

FINAL with
Amendments.

1 THE COMMONWEALTH OF MASSACHUSETTS

2 In the year One Thousand Nine Hundred and Seventy-six
3 An Act Enabling the City of Cambridge to Continue to Control
4 Rents and Evictions

5 Whereas, the City of Cambridge now desires and
6 intends to continue its rent and eviction control program
7 beyond the expiration of Chapter eight hundred forty-two
8 of the Acts of 1970, as amended; and

9 Whereas, the deferred operation of this act would
10 tend to defeat its purpose which is, in part, to alleviate
11 certain effects of the severe shortage of rental housing
12 in the City of Cambridge, which shortage has caused a
13 serious emergency detrimental to the public peace, health,
14 safety and convenience, therefore this act is hereby
15 declared to be an emergency law, necessary for the immediate
16 preservation of the public peace, health, safety and
17 convenience.

18 Be it enacted by the Senate and House of
19 Representatives in General Court assembled, and by the
20 authority of the same as follows:

1 SECTION 1. Declaration of Emergency. The general
2 court finds and declares that a serious public emergency
3 exists with respect to the housing of a substantial number of
4 the citizens in the City of Cambridge, which emergency has
5 been created by housing demolition, deterioration of a
6 substantial portion of the existing housing stock,

7 insufficient new housing construction, increased costs
8 of construction and finance, inflation, influx of young
9 people and the desirability of Cambridge as a place to
10 live, and which has resulted in a substantial and
11 increasing shortage of decent rental housing
12 accommodations especially for families of low and
13 moderate income and for elderly people on fixed income
14 and abnormally high rents; that unless residential rents
15 and eviction of tenants are regulated and controlled,
16 such emergency and the further inflationary pressures
17 resulting therefrom will produce serious threats to the
18 public health, safety and general welfare of the citizens
19 of Cambridge and in other adjacent communities; that such
20 emergency should be met by the Commonwealth immediately
21 and with due regard for the rights and responsibilities of
22 the City of Cambridge.

1 SECTION 2. Effective Date, Revocation, and
2 Reacceptance. This act shall take effect in the City of
3 Cambridge upon its passage and such passage shall be
4 deemed to constitute the initial acceptance of this act by
5 the City of Cambridge. Once this act has been accepted, it
6 may be repealed or revoked, or otherwise nullified by a
7 majority vote of the Cambridge City Council or on a ballot
8 measure submitted to the registered voters of the City of
9 Cambridge in accordance with the procedures of Sections 37
10 through 40 of Chapter forty-three of the General Laws. If
11 this act is repealed or revoked, or otherwise nullified, the
12 provisions of this act shall be treated as still remaining
13 in force for the purpose of sustaining any proper suit,

14 action or prosecution with respect to any right,
15 liability or offense arising under the provisions of
16 this act. If repealed or revoked, or otherwise
17 nullified, it may be reaccepted in one of the
18 following ways:

19 1) by a majority vote of the members of the
20 Cambridge City Council, or

21 2) by initiative petition and vote pursuant to
22 the procedures of Sections 37 through 40 of Chapter 43
23 of the General Laws.

1 SECTION 3. Definitions. The following words or
2 phrases as used in this act shall have the following
3 meanings:

4 a) "Rental units", any building, structure, or
5 part thereof, or land appurtenant thereto, or any other
6 real or personal property rented or offered for rent for
7 living or dwelling purposes, including houses, apartments,
8 rooming or boardinghouse units, and other properties used
9 for living or dwelling purposes, together with all services
10 connected with the use or occupancy of such property.

11 b) "Controlled rental units", all rental units
12 except:

13 1) rental units in hotels, motels, inns, tourist
14 homes and rooming or boarding houses which are rented
15 primarily to transient guests for a period of less than
16 fourteen consecutive days;

17 2) rental units the construction of which was
18 completed on or after January one, nineteen hundred and
19 sixty-nine, or which are housing units created by
20 conversion from a nonhousing to a housing use on or
21 after said date;

22 3) rental units which a governmental unit, agency,
23 or authority either:

24 i) owns or operates; or

25 ii) regulates the rents, other than units regulated

26 a) under the provisions of this act, or

27 b) under the provisions of any other general or
28 special law authorizing municipal control of rental levels
29 for all or certain rental units within a municipality; or

30 iii) finances or subsidizes, if the imposition or
31 rent control would result in the cancellation or withdrawal,
32 by law, of such financing or subsidy;

33 4) rental units in cooperatives;

34 5) rental units in any hospital, convent, monastery,
35 asylum, public institution or college or school dormitory
36 operated exclusively for charitable or educational purposes;
37 or nursing home or rest home or charitable home for the aged,
38 not organized or operated for profit;

39 6) the rental unit or units in an owner-occupied two-
40 family or three-family house;

41 7) that the City of Cambridge may exempt those rental
42 units for which the rent charges exceed limits specified by
43 said municipality; provided that in no event shall more than
44 twenty-five per cent of the total rental units in Cambridge

45 be exempted under this subsection.

46 8) Except that the provisions of subsections (b)(2) and
47 (b)(3) of this section 3 shall not operate to exclude from the
48 provisions of this act any rental units that were or are
49 financed, insured or subsidized, in whole or in part, by any
50 unit, agency or authority of the federal or state governments,
51 and which were initially occupied on or before January 1, 1976.

52 c) "Rent", the consideration including any bonus,
53 benefits, or gratuity demanded or received for or in
54 connection with the use or occupancy of rental units or the
55 transfer of a lease of such rental units.

56 d) "Services", repairs, replacement, maintenance,
57 painting, providing light, heat, hot and cold water, elevator
58 service, window shades and screens, storage, kitchen, bath
59 and laundry facilities and privileges, janitor services,
60 refuses removal, furnishings, and any other benefit, privilege
61 or facility connected with the use or occupancy of any rental
62 unit. Services to a rental unit shall include a proportionate
63 part of services provided to common facilities of the building
64 in which the rental unit is contained.

1 SECTION 4. Transition.

2 a) The board shall assume possession of all records,
3 documents and other materials in possession of the board

4 established and operated under Chapter 842 of the Acts
5 of 1970 or any special or general laws regulating rents
6 and evictions enacted subsequent to Chapter 842 of the
7 Acts of 1970.

8 b) Any proceeding commenced by the board
9 established under said Chapter 842, or orders related
10 thereto and any rules and regulations of said board
11 shall remain in effect for the purposes of this act
12 unless otherwise ordered by the board.

13 c) The board shall have authority to issue
14 regulations and orders necessary and helpful for the
15 efficient transition from the administration of said
16 Chapter 842, or any special or general laws regulating
17 rents and evictions enacted subsequent to said Chapter 842,
18 to the administration of this act.

1 SECTION 5. Rent Board.

2 a) This act shall be administered by a rent control
3 board. Immediately upon the acceptance of this act the rent
4 board established under Chapter 842 of the Acts of 1970 shall
5 be deemed to be the rent board appointed by the city manager
6 under this act to serve at the pleasure of the city manager
7 or the city manager may appoint a new rent control board to
8 serve at the pleasure of the city manager.

9 b) Members of the rent board shall receive no
10 compensation for their services, but shall be reimbursed by
11 the city for necessary expenses incurred in the performance
12 of their duties.

