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February 28, 1996

TO THE HONORABLE, THE CAMBRIDGE CITY COUNCIL:

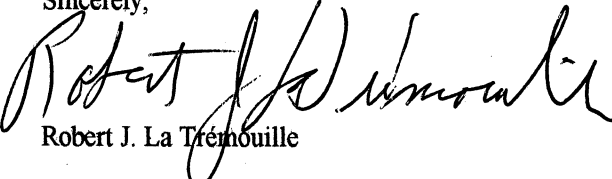
Enclosed are two documents I would like to discuss with the City Council at its March 4, 1996 meeting.

1. A script entitled: "The Threat to Cambridge Tenants - The "Radicals", from my show, "The Cambridge Environment", presented on Cambridge Cable Channel 55 on January 28, 1996.
2. A statutory reprint from the 1995 pocket part to United States Code Annotated, with regard to Title 12, Sections 4119, 4120 and 4121. This copy was made last week end at Boston University. At that time, I reviewed the cumulative index to their most recent statutory supplement to USCA, dated November 1995. It reflected no changes to these statutes.

These documents concern the following items listed for the February 26, 1996, meeting and which I anticipate will be listed in the same matter for the March 4 meeting: Tabled items 5 and 6 and communication number 16.

It is rather clear that I will be discussing a topic on the minds of many people at that meeting, but from a point of view which will be strikingly different. I specifically request that I be allowed the usual 10 minutes on this topic.

Sincerely,

  
Robert J. La Trémouille

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**THE THREAT TO CAMBRIDGE TENANTS - THE "RADICALS"**  
"The Cambridge Environment", Cambridge Cable Channel 55, January 28, 1996  
Robert J. La Trémouille

In my discussions with my last two guests, I expressed concern about Cambridge organizations. In last week's show, Leslie Sciascia and I both expressed concern that a city which sounds as politically correct as Cambridge can be so politically incorrect in practice.

This week I will try to analyze the Cambridge tenant situation, since it is the most clear and unsubtle part of the problem. It shows dramatically just how bad Cambridge can be.

Talk to your friendly neighborhood tenant activist. Ask your friendly tenant activist a question whose answer should be obvious. The fact that the answer turns out to be anything but obvious will show you just how bad the Cambridge tenant situation is.

Ask your friendly neighborhood tenant activist

1. Would he or she allow people in their organization who had a record of ruthlessly attacking tenants?
2. Would he or she allow people in their organization who loudly proclaimed themselves pro-tenant, but, when you scratch the surface are ruthlessly anti-tenant except for themselves or people like themselves?

Your friendly neighborhood tenant activist will almost certainly try to change the subject.

The refusal of your friendly neighborhood tenant activist to require so-called tenant "activists" to be pro-tenant is the problem which destroys the Cambridge tenant movement.

To understand how we got into this mess, it is helpful to look back at the roots of Cambridge tenant organizations. Those roots lie in the 60's.

There are two types of activists who stem from the 60's.

1. The first type, the type you hear about, is the idealist, Civil Rights or environmental type, the liberal or progressive.
2. The second type, the type which seems to dominate the Cambridge tenant movement is the ruthless core radical.

The radicals attempt to subvert the progressives to the ends of the radicals. The radicals prey on the decency of the progressives. The radicals couch some very non-liberal and, in fact, anti-liberal concepts in liberal terms.

The liberals are the Martin Luther Kings and the Freedom Riders with their peaceful, non-violent actions.

The radicals try to attract decent human beings who are impressed by the hero liberals. The radicals, however, are violent people who use the language of the liberals but who sully and subvert very fine and noble concepts into ignoble actions.

I blame the radicals for the death of the Cambridge tenant movement in Cambridge. I blame the ruthlessness and destructiveness of the radicals for the vacuum which I think the landlords stepped into. I blame the radicals for what I see to be forthcoming severe damage to Cambridgeport.

My college experiences in the 60's and 70's will help in understanding the difference between the two movements.

