

# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 876-6800

OFFICE OF  
THE CITY CLERK

December 21, 1977

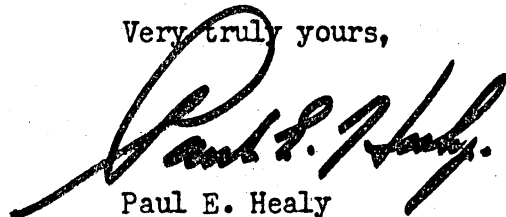
Mr. Russell B. Higley  
City Solicitor  
City Hall  
Cambridge, MA 02139

Dear Mr. Higley:

Enclosed you will find a copy of the minutes of the meeting held before the City Council on December 19, 1977 relative to a proposed ordinance in amendment to the General Ordinances providing for a Change of Occupancy Certificate.

Your attention is directed to the last paragraph of the hearing notes.

Very truly yours,



Paul E. Healy  
City Clerk

PEH/cs

Enclosure

# City of Cambridge

PUBLIC HEARING  
December 19, 1977

The Committee on Ordinances, comprised of the entire membership of the City Council, held a public hearing on Monday, December 19, 1977 at 6:00 P. M. in the City Council Chamber, City Hall, Cambridge, Massachusetts on the proposed amendment to the General Ordinances of the City of Cambridge in Chapter Eleven entitled: "Health and Housing" Article III entitled: "Housing Code Regulations" by adding at the end thereof two new sections 11-10 and 11-11 entitled: "Change of Occupancy Certificate".

Councillor Duehay informed the City Council that he has worked for two years on this subject with the various departments concerned in order to find a solution to the problems which the proposed ordinance wished to correct.

The City Council heard from Vasco Lima, 1564 Cambridge Street, who appeared in opposition to the proposed ordinance and stated that the person moving into an apartment should be the judge of its fitness not the Health Department, that this is the American way and that this is not Russia.

Mr. Carl Barron of Randolph Street, Belmont, gave his qualified support to the proposed ordinance and queried about inspections not being made in due time and suggested that tacit approval should be provided for so that the landlord won't lose the income. He questioned whether or not trained, skilled staff would be available and whether a cut in the plaster would be sufficient grounds for denial of a certificate. He further asked how a tenant would be evicted after the inspection was made and how could an owner who was unable to repair pay \$20.00 per day for each violation. He stressed the need for an ordinance but not the ordinance that has been submitted.

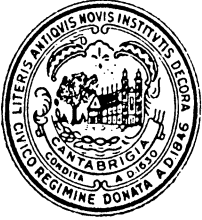
Councillor Clem stated that every owner would lose one month's or two month's rent due to the fact that a ten day waiting period was provided in the ordinance.

Dr. Comunale, Director of Health and Hospitals, appeared in support of the proposed ordinance and stated that he favored the modified ordinance as stated by Carl Barron and the issuance of a temporary certificate of occupancy during the inspection period. He further stated that they could streamline the operation by the inspectors.

Mayor Vellucci moved that they refer this matter to the next City Council.

Councillor Clem stated that a representative of the Community Development Department's Rehabilitation Division was working with the Health Department on this problem to determine priorities for enforcing the State Code.

Councillor Duehay moved to refer this matter to the next City Council and requested the City Clerk in writing to record all the suggestions made tonight and provide copies to all City Councillors and to the City Solicitor and further that the City Solicitor, after reviewing the suggestions offered during the hearing, draft a new ordinance after consultation with Mr. Carl Barron, Dr. Comunale, a representative of the Rehabilitation Division of the Community Development Department and the Rent Control Board. There being no objections, the motion carried.