13 c) The rent control board, hereinafter called the

14 board, shall be responsible for carrying out the
15 provisions of this act, and shall hire, with the approval
16 of the city manager, such personnel, not subject to the
17 provisions of section nine A of chapter thirty of the
18 general laws or chapter thirty-one of the general laws,
19 as are needed, shall promulgate such policies, rules and
20 regulations as will further the provisions of this act,
21 and shall recommend to the city, for adoption, such
22 ordinances as may be necessary to carry out the purposes
23 of this act.

24 d) The board may make such studies and investigations,
25 conduct such hearings, and obtain such information as is
26 deemed necessary in promulgating any regulation, rule or
27 order under this act, or in administering and enforcing this
28 act and regulations and orders promulgated hereunder. For
29 the foregoing purposes, a person may be summoned to attend
30 and testify and to produce books and papers in like manner
31 as he may be summoned to attend as a witness before a court.
32 Any person who rents or offers for rent or acts as broker or
33 agent for the rental of any controlled rental unit may be
34 required to furnish under oath any information required by
35 the board and to produce records and other documents and
36 make reports. Such persons shall have the right to be
37 represented by counsel, and a transcript shall be taken of
38 all testimony and such person shall have the right to
39 examine said transcript at reasonable times and places.

40 Section ten of chapter two hundred and thirty-three of
41 the General Laws shall apply, and for the purposes of
42 this act a justice of the district court shall have
43 the same power as a justice of the Supreme Judicial or
44 Superior Court to implement the provisions of said section.

45 e) The board shall have the power to issue orders
46 and promulgate regulations to effectuate the purposes of
47 this act.

1 SECTION 6. Maximum Rent.

2 a) The maximum rent of a controlled rental unit
3 shall be the maximum rent most recently established under
4 Chapter 842 of the Acts of 1970 and regulations thereunder,
5 immediately prior to the initial acceptance of this act,
6 for all units which were then subject to said Chapter 842.
7 For any rental units controlled under this act which
8 were not then subject to said Chapter 842 the maximum
9 rent shall be the rent lawfully charged the occupant
10 of such unit for the month six months prior to the
11 date on which the unit became controlled. If the rental
12 unit was unoccupied at that time but was occupied at any
13 time prior to that date, the maximum rent shall be the
14 rent lawfully charged therefor for the month closest to
15 one month prior to the date on which the unit became
16 controlled. Upon the reacceptance of this act the maximum
17 rent of a controlled unit shall be the rent lawfully
18 charged the occupant of such unit for the month six months
19 prior to the reacceptance of this act unless the rent for

20 the unit was established by the rent board within said six
21 month period, in which case the rent shall be the rent so
22 established by the rent board. If the rental unit was
23 unoccupied at that time but was occupied at any time
24 prior to the reacceptance of this act, the maximum rent
25 shall be the rent lawfully charged therefor for the
26 month closest to six months prior to the reacceptance
27 of this act. If the maximum rent is not otherwise
28 established, it shall be established by the board. Any
29 maximum rent may be subsequently adjusted under the
30 provisions of section seven.

31 b) The board shall require registration of all controlled
32 rental units in Cambridge on forms authorized or to be
33 provided by said board. The registration forms for units
34 controlled under the provisions of Chapter 842 of the Acts
35 of 1970, as the same have been amended from time to time,
36 shall be deemed the initial registration forms filed
37 pursuant to this act, except where the board finds any or
38 all of such forms inadequate.

1 SECTION 7. Maximum Rent Adjustment.

2 a) The board shall make such individual or general
3 adjustments, either upward or downward, of the maximum rent
4 established by section six for any controlled rental unit
5 or any class of controlled rental units as may be necessary
6 to assure that rents for controlled rental units are
7 established at levels which yield to landlords a fair net

8 operating income for such units. For the purposes of
9 this section, the word "class" shall include all the
10 controlled rental units within Cambridge or any
11 categories of such rental units based on size, age,
12 construction, rent, geographic area or other common
13 characteristics, providing the board has by regulation
14 defined any such categories.

15 b) The following factors, among other relevant
16 factors, which the board by regulation may define, shall
17 be considered in determining whether a controlled rental
18 unit yields a fair net operating income:

- 19 1. increases or decreases in property taxes;
- 20 2. unavoidable increases or any decreases in
21 operating and maintenance expenses;
- 22 3. capital improvement of the housing unit as
23 distinguished from ordinary repair, replacement and
24 maintenance;
- 25 4. increases or decreases in living space, services,
26 furniture, furnishings or equipment;
- 27 5. substantial deterioration of the housing units
28 other than as a result of ordinary wear and tear; and
- 29 6. failure to perform ordinary repair, replacement
30 and maintenance.

31 c) For the purpose of adjusting rents under the
32 provisions of this section, the board may promulgate a
33 schedule of standard rental increases or decreases for
34 improvement or deterioration in specific services and
35 facilities.

36 d) The board may refuse to grant a rent increase

37 under this section, if it determines that the affected
38 rental unit does not comply with the state sanitary
39 code and any applicable municipal codes, ordinances or
40 bylaws, and if it determines that such lack of compliance
41 is due to the failure of the landlord to provide normal
42 and adequate repair and maintenance. The board may
43 refuse to grant a rent decrease under this section, if it
44 determines that a tenant is more than sixty days in arrears
45 in payment of rent unless such arrearage is due to a
46 withholding of rent under the provisions of Section 8A of
47 Chapter 239, or Section 127L of Chapter 111, or Section 14
48 of Chapter 186 of the general laws.

49 e) The board may remove maximum rental levels,
50 established under this section and section five, for any
51 class of controlled rental units if in its judgment the
52 need for continuing such maximum rental levels no longer
53 exists because of sufficient construction of new rental
54 units the rental levels for which are comparable to the
55 rental levels of the class of controlled rental units for
56 which maximum rental levels are to be discontinued or
57 because the demand for rental units has been otherwise met.
58 Any maximum rental level removed under this paragraph shall
59 be reimposed or adjusted and reimposed upon a finding by the
60 rent board that a substantial shortage of rental units exists
61 in Cambridge and that the reimposition of rent control is
62 necessary in the public interest. Any action under this
63 paragraph shall be subject to the hearing and notice

64 requirements of paragraph (b) of section seven.

1 SECTION 8. Rent Adjustment Hearings.

2 a) The board shall consider an adjustment of rent for
3 an individual controlled rental unit upon receipt of a petition
4 for adjustment filed by the landlord or tenant of such unit
5 or upon its own initiative. The board shall notify the
6 landlord, if the petition was filed by the tenant, or the
7 tenant, if the petition was filed by the landlord, of the
8 receipt of such petition and of the right of either party to
9 request a hearing. If a hearing is requested by either
10 party, or if the action is undertaken on the initiative
11 of the board, the hearing shall be conducted before at
12 least one member of the board or the board's designee prior
13 to the decision by the board to grant or refuse a rental
14 adjustment. Notice of the time and place of the hearing
15 shall be furnished to the landlord and tenant. The board may
16 consolidate petitions relating to controlled rental units in
17 the same building, and all such petitions may be considered
18 in a single hearing.