I attended UMass-Amherst from January '64 to June '68. I attended Boston University Law from September '70 to June '73.

The fall after graduation from UMass-Amherst, I returned to UMass for homecoming. That was the fall of 1968. During that week end, I had coffee in a group in the student center, a group which included the Dean of Students. Dean of Students William Field was kind enough during that discussion to refer to me as the most dangerous student on campus.

Dean Field was right. Whether he intended it as such or not, his comment was praise from a person against whom I had been a visible leader in a highly sophisticated, professional, peaceful movement.

At no time at UMass-Amherst did I participate in demonstrations. At no time did I participate in sit-ins. I did not participate in the non-violent, reflective sit-ins of Dr. King, nor did I participate in the obstructive, violent demonstrations of the radicals.

I and my associates did an excellent job at UMass of organizing a campus full of moderate people because we were moderates. We did not organize a small group of extremists. We organized a twelve thousand student campus. We saw very real problems in the way students were required to live. We went a long way toward solving those problems.

We worked to implement the ideals of the prior generation without the hypocrisies of the prior generation and without the hypocrisies of the radicals. We organized on issues which were bread and butter for students living on campus. We led New England in what we achieved.

Although I did not participate in the actions against the war on campus, I supported the right of people to peacefully communicate, particularly for those with minority opinions.

As a law student at Boston University, I had very limited free time available. Nevertheless, I spent much of my time speaking up for free speech and freedom of minorities from violence. As such I stood up for and, in the most radical of terms, defended the right of the supporters of the war to organize and communicate. I defended that right against ruthless, violent oppressors, the radical movement.

I did not change from my undergraduate days to law school in my opinions concerning minority rights. What changed was the identity of the oppressing class.

There were two types of people at BU who strongly appreciated my actions against minority oppression. These were the oppressed and the core radicals. The oppressed, the supporters of the war, liked my words for obvious reasons. Key individuals among the core radicals liked my words because I was one of the few people on campus who really understood what they were saying and who implemented what they were saying, rather than what they were doing.

The radicals had a particular type of organization. From the point of view of the public, they were amorphous, without shape. From reality the core was really a very small number.

These people in the radical core created multiple organizations and joined multiple organizations. The purpose was to convert as many liberals or progressives as possible to their core cause, without the converts realizing what was going on.

Many radical influenced organizations did things which decent human beings would consider offensive. If an organization did something that was considered particularly repulsive by the student community, the organization suddenly disappeared.

The organization that disappeared, however, was a name which was used to describe certain people in a particular structure. In reality what was happening was that the same small group was at the core of many different so-called separate organizations. This small group would vary the name of the organization, the supposed leaders and the particular stated goals. There was the presence of a common core in a large number of organizations.

When one of the group of organizations was killed because the campus community found its behavior offensive, the radical core continued unbroken in the other, supposedly independent, organizations. The various organizations might

or might not include all of the members of the core. Actual stated participants would vary a little bit. The big "difference" would be in who was called the leader and who was called the follower.

If you went to one of the surviving organizations after an organization "disappeared", you would see people there who had been involved in the horrible actions of the "disappeared" organization.

If you asked what people who had done such a horrible thing were doing there, their comrades would say that the people could not be kept out.

The Cambridge tenant movement from about 1980 to 1995 was dominated by a small group of radicals centered in Cambridgeport. Many individuals, however, who called themselves radicals were decent people who called themselves radicals because the radicals seemed to be the people who accomplished things. The core group seems to be modeled upon the student groups of the 60's and 70's.

As usual, the core group is shapeless to the outsider. As usual, the core group operates through multiple front organizations. As usual, the core group sounds great, but when you scratch the surface, there are significant differences from the liberals or progressives whom they try to fool into converting to their cause.

A few weeks ago, I had a discussion with a Cantabridgian who could be either a core member or a follower. He belongs to at least one organization under the influence of the core radicals. Our discussion included mention of the lawless behavior involved in approvals for what looks like a high priced super market going in at the corner of River and Putnam, the Elbury Ford site.

