

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title Eight entitled "Health and Safety" of the Cambridge Municipal Code is hereby amended by adding thereto the following new Chapter 8.60 entitled "Enforcement of the State Sanitary Code".

In City Council August 3, 1992.

Passed to be ordained as amended by a yea and nay vote:- Yeas 5; Nays 3; Absent 0.
Present 1.

ATTEST:- D. Margaret Drury
Temporary City Clerk

NOTE: Pursuant to the provisions of General Laws, Chapter 40, Section 32A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said Municipal Ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

ATTEST:- D. Margaret Drury
Temporary City Clerk



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

August 10, 1992

Mr. Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Dear Sir:

Enclosed you will find copies of two proposed amendments to the Municipal Code of the City of Cambridge which were passed to be ordained as amended at the City Council meeting held on August 3, 1992 as follows:

1. Enforcement of the State Sanitary Code.
2. Street Performers.

Enclosed you will find also a proposed amendment to the Municipal Code which was passed to a second reading at the City Council meeting of August 3, 1992 relative to Domestic Partnerships.

Enclosed also are copies of two proposed amendments to the Zoning Ordinances which were also passed to a second reading at the City Council meeting of August 3, 1992 as follows:

1. Fast Order Food Establishments.
2. Kendall Square zoning amendment.

Finally, enclosed is a copy of the Kendall Square Plan Amendment # 3 which was also passed to a second as amended at the City Council meeting of August 3, 1992.

Would you kindly review these amendments and indicate your approval or disapproval on the bottom and return to this office.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury

D. Margaret Drury
Temporary City Clerk

DMD/dl

Encs. (6) Ordinance # 1141, 1142, First publication # 2598, 2597, 2600 & 2599.

c.c. Councillor Wolf, Chair, Committee on Ordinances
Joseph Cellucci, Inspectional Services Commissioner
Birge Albright, Law Dept.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title 8 (Health and Safety) of the Cambridge Municipal Code is hereby amended by adding thereto the following new Chapter 8.60 (Enforcement of State Sanitary Code):

Chapter 8.60

ENFORCEMENT OF STATE SANITARY CODE

Sections

- 8.60.010 Declaration of Emergency
- 8.60.020 Definitions
- 8.60.030 Administrative Citations; Issuance
- 8.60.040 Repairs
- 8.60.050 Extensions
- 8.60.060 Fines for Failure to Repair
- 8.60.070 Appeals of Fines
- 8.60.080 Failure to Pay Fine
- 8.60.090 Effect of Fines in Subsequent Actions
- 8.60.100 Revenues Generated
- 8.60.110 Regulations
- 8.60.120 Construction
- 8.60.130 Severability
- 8.60.140 Effective Date

8.60.010 Declaration of Emergency

A serious public emergency exists in the City of Cambridge with respect to residential premises which are in violation of the State Sanitary Code, causing many citizens to live in unsafe conditions. The legal remedies available to the Inspectional Services Department in enforcing this code, as well as other applicable state laws and regulations, are insufficient to encourage timely repair of rental properties. Owners often avoid repairing sub-standard properties, thereby endangering the lives, safety, and property of tenants and severely limiting the ability of many people to remain in their homes safely.

In order to provide the Inspectional Services Department with the remedies necessary to effectively carry out its mandate under state law, to guarantee tenants of the City of Cambridge housing which complies with the State Sanitary Code and other applicable laws and regulations, and to encourage owners to maintain the buildings they own in compliance with this code, laws and regulations, the Cambridge City Council, in the exercise of its powers under Section 6 of the Home Rule Amendment, hereby enacts this ordinance under which administrative citations are issued to owners who violate the State Sanitary Code.

8.60.020 Definitions

(A) "Administrative Citation" means a notice issued to an owner by the Inspectional Services Department, pursuant to this Chapter, which provides a statement of the terms under which the owner may be fined for failure to remedy violations of the State

Sanitary Code and a statement of the owner's right to appeal the issuance of the administrative citation and/or fine.

(B) "Dwelling" means every building or shelter including but not limited to rooming houses and temporary housing used or intended for human habitation and every other structure or condition located within the same lot line whose existence causes or is likely to effect noncompliance with the provisions of 105 CMR 410.000.

(C) "Dwelling Unit" means the room or group of rooms within a dwelling used or intended for use by one family or household for living, sleeping, cooking and eating. Dwelling unit shall also mean a condominium unit.

(D) "Inspectional Services Department" means the legally designated health authority for the City of Cambridge, authorized by Chapter 84 of the Acts and Resolves of 1983, to enforce the State Sanitary Code through the inspection of rental units for violations of the code and the implementation of mechanisms to ensure compliance with repair orders.

(E) "Occupant" means every person over one year of age living or sleeping in a dwelling or dwelling unit.

(F) "Owner" means every person who alone or severally with others (a) has legal title to any rental unit, or parcel of land, vacant or otherwise, including a mobile home park; or (b) has care, charge or control of any dwelling, rental unit, mobile dwelling unit or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent,

executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or (c) mortgagee in possession; or (d) agent, trustee or other person appointed by the courts; (e) any officer or trustee of the association of unit owners of a condominium; (f) a bank or other lending institution in possession as a result of foreclosure; or (g) any person who operates a rooming house. The term "owner" includes landlords and lessors.

(G) "State Sanitary Code" means the State Sanitary Code, Code of Massachusetts Regulations codified at 105 CMR 400.00 - 419.00, adopted under the authority of Massachusetts General Laws, Chapter 111, §3 and §127A as it may be amended from time to time.

8.60.030 Administrative Citations; Issuance

(A) Whenever the Inspectional Services Department finds any violation of any provision of the State Sanitary Code it shall issue, in addition to its order to make repairs, an administrative citation against the owner according to the procedures set out in this Chapter.

(B) The administrative citation shall incorporate by reference the order to make repairs and shall contain the following information:

- (1) the date of the inspection;
- (2) the amount of fine which shall be assessed against the owner if the violation or violations are not remedied within the time set out in the order to make repairs as well as the rate

at which the fine shall escalate pursuant to Section 8.60.080 (B) of this Chapter;

(3) the manner in which the owner may pay any fine assessed in accordance with the provisions of this Chapter; and

(4) a description of the owner's appeal rights with respect to the issuance of the administrative citation and of any fine.

(C) The administrative citation shall be served on the owner, along with any orders to make repairs, in accordance with the provisions of the State Sanitary Code;

(D) A copy of the administrative citation shall also be served on the occupants of the dwelling or dwelling unit in which violations have been found and shall be posted in the common areas of the dwelling. If violations of the State Sanitary Code are found in the common areas of any dwelling, a copy of the administrative citation shall be served on each and every tenant of the dwelling.

(E) The Inspectional Services Department shall send a copy of the administrative citation to the mortgagee of the property. The City shall request that the mortgagee seek to cure, through all applicable provisions of its mortgage, except through foreclosure or increase in interest rates, any and all violations of Article II of the State Sanitary Code of which it has been so notified.

(F) A copy of the administrative citation shall be retained by the Inspectional Services Department and be available for public inspection and copying.

8.60.040 Repairs

(A) An owner shall make any and all repairs necessary to remedy any violations found by the Inspectional Services Department within the time stated on the order to make repairs, unless he or she requests a hearing pursuant to the hearing regulations of the State Sanitary Code.

(B) The Inspectional Services Department shall, within five days after the dates for compliance specified in an order to repair issued pursuant to 105 CMR 410.830, make an on-site inspection to determine whether there has been compliance with its order. This inspection shall be made within 24 hours of the dates for compliance specified in an order, however, if one or more of the violations or conditions cited in the order to repair are determined to be conditions which may endanger the health or safety, and well being of the occupant(s) as defined in 105 CMR 410.750. An inspection under 105 CMR 410.830 shall comply with the requirements of 105 CMR 410.822.

(C) If, upon re-inspection, it is determined that the Owner has remedied the violations cited in the order to make repairs, the administrative citation shall note this finding and shall be filed with the Inspectional Services Department.

(D) Copies of the administrative citation indicating that the violation has been remedied and no fine has been assessed shall be served on the same individuals who received notice of the initial administrative citation. This notice shall be served within five days of the re-inspection.

(E) If, upon re-inspection, it is determined that the owner has failed to remedy the violations cited, this shall be noted on the administrative citation and a fine shall be assessed against the owner in accordance with the terms of Section 8.60.060. of this Chapter.

(F) Copies of the administrative citation noting the assessment of a fine for failure to remedy the violations cited shall be served on the same individuals who received notice of the initial administrative citation within five days of the fine being assessed against the owner.

8.60.050 Extensions

(A) An owner who has made a good faith effort to remedy any violations cited in an order to make repairs and an administrative citation may apply to the Inspectional Services Department for an extension of the time set for making repairs by requesting a hearing under the hearing provisions of the State Sanitary Code.

(B) A good faith effort shall be found to exist only if the owner provides evidence that the repairs cannot be completed within the required time. Such evidence shall be in the form of at least two written estimates from outside professionals, one of which the owner has accepted in writing, stating when the repairs will be made.

(C) In any case where an extension has been granted for the remedying of any violation, a new date shall be set by the Inspectional Services Department by which the owner shall remedy the violation and a re-inspection shall take place in accordance

with Section 8.60.040 (C) through (F) of this Chapter.

(D) No extensions shall be granted in any case where an owner has received a fine for the same or similar violations in the same unit within the twelve month period immediately preceding issuance of the current administrative citation except where the owner has been granted an extension pursuant to this Section 8.60.050 for any such current administrative citation.

(E) In no event shall the time frame for repairs including any extensions be greater than ninety days from the date of issuance of the order to make repairs except where the owner has been granted an extension pursuant to this 8.60.050.

8.60.060 Fines for Failure to Repair

(A) If an owner fails to remedy a violation cited in an order to make repairs within the allotted time, or fails to remedy the violation within the time set out in any extension granted under Section 8.60.050 of this Chapter, or fails to file a timely appeal, a fine shall be assessed against the owner.

(B) Notice of the assessment of a fine shall be served on the owner in accordance with the notice provisions of the State Sanitary Code.

(C) Notice of the fine shall be served on the same individuals who received notice of the initial administrative citation.

(D) The amount of the fine shall be set according to the following schedule:

(1) \$100.00 per day for each violation referred to in

105 CMR 410.830 (A) and required to be corrected within twenty-four hours; or

(2) \$10.00 per day for each violation referred to in 105 CMR 401.830 (B) and required to be repaired in an amount of time determined by the Inspectional Service Department but, in any event, no more than thirty days.

(E) If a court with either civil or criminal jurisdiction determines that an extension of time for making repairs is appropriate and so orders pursuant to Section 8.60.050, then during the time of the extension, no fines or other penalties under this Chapter shall accrue.

8.60.070 Appeals of Fines

(A) An owner or occupant who is aggrieved by the issuance of a fine or by the failure of the Inspectional Services Department to fine an owner pursuant to this Chapter may appeal to the Inspectional Services Department according to the following procedures:

(1) An appeal shall be filed within ten days of the date of the action appealed from;

(2) The appeal shall be in writing and shall state, in detail, the grounds for the appeal;

(B) The filing of a timely appeal shall stay the effect of the fine but shall not stay the owner's obligation to repair any violations cited.

(C) A hearing shall be held on the appeal following the same procedures available in an appeal of the issuance of an order to

make repairs which are set out in 105 CMR §§ 410.850 and 410.860, except that any appeal to court shall be governed by the provisions of Massachusetts General Laws, Chapter 30A.

(D) Nothing in this section shall be construed to affect or impair the right to appeal the issuance of an order to make repairs.

8.60.080 Failure to Pay Fines

(A) Notice of a fine which has been issued pursuant to Section 8.60.060 of this Chapter shall be served on the owner and on the occupants who receive notice of the initial administrative citation.

(B) In addition, the owner shall be given notice that the fine shall automatically double if any violation cited in the administrative citation is not remedied within two weeks of service of the notice of the fine and shall automatically triple if any violation is not remedied within one month of service of the notice of the fine.

(C) Any person aggrieved by the failure of the City of Cambridge to take such enforcement action, may seek injunctive relief in the district or superior court pursuant to Massachusetts General Laws, Chapter 214 and 218, §19C to require action by the City of Cambridge in accordance with its enforcement obligations under this section.

8.60.090 Effect of Fine In Subsequent Court Actions

(A) A copy of the administrative citation indicating that a fine has been issued as a result of the owner's failure to remedy

a violation cited in the administrative citation shall be prima facie evidence of a violation of Massachusetts General Laws, Chapter 111, §127A et seq. and Chapter 239, §8A in any legal action by or against the owner.