19 b) On its own initiative, the board may make a general
20 adjustment, by percentage, of the rental levels for any class
21 of controlled rental units within Cambridge. Prior to
22 making such adjustment, a public hearing shall be held before
23 at least a majority of the board. Notice that an adjustment
24 is under consideration, a description of the class of rental
25 units which would be affected by the adjustment, and the
26 time and place of said public hearing shall be published

27 three times in at least one newspaper having a general
28 circulation within the City of Cambridge.

29 c) Notwithstanding any other provision of this
30 section, the board may, without holding a hearing, refuse
31 to adjust a rent level for an individual rental unit if a
32 hearing has been held with regard to the rental level of
33 such unit within twelve months.

34 d) Hearings required by paragraph a) shall be
35 conducted in accordance with the provisions of section
36 eleven of Chapter thirty A of the General Laws except
37 that requirements (7) and (8) of said section eleven
38 shall not apply to such hearings.

1 SECTION 9. Evictions.

2 a) No person shall bring any action to recover
3 possession of a controlled rental unit unless:

4 1) the tenant has failed to pay the rent to
5 which the landlord is entitled;

6 2) the tenant has violated an obligation or
7 covenant of his tenancy not inconsistent with Chapter 93A
8 of the General Laws or this act, or the regulations issued
9 pursuant thereto, other than the obligation to surrender
10 possession upon proper notice and has failed to cure such
11 violation after having received written notice thereof
12 from the landlord;

13 3) the tenant is committing or permitting to exist
14 a nuisance in or is causing substantial damage to, the
15 controlled rental unit, or is creating a substantial

16 interference with the comfort, safety, or enjoyment
17 of the landlord or other occupants of the same or any
18 adjacent accommodation;

19 4) the tenant is convicted of using or permitting
20 a controlled rental unit to be used for any illegal purpose;

21 5) the tenant, who had a written lease or rental
22 agreement which terminated on or after this act has taken
23 effect has refused, after written request or demand by
24 the landlord, to execute a written extension or renewal
25 thereof for a further term of like duration and in such
26 terms that are not inconsistent with or violative of any
27 provisions of Chapter 93A of the General Laws or this
28 act, or the regulations issued pursuant thereto;

29 6) the tenant has refused the landlord reasonable
30 access to the unit for the purpose of making necessary
31 repairs or improvements required by the laws of the
32 Commonwealth, or any political subdivision thereof, or
33 for the purpose of inspection as permitted or required by
34 the lease or by law, or for the purpose of showing the
35 rental unit to any prospective purchaser or mortgagee;

36 7) the person holding at the end of a lease term
37 is a subtenant not approved by the landlord;

38 8) the landlord seeks to recover possession in
39 good faith for use and occupancy of himself, or his
40 children, parents, brother, sister, father-in-law,
41 mother-in-law, son-in-law, or daughter-in-law;

42 9) the landlord seeks to recover possession to
43 demolish or otherwise remove the unit from housing use; and

44 10) the landlord seeks to recover possession for
45 any other just cause, provided that his purpose is not in
46 conflict with the provisions and purposes of Chapter 93A
47 of the General Laws or this act, or the regulations issued
48 pursuant thereto. Recovery of possession in order to
49 convert an apartment unit to a condominium unit shall not
50 be a valid reason to recover possession of a controlled
51 rental unit.

52 b) A landlord seeking to recover possession of a
53 controlled rental unit shall apply to the board for a
54 certificate of eviction. Upon receipt of such an application,
55 the board shall send a copy of the application to the tenant
56 of the controlled rental unit together with a notification of
57 all rights and procedures available under this section. If
58 the board finds that the facts attested to in the landlord's
59 petition are valid and in compliance with paragraph a), the
60 certificate of eviction shall be issued.

61 c) A landlord who seeks to recover possession of a
62 controlled rental unit without obtaining such certificate of
63 eviction shall be deemed to have violated this act, and the
64 board may initiate a criminal prosecution for such violation.

65 d) Notwithstanding the provisions of this section the
66 United States, the Commonwealth, or any agency or political

67 subdivision thereof, may maintain an action or proceeding
68 to recover possession of any rental unit operated by it
69 if such action or proceeding is authorized by the Statute
70 or regulation under which such units are administered.

71 e) The provisions of this section shall be
72 construed as additional restrictions on the right to
73 recover possession of a controlled rental unit. No
74 provision of this section shall entitle any person to
75 recover possession of such a unit.

1 SECTION 10. Judicial Review.

2 a) Any person who is aggrieved by any action,
3 regulation or order of the board may file a complaint
4 against the board in the Third District Court of Eastern
5 Middlesex, and thereupon an order of notice shall be
6 issued by said court and served on the board. Said
7 district court shall have exclusive original jurisdiction
8 over such proceedings and shall be authorized to take
9 such action with respect thereto as is provided in the
10 case of the Superior Court under the provisions of
11 chapter two hundred and thirty-one A of the General Laws,
12 except that section three of said chapter two hundred and
13 thirty-one A shall not apply. All orders, judgments and
14 decrees of said district court may be appealed as is
15 provided in the case of a civil action in said district
16 court.

17 b) The Third District Court of Eastern Middlesex
18 shall have exclusive original jurisdiction over actions
19 arising out of the provisions of section eleven.

1 SECTION 11. Civil Remedies.

2 a) Any person who demands, accepts, receives or
3 retains any payment of rent in excess of the maximum
4 lawful rent, in violation of the provisions of this act
5 or any regulation or order hereunder promulgated, shall
6 be liable as hereinafter provided to the person from
7 whom such payment is demanded, accepted, received, or
8 retained, or to the city, for reasonable attorney's fees
9 and costs as determined by the court, plus liquidated
10 damages in the amount of one hundred dollars, or not
11 more than three times the amount by which the payment or
12 payments demanded, accepted, received or retained exceed
13 the maximum rent which could be lawfully demanded,
14 accepted, received or retained, whichever is the greater;
15 provided that if the defendant proves that the violation
16 was neither willful nor the result of failure to take
17 practicable precautions against the occurrence of the
18 violation, the amount of such liquidated damages shall
19 be the amount of the overcharge or overcharges.

20 b) If the person from whom such payment is demanded,
21 accepted, received or retained in violation of the provisions
22 of this act or any rule or regulation hereunder promulgated
23 fails to bring an action under this section within thirty
24 days from the date of the occurrence of the violation, the
25 board may either settle the claim arising out of the
26 violation or bring such action. Settlement by the board

27 shall thereafter bar any other person from bringing
28 action for the violation or violations with regard to which
29 a settlement has been reached. If the board settles said
30 claim, it shall be entitled to retain the costs it
31 incurred in the settlement thereof, and the person against
32 whom the violation was committed shall be entitled to the
33 remainder. If the board brings action under the provisions
34 of this section, it shall be entitled to receive attorney's
35 fees and costs under the provisions of paragraph a) and
36 the person against whom the violation was committed shall
37 be awarded liquidated damages under said paragraph a).

38 c) A judgment for damages or on the merits in any
39 action under this section shall be a bar to any recovery
40 under this section in any other action against the same
41 defendant on account of any violation with respect to the
42 same person prior to the institution of the action in
43 which such judgment was rendered. Action to recover
44 liquidated damages under the provisions of this section
45 shall not be brought later than four years after the
46 date of the violation. A single action for damages under
47 the provisions of this section may include all violations
48 of the provisions of this section committed by the same
49 defendant against the same person.

