the hiring of the new Commissioner so that he or she can be an integral part of the decisionmaking.

Third, Commissioner Cellucci is putting together his recommendations for the kind of training program that he believes would assist housing inspectors to improve their performance. Whether or not we obtain authority to establish different hiring criteria for our housing inspectors, we can take steps that will enhance their performance.

Fourth, we are looking at ways to make the Inspectional Services information about properties more easily available to the Rent Control Board hearing officers. While it is possible now for a Rent Control Board Examiner to get access to the current complaint information in the Inspectional Services database, it is not currently possible to be move easily between the two agencies databases.

I anticipate that a new Commissioner will want to make many changes in operations within the Inspectional Services Department. Clearly, a very important issue for the new Commissioner to address will be the communication with and interrelationship with the Rent Control Board.

In the short term, Commissioner Cellucci and Executive Director Morris are collaborating on ways to improve communication between the agencies and ways to provide better services. The most important collaboration between the two agencies would mandate housing code inspections for properties where the owner is seeking a rent adjustment if the tenant desires an inspection.

A major concern that was identified at the Rent Control Committee hearings was the granting of rent increases for rent control units that have significant numbers of housing code violations. The proposal currently under discussion that would address that concern would be to inform tenants at the time their landlord applies for certain categories of rent adjustments that the tenants have the right to have a housing inspector inspect their units. No rent increase would be effective for that tenant until all violations cited had been cured.

While this proposal would address a major concern raised at the hearings, it raises other issues that I think the City Council's Rent Control Committee should discuss prior to the City's implementing such a policy. For example, if rent increases for all capital improvements were to be withheld until all code violations within a unit were fixed, this might discourage owners from doing phased rehabilitation of their properties. If an owner cannot obtain a rent increase for repairing his roof unless he has already repaired every other condition in the unit or building, an owner may not be able or willing to begin the repairs. The Rent Control Committee has in the past talked approvingly about phased rehabilitation, and it may want to consider the effects of this proposal on such phased rehabilitation.

Similarly, once a landlord makes the repairs that are required to fix any cited code conditions, the cost of those repairs will be passed on to the tenant since it is either an operating expense or a capital improvement. Tenants may not understand the consequences of their asking for inspections. Indeed, there may be an implicit agreement between landlords and tenants that causes the tenant to live with code violations and the landlord not to seek all the rent increases to which he or she is entitled. That may not be an agreement that the City condones, but the Rent Control Committee may want to explore this issue further.

Finally, the Inspectional Services Department is in the process of drafting regulations for implementation of Administrative Citations to enforce the State Sanitary Code. The Rent Control Committee may want to consider the effect, particularly on small landlords, of a procedure that will increase the number of housing code inspections, which may result in citations being issued.

It may be that the proposed changes in the rent control and inspectional services procedures -- to provide for housing inspections that would prevent rent increases from being implemented where there are sanitary code violations -- is the appropriate response to some of the problems that have been identified. I would propose that the Rent Control Committee be given the opportunity to hold a hearing to address these concerns.

In the meantime, the Rent Control Board will be implementing other changes to ensure that tenants are more easily able to avail themselves of their rights to inspections and their rights to contest rent increases that they believe are unwarranted.

First, notices that are sent to inform tenants that their landlord is seeking a proposed rent increase will contain the important information about the rent increase in Haitian Kreyol, Portuguese, and Spanish as well as English.

Second, the general adjustment notices will inform tenants in Haitian Kreyol, Portuguese and Spanish that copies of all the documents, including the affidavit of conditions and the affidavit of compliance are available in those languages upon request from the Rent Control Board.

Third, the Rent Control Board will consider this month when it addresses issues regarding the general adjustment what process to follow to allow tenants to withdraw an affidavit of compliance where the tenant claims the affidavit was signed without the tenant understanding what he or she was signing.

Fourth, the Rent Control Board will also consider as a part of the next general adjustment whether common area conditions cited in an affidavit of conditions should delay rent increases for all units in the building until the conditions are corrected.

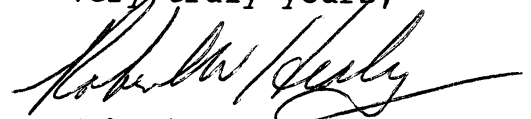
As the Council is aware, there is much work that needs to be done to improve the performance of the housing inspections of the Inspectional Services Department and to improve the coordination between the Rent Control Board and the Inspectional Services Department. I believe that a new Commissioner will be able to bring fresh ideas and energy to the Inspectional Services Department and I will expect that individual to work closely with me and with the Executive Director of the Rent Control Board to pursue appropriate initiatives to ensure highly professional functioning from both Departments.

Attached are the reports requested by the Council regarding the Market, Windsor and Harvard Street properties. The report from the Executive Director of the Rent Control Board details the current status of the rent increases for those properties. The reports from Inspectional Services report on the team inspections that were done

for Windsor and Harvard Streets by the Housing, Wiring, Plumbing, and Building Inspectors.

I would propose that those reports along with the proposal regarding housing inspections for properties where rent increases are sought be referred to the Rent Control Committee.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Robert W. Healy", written in dark ink.

Robert W. Healy
City Manager

Agenda # 19

S-793

Awaiting Report Item Number 39, regarding issues at 166-170 Windsor Street.

In City Council,

October 5, 1992

*Referred to the
Rent Control Committee
Copy sent to Rent Control
Committee 10/7/92 @*