That person's explanation of the lawlessness was an ends-justify-the-means explanation. The cause is right. We will use any means to get it. He cited the Freedom Riders.

The Freedom Riders and Dr. Martin Luther King were not radicals. They were progressives. They were liberals. They were talking to an earlier generation. They were telling that earlier generation to implement the values of the earlier generation. They were telling that earlier generation to implement those values without the hypocrisies that had obscured the values.

When you have bad laws instituted by a bad government, under our system, it is frequently impossible to overturn those laws unless brave people deliberately violate the laws and test those laws in court.

It is one thing to peacefully violate a bad law for the purpose of lawfully overturning that bad law while accepting the consequences should you be proven wrong. It is totally different simply to violate any and all laws which stand in your way, or to violate any and all measures of common decency which stand in the way of your goal. The radicals also differ from those real heroes because the radicals do not have the morale decency to take responsibility for their actions. The heroes were willing to go to jail if their violation of Jim Crow laws turned out to be wrong. The radicals have contempt for law except insofar as saying otherwise might turn liberals to their cause.

Peacefully violating a bad law for the purpose of overturning it is a liberal or progressive action. Violating any and all laws, or common decency, which get in your way, is the way of the radicals.

Dr. King and his fellow heroes represented decency and honor in the best American tradition. The shadowy radicals represent contempt for law and contempt for honor. Their tradition is one that views decency and honor as weaknesses to be preyed upon.

Cambridge's small clique of radicals can best be known for organizations with universal pretensions which restrict themselves to Cambridge membership.

One such organization was the Cambridge Committee to Oust the Shah, or whatever it called itself. Self-proclaimed supporters of "freedom" aggressively fought for and achieved the enslavement of a nation, Iran. They demeaned Iranian women. They achieved large scale killing. They achieved a totalitarian state. They achieved large scale oppression of

rights of free speech. Our pious radicals brag of their fight to create this offensive state. In the same voice, however, they deny responsibility for the vile situation they created.

Another such committee of the radicals was the Cambridge Committee for Peace and Freedom in Central America. Another such committee is the Ward V Democratic Committee. Another such committee was or is the Riverside Cambridgeport Community Corporation. Another such committee was the Simplex Steering Committee. Another such committee is the Cambridge Rainbow Coalition. Another such committee is CEOC. Another such committee is the Eviction Free Zone.

In order to give this shadowy radical clique a usable name for reference purposes, I call it the "C-clique" in honor of its apparent leader.

The radicals took over the Cambridge tenant movement. Through William Noble and Michael Turk, they dominated Cambridge Tenants organizations from about 1980 to 1995. Noble was the radicals' man. Turk was the person with respect through which Noble acted. The organizations used were principally those called the Cambridge Rent Control Coalition and the Cambridge Tenants Union, although many other front organizations were created.

The radicals' most visible foray into housing was the Riverside Cambridgeport Community Corporation, RCCC.

RCCC purchased a bunch of poor housing and proceeded to do a bad job of maintaining it. The tenants of RCCC indulged in good Liberal or Progressive action to defend their homes. They conducted a legal rent strike. RCCC proceeded to behave in a manner far more vile than I have ever seen any other landlord behave. RCCC responded with the lack of ethics of a bunch of radicals.

RCCC threw all honor to the winds. I have never seen a landlord behave more ruthlessly and aggressively in court against its tenants. RCCC tried to crush the tenants by any means possible, including attacking those tenants' rights as tenants through any and all means they could try. RCCC lost every single attack on their tenants in court.

"Radicals" conducted a public relations attack on the RCCC tenants in private and in multiple letters to various editors.

RCCC was finally forced by the Court to sell the properties.

I have given the city council documentation of the RCCC expenditures. These court records say RCCC claimed \$180,000 in legal fees and costs. These Court records say the judge allowed payment of \$130,000.

The most visible of the radical RCCC officers who so ruthlessly attacked these tenants was the radicals' man in control of the Cambridge Tenants movement. The most visible of the RCCC officers was William Noble.