1 SECTION 12. Criminal Penalties.

2 a) It shall be unlawful for any person to demand,

3 accept, receive or retain any rent for the use or
4 occupancy of any controlled rental unit in excess of the
5 maximum rent prescribed therefor under the provisions of
6 this act or any order or regulation hereunder promulgated,
7 or otherwise to do or omit to do any action in violation
8 of the provisions of this act or any order or regulation
9 hereunder promulgated.

10 b) It shall be unlawful for any person to demand,
11 accept, receive or retain any payment which exceeds the
12 maximum lawful rent for one month as a finder's fee or
13 service charge for the opportunity to examine or lease
14 any controlled rental unit, and no finder's fee or
15 service charge shall be lawful unless the person from
16 whom the payment is demanded, accepted, received or
17 retained actually rents or leases the controlled rental
18 unit with regard to which payment of said fee or said
19 charge has been demanded, accepted, received or retained.

20 c) Whoever willfully violates any provision of
21 this act or any rule or regulation hereunder promulgated,
22 or whoever knowingly makes any false statement in any
23 testimony before the rent board or whoever knowingly
24 supplies the rent board with any false information shall
25 be punished by a fine of not more than five hundred
26 dollars or by imprisonment for not more than ninety days
27 or both; provided, however, that in the case of a second

28 or subsequent offense, such person shall be punished by a fine of
29 not more than three thousand dollars or by imprisonment for not
30 more than one year, or both.

1 SECTION 13. Severability. If any provisions of this
2 act or the application of such provision to any person or
3 circumstance shall be held invalid, the validity of the
4 remainder of this act and the applicability of such
5 provision to other persons or circumstances shall not be
6 affected thereby.

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THE COMMONWEALTH OF MASSACHUSETTS

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10 through 40 of Chapter forty-three of the General Laws. If
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1 SECTION 3. Definitions. The following words or
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9 for living or dwelling purposes, together with all services
10 connected with the use or occupancy of such property.

11 b) "Controlled rental units", all rental units
12 except:

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17 2) rental units the construction of which was
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22 3) rental units which a governmental unit, agency,
23 or authority either:

24 i) owns or operates; or

25 ii) regulates the rents, other than units regulated

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27 b) under the provisions of any other general or
28 special law authorizing municipal control of rental levels
29 for all or certain rental units within a municipality; or

30 iii) finances or subsidizes, if the imposition or
31 rent control would result in the cancellation or withdrawal,
32 by law, of such financing or subsidy;

33 4) rental units in cooperatives;

34 5) rental units in any hospital, convent, monastery,
35 asylum, public institution or college or school dormitory
36 operated exclusively for charitable or educational purposes;
37 or nursing home or rest home or charitable home for the aged,
38 not organized or operated for profit;

39 6) the rental unit or units in an owner-occupied two-
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41 7) that the City of Cambridge may exempt those rental
42 units for which the rent charges exceed limits specified by
43 said municipality; provided that in no event shall more than
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47 (b)(3) of this section 3 shall not operate to exclude from the
48 provisions of this act any rental units that were or are
49 financed, insured or subsidized, in whole or in part, by any
50 unit, agency or authority of the federal or state governments,
51 and which were initially occupied on or before January 1, 1976.] *adopted*

52 c) "Rent", the consideration including any bonus,
53 benefits, or gratuity demanded or received for or in
54 connection with the use or occupancy of rental units or the
55 transfer of a lease of such rental units.

56 d) "Services", repairs, replacement, maintenance,
57 painting, providing light, heat, hot and cold water, elevator
58 service, window shades and screens, storage, kitchen, bath
59 and laundry facilities and privileges, janitor services,
60 refuses removal, furnishings, and any other benefit, privilege
61 or facility connected with the use or occupancy of any rental
62 unit. Services to a rental unit shall include a proportionate
63 part of services provided to common facilities of the building
64 in which the rental unit is contained.

1 SECTION 4. Transition.

2 a) The board shall assume possession of all records,
3 documents and other materials in possession of the board

4 established and operated under Chapter 842 of the Acts
5 of 1970 or any special or general laws regulating rents
6 and evictions enacted subsequent to Chapter 842 of the
7 Acts of 1970.

8 b) Any proceeding commenced by the board
9 established under said Chapter 842, or orders related
10 thereto and any rules and regulations of said board
11 shall remain in effect for the purposes of this act
12 unless otherwise ordered by the board.

13 c) The board shall have authority to issue
14 regulations and orders necessary and helpful for the
15 efficient transition from the administration of said
16 Chapter 842, or any special or general laws regulating
17 rents and evictions enacted subsequent to said Chapter 842,
18 to the administration of this act.

1 SECTION 5. Rent Board.

2 a) This act shall be administered by a rent control
3 board. Immediately upon the acceptance of this act the rent
4 board established under Chapter 842 of the Acts of 1970 shall
5 be deemed to be the rent board appointed by the city manager
6 under this act to serve at the pleasure of the city manager
7 or the city manager may appoint a new rent control board to
8 serve at the pleasure of the city manager.

9 b) Members of the rent board shall receive no
10 compensation for their services, but shall be reimbursed by
11 the city for necessary expenses incurred in the performance
12 of their duties.

13 c) The rent control board, hereinafter called the

14 board, shall be responsible for carrying out the
15 provisions of this act, and shall hire, with the approval
16 of the city manager, such personnel, not subject to the
17 provisions of section nine A of chapter thirty of the
18 general laws or chapter thirty-one of the general laws,
19 as are needed, shall promulgate such policies, rules and
20 regulations as will further the provisions of this act,
21 and shall recommend to the city, for adoption, such
22 ordinances as may be necessary to carry out the purposes
23 of this act.

24 d) The board may make such studies and investigations,
25 conduct such hearings, and obtain such information as is
26 deemed necessary in promulgating any regulation, rule or
27 order under this act, or in administering and enforcing this
28 act and regulations and orders promulgated hereunder. For
29 the foregoing purposes, a person may be summoned to attend
30 and testify and to produce books and papers in like manner
31 as he may be summoned to attend as a witness before a court.
32 Any person who rents or offers for rent or acts as broker or
33 agent for the rental of any controlled rental unit may be
34 required to furnish under oath any information required by
35 the board and to produce records and other documents and
36 make reports. Such persons shall have the right to be
37 represented by counsel, and a transcript shall be taken of
38 all testimony and such person shall have the right to
39 examine said transcript at reasonable times and places.

40 Section ten of chapter two hundred and thirty-three of
41 the General Laws shall apply, and for the purposes of
42 this act a justice of the district court shall have
43 the same power as a justice of the Supreme Judicial or
44 Superior Court to implement the provisions of said section.

45 e) The board shall have the power to issue orders
46 and promulgate regulations to effectuate the purposes of
47 this act.