8.60.100 Revenues Generated

(A) Each fiscal year the City Manager shall determine an accounting of the revenues generated by the implementation of this ordinance in excess of the cost of administration and shall make a recommendation in the budget presented to the City Council for an appropriation of said funds to the appropriate city department or agency so that said revenues will be directed toward the repair or rehabilitation of deteriorated dwellings or dwelling units in the city.

8.60.110 Regulations

The Commissioner of Inspectional Services shall promulgate regulations consistent with the terms of this Chapter and any applicable state laws and regulations.

8.60.120 Construction

Nothing in this Chapter shall be construed to conflict with the provisions of Massachusetts General Laws, Chapter 111, § 127A, et seq. governing the authority and conduct of the Inspectional Services Department or with any other law or regulation governing the rights and obligations of owners and tenants in the Commonwealth Of Massachusetts.

8.60.130 Severability

The provisions of this Chapter are severable. If any section

or sections are declared invalid by a court of competent jurisdiction, the invalidity shall not affect the validity of any remaining section or sections.

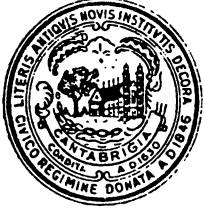
8.60.140 Effective Date

The provisions of this Chapter shall take effect three months from the date of its enactment.

In City Council August 3, 1992.

Passed to be ordained as amended by a yeas and nays vote:- Yeas 5;
Nays 3; Absent 0. Present 1.

ATTEST:- D. Margaret Drury
Temporary City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

Section 12.16.170 entitled "Street Performers" of the Municipal Code is hereby amended as follows:

That Paragraph E. entitled "Permitted Performances, subparagraph 3. is amended to read as follows:

- 3(a) No performer or group of performers may generate noise exceeding a median sound level of 80 decibels measured at a distance of 25 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of 50 decibels, and exceeds the background noise by at least 10 dB(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean L_{90} .
- 3(b) Drums shall be inaudible at a distance of 150 feet.

In City Council August 3, 1992.

Passed to be ordained as amended by a yea and nay vote:- Yeas 5; Nays 3; Absent 0; Present 1.

ATTEST:- D. Margaret Drury
Temporary City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title Two of the Municipal Code entitled "Administration and Personnel" is hereby amended by adding a new Chapter 2.119 entitled "Domestic Partnerships" which reads as follows:

CHAPTER 2.119

DOMESTIC PARTNERSHIPS

Sections:

2.119.010	Recognition and Scope.
2.119.020	Definitions.
2.119.030	Registration and Termination.
2.119.040	City Clerk -- Fees.
2.119.050	City Clerk -- Records.
2.119.060	Rights of Domestic Partners.
2.119.070	Employment Benefits.
2.119.080	Limitation of Liabilities.
2.119.090	Reciprocity.
2.119.100	Retaliation.
2.119.110	Severability.
2.119.120	Forms.
2.119.130	Effect on Other Sections of Code.

2.119.010 Recognition and Scope.

A. The City Council recognizes the diverse composition of its citizenry and values its people. The City Council acknowledges that the people's lives have evolved from when laws governing family relationships were enacted. Perpetuation of the traditional definitions of "family" excludes a significant segment of the Cambridge population, deprives them of recognition and validation, and denies certain rights that should be afforded to persons who share their homes, their hearts, and their lives. The City, recognizing its commitment to nondiscrimination and fair treatment of its citizens and employees, hereby adopts this ordinance acknowledging domestic partnerships.

B. The ordinance allows persons in committed relationships who meet the criteria established by the City as constituting domestic partnerships to register at the office of the City Clerk and obtain a certificate attesting to their status. The ordinance recognizes certain rights of access for domestic partners. This ordinance, in conformance with the Human Rights Ordinance, which bars discrimination on the basis of sexual orientation, marital status, and family status, also equalizes the treatment of City employees.

2.119.020 Definitions.

As used in this chapter:

1. "Domestic Partnership" means the entity formed by two persons who meet the following criteria and jointly file a registration statement proclaiming that:
 - a. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship; and
 - b. They reside together; and
 - c. They are not married; and
 - d. They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; and
 - e. They are each other's sole domestic partner; and
 - f. They are competent to contract; and
 - g. They consider themselves to be a family.
2. "Mutual support" means that the domestic partners each contribute in some fashion, not necessarily equally or financially, to the maintenance and support of the domestic partnership.
3. "Reside together" means living together in a common household. A partner may be temporarily absent from the common household, so long as she or he has the intent to return. A partner may own or maintain an additional residence.
4. "Competent to contract" means 18 years of age or older, and mentally competent to contract.
5. The existence of a "family" relationship may be shown by the manner in which the people live their daily lives; how they hold their relationship out to the world; their emotional and financial commitment; their reliance on each other for daily family services; the longevity and exclusivity of their relationship; and any other factors which may be relevant.
6. "Domestic Partner" means a person who meets the criteria set out in 2.119.020.1 or who is registered as such in another jurisdiction.
7. "Dependent" means a minor who lives within the household of a domestic partnership and is:
 - a. A biological child, adopted child, or foster child of a domestic partner; or
 - b. A dependent as defined under IRS regulations; or
 - c. A ward of a domestic partner as determined in a guardianship proceeding.

2.119.030 Registration and Termination.

A. Persons who meet the criteria set out in 2.119.020.1 may make an official record of their domestic partnership by filing a Domestic Partnership Registration form with the City Clerk. The Domestic Partnership Registration shall include the name and date of

birth of each of the domestic partners, the address of their common household, and the names and dates of birth of any dependents of the domestic partnership, and shall be signed, under the pains and penalties of perjury, by both domestic partners.

B. Domestic partners may amend the Domestic Partnership Registration to add or delete dependents or change the household address. Amendments to the Domestic Partnership Registration shall be signed, under the pains and penalties of perjury, by both domestic partners.

C. A domestic partnership is terminated by the death of a domestic partner or by the filing of a termination statement by a domestic partner.

1. The death of a domestic partner automatically terminates a domestic partnership.

2. A domestic partnership may be terminated by a domestic partner who files with the City Clerk, by hand or by certified mail, a termination statement. The person filing the termination statement must declare under pains and penalties of perjury that the domestic partnership is terminated and that a copy of the termination statement has been mailed by certified mail to the other domestic partner at his or her last known address. The person filing the termination statement must include on such statement the address to which the copy was mailed.

D. The termination of a domestic partnership shall be effective immediately upon the death of a domestic partner. The voluntary termination of a domestic partnership by a partner shall be effective seven (7) days after the receipt of a termination statement by the City Clerk. Prior to becoming effective, the person who filed the termination statement may withdraw the termination statement in person at the office of the City Clerk. If the termination statement is withdrawn, the domestic partner shall give notice of the withdrawal, by certified mail, to the other domestic partner.

E. If a domestic partnership is terminated by the death of a domestic partner, there shall be no required waiting period prior to filing another domestic partnership. If a domestic partnership is terminated by one or both domestic partners, neither domestic partner may file another domestic partnership until six months have elapsed.

2.119.040 City Clerk -- Fees.

A. The City Clerk shall collect a reasonable fee for filing a domestic partnership registration. The initial amount for this fee shall be \$10.00, and it shall be adjusted as necessary to remain consistent with the fee for an application for a marriage license.

B. The City Clerk shall collect a fee of \$4.00 for certified copies of domestic partnership documents, other than the copy of the Certificate of Domestic Partnership issued by the City Clerk to the domestic partners, as provided for in 2.119.050.

2.119.050 City Clerk -- Records.

A. Upon receipt of a domestic partnership registration and filing fee, the City Clerk shall issue a Certificate of Domestic Partnership and shall mail to the household of the domestic partnership one certified copy of the certificate and two wallet-sized cards

indicating the existence of the domestic partnership, the names of the domestic partners, and the names of the dependents of the domestic partnership, if any.

B. The City Clerk shall maintain records of domestic partnerships registered in the City, including forms filed and certificates issued. The City Clerk shall provide forms to persons requesting them in accordance with 2.119.120.

C. The City Clerk shall allow public access to domestic partnership records to the same extent and in the same manner as marriage licenses.

2.119.060 Rights of Domestic Partners.

Persons who have registered their domestic partnership at the office of the City Clerk pursuant to 2.119.030 are entitled to the following rights:

1. a. A domestic partner shall have the same visitation rights as a spouse or parent of a patient at the Cambridge City Hospital and all other health care facilities in the City. A dependent shall have the same visitation rights as a patient's child.
b. The term "health care facilities" includes, but is not limited to, hospitals, convalescent facilities, mental health care facilities, and other short and long term care facilities.
2. a. A domestic partner shall have the same visitation rights at all correctional facilities in Cambridge as a spouse or parent of a person in custody. A dependent shall have the same visitation rights afforded to the child of a person in custody.
b. The term "correctional facilities" includes, but is not limited to, holding cells, jails, and juvenile correction centers.
3. a. A domestic partner, who is also the parent or legal guardian of a child, may file a form at or send a letter to the child's school to indicate that the parent's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child, and access to the child, including the right to remove such child from the school for sickness or family emergency. The school shall afford such person access as directed by the child's parent.
b. When a domestic partnership is terminated pursuant to 2.119.030, it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of rights of the former domestic partner.
c. The term "school" includes, but is not limited to, high schools, vocational schools, junior high and middle schools, elementary schools, pre-school programs, after-school programs, and day care programs.

2.119.070 Employment Benefits.

A. The City and School Department shall provide the same health and other employment fringe benefits to employees with domestic partners as to employees with spouses. As used in this chapter, "employees" refers to active and retired employees of the City of Cambridge and the Cambridge School Department eligible for benefits pursuant to state or municipal law, employment policies, or collective bargaining agreements.

B. Employees must file a Declaration of Domestic Partnership, signed under the pains and penalties of perjury, with their department administrator or Department of

Personnel of the City or School Department, as appropriate, in order to obtain benefits under this Ordinance. On such declaration, employees shall agree to promptly notify the City or School Department, as appropriate, of any change in the status or their domestic partnership. There shall be no fee for such declaration. Employees shall not be obligated to file a Domestic Partnership Registration form with the City Clerk.

C. The City and School Department shall provide medical insurance coverage to an employee's domestic partner as it does to an employee's spouse, and to the dependent(s) of an employee's domestic partnership as it does to an employee's child(ren). An employee may opt to decline medical insurance coverage for her or his domestic partner, without foregoing the right to obtain medical insurance coverage for her or his domestic partner at a later date.

D. Upon termination of a domestic partnership by an employee, the domestic partner shall be covered by medical insurance for a period of sixty (60) days following the termination of the domestic partnership. If the employee leaves employment with the City or School Department prior to the expiration of the sixty days, the medical insurance shall lapse on the date that the former employee's insurance lapses.

E. Upon termination of a domestic partnership by the death of an employee, the surviving domestic partner's medical insurance coverage shall lapse as it would for the spouse of a married employee, upon the death of such employee.

F. Employees shall be granted a leave of absence, with pay, for the death of a domestic partner or family member of a domestic partner to the same extent as for a spouse or family member of a spouse. Use of the term "in-law" in employee handbooks shall include the relatives of a domestic partner.

G. Employees shall be granted sick leave to care for a domestic partner to the same extent permitted to care for a spouse, and to care for a dependent of a domestic partnership to the same extent permitted to care for a child.

H. Employees shall be entitled to take parental leave to take care of a child born to their domestic partner or a newly adopted child to the same extent as a married person.

2.119.080 Limitation of Liabilities.

A. Nothing in this ordinance shall be interpreted to contravene the general laws of the commonwealth.

B. Nothing contained in this chapter shall be construed to impose liability upon a domestic partner for the health or medical expenses of his or her domestic partner, with the sole exception of the medical insurance contributions assumed by a City or School Department employee who is a member of a domestic partnership.

C. Nothing in this chapter shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

2.119.090 Reciprocity.

All rights, privileges and benefits extended to domestic partnerships registered pursuant to this ordinance shall also be extended to domestic partnerships registered pursuant to similar laws in other jurisdictions.

2.119.100 Retaliation.

No person shall discriminate or retaliate against a person who seeks the benefit of this chapter, registers or makes a declaration pursuant to its provisions, or assists another person in obtaining the benefits of this chapter. Any person who so discriminates or retaliates shall be penalized in accordance with the provisions of the Cambridge Human Rights Ordinance, Cambridge Code Chapter 2.76.

2.119.110 Severability.

The provisions of this chapter are severable. If any of its provisions are held invalid by a court of competent jurisdiction, all other provisions shall continue in full force and effect.

2.119.120 Forms.

A. The City Clerk shall distribute copies of the following forms to those persons who request them:

1. Domestic Partnership Registration
2. Domestic Partnership Information Sheet
3. Termination of Domestic Partnership
4. School Authorization Form

B. The Departments of Personnel shall distribute copies of the following forms to those persons who request them

1. Declaration of Domestic Partnership
2. Amendment to Declaration of Domestic Partnership

C. The School Department shall distribute copies of the following forms to persons who request them:

1. School Authorization Form
2. Revocation of School Authorization Form

D. The City Clerk, the Department of Personnel, School Department, and all other affected City agencies, offices, and departments shall provide and distribute any other relevant forms that are or become necessary.