In the Cambridge tenant movement, William Noble, along with Michael Turk spent 15 years working to destroy any and all tenant initiatives that did not benefit William Noble or Michael Turk.

During ten of those years they were responsible for keeping going condo eviction of tenants whose interests were other than their own. They lost every meaningful tenant vote on the issue. When they lost, they just put their losing, pro-eviction, position out as the position of the organizations which had defeated their pro-eviction position.

I repeat, they lost every meaningful tenant vote on the issue of whether all tenants should be protected from condo eviction. When they lost, they just put their losing, pro-eviction, position out as the position of the organizations which had defeated their pro-eviction position.

In short, they behaved with the lack of ethics of radicals.

Behind the scenes the radicals gave Noble and Turk every assistance possible. The radicals stacked key meetings. One key meeting they stacked was a vote to bar Noble and Turk from the tenant movement. As I recall, Noble and Turk won by one vote. Thus did they defeat an attempt to bar them from the tenant movement because of their destructive behavior. A second key meeting which the radicals stacked was a meeting to oust Noble and Turk from power.

The lack of ethics involved in the falsification of organization positions on Condo evictions was something which did not concern the radicals. The radicals even had the nerve to organize 808 tenants and others in disappearing HUD housing. The radicals claimed to be on the side of these tenants at the same time as their people were keeping the condo eviction threat going.

The Cambridge tenants movement was destroyed from within with these two at the core. Nothing was allowed to be done which did not benefit Noble and Turk. People came to meetings. People left in disgust. The organization shrunk to meaninglessness because it had no idealism. All that was left was the demand to protect Noble, Turk and people like Noble and Turk. All the tenant movement had was this position and the oft repeated position that to defend tenants in significantly different circumstances from Noble and Turk was "anti-tenant".

Is it any wonder that contempt was created for the Cambridge tenants movement? Is it any wonder the tenant movement became a hollow shell?

A referendum was proposed last year after the death of rent control to reinstate a form of rent control. That 1995 referendum concept made good sense in principle. That 1995 referendum initiative was destroyed from within. Two key provisions which would have made the 1995 referendum attractive to the rest of the state were killed. These provisions would have undone the key barriers to home rule which made the anti-rent control referendum work in 1994. Those provisions did not directly benefit Noble and Turk. They were killed.

A provision was added to the referendum which was highly offensive to the rest of the state. That provision pushed a radical cause, trucks on Memorial Drive. It did so by destroying zoning protections in every single Massachusetts city and town.

Noble and Turk were in the middle of this organization which destroyed its own referendum.

It is the position of the radicals that the most offensive thing a tenant activist can do is to try to get William Noble or Michael Turk temporarily or permanently out of the tenant movement. The radicals never say why it is so offensive to try to rid the tenant movement of people who have done so much harm to the movement. The radicals call mere discussion of a house cleaning unacceptable.

The radicals call unacceptable mere discussion of barring a person for being a leader of the highly offensive and highly ruthless RCCC attacks on tenants.

The keeping of Noble and Turk in tenant organizations forces me to remember the situation at Boston University, the situation where radicals formed multiple organizations and that, when one of the organizations did something particularly offensive to the public, the organization was folded, but the core group stayed in the other "organizations", with the only explanation "we cannot keep them out".

The radicals will not admit error, no matter how vile or obvious. The radicals kept people in the tenant movement who destroyed the movement. The radicals do not have the decency or honor to correct their vilest errors.

As for your friendly neighborhood tenant activist, the one who will not give the tenant movement a chance to succeed, by requiring participants to be pro-tenant, well, I cannot say if that activist is one of the vile radical core or is a duped, well meaning liberal. I can say it makes no practical difference which that person is. The Cambridge tenants movement, at present, stands no chance of meaningfully protecting Cambridge tenants.

As well, I cannot with honesty say what the radicals, the C-clique's full, hidden goals are. I can say with certainty that an organization with the radical C-clique behind it must be highly suspect.