1 SECTION 6. Maximum Rent.

2 a) The maximum rent of a controlled rental unit
3 shall be the maximum rent most recently established under
4 Chapter 842 of the Acts of 1970 and regulations thereunder,
5 immediately prior to the initial acceptance of this act,
6 for all units which were then subject to said Chapter 842.
7 For any rental units controlled under this act which
8 were not then subject to said Chapter 842 the maximum
9 rent shall be the rent lawfully charged the occupant
10 of such unit for the month six months prior to the *-> adopted*
11 one date on which the unit became controlled. If the rental
12 unit was unoccupied at that time but was occupied at any
13 time prior to that date, the maximum rent shall be the
14 rent lawfully charged therefor for the month closest to
15 *SIX* (one) month prior to the date on which the unit became *- failed*
16 controlled. Upon the reacceptance of this act the maximum *3-5-1*
17 rent of a controlled unit shall be the rent lawfully
18 charged the occupant of such unit for the month six months
19 prior to the reacceptance of this act unless the rent for

20 the unit was established by the rent board within said six
21 month period, in which case the rent shall be the rent so
22 established by the rent board. If the rental unit was
23 unoccupied at that time but was occupied at any time
24 prior to the reacceptance of this act, the maximum rent
25 shall be the rent lawfully charged therefor for the
26 month closest to six months prior to the reacceptance
27 of this act. If the maximum rent is not otherwise
28 established, it shall be established by the board. Any
29 maximum rent may be subsequently adjusted under the
30 provisions of section seven.

31 b) The board shall require registration of all controlled
32 rental units in Cambridge on forms authorized or to be
33 provided by said board. The registration forms for units
34 controlled under the provisions of Chapter 842 of the Acts
35 of 1970, as the same have been amended from time to time,
36 shall be deemed the initial registration forms filed
37 pursuant to this act, except where the board finds any or
38 all of such forms inadequate.

1 SECTION 7. Maximum Rent Adjustment.

2 a) The board shall make such individual or general
3 adjustments, either upward or downward, of the maximum rent
4 established by section six for any controlled rental unit
5 or any class of controlled rental units as may be necessary
6 to assure that rents for controlled rental units are
7 established at levels which yield to landlords a fair net

8 operating income for such units. For the purposes of
9 this section, the word "class" shall include all the
10 controlled rental units within Cambridge or any
11 categories of such rental units based on size, age,
12 construction, rent, geographic area or other common
13 characteristics, providing the board has by regulation
14 defined any such categories.

15 b) The following factors, among other relevant
16 factors, which the board by regulation may define, shall
17 be considered in determining whether a controlled rental
18 unit yields a fair net operating income:

19 1. increases or decreases in property taxes;

20 2. unavoidable increases or any decreases in
21 operating and maintenance expenses;

22 3. capital improvement of the housing unit as
23 distinguished from ordinary repair, replacement and
24 maintenance;

25 4. increases or decreases in living space, services,
26 furniture, furnishings or equipment;

27 5. substantial deterioration of the housing units
28 other than as a result of ordinary wear and tear; and

29 6. failure to perform ordinary repair, replacement
30 and maintenance.

31 c) For the purpose of adjusting rents under the
32 provisions of this section, the board may promulgate a
33 schedule of standard rental increases or decreases for
34 improvement or deterioration in specific services and
35 facilities.

36 d) The board may refuse to grant a rent increase

37 under this section, if it determines that the affected
38 rental unit does not comply with the state sanitary
39 code and any applicable municipal codes, ordinances or
40 bylaws, and if it determines that such lack of compliance
41 is due to the failure of the landlord to provide normal
42 and adequate repair and maintenance. The board may
43 refuse to grant a rent decrease under this section, if it
44 determines that a tenant is more than sixty days in arrears
45 in payment of rent unless such arrearage is due to a
46 withholding of rent under the provisions of Section 8A of
47 Chapter 239, or Section 127L of Chapter 111, or Section 14
48 of Chapter 186 of the general laws.

49 e) The board may remove maximum rental levels,
50 established under this section and section five, for any
51 class of controlled rental units if in its judgment the
52 need for continuing such maximum rental levels no longer
53 exists because of sufficient construction of new rental
54 units the rental levels for which are comparable to the
55 rental levels of the class of controlled rental units for
56 which maximum rental levels are to be discontinued or
57 because the demand for rental units has been otherwise met.
58 Any maximum rental level removed under this paragraph shall
59 be reimposed or adjusted and reimposed upon a finding by the
60 rent board that a substantial shortage of rental units exists
61 in Cambridge and that the reimposition of rent control is
62 necessary in the public interest. Any action under this
63 paragraph shall be subject to the hearing and notice

64 requirements of paragraph (b) of section seven.

1 SECTION 8. Rent Adjustment Hearings.

2 a) The board shall consider an adjustment of rent for
3 an individual controlled rental unit upon receipt of a petition
4 for adjustment filed by the landlord or tenant of such unit
5 or upon its own initiative. The board shall notify the
6 landlord, if the petition was filed by the tenant, or the
7 tenant, if the petition was filed by the landlord, of the
8 receipt of such petition and of the right of either party to
9 request a hearing. If a hearing is requested by either
10 party, or if the action is undertaken on the initiative
11 of the board, the hearing shall be conducted before at
12 least one member of the board or the board's designee prior
13 to the decision by the board to grant or refuse a rental
14 adjustment. Notice of the time and place of the hearing
15 shall be furnished to the landlord and tenant. The board may
16 consolidate petitions relating to controlled rental units in
17 the same building, and all such petitions may be considered
18 in a single hearing.

19 b) On its own initiative, the board may make a general
20 adjustment, by percentage, of the rental levels for any class
21 of controlled rental units within Cambridge. Prior to
22 making such adjustment, a public hearing shall be held before
23 at least a majority of the board. Notice that an adjustment
24 is under consideration, a description of the class of rental
25 units which would be affected by the adjustment, and the
26 time and place of said public hearing shall be published

27 three times in at least one newspaper having a general
28 circulation within the City of Cambridge.

29 c) Notwithstanding any other provision of this
30 section, the board may, without holding a hearing, refuse
31 to adjust a rent level for an individual rental unit if a
32 hearing has been held with regard to the rental level of
33 such unit within twelve months.

34 d) Hearings required by paragraph a) shall be
35 conducted in accordance with the provisions of section
36 eleven of Chapter thirty A of the General Laws except
37 that requirements (7) and (8) of said section eleven
38 shall not apply to such hearings.