2.119.130 Effect on Other Sections of Code.

When the term "spouse" is used in other City ordinances, it shall be interpreted to include a domestic partner. When the term "family" is used in other City ordinances, it shall be interpreted to include domestic partnerships.

Passed to a second reading at the City Council meeting held on August 3, 1992 and on or after August 24, 1992 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
Temporary City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

That the Zoning Ordinances of the City of Cambridge are hereby amended in Section 11.30 entitled "Fast Order Food Establishments" and in Article 2.000 entitled "Definitions" which reads as follows:

11.30 FAST ORDER FOOD ESTABLISHMENTS

11.31 (revised) In considering applications for special permits for Fast Order Food Establishments and Automobile Oriented Fast Order Food Establishments, the Board of Zoning Appeal shall give consideration, in addition to the other criteria specified in Section 10.40, to the following criteria:

- (a) The operation of the establishment shall not (i) increase motor vehicle traffic in the area, (ii) reduce available parking, or (iii) threaten the public safety in the streets and sidewalks;
- (b) The physical design, including color and use of materials, of the establishment shall be compatible with and sensitive to the visual and physical characteristics of other buildings, public spaces and uses in the particular location;
- (c) the establishment fulfills a need for such a service in the neighborhood or in the city;
- (d) The establishment will attract patrons primarily from walk-in trade as opposed to drive-in or automobile related trade;
- (e) The establishment shall, to the greatest extent feasible, utilize biodegradable materials in packaging the food and in the utensils and other items provided for the consumption thereof;
- (f) The establishment shall provide convenient, suitable and well-marked waste receptacles to encourage patrons properly to dispose of all packaging materials, utensils and other items provided with the sale of food; and
- (g) The established complies with all State and local requirements applicable to ingress, egress, and use of all facilities on the premises for handicapped and disabled persons.

11.32 }

11.32.1 } same as current zoning

11.32.2 }

11.32.3 A special permit issued for a fast order food establishment hereunder may be utilized only by the owner or operator of such establishment as described in the application document, and any successor owner or operators of that establishment. No rights

under such special permit may be transferred, assigned or otherwise conveyed to the owner or operator of a different fast order food establishment, regardless of where it is located.

ARTICLE 2.000 - DEFINITIONS [revised]

Fast Order Food. Food which is (a) cooked on the premises or maintained thereon in a heated condition, (b) primarily intended for immediate consumption rather than for use as an ingredient in or component of meals, (c) available upon a short waiting time, and (d) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Fast Order Food Establishment.

An operation in a building, including all adjoining and contiguous areas in the same building, used for the primary purpose of offering for sale to the public Fast Order Food for consumption on or off the premises, which operation does not meet all of the following conditions: (1) provision of non-disposable plates, cups and utensils to all patrons, (2) availability to printed individual menus for all patrons, (3) provision of at least seventy-five (75) percent of the seating in the premises at free standing tables, rather than at counters, and (4) at least eighty (80) percent of the revenues from food sales is attributable to food consumed on the premises.

Passed to a second reading as amended at the City Council meeting held on August 3, 1992 and on or after August 24, 1992 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
Temporary City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Two

AN ORDINANCE

In amendment to an ordinance entitled "Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:
That the Zoning Ordinances of the City of Cambridge is hereby amended as follows:

1. Article 14.00 of the Zoning Ordinance of the City of Cambridge is hereby amended by deleting clause (5) of Section 14.32.2 and by substituting in lieu thereof the following:

"(5) Entertainment, recreational, institutional, transportation, communication and utility uses permitted by Sections 14.21.5, 14.21.6 and 14.21.7 and additional development of industrial, office, retail, consumer service and hotel/motel uses exceeding the foregoing cumulative GFA limitations of paragraphs (1), (2), (3), and (4b) above: Cumulative GFA=1,473,000 square feet."

Nothing herein shall affect or increase the maximum aggregate GFA of development in the District stated in Section 14.32.1.

2. Article 14.00 of the Zoning Ordinances of the City of Cambridge is hereby further amended by adding to "Table 2: Open Space Substitutions for Constructing Pedestrian Ways" in Section 14.45.1 thereof, the following:

"Roof-top Pedestrian Deck"

"50 sq. ft. or 2.5 sq. ft. for each 1 sq. ft. of total area provided, whichever is greater"

3. Article 14.00 of the Zoning Ordinances of the City of Cambridge is hereby further amended by deleting the first two lines of Section 14.45.2 and substituting therefor the following:

"The pedestrian ways listed in Table 2 shall be designed to provide for public access (except in the case of a roof-top pedestrian deck) and shall have the following meanings:"

4. Article 14.00 of the Zoning Ordinances of the City of Cambridge is hereby further amended by adding to the list of meanings in Section 14.45.2, the following:

"(8) A roof-top pedestrian deck is a continuous, open platform at least twenty (20) feet in width which is at least fifteen (15) feet above the mean elevation of the lot and which is built in whole or in part on or over the roof of a structure providing any of the uses as permitted by Section 14.21. Such roof-top pedestrian deck may also extend in part over a street, pedestrian way, access or service road or open space within a lot or between two adjacent lots. It shall have pedestrian access from one or more abutting buildings, either directly from the buildings or otherwise, shall provide seating facilities, and shall be landscaped with appropriate materials which shall include plantings."

5. Article 14.00 of the Zoning Ordinance of the City of Cambridge is hereby further amended by deleting Section 14.60 in its entirety and by substituting in lieu thereof the following:

"14.60 - Signs

"During the life of the Kendall Square Urban Renewal Plan, as amended, the sign regulations of Section 7.10 shall not be applicable in the MXD District."

Passed to a second reading at the City Council meeting of August 3, 1992 and on or after August 24, 1992 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
Temporary City Clerk

City of Cambridge

PROPOSED AMENDMENT TO KENDALL SQUARE URBAN RENEWAL PLAN

WHEREAS: Cambridge Redevelopment Authority desires to modify, as hereinafter set forth, certain provisions of the urban renewal plan known as the Urban Renewal Plan, Kendall Square Urban Renewal Area, Project No. Mass R-107", as heretofore amended; now therefore be it

RESOLVED: That said Plan is hereby further modified as follows:

1. Section 402(a) of the Plan is hereby amended by deleting the seventh paragraph thereof and by substituting in lieu thereof the following:

"Entertainment, recreational, institutional, transportation, communication and utility uses permitted by Sections 401(5), 401(6) and 401(7) and additional development of industrial, office, retail, consumer service and hotel/motel uses exceeding the foregoing cumulative GFA limitations: Cumulative GFA=973,000 s.f. for buildings which are located or are being constructed or may be constructed at any location within the MXD District, plus an additional 500,000 s.f. for buildings which may be constructed within the MXD District north of Broadway."

Nothing herein shall affect or increase the maximum aggregate GFA stated in the first paragraph of said Section 402(a) of the Plan.

2. Section 403 of the Plan is hereby amended by (a) deleting the fifth and sixth lines on pages 22-35 and substituting therefor the following:

"The pedestrian ways listed in Exhibit E shall be designed to provide for public access (except in the case of a roof-top pedestrian deck) and shall have the following meanings:"

and (b) by adding a new paragraph at the end thereof to read as follows:

(8) A roof-top pedestrian deck is a continuous, open platform at least twenty (20) feet in width which is at least fifteen (15) feet above the mean elevation of the lot and which is built in whole or in part on or over the roof of a structure providing any of the uses as permitted by Section 14.21. Such roof-top pedestrian deck may also extend in part over a street, pedestrian way, access or service road or open space within a lot or between two adjacent lots. It shall have pedestrian access from one or more abutting buildings, either directly from the buildings or otherwise shall provide seating facilities, and shall be landscaped with appropriated materials which shall include plantings.

3. Exhibit E to Section 403 of the Plan is hereby amended by adding the following at the end thereof:

"Roof-Top Pedestrian Deck"	50 sq. ft. or 2.5 sq. ft. for each sq. ft. of total area provided, whichever is greater"
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4. Section 803 of the Plan is hereby amended by revising the reference in the second line thereof from "thirty (30) years" to "forty-five (45) years".

Passed to a second reading as amended at the City Council meeting held on August 3, 1992 and on or after August 24, 1992 the question comes on adoption.

ATTEST:- D. Margaret Drury
Temporary City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title 8 (Health and Safety) of the Cambridge Municipal Code is hereby amended by adding thereto the following new Chapter 8.60 (Enforcement of State Sanitary Code):

Chapter 8.60

ENFORCEMENT OF STATE SANITARY CODE

Sections

8.60.010	Declaration of Emergency
8.60.020	Definitions
8.60.030	Administrative Citations; Issuance
8.60.040	Repairs
8.60.050	Extensions
8.60.060	Fines for Failure to Repair
8.60.070	Appeals of Fines
8.60.080	Failure to Pay Fine
8.60.090	Effect of Fines in Subsequent Actions
8.60.100	Revenues Generated
8.60.110	Regulations
8.60.120	Construction
8.60.130	Severability
8.60.140	Effective Date

8.60.010 Declaration of Emergency

A serious public emergency exists in the City of Cambridge with respect to residential premises which are in violation of the State Sanitary Code, causing many citizens to live in unsafe conditions. The legal remedies available to the Inspectional Services Department in enforcing this code, as well as other applicable state laws and regulations, are insufficient to encourage timely repair of rental properties. Owners often avoid repairing sub-standard properties, thereby endangering the lives, safety, and property of tenants and severely limiting the ability of many people to remain in their homes safely.

In order to provide the Inspectional Services Department with the remedies necessary to effectively carry out its mandate under state law, to guarantee tenants of the City of Cambridge housing which complies with the State Sanitary Code and other applicable laws and regulations, and to encourage owners to maintain the buildings they own in compliance with this code, laws and regulations, the Cambridge City Council, in the exercise of its powers under Section 6 of the Home Rule Amendment, hereby enacts this ordinance under which administrative citations are issued to owners who violate the State Sanitary Code.

8.60.020 Definitions

(A) "Administrative Citation" means a notice issued to an owner by the Inspectional Services Department, pursuant to this Chapter, which provides a statement of the terms under which the owner may be fined for failure to remedy violations of the State

Sanitary Code and a statement of the owner's right to appeal the issuance of the administrative citation and/or fine.

(B) "Dwelling" means every building or shelter including but not limited to rooming houses and temporary housing used or intended for human habitation and every other structure or condition located within the same lot line whose existence causes or is likely to effect noncompliance with the provisions of 105 CMR 410.000.

(C) "Dwelling Unit" means the room or group of rooms within a dwelling used or intended for use by one family or household for living, sleeping, cooking and eating. Dwelling unit shall also mean a condominium unit.

(D) "Inspectional Services Department" means the legally designated health authority for the City of Cambridge, authorized by Chapter 84 of the Acts and Resolves of 1983, to enforce the State Sanitary Code through the inspection of rental units for violations of the code and the implementation of mechanisms to ensure compliance with repair orders.

(E) "Occupant" means every person over one year of age living or sleeping in a dwelling or dwelling unit.

(F) "Owner" means every person who alone or severally with others (a) has legal title to any rental unit, or parcel of land, vacant or otherwise, including a mobile home park; or (b) has care, charge or control of any dwelling, rental unit, mobile dwelling unit or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent,

executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or (c) mortgagee in possession; or (d) agent, trustee or other person appointed by the courts; (e) any officer or trustee of the association of unit owners of a condominium; (f) a bank or other lending institution in possession as a result of foreclosure; or (g) any person who operates a rooming house. The term "owner" includes landlords and lessors.

(G) "State Sanitary Code" means the State Sanitary Code, Code of Massachusetts Regulations codified at 105 CMR 400.00 - 419.00, adopted under the authority of Massachusetts General Laws, Chapter 111, §3 and §127A as it may be amended from time to time.

8.60.030 Administrative Citations; Issuance

(A) Whenever the Inspectional Services Department finds any violation of any provision of the State Sanitary Code it shall issue, in addition to its order to make repairs, an administrative citation against the owner according to the procedures set out in this Chapter.

(B) The administrative citation shall incorporate by reference the order to make repairs and shall contain the following information:

- (1) the date of the inspection;
- (2) the amount of fine which shall be assessed against the owner if the violation or violations are not remedied within the time set out in the order to make repairs as well as the rate

at which the fine shall escalate pursuant to Section 8.60.080 (B) of this Chapter;

(3) the manner in which the owner may pay any fine assessed in accordance with the provisions of this Chapter; and

(4) a description of the owner's appeal rights with respect to the issuance of the administrative citation and of any fine.