**I VERY STRONGLY AND VERY CERTAINLY DO SAY THAT ANY TENANT ORGANIZATION WHICH WILL NOT BAR PEOPLE WITH ANTI-TENANT RECORDS IS AN ORGANIZATION WHICH IS NEITHER FIT NOR CAPABLE OF REPRESENTING TENANTS.**

## § 4117. Delegated responsibility to State agencies

## (a) In general

In addition to any responsibilities delegated under section 4103(c) of this title, the Secretary shall delegate some or all responsibility for implementing this subchapter to a State housing agency if such agency submits a preservation plan acceptable to the Secretary.

## (b) Approval

State preservation plans shall be submitted in such form and in accordance with such procedures as the Secretary shall establish. The Secretary may approve plans that contain—

- (1) an inventory of low-income housing located within the State that is or will be eligible low-income housing under this subchapter within 5 years;
- (2) a description of the agency's experience in the area of multifamily financing and restructuring;
- (3) a description of the administrative resources that the agency will commit to the processing of plans of action in accordance with this subchapter;
- (4) a description of the administrative resources that the agency will commit to the monitoring of approved plans of action in accordance with this subchapter;
- (5) an independent analysis of the performance of the multifamily housing inventory financed or otherwise monitored by the agency;
- (6) a certification by the public official responsible for submitting the comprehensive housing affordability strategy under section 12705 of Title 42 that the proposed activities are consistent with the approved housing strategy of the State within which the eligible low-income housing is located; and
- (7) such other certifications or information that the Secretary determines to be necessary or appropriate to achieve the purposes of this subchapter.

## (c) Implementation agreements

The Secretary may enter into any agreements necessary to implement an approved State preservation plan, which may include incentives that are authorized under other provisions of this subchapter.

(Pub.L. 100-242, Title II, § 227, as added Pub.L. 101-625, Title VI, § 601(a), Nov. 28, 1990, 104 Stat. 4270.)

## HISTORICAL AND STATUTORY NOTES

## Revision Notes and Legislative Reports

1990 Act. Senate Report No. 101-316 and House Conference Report No. 101-943, see 1990 U.S.Code Cong. and Adm.News, p. 5763.

## Effective Dates

1990 Act. Amendment by Pub.L. 101-625 effective Nov. 28, 1990, see section 605 of Pub.L. 101-625, set out as a note under section 4101 of this title.

## Delegated Responsibility to State Agencies

Pub.L. 102-550, Title III, § 315, Oct. 28, 1992, 106 Stat. 3770, provided that: "The Secretary of Housing and Urban Development shall issue interim regulations implementing section 227 of the Housing and Community Development Act of 1987 (as amended by section 601(a) of the Cranston-Gonzalez National Affordable Housing

Act) [this section] not later than the expiration of the 30-day period beginning on the date of the enactment of this Act [Oct. 28, 1992], which shall take effect upon issuance. The Secretary shall issue final regulations implementing such section 227 [this section] after notice and opportunity for public comment regarding the interim regulations, pursuant to the provisions of section 553 of title 5, United States Code [section 553 of Title 5, Government Organization and Employees] (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section). The duration of the period for public comment shall not be less than 60 days, and the final regulations shall be issued not later than the expiration of the 60-day period beginning upon the conclusion of the comment period and shall take effect upon issuance."

## § 4118. Consultations with other interested parties

The Secretary shall confer with any appropriate State or local government agency to confirm any State or local assistance that is available to achieve the purposes of this title and shall give consideration to the views of any such agency when making determinations under this subchapter. The Secretary shall also confer with appropriate interested parties that the Secretary believes could assist in the development of a plan of action that best achieves the purposes of this subchapter.

(Pub.L. 100-242, Title II, § 228, as added Pub.L. 101-625, Title VI, § 601(a), Nov. 28, 1990, 104 Stat. 4271.)