# City of Cambridge

Introduced by Councillor Duehay

In the Year One Thousand, Nine Hundred Seventy-seven

## AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

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

Chapter 11 entitled: "Health and Housing", Article III entitled: "Housing Code Regulations" is hereby amended by adding after Section 11-9, the following new sections:

Section 11-10 entitled: Change of Occupancy Certificate

Whenever a dwelling unit, apartment, or tenement, other than a hotel, motel, lodging house or dormitory is vacated by the occupant or occupants thereof, or within ten (10) days before the anticipated vacancy, such unit must be certified by the Department of Health and Hospitals or its agents, prior to being reoccupied by a new occupant, as meeting the standards set forth in "The State Sanitary Code, Article II, Minimum Standards of Fitness for Human Habitation" as promulgated and from time to time amended by the Department of Public Health of the Commonwealth of Massachusetts under the authority of General Law, Chapter III, section 127A. If, after inspection of the premises by the Department of Health and Hospitals or its agents, the Department of Health and Hospitals determines that the owner should be given time to make repairs necessary to qualify for certification and the health and safety of any occupant is not thereby endangered, the Department of Health and Hospitals may issue a temporary certificate not to exceed thirty (30) days. No extension or renewals of this temporary certificate shall be issued. Any owner or lessor of such property used for dwelling purposes failing to comply with this regulation shall pay a fine of Twenty Dollars (\$20.00) each and every day he allows any person or persons to live, occupy, or inhabit the said premises without having received a change of occupancy certificate from the Department of Health and Hospitals. Information concerning whether or not a Certificate has been issued by the Department of Health and Hospitals for a particular unit shall be a matter of public record. Upon issuance of such certificate, it shall be prominently posted in the unit for which it was issued.

Each unit shall be required to be certified only once in any given twelve (12) month period. Any building, construction of which was completed within five (5) years of the effective date of the Ordinance and any unit or units in an owner occupied single, two or three family house shall be exempt from the provisions of this Ordinance.

# City of Cambridge

## Section 11-11

All lodging houses, dormitories, hotels and motels shall be inspected annually for purposes of determining whether they meet the standards set forth in "The State Sanitary Code, Article II, Minimum Standards of Fitness for Human Habitation".

Amendment to Ordinances <sup>0-30</sup>  
relative to Change of Occupancy  
Certificate

Hearing Held December 19, 1977  
Referred to incoming City Council  
and City Solicitor for review



# City of Cambridge

Introduced by Councillor Duehay

In the Year One Thousand, Nine Hundred Seventy-Seven

## 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:*

"The Zone Map accompanying ordinance passed to be ordained February 13, 1961 entitled: "Zoning Ordinances of the City of Cambridge", is hereby amended as follows:

The second sentence of section 1, subsection 1 of Article VII, entitled: "Off-Street Parking and Loading Requirements", is hereby amended by adding after the phrase, "No permit shall be issued for the erection of a new structure, the enlargement of an existing structure...", the following: "the conversion of any rental housing units to condominium units,..."

So that the entire sentence will appear as follows:

"No permit shall be issued for the erection of a new structure, the enlargement of an existing structure, the conversion of any rental housing units to condominium units, or the development of a land use, unless the plans show specific location and size of the off-street parking required to comply with the regulations set forth in this Article and the means of access to such space from public streets.

# City of Cambridge

## PUBLIC HEARING

The Committee on Ordinances comprised of the entire membership of the City Council will hold a public hearing on Monday, December 19, 1977 at 6:00 P. M. in the City Council Chamber, City Hall, Cambridge, Massachusetts on the proposed amendment to the General Ordinances of the City of Cambridge in Chapter Eleven entitled: "Health and Housing", Article III entitled: "Housing Code Regulations" by adding at the end thereof two new sections 11-10 and 11-11 entitled: "Change of Occupancy Certificate", which reads as follows:-