(C) The administrative citation shall be served on the owner, along with any orders to make repairs, in accordance with the provisions of the State Sanitary Code;

(D) A copy of the administrative citation shall also be served on the occupants of the dwelling or dwelling unit in which violations have been found and shall be posted in the common areas of the dwelling. If violations of the State Sanitary Code are found in the common areas of any dwelling, a copy of the administrative citation shall be served on each and every tenant of the dwelling.

(E) The Inspectional Services Department shall send a copy of the administrative citation to the mortgagee of the property. The City shall request that the mortgagee seek to cure, through all applicable provisions of its mortgage, except through foreclosure or increase in interest rates, any and all violations of Article II of the State Sanitary Code of which it has been so notified.

(F) A copy of the administrative citation shall be retained by the Inspectional Services Department and be available for public inspection and copying.

8.60.040 Repairs

(A) An owner shall make any and all repairs necessary to remedy any violations found by the Inspectional Services Department within the time stated on the order to make repairs, unless he or she requests a hearing pursuant to the hearing regulations of the State Sanitary Code.

(B) The Inspectional Services Department shall, within five days after the dates for compliance specified in an order to repair issued pursuant to 105 CMR 410.830, make an on-site inspection to determine whether there has been compliance with its order. This inspection shall be made within 24 hours of the dates for compliance specified in an order, however, if one or more of the violations or conditions cited in the order to repair are determined to be conditions which may endanger the health or safety, and well being of the occupant(s) as defined in 105 CMR 410.750. An inspection under 105 CMR 410.830 shall comply with the requirements of 105 CMR 410.822.

(C) If, upon re-inspection, it is determined that the Owner has remedied the violations cited in the order to make repairs, the administrative citation shall note this finding and shall be filed with the Inspectional Services Department.

(D) Copies of the administrative citation indicating that the violation has been remedied and no fine has been assessed shall be served on the same individuals who received notice of the initial administrative citation. This notice shall be served within five days of the re-inspection.

(E) If, upon re-inspection, it is determined that the owner has failed to remedy the violations cited, this shall be noted on the administrative citation and a fine shall be assessed against the owner in accordance with the terms of Section 8.60.060. of this Chapter.

(F) Copies of the administrative citation noting the assessment of a fine for failure to remedy the violations cited shall be served on the same individuals who received notice of the initial administrative citation within five days of the fine being assessed against the owner.

8.60.050 Extensions

(A) An owner who has made a good faith effort to remedy any violations cited in an order to make repairs and an administrative citation may apply to the Inspectional Services Department for an extension of the time set for making repairs by requesting a hearing under the hearing provisions of the State Sanitary Code.

(B) A good faith effort shall be found to exist only if the owner provides evidence that the repairs cannot be completed within the required time. Such evidence shall be in the form of at least two written estimates from outside professionals, one of which the owner has accepted in writing, stating when the repairs will be made.

(C) In any case where an extension has been granted for the remedying of any violation, a new date shall be set by the Inspectional Services Department by which the owner shall remedy the violation and a re-inspection shall take place in accordance

with Section 8.60.040 (C) through (F) of this Chapter.

(D) No extensions shall be granted in any case where an owner has received a fine for the same or similar violations in the same unit within the twelve month period immediately preceding issuance of the current administrative citation except where the owner has been granted an extension pursuant to this Section 8.60.050 for any such current administrative citation.

(E) In no event shall the time frame for repairs including any extensions be greater than ninety days from the date of issuance of the order to make repairs except where the owner has been granted an extension pursuant to this 8.60.050.

8.60.060 Fines for Failure to Repair

(A) If an owner fails to remedy a violation cited in an order to make repairs within the allotted time, or fails to remedy the violation within the time set out in any extension granted under Section 8.60.050 of this Chapter, or fails to file a timely appeal, a fine shall be assessed against the owner.

(B) Notice of the assessment of a fine shall be served on the owner in accordance with the notice provisions of the State Sanitary Code.

(C) Notice of the fine shall be served on the same individuals who received notice of the initial administrative citation.

(D) The amount of the fine shall be set according to the following schedule:

(1) \$100.00 per day for each violation referred to in

105 CMR 410.830 (A) and required to be corrected within twenty-four hours; or

(2) \$10.00 per day for each violation referred to in 105 CMR 401.830 (B) and required to be repaired in an amount of time determined by the Inspectional Service Department but, in any event, no more than thirty days.

(E) If a court with either civil or criminal jurisdiction determines that an extension of time for making repairs is appropriate and so orders pursuant to Section 8.60.050, then during the time of the extension, no fines or other penalties under this Chapter shall accrue.

8.60.070 Appeals of Fines

(A) An owner or occupant who is aggrieved by the issuance of a fine or by the failure of the Inspectional Services Department to fine an owner pursuant to this Chapter may appeal to the Inspectional Services Department according to the following procedures:

(1) An appeal shall be filed within ten days of the date of the action appealed from;

(2) The appeal shall be in writing and shall state, in detail, the grounds for the appeal;

(B) The filing of a timely appeal shall stay the effect of the fine but shall not stay the owner's obligation to repair any violations cited.

(C) A hearing shall be held on the appeal following the same procedures available in an appeal of the issuance of an order to

make repairs which are set out in 105 CMR §§ 410.850 and 410.860, except that any appeal to court shall be governed by the provisions of Massachusetts General Laws, Chapter 30A.

(D) Nothing in this section shall be construed to affect or impair the right to appeal the issuance of an order to make repairs.

8.60.080 Failure to Pay Fines

(A) Notice of a fine which has been issued pursuant to Section 8.60.060 of this Chapter shall be served on the owner and on the occupants who receive notice of the initial administrative citation.

(B) In addition, the owner shall be given notice that the fine shall automatically double if any violation cited in the administrative citation is not remedied within two weeks of service of the notice of the fine and shall automatically triple if any violation is not remedied within one month of service of the notice of the fine.

(C) Any person aggrieved by the failure of the City of Cambridge to take such enforcement action, may seek injunctive relief in the district or superior court pursuant to Massachusetts General Laws, Chapter 214 and 218, §19C to require action by the City of Cambridge in accordance with its enforcement obligations under this section.

8.60.090 Effect of Fine In Subsequent Court Actions

(A) A copy of the administrative citation indicating that a fine has been issued as a result of the owner's failure to remedy

a violation cited in the administrative citation shall be prima facie evidence of a violation of Massachusetts General Laws, Chapter 111, §127A et seq. and Chapter 239, §8A in any legal action by or against the owner.

8.60.100 Revenues Generated

(A) Each fiscal year the City Manager shall determine an accounting of the revenues generated by the implementation of this ordinance in excess of the cost of administration and shall make a recommendation in the budget presented to the City Council for an appropriation of said funds to the appropriate city department or agency so that said revenues will be directed toward the repair or rehabilitation of deteriorated dwellings or dwelling units in the city.

8.60.110 Regulations

The Commissioner of Inspectional Services shall promulgate regulations consistent with the terms of this Chapter and any applicable state laws and regulations.

8.60.120 Construction

Nothing in this Chapter shall be construed to conflict with the provisions of Massachusetts General Laws, Chapter 111, § 127A, et seq. governing the authority and conduct of the Inspectional Services Department or with any other law or regulation governing the rights and obligations of owners and tenants in the Commonwealth Of Massachusetts.

8.60.130 Severability

The provisions of this Chapter are severable. If any section

or sections are declared invalid by a court of competent jurisdiction, the invalidity shall not affect the validity of any remaining section or sections.

8.60.140 Effective Date

The provisions of this Chapter shall take effect three months from the date of its enactment.

In City Council August 3, 1992.

Passed to be ordained as amended by a yea and nay vote:- Yeas 5;
Nays 3; Absent 0. Present 1.

ATTEST:- D. Margaret Drury
Temporary City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title 8 (Health and Safety) of the Cambridge Municipal Code is hereby amended by adding thereto the following new Chapter 8.60 (Enforcement of State Sanitary Code):

Chapter 8.60

ENFORCEMENT OF STATE SANITARY CODE

Sections

8.60.010	Declaration of Emergency
8.60.020	Definitions
8.60.030	Administrative Citations; Issuance
8.60.040	Repairs
8.60.050	Extensions
8.60.060	Fines for Failure to Repair
8.60.070	Appeals of Fines
8.60.080	Failure to Pay Fine
8.60.090	Effect of Fines in Subsequent Actions
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8.60.110	Regulations
8.60.120	Construction
8.60.130	Severability
8.60.140	Effective Date

8.60.010 Declaration of Emergency

A serious public emergency exists in the City of Cambridge with respect to residential premises which are in violation of the State Sanitary Code, causing many citizens to live in unsafe conditions. The legal remedies available to the Inspectional Services Department in enforcing this code, as well as other applicable state laws and regulations, are insufficient to encourage timely repair of rental properties. Owners often avoid repairing sub-standard properties, thereby endangering the lives, safety, and property of tenants and severely limiting the ability of many people to remain in their homes safely.

In order to provide the Inspectional Services Department with the remedies necessary to effectively carry out its mandate under state law, to guarantee tenants of the City of Cambridge housing which complies with the State Sanitary Code and other applicable laws and regulations, and to encourage owners to maintain the buildings they own in compliance with this code, laws and regulations, the Cambridge City Council, in the exercise of its powers under Section 6 of the Home Rule Amendment, hereby enacts this ordinance under which administrative citations are issued to owners who violate the State Sanitary Code.

8.60.020 Definitions

(A) "Administrative Citation" means a notice issued to an owner by the Inspectional Services Department, pursuant to this Chapter, which provides a statement of the terms under which the owner may be fined for failure to remedy violations of the State

Sanitary Code and a statement of the owner's right to appeal the issuance of the administrative citation and/or fine.

(B) "Dwelling" means every building or shelter including but not limited to rooming houses and temporary housing used or intended for human habitation and every other structure or condition located within the same lot line whose existence causes or is likely to effect noncompliance with the provisions of 105 CMR 410.000.

(C) "Dwelling Unit" means the room or group of rooms within a dwelling used or intended for use by one family or household for living, sleeping, cooking and eating. Dwelling unit shall also mean a condominium unit.

(D) "Inspectional Services Department" means the legally designated health authority for the City of Cambridge, authorized by Chapter 84 of the Acts and Resolves of 1983, to enforce the State Sanitary Code through the inspection of rental units for violations of the code and the implementation of mechanisms to ensure compliance with repair orders.

(E) "Occupant" means every person over one year of age living or sleeping in a dwelling or dwelling unit.

(F) "Owner" means every person who alone or severally with others (a) has legal title to any rental unit, or parcel of land, vacant or otherwise, including a mobile home park; or (b) has care, charge or control of any dwelling, rental unit, mobile dwelling unit or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent,

executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or (c) mortgagee in possession; or (d) agent, trustee or other person appointed by the courts; (e) any officer or trustee of the association of unit owners of a condominium; (f) a bank or other lending institution in possession as a result of foreclosure; or (g) any person who operates a rooming house. The term "owner" includes landlords and lessors.

(G) "State Sanitary Code" means the State Sanitary Code, Code of Massachusetts Regulations codified at 105 CMR 400.00 - 419.00, adopted under the authority of Massachusetts General Laws, Chapter 111, §3 and §127A as it may be amended from time to time.

8.60.030 Administrative Citations; Issuance

(A) Whenever the Inspectional Services Department finds any violation of any provision of the State Sanitary Code it shall issue, in addition to its order to make repairs, an administrative citation against the owner according to the procedures set out in this Chapter.

(B) The administrative citation shall incorporate by reference the order to make repairs and shall contain the following information:

- (1) the date of the inspection;
- (2) the amount of fine which shall be assessed against the owner if the violation or violations are not remedied within the time set out in the order to make repairs as well as the rate

at which the fine shall escalate pursuant to Section 8.60.080 (B) of this Chapter;

(3) the manner in which the owner may pay any fine assessed in accordance with the provisions of this Chapter; and

(4) a description of the owner's appeal rights with respect to the issuance of the administrative citation and of any fine.

(C) The administrative citation shall be served on the owner, along with any orders to make repairs, in accordance with the provisions of the State Sanitary Code;

(D) A copy of the administrative citation shall also be served on the occupants of the dwelling or dwelling unit in which violations have been found and shall be posted in the common areas of the dwelling. If violations of the State Sanitary Code are found in the common areas of any dwelling, a copy of the administrative citation shall be served on each and every tenant of the dwelling.

(E) The Inspectional Services Department shall send a copy of the administrative citation to the mortgagee of the property. The City shall request that the mortgagee seek to cure, through all applicable provisions of its mortgage, except through foreclosure or increase in interest rates, any and all violations of Article II of the State Sanitary Code of which it has been so notified.

(F) A copy of the administrative citation shall be retained by the Inspectional Services Department and be available for public inspection and copying.