1 SECTION 9. Evictions.

2 a) No person shall bring any action to recover
3 possession of a controlled rental unit unless:

4 1) the tenant has failed to pay the rent to
5 which the landlord is entitled;

6 2) the tenant has violated an obligation or
7 covenant of his tenancy not inconsistent with Chapter 93A
8 of the General Laws or this act, or the regulations issued
9 pursuant thereto, other than the obligation to surrender
10 possession upon proper notice and has failed to cure such
11 violation after having received written notice thereof
12 from the landlord;

13 3) the tenant is committing or permitting to exist
14 a nuisance in or is causing substantial damage to, the
15 controlled rental unit, or is creating a substantial

16 interference with the comfort, safety, or enjoyment
17 of the landlord or other occupants of the same or any
18 adjacent accommodation;

19 4) the tenant is convicted of using or permitting
20 a controlled rental unit to be used for any illegal purpose;

21 5) the tenant, who had a written lease or rental
22 agreement which terminated on or after this act has taken
23 effect has refused, after written request or demand by
24 the landlord, to execute a written extension or renewal
25 thereof for a further term of like duration and in such
26 terms that are not inconsistent with or violative of any
27 provisions of Chapter 93A of the General Laws or this
28 act, or the regulations issued pursuant thereto;

29 6) the tenant has refused the landlord reasonable
30 access to the unit for the purpose of making necessary
31 repairs or improvements required by the laws of the
32 Commonwealth, or any political subdivision thereof, or
33 for the purpose of inspection as permitted or required by
34 the lease or by law, or for the purpose of showing the
35 rental unit to any prospective purchaser or mortgagee;

36 7) the person holding at the end of a lease term
37 is a subtenant not approved by the landlord;

38 8) the landlord seeks to recover possession in
39 good faith for use and occupancy of himself, or his
40 children, parents, brother, sister, father-in-law,
41 mother-in-law, son-in-law, or daughter-in-law;

42 9) the landlord seeks to recover possession to
43 demolish or otherwise remove the unit from housing use; and

44 10) the landlord seeks to recover possession for
45 any other just cause, provided that his purpose is not in
46 conflict with the provisions and purposes of Chapter 93A
47 of the General Laws or this act, or the regulations issued
48 pursuant thereto. [Recovery of possession in order to
49 convert an apartment unit to a condominium unit shall not
50 be a valid reason to recover possession of a controlled
51 rental unit.]

adopted

52 b) A landlord seeking to recover possession of a
53 controlled rental unit shall apply to the board for a
54 certificate of eviction. Upon receipt of such an application,
55 the board shall send a copy of the application to the tenant
56 of the controlled rental unit together with a notification of
57 all rights and procedures available under this section. If
58 the board finds that the facts attested to in the landlord's
59 petition are valid and in compliance with paragraph a), the
60 certificate of eviction shall be issued.

61 c) A landlord who seeks to recover possession of a
62 controlled rental unit without obtaining such certificate of
63 eviction shall be deemed to have violated this act, and the
64 board may initiate a criminal prosecution for such violation.

65 d) Notwithstanding the provisions of this section the
66 United States, the Commonwealth, or any agency or political

67 subdivision thereof, may maintain an action or proceeding
68 to recover possession of any rental unit operated by it
69 if such action or proceeding is authorized by the Statute
70 or regulation under which such units are administered.

71 e) The provisions of this section shall be
72 construed as additional restrictions on the right to
73 recover possession of a controlled rental unit. No
74 provision of this section shall entitle any person to
75 recover possession of such a unit.

1 SECTION 10. Judicial Review.

2 a) Any person who is aggrieved by any action,
3 regulation or order of the board may file a complaint
4 against the board in the Third District Court of Eastern
5 Middlesex, and thereupon an order of notice shall be
6 issued by said court and served on the board. Said
7 district court shall have exclusive original jurisdiction
8 over such proceedings and shall be authorized to take
9 such action with respect thereto as is provided in the
10 case of the Superior Court under the provisions of
11 chapter two hundred and thirty-one A of the General Laws,
12 except that section three of said chapter two hundred and
13 thirty-one A shall not apply. All orders, judgments and
14 decrees of said district court may be appealed as is
15 provided in the case of a civil action in said district
16 court.

17 b) The Third District Court of Eastern Middlesex
18 shall have exclusive original jurisdiction over actions
19 arising out of the provisions of section eleven.

1 SECTION 11. Civil Remedies.

2 a) Any person who demands, accepts, receives or
3 retains any payment of rent in excess of the maximum
4 lawful rent, in violation of the provisions of this act
5 or any regulation or order hereunder promulgated, shall
6 be liable as hereinafter provided to the person from
7 whom such payment is demanded, accepted, received, or
8 retained, or to the city, for reasonable attorney's fees
9 and costs as determined by the court, plus liquidated
10 damages in the amount of one hundred dollars, or not
11 more than three times the amount by which the payment or
12 payments demanded, accepted, received or retained exceed
13 the maximum rent which could be lawfully demanded,
14 accepted, received or retained, whichever is the greater;
15 provided that if the defendant proves that the violation
16 was neither willful nor the result of failure to take
17 practicable precautions against the occurrence of the
18 violation, the amount of such liquidated damages shall
19 be the amount of the overcharge or overcharges.

20 b) If the person from whom such payment is demanded,
21 accepted, received or retained in violation of the provisions
22 of this act or any rule or regulation hereunder promulgated
23 fails to bring an action under this section within thirty
24 days from the date of the occurrence of the violation, the
25 board may either settle the claim arising out of the
26 violation or bring such action. Settlement by the board

27 shall thereafter bar any other person from bringing
28 action for the violation or violations with regard to which
29 a settlement has been reached. If the board settles said
30 claim, it shall be entitled to retain the costs it
31 incurred in the settlement thereof, and the person against
32 whom the violation was committed shall be entitled to the
33 remainder. If the board brings action under the provisions
34 of this section, it shall be entitled to receive attorney's
35 fees and costs under the provisions of paragraph a) and
36 the person against whom the violation was committed shall
37 be awarded liquidated damages under said paragraph a).

38 c) A judgment for damages or on the merits in any
39 action under this section shall be a bar to any recovery
40 under this section in any other action against the same
41 defendant on account of any violation with respect to the
42 same person prior to the institution of the action in
43 which such judgment was rendered. Action to recover
44 liquidated damages under the provisions of this section
45 shall not be brought later than four years after the
46 date of the violation. A single action for damages under
47 the provisions of this section may include all violations
48 of the provisions of this section committed by the same
49 defendant against the same person.

1 SECTION 12. Criminal Penalties.

2 a) It shall be unlawful for any person to demand,

3 accept, receive or retain any rent for the use or
4 occupancy of any controlled rental unit in excess of the
5 maximum rent prescribed therefor under the provisions of
6 this act or any order or regulation hereunder promulgated,
7 or otherwise to do or omit to do any action in violation
8 of the provisions of this act or any order or regulation
9 hereunder promulgated.

10 b) It shall be unlawful for any person to demand,
11 accept, receive or retain any payment which exceeds the
12 maximum lawful rent for one month as a finder's fee or
13 service charge for the opportunity to examine or lease
14 any controlled rental unit, and no finder's fee or
15 service charge shall be lawful unless the person from
16 whom the payment is demanded, accepted, received or
17 retained actually rents or leases the controlled rental
18 unit with regard to which payment of said fee or said
19 charge has been demanded, accepted, received or retained.

20 c) Whoever willfully violates any provision of
21 this act or any rule or regulation hereunder promulgated,
22 or whoever knowingly makes any false statement in any
23 testimony before the rent board or whoever knowingly
24 supplies the rent board with any false information shall
25 be punished by a fine of not more than five hundred
26 dollars or by imprisonment for not more than ninety days
27 or both; provided, however, that in the case of a second

28 or subsequent offense, such person shall be punished by a fine of
29 not more than three thousand dollars or by imprisonment for not
30 more than one year, or both.

1 SECTION 13. Severability. If any provisions of this
2 act or the application of such provision to any person or
3 circumstance shall be held invalid, the validity of the
4 remainder of this act and the applicability of such
5 provision to other persons or circumstances shall not be
6 affected thereby.