### Section 11-10. Change of Occupancy Certificate.

Whenever a dwelling unit, apartment, or tenement, other than a hotel, motel, lodging house or dormitory is vacated by the occupant or occupants thereof, or within ten (10) days before the anticipated vacancy, such unit must be certified by the Department of Health and Hospitals or its agents, prior to being reoccupied by a new occupant, as meeting the standards set forth in "The State Sanitary Code, Article II, Minimum Standards of Fitness for Human Habitation" as promulgated and from time to time amended by the Department of Public Health of the Commonwealth of Massachusetts under the authority of General Laws, Chapter III, section 127A. If, after inspection of the premises by the Department of Health and Hospitals or its agents, the Department of Health and Hospitals determines that the owner should be given time to make repairs necessary to qualify for certification and the health and safety of any occupant is not thereby endangered, the Department of Health and Hospitals may issue a temporary certificate not to exceed thirty (30) days. No extension or renewals of this temporary certificate shall be issued. Any owner or lessor of such property used for dwelling purposes failing to comply with this regulation shall pay a fine of Twenty Dollars (\$20.00) each and every day he allows any person or persons to live, occupy, or inhabit the said premises without having received a change of occupancy certificate from the Department of Health and Hospitals. Information concerning whether or not a Certificate has been issued by the Department of Health and Hospitals for a particular unit shall be a matter of public record. Upon issuance of such certificate, it shall be prominently posted in the unit for which it was issued.

Each unit shall be required to be certified only once in any given twelve (12) month period. Any building, construction of which was completed within five (5) years of the effective date of the ordinance and any unit or units in an owner occupied single, two or three family house shall be exempt from the provisions of this ordinance.

### Section 11-11.

All lodging houses, dormitories, hotels and motels shall be inspected annually for purposes of determining whether they meet the standards set forth in "The State Sanitary Code, Article II, Minimum Standards of Fitness for Human Habitation".

For the Committee,

David Clem,  
Chairman.

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Councillor Duehay informed the City Council that he has worked for two years on this subject with the various departments concerned in order to find a solution to the problems which the proposed ordinance wished to correct.

The City Council heard from Vasco Lima, 1564 Cambridge Street, who appeared in opposition to the proposed ordinance and stated that the person moving into an apartment should be the judge of its fitness not the Health Department, that this is the American way and that this is not Russia.

Mr. Carl Barron of Randolph Street, Belmont, gave his qualified support to the proposed ordinance and queried about inspections not being made in due time and suggested that tacit approval should be provided for so that the landlord won't lose the income. He questioned whether or not trained, skilled staff would be available and whether a cut in the plaster would be sufficient grounds for denial of a certificate. He further asked how a tenant would be evicted after the inspection was made and how could an owner who was unable to repair pay \$20.00 per day for each violation. He stressed the need for an ordinance but not the ordinance that has been submitted.

Councillor Clem stated that every owner would lose one month's or two month's rent due to the fact that a ten day waiting period was provided in the ordinance.

Dr. Comunale, Director of Health and Hospitals, appeared in support of the proposed ordinance and stated that he favored the modified ordinance as stated by Carl Barron and the issuance of a temporary certificate of occupancy during the inspection period. He further stated that they could streamline the operation by the inspectors.

Mayor Vellucci moved that they refer this matter to the next City Council.

Councillor Clem stated that a representative of the Community Development Department's Rehabilitation Division was working with the Health Department on this problem to determine priorities for enforcing the State Code.

Councillor Duehay moved to refer this matter to the next City Council and requested the City Clerk in writing to record all the suggestions made tonight and provide copies to all City Councillors and to the City Solicitor and further that the City Solicitor, after reviewing the suggestions offered during the hearing, draft a new ordinance after consultation with Mr. Carl Barron, Dr. Comunale, a representative of the Rehabilitation Division of the Community Development Department and the Rent Control Board. There being no objections, the motion carried.

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OFFICE OF  
THE CITY CLERK

December 21, 1977

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City Solicitor  
City Hall  
Cambridge, MA 02139

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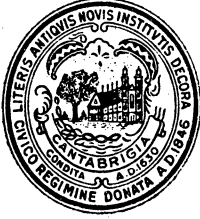
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0-30

Proposed amendment to the General Ordinances of the City of Cambridge submitted by C. Duehay providing for new sections 11-10 and 11-11 entitled, Change of Occupancy Certificate to be added at the end of Chapter 11 entitled "Health and Housing", Article III entitled "Housing Code Regulations".

In City Council,  
May 16, 1977

5/16/77

Referred to the  
Committee on Ordinances

Copy sent to C. Clem.  
5-18-77

Copy sent to Building  
9/15/77 dl