8.60.040 Repairs

(A) An owner shall make any and all repairs necessary to remedy any violations found by the Inspectional Services Department within the time stated on the order to make repairs, unless he or she requests a hearing pursuant to the hearing regulations of the State Sanitary Code.

(B) The Inspectional Services Department shall, within five days after the dates for compliance specified in an order to repair issued pursuant to 105 CMR 410.830, make an on-site inspection to determine whether there has been compliance with its order. This inspection shall be made within 24 hours of the dates for compliance specified in an order, however, if one or more of the violations or conditions cited in the order to repair are determined to be conditions which may endanger the health or safety, and well being of the occupant(s) as defined in 105 CMR 410.750. An inspection under 105 CMR 410.830 shall comply with the requirements of 105 CMR 410.822.

(C) If, upon re-inspection, it is determined that the Owner has remedied the violations cited in the order to make repairs, the administrative citation shall note this finding and shall be filed with the Inspectional Services Department.

(D) Copies of the administrative citation indicating that the violation has been remedied and no fine has been assessed shall be served on the same individuals who received notice of the initial administrative citation. This notice shall be served within five days of the re-inspection.

(E) If, upon re-inspection, it is determined that the owner has failed to remedy the violations cited, this shall be noted on the administrative citation and a fine shall be assessed against the owner in accordance with the terms of Section 8.60.060. of this Chapter.

(F) Copies of the administrative citation noting the assessment of a fine for failure to remedy the violations cited shall be served on the same individuals who received notice of the initial administrative citation within five days of the fine being assessed against the owner.

8.60.050 Extensions

(A) An owner who has made a good faith effort to remedy any violations cited in an order to make repairs and an administrative citation may apply to the Inspectional Services Department for an extension of the time set for making repairs by requesting a hearing under the hearing provisions of the State Sanitary Code.

(B) A good faith effort shall be found to exist only if the owner provides evidence that the repairs cannot be completed within the required time. Such evidence shall be in the form of at least two written estimates from outside professionals, one of which the owner has accepted in writing, stating when the repairs will be made.

(C) In any case where an extension has been granted for the remedying of any violation, a new date shall be set by the Inspectional Services Department by which the owner shall remedy the violation and a re-inspection shall take place in accordance

with Section 8.60.040 (C) through (F) of this Chapter.

(D) No extensions shall be granted in any case where an owner has received a fine for the same or similar violations in the same unit within the twelve month period immediately preceding issuance of the current administrative citation except where the owner has been granted an extension pursuant to this Section 8.60.050 for any such current administrative citation.

(E) In no event shall the time frame for repairs including any extensions be greater than ninety days from the date of issuance of the order to make repairs except where the owner has been granted an extension pursuant to this 8.60.050.

8.60.060 Fines for Failure to Repair

(A) If an owner fails to remedy a violation cited in an order to make repairs within the allotted time, or fails to remedy the violation within the time set out in any extension granted under Section 8.60.050 of this Chapter, or fails to file a timely appeal, a fine shall be assessed against the owner.

(B) Notice of the assessment of a fine shall be served on the owner in accordance with the notice provisions of the State Sanitary Code.

(C) Notice of the fine shall be served on the same individuals who received notice of the initial administrative citation.

(D) The amount of the fine shall be set according to the following schedule:

- (1) \$100.00 per day for each violation referred to in

105 CMR 410.830 (A) and required to be corrected within twenty-four hours; or

(2) \$10.00 per day for each violation referred to in 105 CMR 401.830 (B) and required to be repaired in an amount of time determined by the Inspectional Service Department but, in any event, no more than thirty days.

(E) If a court with either civil or criminal jurisdiction determines that an extension of time for making repairs is appropriate and so orders pursuant to Section 8.60.050, then during the time of the extension, no fines or other penalties under this Chapter shall accrue.

8.60.070 Appeals of Fines

(A) An owner or occupant who is aggrieved by the issuance of a fine or by the failure of the Inspectional Services Department to fine an owner pursuant to this Chapter may appeal to the Inspectional Services Department according to the following procedures:

(1) An appeal shall be filed within ten days of the date of the action appealed from;

(2) The appeal shall be in writing and shall state, in detail, the grounds for the appeal;

(B) The filing of a timely appeal shall stay the effect of the fine but shall not stay the owner's obligation to repair any violations cited.

(C) A hearing shall be held on the appeal following the same procedures available in an appeal of the issuance of an order to

make repairs which are set out in 105 CMR §§ 410.850 and 410.860, except that any appeal to court shall be governed by the provisions of Massachusetts General Laws, Chapter 30A.

(D) Nothing in this section shall be construed to affect or impair the right to appeal the issuance of an order to make repairs.

8.60.080 Failure to Pay Fines

(A) Notice of a fine which has been issued pursuant to Section 8.60.060 of this Chapter shall be served on the owner and on the occupants who receive notice of the initial administrative citation.

(B) In addition, the owner shall be given notice that the fine shall automatically double if any violation cited in the administrative citation is not remedied within two weeks of service of the notice of the fine and shall automatically triple if any violation is not remedied within one month of service of the notice of the fine.

(C) Any person aggrieved by the failure of the City of Cambridge to take such enforcement action, may seek injunctive relief in the district or superior court pursuant to Massachusetts General Laws, Chapter 214 and 218, §19C to require action by the City of Cambridge in accordance with its enforcement obligations under this section.

8.60.090 Effect of Fine In Subsequent Court Actions

(A) A copy of the administrative citation indicating that a fine has been issued as a result of the owner's failure to remedy

a violation cited in the administrative citation shall be prima facie evidence of a violation of Massachusetts General Laws, Chapter 111, §127A et seq. and Chapter 239, §8A in any legal action by or against the owner.

8.60.100 Revenues Generated

(A) Each fiscal year the City Manager shall determine an accounting of the revenues generated by the implementation of this ordinance in excess of the cost of administration and shall make a recommendation in the budget presented to the City Council for an appropriation of said funds to the appropriate city department or agency so that said revenues will be directed toward the repair or rehabilitation of deteriorated dwellings or dwelling units in the city.

8.60.110 Regulations

The Commissioner of Inspectional Services shall promulgate regulations consistent with the terms of this Chapter and any applicable state laws and regulations.

8.60.120 Construction

Nothing in this Chapter shall be construed to conflict with the provisions of Massachusetts General Laws, Chapter 111, § 127A, et seq. governing the authority and conduct of the Inspectional Services Department or with any other law or regulation governing the rights and obligations of owners and tenants in the Commonwealth Of Massachusetts.

8.60.130 Severability

The provisions of this Chapter are severable. If any section

or sections are declared invalid by a court of competent jurisdiction, the invalidity shall not affect the validity of any remaining section or sections.

8.60.140 Effective Date

The provisions of this Chapter shall take effect three months from the date of its enactment.

In City Council August 3, 1992.

Passed to be ordained as amended by a yeas and nays vote:- Yeas 5;
Nays 3; Absent 0. Present 1.

ATTEST:- D. Margaret Drury
Temporary City Clerk

City of Cambridge

MASSACHUSETTS

W.W. mixed

In City Council Aug 3 1992

Reconsideration # 1

Sanitary Code Enforcement

	YEA	NAY	ABSENT	PRESENT
Mr. Ed Cyr		✓		
Mr. Francis H. Duehay		✓		
Mr. Jonathan S. Myers		✓		
Mrs. Sheila T. Russell	✓			
Mr. Walter J. Sullivan	✓			
Mr. Timothy J. Toomey, Jr.		✓		
Mr. William H. Walsh	✓			
Ms. Alice K. Wolf		✓		
Mayor Kenneth E. Reeves		✓		

3 - 6

Revised - failed

RECEIVED BY
OFFICE OF CITY CLERK

MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR

032 JUN 23 AM 1:50

CAMBRIDGE MA.

Date

Councillor Walsh has filed his intention to move reconsideration of the vote of the City Council passing to be ordained a proposed amendment to the Municipal Code by adding a new Chapter 8.60 entitled "Enforcement of the State Sanitary Code" as amended.



Signature

Councillor Walsh has filed his intention to move reconsideration of the vote of the City Council passing to be ordained a proposed amendment to the Municipal Code by adding a new Chapter 8.60 entitled "Enforcement of the State Sanitary Code" as amended.

In City Council,

August 3, 1992

*8/3/92 Reconsideration
failed*

3-6-0

Action taken on June 22, 1992

Passing to be ordained

as amended stands

5-3-0-1.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

TO: The Honorable, The City Council

FROM: D. Margaret Drury, Temporary City Clerk

DATE: July 17, 1992

RE: Ordinance regarding Enforcement of the Sanitary Code

Enclosed you will find a copy of the ordinance relating to enforcement of the State Sanitary Code which incorporates all of the amendments made by the Council on June 22, 1992.

As noted on the first page, Reconsideration has been filed.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title 8 (Health and Safety) of the Cambridge Municipal Code is hereby amended by adding thereto the following new Chapter 8.60 (Enforcement of State Sanitary Code):

Chapter 8.60

ENFORCEMENT OF STATE SANITARY CODE

Sections

8.60.010	Declaration of Emergency
8.60.020	Definitions
8.60.030	Administrative Citations; Issuance
8.60.040	Repairs
8.60.050	Extensions
8.60.060	Fines for Failure to Repair
8.60.070	Appeals of Fines
8.60.080	Failure to Pay Fine
8.60.090	Effect of Fines in Subsequent Actions
8.60.100	Revenues Generated
8.60.110	Regulations
8.60.120	Construction
8.60.130	Severability
8.60.140	Effective Date

RECONSIDERATION FILED BY COUNCILLOR WALSH

JUNE 23, 1992



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title 8 (Health and Safety) of the Cambridge Municipal Code is hereby amended by adding thereto the following new Chapter 8.60 (Enforcement of State Sanitary Code):

Chapter 8.60

ENFORCEMENT OF STATE SANITARY CODE

Sections

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8.60.100	Revenues Generated
8.60.110	Regulations
8.60.120	Construction
8.60.130	Severability
8.60.140	Effective Date

*This page
can be used
after the
notice as ml
reconsideration is
over*



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

June 30, 1992

**TO: DONALD DRISDELL
DEPUTY CITY SOLICITOR**

**FROM: D. MARGARET DRURY ^{DMD}
TEMPORARY CITY CLERK**

SUBJECT: AMENDED TEXT TO THE STATE SANITARY CODE

Attached you will find the text of the State Sanitary Code with amendments outlined on various pages.

Would you kindly incorporate these amendments and provide us with an amended text of this ordinance.

Your kind attention in this matter will be greatly appreciated by this office.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-one

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title 8 (Health and Safety) of the Cambridge Municipal Code is hereby amended by adding thereto the following new Chapter 8.60 (Enforcement of State Sanitary Code):

Chapter 8.60

ENFORCEMENT OF STATE SANITARY CODE

NOTE: Pursuant to the provisions of General Laws, Chapter 40, Section 32A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said Zoning Ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

Passed to a second reading at the City Council meeting held on October 21, 1991 and on or after November 4, 1991 the question comes on passing to be ordained.

ATTEST:- John E. Flynn, Deputy City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred and Ninety-One

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code."

That Title 8 (Health and Safety) of the Cambridge Municipal Code is hereby amended by adding thereto the following new Chapter 8.60 (Enforcement of State Sanitary Code):

Chapter 8.60

ENFORCEMENT OF STATE SANITARY CODE

Sections

8.60.010	Declaration of Emergency
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8.60.100	Revenues Generated
8.60.110	Regulations
8.60.120	Construction
8.60.130	Severability
8.60.140	Effective Date

8.60.010

Declaration of Emergency

A serious public emergency exists in the City of Cambridge with respect to residential premises which are in violation of the State Sanitary Code, causing many citizens to live in unsafe conditions. The legal remedies available to the Inspectional Services Department in enforcing this code, as well as other applicable state laws and regulations, are insufficient to encourage timely repair of rental properties. Owners often avoid repairing sub-standard properties, thereby endangering the lives, safety, and property of tenants and severely limiting the ability of many people to remain in their homes safely.

In order to provide the Inspectional Services Department with the remedies necessary to effectively carry out its mandate under state law, to guarantee tenants of the City of Cambridge housing which complies with the State Sanitary Code and other applicable laws and regulations, and to encourage owners to maintain the buildings they own in compliance with this code, laws and regulations, the Cambridge City Council, in the exercise of its powers under Section 6 of the Home Rule Amendment, hereby enacts this ordinance under which administrative citations are issued to owners who violate the State Sanitary Code.

8.60.020 Definitions

(A) "Administrative Citation" means a notice issued to an owner by the Inspectional Services Department, pursuant to this Chapter, which provides a statement of the terms under which the owner may be fined for failure to remedy violations of the State Sanitary Code and a statement of the owner's right to appeal the issuance of the administrative citation and/or fine.