DATE:

3/10/1976

A TRUE COPY ATTEST:

Paul G. Jenkins
CITY CLERK

To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts
in General Court assembled.

The undersigned, citizens of respectfully
petition for the passage of the accompanying bill or resolve, and/or for legislation

An Act Enabling the City of Cambridge to Continue to Control Rents and Evictions

Petitioners are requested to sign names and addresses legibly.

Ron H. Aubrey

Sandra Graham

David Clem

Alfred Villusi

Cambridge City Council - 26 Lowell St.

Camb. City Council 89 Westside Ave.

Cambridge City Council 102 Utopia Ave

Mayor City of Cambridge
42 Porter St Cambridge

PETITION—HOUSE

Rep.

of

presents the petition of

PLEASE LEAVE THIS SPACE BLANK.

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[Accompanied by bill, House, No.]

HOUSE OF REPS., 197 .

Referred to the *Committee on*

.....

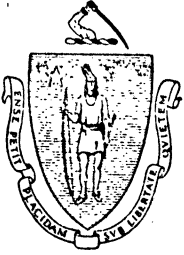
Sent up for concurrence.

....., *Clerk.*

SENATE, 197 .

The Senate concurs.

....., *Clerk.*



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND SEVENTY-

AN ACT Extending Rent And Eviction Controls To Tenants In MHFA Developments in Cambridge.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Declaration of Emergency. The General Court finds and declares that the serious public emergency declared in Section 1 of Chapter 842 of the Acts of 1970 continues to exist in the City of Cambridge, and is especially acute among tenants in privately-owned but government-subsidized housing, and that unless residential rents and evictions are regulated and controlled in said subsidized housing, such emergency and the inflationary pressures resulting therefrom, will produce serious threats to the public health, safety and general welfare of the citizens of said city, and that such emergency should be met immediately and with due regard for the rights and responsibilities of the city of Cambridge.

SECTION 2. Coverage. Notwithstanding the provisions of Sections 3(b) and 9(d) of Chapter 842 of the Acts of 1970, or any similar provisions of any other law, the provisions of said Chapter 842 as amended, or of any other law in effect in Cambridge which provides for regulation or control of rents or evictions, shall extend in the City of Cambridge to rental units that were or are financed, insured or subsidized, in whole or part, by the Massachusetts Housing Finance Agency, and which were initially occupied on or before January 1, 1976.

SECTION 3. Effective Date. This act shall take effect upon passage. The maximum rent of a rental unit controlled under Section 2 of this act shall be the rent lawfully charged the occupant for the month of July 1975, until said maximum is further adjusted pursuant to said Chapter 842 or any other rent control law in effect in Cambridge.

NOTE. — Use ONE side of paper ONLY. DOUBLE SPACE. Insert additional leaves, if necessary.

To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts
in General Court assembled.

The undersigned, citizens of Cambridge respectfully
petition for the passage of the accompanying bill or resolve, and/or for legislation

An Act Extending Rent And Eviction Controls To Tenants In MHFA Developments
in Cambridge.

Petitioners are requested to sign names and addresses legibly.

[Signature]
(Barbara Ackerman)
David Clem
Saundra Guskam
Aprea Velasco

City Councillor
City Councillor
City Councillor
City Councillor
Mayor

3/8/76

#1

City of Cambridge

MASSACHUSETTS

In City Council March 1976

COUNCILOR Sullivan Amendment RE EXEMPTION 4,516 UNITS

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann		✓		
Mr. Clem		✓		
Mr. Clinton	✓			
Mr. Danehy	✓			
Mr. Duehay		✓		
Mrs. Graham		✓		
Mr. Russell	✓			
Mr. Sullivan	✓			
Mayor Vellucci		✓		

4 5 0

*Amendment #1 RE 4,516 UNITS EXEMPTION
- Failed of Adoption -*

2

City of Cambridge

3/8/76

MASSACHUSETTS

In City Council

March 8

1976

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann		✓		
Mr. Clem		✓		
Mr. Clinton	✓			
Mr. Danehy	✓			
Mr. Duehay		✓		
Mrs. Graham		✓		
Mr. Russell	✓			
Mr. Sullivan	✓			
Mayor Vellucci		✓		

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Amendment #2 re Francis Decontrose - Failed -

City of Cambridge

MASSACHUSETTS

In City Council March 10 1976

#

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann	✓			
Mr. Clem		✓		
Mr. Clinton				✓
Mr. Danehy				✓
Mr. Duehay		✓		
Mrs. Graham	✓			
Mr. Russell		✓		
Mr. Sullivan		✓		
Mayor Vellucci	✓			

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4

2

Amend
 25%
Amend

City of Cambridge

MASSACHUSETTS

In City Council 3/18/78 1976

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann	✓			
Mr. Clem		✓		
Mr. Clinton			✓	
Mr. Danehy		✓		
Mr. Duehay		✓		
Mrs. Graham	✓			
Mr. Russell		✓		
Mr. Sullivan		✓		
Mayor Vellucci	✓			

3

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1

L. DeLeonibus
Assoc. Secy
#3 of 10/10/78

Order as submitted - Rent Control Order

3/

City of Cambridge

3/8/76

MASSACHUSETTS

In City Council March 8, 1976

Vote on An Act Enabling Cambridge to Control Rent and Ejections

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann	✓			
Mr. Clem	✓			
Mr. Clinton		✓		
Mr. Danehy		✓		
Mr. Duehay	✓			
Mrs. Graham				✓
Mr. Russell		✓		
Mr. Sullivan		✓		
Mayor Vellucci	✓			

4 4 0 1

Order failed

Motion for reconsideration by Councilor [Name] for special meeting 3/18/76

City of Cambridge

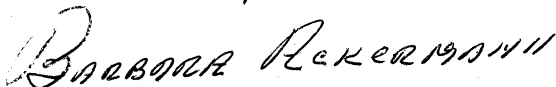
In City Council March 8, 1976

The Rent Control Committee

to which was referred Enabling Legislation relative to the operation of Rent Control in and for the City of Cambridge held a public meeting on Monday, March 8, 1976 at 5:30 P. M. in City Council Chambers and discussed the proposed legislation. Members of the Committee proposed certain amendments to the legislation. Those which were accepted by the Committee have been incorporated in the attached amended version of the legislation.

Reports, That the Committee agreed to forward the enabling legislation to the full City Council for favorable action.

For the Committee,


Councillor Barbara Ackermann
Chairman

REPORT

Committee on

City of Cambridge

March 12, 1976

Dear Councillor:

You are hereby notified to attend a SPECIAL MEETING of the City Council on Thursday, March 18, 1976 at 7:00 P. M. in the City Council Chambers.

By order of His Honor the Mayor.



Alfred Vellucci
Mayor

The meeting is called to take action on the following:

1. Motion of Mayor Alfred Vellucci and Councillor Saundra Graham to reconsider the vote of the City Council on March 8, 1976, relative to the acquisition and development of the Riverside Press site for recreation.
2. Motion of Councillor Barbara Ackermann to reconsider the vote of the City Council on March 8, 1976, relative to the filing of legislation for the continuation of Rent Control in the City of Cambridge, said Act being entitled "An Act Enabling the City of Cambridge to Continue to Control Rents and Evictions".
3. To take action on any and all General Business which may properly come before the City Council.



