



CITY OF CAMBRIDGE

831 MASSACHUSETTS AVENUE, 2nd Floor

CAMBRIDGE, MASSACHUSETTS 02139

499-6161

RENT CONTROL BOARD

D. MARGARET DRURY, EXECUTIVE DIRECTOR

To: Robert Healy, City Manager

From: D. Margaret Drury, Executive Director

Date: November 9, 1988

Re: City Council Order #14 of April 14, 1988

The City Council has requested a complete list of all new property owners who were issued a building permit or occupancy permit in conflict with rent control regulations and the removal permit ordinance.

Work done without a removal permit can lead to disallowances for capital improvements in rent adjustment cases. If the work merges units so that rent controlled units are removed, it can also lead to cases in the special case category in which the Board rules on the number of rent control units the owner is required to maintain and whether the Ordinance has been violated.

It should be noted that until 1983, there were no procedures for the Rent Control Board to see building permit applications before permits were issued. After 1983 but before the current complete set of procedures embodied in the attached Cambridge form were adopted, some times the CRCB staff received applications for review, but many times we did not. Therefore, there may be many conflicts of which I am not aware for permits issued during this period.

The current procedures require the CRCB staff to review and sign-off on every building permit application for all properties except those in which the applicant signs a sworn affidavit that the property is exempt from rent control as an owner-occupied one, two, or three-family house. In every case in which the CRCB review sees potential removal permit issues, a letter (see attached copy) is sent to the applicant informing him or her of the Removal Permit Ordinance and the potential conflict. The CRCB staff estimates that such letters are sent out for approximately 10-20% of the applications reviewed.

One area in which the Rent Control Board has seen conflicts in the recent past is that of rooming houses or former rooming

houses purchased by new owners who seek to develop and/or owner-occupy them as exempt one, two, or three-family house and undertake renovations. The following is a list of such properties and their owners:1/

30 Pearl Street - Fawaz Najiir
235 Walden Street - Malik Lateef
55 Trowbridge Street - Dorothy Austin
310 Harvard Street - Vincent Bololigna, Joseph Bologna
56 Wendell Street - Joseph Bologna, Vincent Bologna
14-16 Clinton Street - David and Susan Rollow
50 Orchard Street - Harry Robertson

There have also been some cases which did not involve rooming houses in which the property owner claimed that as a new owner he or she was in the position of conflict with Inspectional Services or in which building permits were issued to a new owner for work which violated the removal permit. Such properties comprise the following list:

60 Ellery Street - Alex Steinbergh
1925 Massachusetts Avenue - Charles Laverty
102 Ellery Street - Eric Lubershane
20 Pemberton Street - A. Salisbury J. Kenneth

It should be noted that where the alleged conflict has occurred because the owner seeks to rehab the property to have fewer rent controlled units than have been in existence as rental units, the owner may apply for a removal permit. In evaluating such applications, Ordinance 966 requires the Board to consider the following:

- (1) the benefits to the persons sought to be protected by the Act and by this section,
- (2) the hardships imposed on the tenants residing in the unit proposed to be removed, including any mitigating provisions made by the applicant, and
- (3) any aggravation of the shortage of decent rental housing accommodations, especially for families of low and moderate income and elderly people on fixed incomes, which may result from the removal.

DMD/dfa

1/ Since we do not keep separate records for the categories requested, these lists may not be all inclusive.



CITY OF CAMBRIDGE

678 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 499-6077

RENT CONTROL BOARD

D. MARGARET DRURY, EXECUTIVE DIRECTOR

____/____/____

Re: _____

Dear _____:

The Rent Control Board has received notice that you have applied for a building permit for _____. Based on my review of your building permit application, I have determined that removal permit issues may exist.

If your building is an owner-occupied single, two or three family house, or it is not subject to rent control then you need not concern yourself with the issues raised in this letter.

However, if the building is subject to rent control and you plan to do work which is not required by the State Sanitary Code or Building Code in order to correct code violations, you may need a removal permit as well as a building permit under the City's Rent Control Act and Ordinance 966.

Although Inspectional Services may still issue a building permit, without also obtaining a removal permit it may be unlawful under the Removal Permit law to proceed with the work. A violation of the Removal Permit law may result in sanctions such as disallowance of rent adjustments or legal action against you.

In order to consider the issues raised by the building permit application and to obtain more information about you rights and obligations under the rent control laws, please contact me or a public assistant between 12:45 p.m. and 4:45 p.m., Monday through Friday at 499-6161 as soon as possible.

Sincerely,



Building Permit Application
Interagency Ordinance Review

Rent Control No. _____
Permit No. _____

CITY OF CAMBRIDGE
Inspectional Services Department

This form must be completed by the applicant and signed by the Historical Commission and the Rent Control Board and returned to Inspectional Services along with the building permit application. NO BUILDING PERMIT APPLICATION WILL BE ACCEPTED BY INSPECTIONAL SERVICES UNLESS ACCOMPANIED BY THIS COMPLETED FORM.

Building Location _____

Owner _____ Applicant _____

Address _____ Address _____

Phone No _____ Phone No _____

Is the work for which this permit is sought part of a gut rehab (90% of plaster removal from walls)? _____

Will this work reduce the number of rental units presently existing in the building? _____

Will this work alter the appearance of any publicly visible exterior features? _____

Signed under pains and penalties of perjury,

Date: _____

(Applicant's Signature)

FOR SINGLE ROOM OCCUPANCIES ONLY

This property is registered at the Rent Control Board as a roominghouse?
Yes _____ No _____

CAMBRIDGE RENT CONTROL BOARD COMPLIANCE

If the property is exempt from Rent Control as described in Part A, skip Part B; you do not need Rent Control Board Sign Off.

A: Owner Occupancy Certification

I hereby certify that the above property is a one _____, two _____, three _____ family owner occupied building, and therefore exempt from Rent Control.

Signed under pains and penalties of perjury.

Signature

Relationship to property

B: Rent Control Board Sign Off

Rent Control Board review completed; permit may issue. THIS DOES NOT MEAN THAT THIS WORK SATISFIES THE REQUIREMENTS OF THE REMOVAL PERMIT.

Work listed on application requires removal permit. Do not issue building permit except for code work.

For the Rent Control Board

Date

CAMBRIDGE HISTORICAL COMMISSION SIGN OFF

Historical Commission review not required. Permit may issue.

Historical Commission review completed. Permit may issue.

Work listed on permit requires further Historical Commission action. Permit may not issue.

For the Historical Commission

Date



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

TEL. 498-9011

EXECUTIVE DEPARTMENT

ROBERT W. HEALY

City Manager

RICHARD C. ROSSI
Deputy City Manager

November 14, 1988

To the Honorable, the City Council:

With respect to City Council Order No. 14 of April 14, 1988 requesting a complete list of all new property owners who were issued a building permit or occupancy permit in conflict with rent control regulations and the removal permit ordinance, enclosed please find copy of a report from D. Margaret Drury, Executive Director of the Rent Control Board.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert W. Healy", is written over a horizontal line.

Robert W. Healy
City Manager

RWH/mbf
Enc.

Agenda Item No. 4 S-690

Re: complete list of all new property owners who
were issued a building permit or occupancy permit
in conflict with rent control regulations & the
removal permit ordinance.

In City Council,

November 14, 1988

11-14-88

Placed on file.