(B) "Dwelling" means every building or shelter including but not limited to rooming houses and temporary housing used or intended for human habitation and every other structure or condition located within the same lot line whose existence causes or is likely to effect noncompliance with the provisions of 105 CMR 410.000.

(C) "Dwelling Unit" means the room or group of rooms within a dwelling used or intended for use by one family or household for living, sleeping, cooking and eating. Dwelling unit shall also mean a condominium unit.

(D) "Inspectional Services Department" means the legally designated health authority for the City of Cambridge, authorized by Chapter 84 of the Acts and Resolves of 1983, to enforce the State Sanitary Code through the inspection of rental units for violations of the code and the implementation of mechanisms to ensure compliance with repair orders.

(E) "Occupant" means every person over one year of age living or sleeping in a dwelling or dwelling unit.

(F) "Owner" means every person who alone or severally with others (a) has legal title to any rental unit, or parcel of land, vacant or otherwise, including a mobile home park; or (b) has care, charge or control of any dwelling, rental unit, mobile dwelling unit or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or (c) mortgagee in possession; or (d) agent, trustee or other person appointed by the courts; (e) any officer or trustee of the association of unit owners of a condominium; (f) a bank or other lending institution in possession as a result of foreclosure; or (g) any person who operates a rooming house. The term "owner" includes landlords and lessors.

(G) "State Sanitary Code" means the State Sanitary Code, Code of Massachusetts Regulations codified at 105 CMR 400.00 - 419.00, adopted under the authority of Massachusetts General Laws, Chapter 111, §3 and §127A as it may be amended from time to time.

8.60.030 Administrative Citations; Issuance

(A) Whenever the Inspectional Services Department finds any violation of any provision of the State Sanitary Code it shall issue, in addition to its order to make repairs, an administrative citation against the owner according to the procedures set out in this Chapter.

(B) The administrative citation shall incorporate by reference the order to make repairs and shall contain the following information:

(1) the date of the inspection;

(2) the amount of fine which shall be assessed against the owner if the violation or violations are not remedied within the time set out in the order to make repairs as well as the rate at which the fine shall escalate pursuant to Section 8.60.080 (B) of this Chapter;

(3) the manner in which the owner may pay any fine assessed in accordance with the provisions of this Chapter; and

(4) a description of the owner's appeal rights with respect to the issuance of the administrative citation and of any fine.

(C) The administrative citation shall be served on the owner, along with any orders to make repairs, in accordance with the provisions of the State Sanitary Code;

(D) A copy of the administrative citation shall also be served on the occupants of the dwelling or dwelling unit in which violations have been found and shall be posted in the common areas of the dwelling. If violations of the State Sanitary Code are found in the common areas of any dwelling, a copy of the administrative citation shall be served on each and every tenant of the dwelling.

AQQ New (E)

(E) Inspectional Services ⁵ shall send a copy of the administrative citation to the mortgagee of the property. The City shall request that the mortgagee seek to cure, through all applicable provisions of its mortgage, except through foreclosure or increase in interest rates, any and all violations of Article II of the State Sanitary Code of which which it has been so notified.

(F)
~~(E)~~ A copy of the administrative citation shall be retained by the Inspectional Services Department and be available for public inspection and copying.

8.60.040 Repairs

(A) An owner shall make any and all repairs necessary to remedy any violations found by the Inspectional Services Department within the time stated on the order to make repairs, unless he or she requests a hearing pursuant to the hearing regulations of the State Sanitary Code.

(B) The Inspectional Services Department shall, within five days after the dates for compliance specified in an order to repair issued pursuant to 105 CMR 410.830, make an on-site inspection to determine whether there has been compliance with its order. This inspection shall be made within 24 hours of the dates for compliance specified in an order, however, if one or more of the violations or conditions cited in the order to repair are determined to be conditions which may endanger the health or safety, and well being of the occupant(s) as defined in 105 CMR 410.750. An inspection under 105 CMR 410.830 shall comply with the requirements of 105 CMR 410.822.

(c) If, upon re-inspection, it is determined that the Owner has remedied the violations cited in the order to make repairs, the administrative citation shall note this finding and shall be filed with the Inspectional Services Department.

(D) Copies of the administrative citation indicating that the violation has been remedied and no fine has been assessed shall be served on the same individuals who received notice of the initial administrative citation. This notice shall be served within five days of the re-inspection.

(E) If, upon re-inspection, it is determined that the owner has failed to remedy the violations cited, this shall be noted on the administrative citation and a fine shall be assessed against the owner in accordance with the terms of Section 8.60.060. of this Chapter.

(F) Copies of the administrative citation noting the assessment of a fine for failure to remedy the violations cited shall be served on the same individuals who received notice of the initial administrative citation within five days of the fine being assessed against the owner.

8.60.050 Extensions

(A) An owner who has made a good faith effort to remedy any violations cited in an order to make repairs and an administrative citation may apply to the Inspectional Services Department for an extension of the time set for making repairs by requesting a hearing under the hearing provisions of the State Sanitary Code.

(B) A good faith effort shall be found to exist only if the owner provides evidence that the repairs cannot be completed within the required time. Such evidence shall be in the form of at least

two written estimates from outside professionals, one of which the owner has accepted in writing, stating when the repairs will be made. ~~(D) (E) (F)~~

(C) In any case where an extension has been granted for the remedying of any violation, a new date shall be set by the Inspectional Services Department by which the owner shall remedy the violation and a re-inspection shall take place in accordance with Section 8.60.040 (C) through (F) of this Chapter.

(D) No extensions shall be granted in any case where an owner has received a fine for the same or similar violations within the twelve month period immediately preceding issuance of the current administrative citation.

(E) In no event shall the time allowed for repairs including any extensions be greater than sixty days from the date of the issuance of the order to make repairs.

8.60.060 Fines for Failure to Repair

(A) If an owner fails to remedy a violation cited in an order to make repairs within the allotted time, or fails to remedy the violation within the time set out in any extension granted under Section 8.60.050 of this Chapter, or fails to file a timely appeal, a fine shall be assessed against the owner.

(B) Notice of the assessment of a fine shall be served on the owner in accordance with the notice provisions of the State Sanitary Code.

Need
Need
See
100 met
Amendment I

C. Walsh
Yellow Sheet
(F)
(unapproved)

(C) Notice of the fine shall be served on the same individuals who received notice of the initial administrative citation.

(D) The amount of the fine shall be set according to the following schedule:

(1) \$100.00 per day for each violation referred to in 105 CMR 410.830 (A) and required to be corrected within twenty-four hours; or

(2) ~~\$50.00~~ ^{\$10.00} per day for each violation referred to in 105 CMR 401.830 (B) and required to be repaired in an amount of time determined by the Inspectional Service Department but, in any event, no more than thirty days.

(E) If a court, with either civil or criminal jurisdiction shall determine that an extension of time for making repairs is appropriate and so orders pursuant to Sec. 8.60.050, then during the time of the extension 8.60.070 Appeals of Fines no fines or other penalties under this chapter shall accrue.

(A) An owner or occupant who is aggrieved by the issuance of a fine or by the failure of the Inspectional Services Department to fine an owner pursuant to this Chapter may appeal to the Inspectional Services Department according to the following procedures:

(1) An appeal shall be filed within ten days of the date of the action appealed from;

(2) The appeal shall be in writing and shall state, in detail, the grounds for the appeal;

(B) The filing of a timely appeal shall stay the effect of the fine but shall not stay the owner's obligation to repair any violations cited.

①
C. Wolf
M/V
/g

(C) A hearing shall be held on the appeal following the same procedures available in an appeal of the issuance of an order to make repairs which are set out in 105 CMR §§ 410.850 and 410.860, except that any appeal to court shall be governed by the provisions of Massachusetts General Laws, Chapter 30A.

(D) Nothing in this section shall be construed to affect or impair the right to appeal the issuance of an order to make repairs.

8.60.080 Failure to Pay Fines

(A) Notice of a fine which has been issued pursuant to Section 8.60.060 of this Chapter shall be served on the owner and on the occupants who receive notice of the initial administrative citation.

(B) In addition, the owner shall be given notice that the fine shall automatically double if any violation cited in the administrative citation is not remedied within two weeks of service of the notice of the fine and shall automatically triple if any violation is not remedied within one month of service of the notice of the fine.

~~(C) A property tax lien shall be taken by the City of Cambridge against the owner if the tripled fine is not paid within six months of service of the notice of the fine or the issuance of the next property tax bill, whichever is later, and the owner shall be notified of this action prior to its being taken.~~

C. Ryan
Moved to Delete
Roll Call
8-00-1. (1)
9-0-0-0. (2)

20) Any person aggrieved by the failure of the City of Cambridge to take such enforcement action, may seek injunctive relief in the district or superior court pursuant to Massachusetts General Laws, Chapter 214 and 218, §19C to require action by the City of Cambridge in accordance with its enforcement obligations under this section.

8.60.090 Effect of Fine In Subsequent Court Actions

(A) A copy of the administrative citation indicating that a fine has been issued as a result of the owner's failure to remedy a violation cited in the administrative citation shall be prima facie evidence of a violation of Massachusetts General Laws, Chapter 111, §127A et seq. and Chapter 239, §8A in any legal action by or against the owner.

8.60.100 Revenues Generated

(A) Each fiscal year the City Manager shall determine an accounting of the revenues generated by the implementation of this ordinance in excess of the cost of administration and shall make a recommendation in the budget presented to the City Council for an appropriation of said funds to the appropriate city department or agency so that said revenues will be directed toward the repair or rehabilitation of deteriorated dwellings or dwelling units in the city.

8.60.110 Regulations

The Commissioner of Inspectional Services shall promulgate regulations consistent with the terms of this Chapter and any applicable state laws and regulations.

8.60.120 Construction

Nothing in this Chapter shall be construed to conflict with the provisions of Massachusetts General Laws, Chapter 111, § 127A, et seq. governing the authority and conduct of the Inspectional Services Department or with any other law or regulation governing the rights and obligations of owners and tenants in the Commonwealth Of Massachusetts.

8.60.130 Severability

The provisions of this Chapter are severable. If any section or sections are declared invalid by a court of competent jurisdiction, the invalidity shall not affect the validity of any remaining section or sections.

8.60.140 Effective Date

The provisions of this Chapter shall take effect three months from the date of its enactment.

~~Ordinance #3 HealthPo. and Sanitar. Cod~~
Draft - October 22, 1991

Ordained As Amended
June 22, 1992

5

ADMINISTRATIVE CITATIONS FOR VIOLATIONS OF THE
STATE SANITARY CODE

C. Toomey
75 7+8

PROPOSED AMENDMENTS FOR DEMONSTRATED FINANCIAL HARDSHIP

8.60 . . . 050

Amended Section 5(B) (2):

"if the owner does not have sufficient income or access to income to make the required repairs within the time frame ordered by the Inspectional Services Department. In order to obtain an extension pursuant to this sub-section, the owner must have a demonstrated financial hardship. Demonstrated financial hardship shall be found to exist where such hardship has been determined and verified by the Cambridge Community Development Department, and where the owner cited has sought financing from public agencies in order to make the necessary repairs, but agency approval of such financing is still pending or has been denied. Evidence of such hardship shall include, but may not be limited to, disclosure of all the owner's assets and income and disclosure of all the assets and income of any trust for which the cited owner is a beneficiary."

①
C.C.D.
MOVED
TO
STRIKE
1/11/8
Walsh-N6

Amended Section 5(D):

"No extensions shall be granted in any case where an owner has received a fine for the same or similar violations in the same unit within the twelve month period immediately preceding issuance of the current administrative citation except where the owner has been granted an extension pursuant to Section 5(B) (2) for any such current administrative citation."

②
C.C.D.
MOVED
TO
AMEND.

Amended Section 5(E):

"In no event shall the time frame for repairs including any extensions be greater than ninety days from the date of issuance of the order to make repairs except where the owner has been granted an extension pursuant to Section 5(B) (2)."

1/11/8
Walsh-N6



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

June 30, 1992

TO: DONALD DRISDELL
DEPUTY CITY SOLICITOR

FROM: D. MARGARET DRURY ^{DM D}
TEMPORARY CITY CLERK

SUBJECT: AMENDED TEXT TO THE STATE SANITARY CODE

Attached you will find the text of the State Sanitary Code with amendments outlined on various pages.

Would you kindly incorporate these amendments and provide us with an amended text of this ordinance.

Your kind attention in this matter will be greatly appreciated by this office.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-one

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title 8 (Health and Safety) of the Cambridge Municipal Code is hereby amended by adding thereto the following new Chapter 8.60 (Enforcement of State Sanitary Code):

Chapter 8.60

ENFORCEMENT OF STATE SANITARY CODE

NOTE: Pursuant to the provisions of General Laws, Chapter 40, Section 32A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said Zoning Ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

Passed to a second reading at the City Council meeting held on October 21, 1991 and on or after November 4, 1991 the question comes on passing to be ordained.