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND SEVENTY-

AN ACT Extending Rent And Eviction Controls To Tenants In MHFA Developments in Cambridge.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

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SECTION 2. Coverage. Notwithstanding the provisions of Sections 3(b) and 9(d) of Chapter 842 of the Acts of 1970, or any similar provisions of any other law, the provisions of said Chapter 842 as amended, or of any other law in effect in Cambridge which provides for regulation or control of rents or evictions, shall extend in the City of Cambridge to rental units that were or are financed, insured or subsidized, in whole or part, by the Massachusetts Housing Finance Agency, and which were initially occupied on or before January 1, 1976.

SECTION 3. Effective Date. This act shall take effect upon passage. The maximum rent of a rental unit controlled under Section 2 of this act shall be the rent lawfully charged the occupant for the month of July 1975, until said maximum is further adjusted pursuant to said Chapter 842 or any other rent control law in effect in Cambridge.


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in General Court assembled.

The undersigned, citizens of Cambridge, respectfully
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in Cambridge.

Petitioners are requested to sign names and addresses legibly.

	City Councillor
(Barbara Ackerman)	
Paul H. Aubrey	City Councillor
David Clem	City Councillor
Sandra Gosham	City Councillor
Arpea Villani	Mayor

Vote of the City Council on the Filing
City of Cambridge

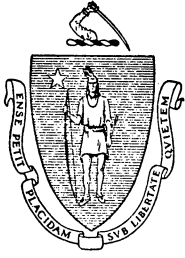
OF LEGISLATION ENTITLED AN ACT ENABLING THE
CITY OF CAMBRIDGE TO MASSACHUSETTS CONTINUE TO COLLECT

In City Council MARCH 18 1976

RENTS AND EJECTMENTS AS SUBMITTED BY HELMUTH FRISCH
AND OTHERS IN THE DRAFT

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann	✓			
Mr. Clem	✓			
Mr. Clinton		✓		
Mr. Danehy		✓		
Mr. Duehay	✓			
Mrs. Graham	✓			
Mr. Russell		✓		
Mr. Sullivan		✓		
Mayor Vellucci	✓			

5 4 0



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND SEVENTY-

AN ACT Enabling the City of Cambridge to Continue to Control Rents and Evictions

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1.

House, No.

BILL



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND SEVENTY-

AN ACT Extending Rent and Eviction Controls To Tenants In HFA Developments in Cambridge.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Declaration of Emergency. The General Court finds and declares that the serious public emergency declared in Section 1 of Chapter 842 of the Acts of 1970 continues to exist in the City of Cambridge, and is especially acute among tenants in privately-owned but government-subsidized housing, and that unless residential rents and evictions are regulated and controlled in said subsidized housing, such emergency and the inflationary pressures resulting therefrom, will produce serious threats to the public health, safety and general welfare of the citizens of said city, and that such emergency should be met immediately and with due regard for the rights and responsibilities of the city of Cambridge.

SECTION 2. Coverage. Notwithstanding the provisions of Sections 3(b) and 9(d) of Chapter 842 of the Acts of 1970, or any similar provisions of any other law, the provisions of said Chapter 842 as amended, or of any other law in effect in Cambridge which provides for regulation or control of rents or evictions, shall extend in the City of Cambridge to rental units that were or are financed, insured or subsidized, in whole or part, by any agency of the federal government, other than housing owned by the Cambridge Housing Authority, and which were initially occupied on or before January 1, 1976.

SECTION 3. Effective Date. This act shall take effect upon passage. The maximum rent of a rental unit controlled under Section 2 of this act shall be the rent lawfully charged the occupant for the month of July 1975, until said maximum is further adjusted pursuant to said Chapter 842 or any other rent control law in effect in Cambridge.

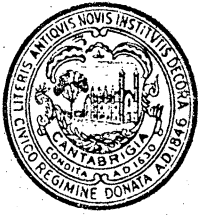
To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts
in General Court assembled.

The undersigned, citizens of Cambridge, respectfully
petition for the passage of the accompanying bill or resolve, and/or for legislation

An Act Extending Rent And Eviction Controls To Tenants In RHA Developments
in Cambridge.

Petitioners are requested to sign names and addresses legibly.

<i>Barbara Ackermann</i> (Barbara Ackermann)	City Councillor
<i>Robert Duboy</i>	City Councillor
<i>David Clem</i>	City Councillor
<i>Jandra Gaskon</i>	City Councillor
<i>Alfred Pelloni</i>	Mayor



CITY OF CAMBRIDGE

678 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139
TEL. 681-0400-C401-0402-0403-0404

RENT CONTROL BOARD

J. Kenneth Griffin, EXECUTIVE DIRECTOR
Peter D. Stanton, ASSISTANT DIRECTOR

March 18, 1976

Memo

To: City Council

From: J. Kenneth Griffin, Executive Director
Cambridge Rent Control Board

Subject: Possible amendments to the present draft of
an act enabling the City of Cambridge to
continue to control rents and evictions

The City Clerk has asked me on behalf of Councillor Ackerman to prepare for the Council's consideration two amendments to the existing draft bill. In addition, I offer one amendment which I believe will improve upon the draft without changing the content of the bill.

It is my understanding that Councillor Ackerman has requested amendments be drafted which deal with the matters of meritorious defenses to eviction applications and with condominium conversions. The intent, as I understand it, of an amendment dealing with meritorious defenses is to allow the rent board to deny applications for certificates of eviction when the tenant has a valid defense to the application. With the intent in mind I offer the following amendment:

Section 9 line 57 page 15

Deleted: "...paragraph a), the certificate of eviction shall be issued".

Added: "...paragraph a), and that no defense available to the tenant by statute or common law is meritorious, the certificate of eviction shall be issued".

It is also my understanding that the intent of an amendment concerning condominium conversion is to make clear that conversion of apartment rental units to condominium units is not a just cause to evict tenants. With this intent in mind I offer the following amendment:

To: City

From: J. Kenneth Griffin

P. 2

March 18, 1976

Section 9 line 48 page 15

Deleted: "...pursuant thereto".

Added: "...pursuant thereto. Recovery of possession in order to convert an apartment unit to a condominium unit shall not be a valid reason to recover possession of a controlled rental unit".

In addition to the amendments requested I suggest the following amendment which I believe will improve the draft if the council intends to approve a bill which will control rental units in FHA and MFHA buildings occupied prior to January 1, 1976. I therefore, offer the following amendment:

Section 3 lines 32 - 38 page 4

Deleted: "...except that the provisions of subsection b) of this section shall not operate to exclude from the provisions of this act any rental units that were or are financed, insured or subsidized, in whole or part, by any agency of the federal or state government, and which were initially occupied on or before January 1, 1976;"

Section 3 lines between 51 and 52 add lines 51a, b, c, etc.
page 5

Added: "8) Except that the provisions of subsections (b)(2) and (b)(3) of this section 3 shall not operate to exclude from the provisions of this act any rental units that were or are financed, insured or subsidized, in whole or in part, by any unit, agency or authority of the federal or state governments, and which were initially occupied on or before January 1, 1976".

1976 S-103A.

Final Rent Control Legislation with
the March 18, 1976 Amendments.

In City Council,

March 18, 1976