## HISTORICAL AND STATUTORY NOTES

## Revision Notes and Legislative Reports

1990 Act. Senate Report No. 101-316 and House Conference Report No. 101-943, see 1990 U.S.Code Cong. and Adm.News, p. 5763.

## References in Text

This title, referred to in text, is a reference to Pub.L. 100-242, Title II, Feb. 5, 1988, as generally revised Pub.L. 101-625, Title VI, § 601(a), Nov. 28, 1990, 104 Stat. 4249, popularly known as the Low-Income Housing Preservation and

Resident Homeownership Act of 1990, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

## Effective Dates

1990 Act. Amendment by Pub.L. 101-625 effective Nov. 28, 1990, see section 605 of Pub.L. 101-625, set out as a note under section 4101 of this title.

## § 4119. Definitions

For purposes of this subchapter:

- (1) The term "eligible low-income housing" means any housing financed by a loan or mortgage—
  - (A) that is—
    - (i) insured or held by the Secretary under section 1715(d)(3) of this title and receiving loan management assistance under section 1437f of Title 42 due to a conversion from section 1701s of this title;
    - (ii) insured or held by the Secretary and bears interest at a rate determined under the proviso of section 1715(d)(5) of this title;
    - (iii) insured, assisted, or held by the Secretary or a State or State agency under section 1715z-1 of this title; or
    - (iv) held by the Secretary and formerly insured under a program referred to in clause (i), (ii), or (iii); and
  - (B) that, under regulation or contract in effect before February 5, 1988, is or will within 24 months become eligible for prepayment without prior approval of the Secretary.
- (2) The term "Federal cost limit" means, for any eligible low-income housing, the amount determined under section 4105(a) of this title.
- (3) The term "low-income affordability restrictions" means limits imposed by regulation or regulatory agreement on tenant rents, rent contributions, or income eligibility in eligible low-income housing.
- (4)(A) The term "low-income tenants" means families or persons with incomes that exceed 50 percent of the median income for the area (as determined by the Secretary with adjustments for family size) but do not exceed 80 percent of the median income for the area (as determined by the Secretary with adjustments for family size).
- (B) The term "very low-income tenants" means families or persons with incomes that are less than or equal to 50 percent of the median income for the area (as determined by the Secretary with adjustments for family size).
- (5) The term "moderate-income families or persons" means families or persons whose incomes are between 80 percent and 95 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families.
- (6) The term "nonprofit organization" means any private, nonprofit organization that—
  - (A) is organized or chartered under State or local laws;
  - (B) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;
  - (C) complies with standards of financial accountability acceptable to the Secretary; and
  - (D) has among its principal purposes significant activities related to the provision of decent housing that is affordable to very low-, low-, and moderate-income families.
- (7) The term "owner" means the current or subsequent owner or owners of eligible low-income housing.
- (8) The term "preservation equity" means, for any eligible low-income housing—

1995 Pocket Part, Stat'y Suppl cancellable to PL 104-401  
No changes.

(A) for purposes of determining the authorized return under section 4104(a) of this title and providing incentives to extend the low-income affordability restrictions on the housing under section 4109 of this title—

(i) the preservation value of the housing determined under section 4103(b)(1) of this title; less

(ii) any debt secured by the property; and

(B) for purposes of determining incentives under section 4110 and 4111 of this title and determining the amount of an acquisition loan under the provisions of section 1715z-6(f)(3) of this title—

(i) the preservation value of the housing determined under section 4103(b)(2) of this title; less

(ii) the outstanding balance of the federally-assisted mortgage or mortgages for the housing.

(9) The term "preservation value" means, for any eligible low-income housing, the applicable value determined under paragraph (1) or (2) of section 4103(b) of this title.

(10) The term "Secretary" means the Secretary of Housing and Urban Development.

(11) The term "resident council" means any incorporated nonprofit organization or association that—

(A) is representative of the residents of the housing;

(B) adopts written procedures providing for the election of officers on a regular basis; and

(C) has a democratically elected governing board, elected by the residents of the housing.