ATTEST:- John E. Flynn, Deputy City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred and Ninety-One

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code."

That Title 8 (Health and Safety) of the Cambridge Municipal Code is hereby amended by adding thereto the following new Chapter 8.60 (Enforcement of State Sanitary Code):

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ENFORCEMENT OF STATE SANITARY CODE

Sections

8.60.010	Declaration of Emergency
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8.60.100	Revenues Generated
8.60.110	Regulations
8.60.120	Construction
8.60.130	Severability
8.60.140	Effective Date

8.60.010

Declaration of Emergency

A serious public emergency exists in the City of Cambridge with respect to residential premises which are in violation of the State Sanitary Code, causing many citizens to live in unsafe conditions. The legal remedies available to the Inspectional Services Department in enforcing this code, as well as other applicable state laws and regulations, are insufficient to encourage timely repair of rental properties. Owners often avoid repairing sub-standard properties, thereby endangering the lives, safety, and property of tenants and severely limiting the ability of many people to remain in their homes safely.

In order to provide the Inspectional Services Department with the remedies necessary to effectively carry out its mandate under state law, to guarantee tenants of the City of Cambridge housing which complies with the State Sanitary Code and other applicable laws and regulations, and to encourage owners to maintain the buildings they own in compliance with this code, laws and regulations, the Cambridge City Council, in the exercise of its powers under Section 6 of the Home Rule Amendment, hereby enacts this ordinance under which administrative citations are issued to owners who violate the State Sanitary Code.

8.60.020 Definitions

(A) "Administrative Citation" means a notice issued to an owner by the Inspectional Services Department, pursuant to this Chapter, which provides a statement of the terms under which the owner may be fined for failure to remedy violations of the State Sanitary Code and a statement of the owner's right to appeal the issuance of the administrative citation and/or fine.

(B) "Dwelling" means every building or shelter including but not limited to rooming houses and temporary housing used or intended for human habitation and every other structure or condition located within the same lot line whose existence causes or is likely to effect noncompliance with the provisions of 105 CMR 410.000.

(C) "Dwelling Unit" means the room or group of rooms within a dwelling used or intended for use by one family or household for living, sleeping, cooking and eating. Dwelling unit shall also mean a condominium unit.

(D) "Inspectional Services Department" means the legally designated health authority for the City of Cambridge, authorized by Chapter 84 of the Acts and Resolves of 1983, to enforce the State Sanitary Code through the inspection of rental units for violations of the code and the implementation of mechanisms to ensure compliance with repair orders.

(E) "Occupant" means every person over one year of age living or sleeping in a dwelling or dwelling unit.

(F) "Owner" means every person who alone or severally with others (a) has legal title to any rental unit, or parcel of land, vacant or otherwise, including a mobile home park; or (b) has care, charge or control of any dwelling, rental unit, mobile dwelling unit or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or (c) mortgagee in possession; or (d) agent, trustee or other person appointed by the courts; (e) any officer or trustee of the association of unit owners of a condominium; (f) a bank or other lending institution in possession as a result of foreclosure; or (g) any person who operates a rooming house. The term "owner" includes landlords and lessors.

(G) "State Sanitary Code" means the State Sanitary Code, Code of Massachusetts Regulations codified at 105 CMR 400.00 - 419.00, adopted under the authority of Massachusetts General Laws, Chapter 111, §3 and §127A as it may be amended from time to time.

8.60.030 Administrative Citations; Issuance

(A) Whenever the Inspectional Services Department finds any violation of any provision of the State Sanitary Code it shall issue, in addition to its order to make repairs, an administrative citation against the owner according to the procedures set out in this Chapter.

(B) The administrative citation shall incorporate by reference the order to make repairs and shall contain the following information:

(1) the date of the inspection;

(2) the amount of fine which shall be assessed against the owner if the violation or violations are not remedied within the time set out in the order to make repairs as well as the rate at which the fine shall escalate pursuant to Section 8.60.080 (B) of this Chapter;

(3) the manner in which the owner may pay any fine assessed in accordance with the provisions of this Chapter; and

(4) a description of the owner's appeal rights with respect to the issuance of the administrative citation and of any fine.

(C) The administrative citation shall be served on the owner, along with any orders to make repairs, in accordance with the provisions of the State Sanitary Code;

(D) A copy of the administrative citation shall also be served on the occupants of the dwelling or dwelling unit in which violations have been found and shall be posted in the common areas of the dwelling. If violations of the State Sanitary Code are found in the common areas of any dwelling, a copy of the administrative citation shall be served on each and every tenant of the dwelling.

AQQ New (E)

(E) Inspectional Services ⁵ shall send a copy of the administrative citation to the mortgagee of the property. The City shall request that the mortgagee seek to cure, through all applicable provisions of its mortgage, except through foreclosure or increase in interest rates, any and all violations of Article II of the State Sanitary

(F)

~~(E)~~ A copy of the administrative citation shall be retained by the Inspectional Services Department and be available for public inspection and copying.

8.60.040 Repairs

(A) An owner shall make any and all repairs necessary to remedy any violations found by the Inspectional Services Department within the time stated on the order to make repairs, unless he or she requests a hearing pursuant to the hearing regulations of the State Sanitary Code.

(B) The Inspectional Services Department shall, within five days after the dates for compliance specified in an order to repair issued pursuant to 105 CMR 410.830, make an on-site inspection to determine whether there has been compliance with its order. This inspection shall be made within 24 hours of the dates for compliance specified in an order, however, if one or more of the violations or conditions cited in the order to repair are determined to be conditions which may endanger the health or safety, and well being of the occupant(s) as defined in 105 CMR 410.750. An inspection under 105 CMR 410.830 shall comply with the requirements of 105 CMR 410.822.

(c) If, upon re-inspection, it is determined that the Owner has remedied the violations cited in the order to make repairs, the administrative citation shall note this finding and shall be filed with the Inspectional Services Department.

(D) Copies of the administrative citation indicating that the violation has been remedied and no fine has been assessed shall be served on the same individuals who received notice of the initial administrative citation. This notice shall be served within five days of the re-inspection.

(E) If, upon re-inspection, it is determined that the owner has failed to remedy the violations cited, this shall be noted on the administrative citation and a fine shall be assessed against the owner in accordance with the terms of Section 8.60.060. of this Chapter.

(F) Copies of the administrative citation noting the assessment of a fine for failure to remedy the violations cited shall be served on the same individuals who received notice of the initial administrative citation within five days of the fine being assessed against the owner.

8.60.050 Extensions

(A) An owner who has made a good faith effort to remedy any violations cited in an order to make repairs and an administrative citation may apply to the Inspectional Services Department for an extension of the time set for making repairs by requesting a hearing under the hearing provisions of the State Sanitary Code.

(B) ~~A~~ A good faith effort shall be found to exist only if the owner provides evidence that the repairs cannot be completed within the required time. Such evidence shall be in the form of at least

two written estimates from outside professionals, one of which the owner has accepted in writing, stating when the repairs will be made. ~~8.60.040 (B) (2)~~

(C) In any case where an extension has been granted for the remedying of any violation, a new date shall be set by the Inspectional Services Department by which the owner shall remedy the violation and a re-inspection shall take place in accordance with Section 8.60.040 (C) through (F) of this Chapter.

~~(D) No extensions shall be granted in any case where an owner has received a fine for the same or similar violations within the twelve month period immediately preceding issuance of the current administrative citation.~~

~~(E) In no event shall the time allowed for repairs including any extensions be greater than sixty days from the date of the issuance of the order to make repairs.~~

8.60.060 Fines for Failure to Repair

(A) If an owner fails to remedy a violation cited in an order to make repairs within the allotted time, or fails to remedy the violation within the time set out in any extension granted under Section 8.60.050 of this Chapter, or fails to file a timely appeal, a fine shall be assessed against the owner.

(B) Notice of the assessment of a fine shall be served on the owner in accordance with the notice provisions of the State Sanitary Code.

C. Walsh
Yellow Sheet
(F)
(L. Walsh)

See
100 met
memorandum

See
100

See
F

(C) Notice of the fine shall be served on the same individuals who received notice of the initial administrative citation.

(D) The amount of the fine shall be set according to the following schedule:

(1) \$100.00 per day for each violation referred to in 105 CMR 410.830 (A) and required to be corrected within twenty-four hours; or

(2) ~~\$50.00~~ ^{\$10.00} per day for each violation referred to in 105 CMR 401.830 (B) and required to be repaired in an amount of time determined by the Inspectional Service Department but, in any

event, no more than thirty days.

(E) If a court, with either civil or criminal jurisdiction determines that an extension of time for making repairs is appropriate and so orders pursuant to Sec. 8.60.050, then during the time of the extending 8.60.070 Appeals of Fines no fines or other penalties under this chapter shall accrue.

(A) An owner or occupant who is aggrieved by the issuance of a fine or by the failure of the Inspectional Services Department to fine an owner pursuant to this Chapter may appeal to the Inspectional Services Department according to the following procedures:

(1) An appeal shall be filed within ten days of the date of the action appealed from;

(2) The appeal shall be in writing and shall state, in detail, the grounds for the appeal;

(B) The filing of a timely appeal shall stay the effect of the fine but shall not stay the owner's obligation to repair any violations cited.

④
C. Wolf
M/g

(C) A hearing shall be held on the appeal following the same procedures available in an appeal of the issuance of an order to make repairs which are set out in 105 CMR §§ 410.850 and 410.860, except that any appeal to court shall be governed by the provisions of Massachusetts General Laws, Chapter 30A.

(D) Nothing in this section shall be construed to affect or impair the right to appeal the issuance of an order to make repairs.

8.60.080 Failure to Pay Fines

(A) Notice of a fine which has been issued pursuant to Section 8.60.060 of this Chapter shall be served on the owner and on the occupants who receive notice of the initial administrative citation.

(B) In addition, the owner shall be given notice that the fine shall automatically double if any violation cited in the administrative citation is not remedied within two weeks of service of the notice of the fine and shall automatically triple if any violation is not remedied within one month of service of the notice of the fine.

~~(C) A property tax lien shall be taken by the City of Cambridge against the owner if the tripled fine is not paid within six months of service of the notice of the fine or the issuance of the next property tax bill, whichever is later, and the owner shall be notified of this action prior to its being taken.~~

C. Myers
Moved To Delete
Roll Call
8-00-1. (1)
9-0-00. (2)

(D) Any person aggrieved by the failure of the City of Cambridge to take such enforcement action, may seek injunctive relief in the district or superior court pursuant to Massachusetts General Laws, Chapter 214 and 218, §19C to require action by the City of Cambridge in accordance with its enforcement obligations under this section.

8.60.090 Effect of Fine In Subsequent Court Actions

(A) A copy of the administrative citation indicating that a fine has been issued as a result of the owner's failure to remedy a violation cited in the administrative citation shall be prima facie evidence of a violation of Massachusetts General Laws, Chapter 111, §127A et seq. and Chapter 239, §8A in any legal action by or against the owner.

8.60.100 Revenues Generated

(A) Each fiscal year the City Manager shall determine an accounting of the revenues generated by the implementation of this ordinance in excess of the cost of administration and shall make a recommendation in the budget presented to the City Council for an appropriation of said funds to the appropriate city department or agency so that said revenues will be directed toward the repair or rehabilitation of deteriorated dwellings or dwelling units in the city.

8.60.110 Regulations

The Commissioner of Inspectional Services shall promulgate regulations consistent with the terms of this Chapter and any applicable state laws and regulations.

8.60.120 Construction

Nothing in this Chapter shall be construed to conflict with the provisions of Massachusetts General Laws, Chapter 111, § 127A, et seq. governing the authority and conduct of the Inspectional Services Department or with any other law or regulation governing the rights and obligations of owners and tenants in the Commonwealth Of Massachusetts.

8.60.130 Severability

The provisions of this Chapter are severable. If any section or sections are declared invalid by a court of competent jurisdiction, the invalidity shall not affect the validity of any remaining section or sections.

8.60.140 Effective Date

The provisions of this Chapter shall take effect three months from the date of its enactment.

~~Ordinance #3 Health Ho. Bd Sanitar. Cod~~
Draft - October 22, 1991

Ordained As Amended
June 22, 1992

5

ADMINISTRATIVE CITATIONS FOR VIOLATIONS OF THE
STATE SANITARY CODE

C. Toomey

Page 7+8

PROPOSED AMENDMENTS FOR DEMONSTRATED FINANCIAL HARDSHIP

8.60 . . . 050

Amended Section 5(B) (2):

"if the owner does not have sufficient income or access to income to make the required repairs within the time frame ordered by the Inspectional Services Department. In order to obtain an extension pursuant to this sub-section, the owner must have a demonstrated financial hardship. Demonstrated financial hardship shall be found to exist where such hardship has been determined and verified by the Cambridge Community Development Department, and where the owner cited has sought financing from public agencies in order to make the necessary repairs, but agency approval of such financing is still pending or has been denied. Evidence of such hardship shall include, but may not be limited to, disclosure of all the owner's assets and income and disclosure of all the assets and income of any trust for which the cited owner is a beneficiary."

①
C.C.D.
To
Strike
1/10
8
wash-N6

Amended Section 5(D):

"No extensions shall be granted in any case where an owner has received a fine for the same or similar violations in the same unit within the twelve month period immediately preceding issuance of the current administrative citation except where the owner has been granted an extension pursuant to Section 5(B) (2) for any such current administrative citation."

②
C.C.D.
To
Amend.

Amended Section 5(E):

"In no event shall the time frame for repairs including any extensions be greater than ninety days from the date of issuance of the order to make repairs except where the owner has been granted an extension pursuant to Section 5(B) (2)."

1/10
8
wash-N6

City of Cambridge

MASSACHUSETTS

In City Council June 22 1992

Unfinished # 5 Take off the Table

	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr	✓				
Mr. Francis H. Duehay	✓				
Mr. Jonathan S. Myers	✓				
Mrs. Sheila T. Russell	✓				
Mr. Walter J. Sullivan				✓	
Mr. Timothy J. Toomey, Jr.	✓				
Mr. William H. Walsh		✓			
Ms. Alice K. Wolf	✓				
Mayor Kenneth E. Reeves	✓				

7 - 1 - 1



City of Cambridge

MASSACHUSETTS

5

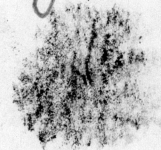
In City Council June 27 199

J. Myers amend. to delete Sec C

	YEA	NAY	ABSENT	PRESENT
Mr. Ed Cyr	✓			
Mr. Francis H. Duehay	✓			
Mr. Jonathan S. Myers	✓			
Mrs. Sheila T. Russell	✓			
Mr. Walter J. Sullivan	✓			✓
Mr. Timothy J. Toomey, Jr.	✓			
Mr. William H. Walsh	✓			
Ms. Alice K. Wolf	✓			
Mayor Kenneth E. Reeves	✓			

W.S. requests vote changed to yea

9-0



Insert as a new Section 3 (E) in 8.60.30 entitled Administrative Citations; Issuance

Administrative Citation

Inspectional Services shall ~~be required to~~ send a copy of ~~any~~ ~~violations of Article II of the State Sanitary Code~~ to the mortgagee of the property. The City shall request that the mortgagee actively seek to ~~prevent~~ cure, through all applicable provisions of its mortgage, any, and all, violations of Article II of the State Sanitary Code of which it has been so notified.

except where necessary or increased interest rates

Current Section 3 (E) should become Section 3 (F)

Ed Cys moved amendment

ADMINISTRATIVE CITATIONS FOR VIOLATIONS OF THE
STATE SANITARY CODE

*C. Torrey
Proposed Amendments*

PROPOSED AMENDMENTS FOR DEMONSTRATED FINANCIAL HARDSHIP
to 8:60.050

*Ed Cye amend
to make*

Amended Section 5(B) (2):

"if the owner does not have sufficient income or access to income to make the required repairs within the time frame ordered by the Inspectional Services Department. In order to obtain an extension pursuant to this sub-section, the owner must have a demonstrated financial hardship. Demonstrated financial hardship shall be found to exist where such hardship has been determined and verified by the Cambridge Community Development Department, and where the owner cited has sought financing from public agencies in order to make the necessary repairs, but agency approval of such financing is still pending or has been denied. Evidence of such hardship shall include, but may not be limited to, disclosure of all the owner's assets and income and disclosure of all the assets and income of any trust for which the cited owner is a beneficiary."

Amended Section 5(D):

"No extensions shall be granted in any case where an owner has received a fine for the same or similar violations in the same unit within the twelve month period immediately preceding issuance of the current administrative citation except where the owner has been granted an extension pursuant to Section 5(B) (2) for any such current administrative citation."

Amended Section 5(E):

"In no event shall the time frame for repairs including any extensions be greater than ninety days from the date of issuance of the order to make repairs except where the owner has been granted an extension pursuant to Section 5(B) (2)."

Ed Cye m. to incorp. last 2 + strike 1st
V/V
WW-No
8

City of Cambridge

MASSACHUSETTS

In City Council June 22 1992

5 Ordinance as amended

	YEA	NAY	ABSENT	PRESENT
Mr. Ed Cyr	✓			
Mr. Francis H. Duehay	✓			
Mr. Jonathan S. Myers	✓			
Mrs. Sheila T. Russell		✓		
Mr. Walter J. Sullivan		✓		
Mr. Timothy J. Toomey, Jr.				✓
Mr. William H. Walsh		✓		
Ms. Alice K. Wolf	✓			
Mayor Kenneth E. Reeves	✓			

5 3 0 1

E. Cyr m

City of Cambridge

MASSACHUSETTS

In City Council

June 27 1997

#5 Suspension of the rules

	YEA	NAY	ABSENT	PRESENT
Mr. Ed Cyr	✓			
Mr. Francis H. Duehay	✓			
Mr. Jonathan S. Myers	✓			
Mrs. Sheila T. Russell		✓		
Mr. Walter J. Sullivan		✓		
Mr. Timothy J. Toomey, Jr.		✓		
Mr. William H. Walsh		✓		
Ms. Alice K. Wolf	✓			
Mayor Kenneth E. Reeves	✓			

5-4
fails

City of Cambridge

MASSACHUSETTS

Sanitary Code

In City Council June 15 1992

Unfinished business # 2

(Moved from the Table)

	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr	✓				
Mr. Francis H. Duehay				✓	
Mr. Jonathan S. Myers				✓	
Mrs. Sheila T. Russell		✓			
Mr. Walter J. Sullivan		✓			
Mr. Timothy J. Toomey, Jr.		✓			
Mr. William H. Walsh		✓			
Ms. Alice K. Wolf				✓	
Mayor Kenneth E. Reeves	✓				

2 4 0 3

Failed



City of Cambridge

36.

IN CITY COUNCIL

June 22, 1992

COUNCILLOR MYERS

WHEREAS: A Municipal lien is proposed as an enforcement mechanism in Ordinance 8.60 of title 8 of the Cambridge Municipal Code; and

WHEREAS: This enforcement mechanism has raised legal questions and issues pertaining to effect that this mechanism would have on the ability to procure funding for the necessary rehabilitation of these buildings; now therefore be it

RESOLVED: That a process be setup involving the Chair of the Rent Control Committee, the Chair of the Housing Committee, and interested members of these committees, drafters of this ordinance, all relevant city department representatives and representatives of private lending institutions to develop a mechanism for enforcement of this ordinance, which will ensure that the Sanitary Code is enforced in its most effective manner; and be it further

RESOLVED: That a report come back before this City Council at the second meeting in September.

In City Council June 22, 1992.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, Temporary City Clerk.

A true copy;

D. Margaret Drury

ATTEST:-

D. Margaret Drury
Temporary City Clerk



City of Cambridge

36.

IN CITY COUNCIL

June 22, 1992

COUNCILLOR MYERS

WHEREAS: A Municipal lien is proposed as an enforcement mechanism in Ordinance 8.60 of title 8 of the Cambridge Municipal Code; and

WHEREAS: This enforcement mechanism has raised legal questions and issues pertaining to effect that this mechanism would have on the ability to procure funding for the necessary rehabilitation of these buildings; now therefore be it

RESOLVED: That a process be setup involving the Chair of the Rent Control Committee, the Chair of the Housing Committee, and interested members of these committees, drafters of this ordinance, all relevant city department representatives and representatives of private lending institutions to develop a mechanism for enforcement of this ordinance, which will ensure that the Sanitary Code is enforced in its most effective manner; and be it further

RESOLVED: That a report come back before this City Council at the second meeting in September.

In City Council June 22, 1992.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, Temporary City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
Temporary City Clerk

C. C. Jr.

Insert as a new Section 3 (E) in 8. C. O. 30 entitled Administrative Citations; Issuance

administrative citation

Inspectional Services shall ~~be required to~~ send a copy of ~~any~~ ^{the} ~~State Sanitary Code~~ to the mortgagee of the property. The City shall request that the mortgagee actively seek to ~~seek~~ cure, through all applicable provisions of its mortgage, any, and all, violations of Article II of the State Sanitary Code of which it has been so notified. except through foreclosure or increase in interest rates.

~~XXXXXXXXXXXX~~

Current Section 3 (E) should become Section 3 (F)

V/V
9

6

C. Walsh

Amend by adding a new section 5 (F)

That a court of either criminal or civil jurisdiction ~~that~~ determines that an extension of time is appropriate then during the period of that extension no fines or other penalties under this ordinance shall accrue.

MV

✓

6

unfinished Business #5

Section 8.60.050

C. Walsh

A Ct. - either civil or criminal ^{which has} jurisdiction
Determine ~~that~~ extension
of time is appropriate
for them during the period of

(D)

~~All Court fines in accordance
with ordinance shall be suspended
until
that extension no fines or other penalties under
a stay is ordered. This ordinance
shall accrue
the extension of time is
terminated.~~

VIV

~~the
Frozen instead of
Suspended
VIV~~

✓



617-349-4600
Fax 617-349-4669

CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT
City Hall Annex - Inman & Broadway - Cambridge, Mass. 02139

RECEIVED
NOV 22 AM 10:20
OFFICE OF THE CITY MANAGER

M E M O R A N D U M

TO: Robert W. Healy, City Manager
FROM: Michael H. Rosenberg, Assistant City Manager
SUBJECT: Ordinance/Change in Enforcement of State Sanitary Code
DATE: November 22, 1991

The proposed Ordinance/Change in Enforcement of State Sanitary Code may have negative impacts on the accessibility of rehabilitation financing from conventional lenders to owners of multi-family properties. As you know, banks are generally nervous making loans to rent controlled properties. Through the Rental Rehab Program, Neighborhood Apartment Housing Services (NAHS) Loan Program and the Small Property Owners Program, we have been somewhat successful in dealing with their concerns about multi-family lending. However the Ordinance, particularly the municipal lien feature, may have a chilling effect on lending to rent control properties.

Banks will likely be increasingly reluctant to make rehab loans to multi-family properties, particularly if the owner plans to phase in rehab. Lenders will be concerned that incipient conditions which over the life of loan could become code violations or violations which were not corrected in the first phase of rehab would cause the fines called for in this Ordinance to be levied. According to the Ordinance, unpaid fines become a municipal lien and therefore, a priority claim on the property which would erode the security of the bank's loans and make it less likely that lenders would finance phased rehab.

The Small Property Owners Program, supported by the City and administered by NAHS, is based on a phased approach to rehab. The Program funds up to \$8,000, a unit of rehab costs in properties that may have \$15,000 per unit of rehab need.

The Program provides extensive technical assistance to owners in successfully obtaining financing, getting through the Rent Control process and completing the rehab. Our belief is that an owner will be more likely in the future to seek the additional financing to complete the rehab after having one positive experience with the overall process.

This Program may have to be discontinued or substantially redesigned if banks become more reluctant to participate in phased rehab lending.

Another potentially negative impact of the Ordinance is to raise the price of buildings which have been cited and owners have not paid the fines. Nonprofits often try to buy distressed properties. However, if a substantial municipal lien caused by nonpayment of fines is passed along to a buyer, the cost of purchasing the properties could be prohibitive. In addition, a lien may raise the price of a building above its actual value making acquisition financing from a bank difficult. The result may be more "stuck" buildings with extensive capital needs, escalating sales price plus no potential financing source for either rehab or acquisition.

Although it seems the intent of the Ordinance is to encourage the upgrading of the rent control stock, it may cause the unintended and undesirable effect of discouraging banks from providing financing to owners of rent controlled properties. Further review of the proposed Ordinance is necessary in order to ensure that it does not negatively effect capital investment in the multi-family stock.

8.



CITY OF CAMBRIDGE

**CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011**

**EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager**

**RICHARD C. ROSSI
Deputy City Manager**

November 25, 1991

To The Honorable, The City Council:

Please find attached a communication received from Michael H. Rosenberg, Assistant City Manager for Community Development, relative to a proposed Ordinance change in Enforcement of State Sanitary Code, for your consideration.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Robert W. Healy", written over a horizontal line.

**Robert W. Healy
City Manager**

RWH/mev
attachment

Potential effects of the enforcement of
the proposed amendment to the Municipal
Code of the State Sanitary Code.

8/3/92 - Passed to be
ordained as amended
5-3-0-1.

8/13/92 - Published -
Chronicle

In City Council,

November 25, 1991

Referred to the petition