(Pub.L. 100-242, Title II, § 229, as added Pub.L. 101-625, Title VI, § 601(a), Nov. 28, 1990, 104 Stat. 4271, and amended Pub.L. 102-550, Title III, §§ 310, 317(a)(5), Oct. 28, 1992, 106 Stat. 3765, 3772; Pub.L. 103-327, Title II, Sept. 28, 1994, 108 Stat. 2316.)

#### Termination of Amendment

*Amendment by section 601(e) of S. 2281, Title VI, One-hundred third Congress, reported July 13, 1994, as incorporated into permanent law by Pub.L. 103-327, Title II, Sept. 28, 1994, 108 Stat. 2316, in part, which amended par. (4) by designating text as subpars. (A) and (B) and defining terms "low-income tenants" and "very low-income tenants" with respect to percentages of median income rather than defining terms "low-income families or persons" and "very low-income families or persons" in terms of section 1437a(b)(2) of Title 42, effective only during fiscal year 1995, see Title II of Pub.L. 103-327, in part, set out as a note under section 4112 of this title.*

#### HISTORICAL AND STATUTORY NOTES

##### Revision Notes and Legislative Reports

1990 Act. Senate Report No. 101-316 and House Conference Report No. 101-943, see 1990 U.S.Code Cong. and Adm.News, p. 5763.

1992 Acts. House Report No. 102-760 and House Conference Report No. 102-1017, see 1992 U.S. Code Cong. and Adm. News, p. 3281.

##### Amendments

1992 Amendments. Par. (1)(A)(i). Pub.L. 102-550, § 310, substituted "receiving loan management assistance under section 1437f of Title 42 due to a conversion from section 1701s of this title" for "assisted under section 1701s of this title or section 1437f of Title 42".

Par. (11)(A). Pub.L. 102-550, § 317(a)(5), substituted "residents" for "resident".

##### Effective and Termination Dates

1994 Acts. Section 601(e) of S. 2281, Title VI, One-hundred third Congress, reported July 13, 1994, as incorporated into permanent law by

Pub.L. 103-327, Title II, Sept. 28, 1994, 108 Stat. 2316, in part, deemed enacted into law on Sept. 28, 1994, and to be effective only during fiscal year 1995, see Title II of Pub.L. 103-327, in part, set out as a note under section 4112 of this title.

Amendment by section 601(e) of S. 2281, as incorporated into permanent law by Pub.L. 103-327, effective Sept. 28, 1994, see section 601(f) of S. 2281, as incorporated into permanent law by Pub.L. 103-327, set out as a note under section 4112 of this title.

1992 Acts. Except as otherwise provided, amendment by Pub.L. 102-550 effective Oct. 28, 1992, see section 2 of Pub.L. 102-550, set out as a note under section 5301 of Title 42, The Public Health and Welfare.

1990 Act. Amendment by Pub.L. 101-625 effective Nov. 28, 1990, see section 605 of Pub.L. 101-625, set out as a note under section 4101 of this title.

#### LIBRARY REFERENCES

##### Law Reviews

Prepayment rights: Abrogation by the Low-Income Housing Preservation and Resident

Homeownership Act of 1990. Howard D. Cohen and Taylor Mattis, 28 Real Prop.Prob. & Tr.J. 1 (1993).

#### § 4120. Notice to tenants

Where a provision of this subchapter requires that information or material be given to tenants of the housing, the requirement may be met by (1) posting a copy of the information or material in readily accessible locations within each affected building, or posting notices in each such location describing the information or material and specifying a location, as convenient to the tenants as is reasonably practical, where a copy may be examined, and (2) supplying a copy of the information or material to a representative of the tenants.

(Pub.L. 100-242, Title II, § 230, as added Pub.L. 101-625, Title VI, § 601(a), Nov. 28, 1990, 104 Stat. 4273.)

#### HISTORICAL AND STATUTORY NOTES

##### Revision Notes and Legislative Reports

1990 Act. Senate Report No. 101-316 and House Conference Report No. 101-943, see 1990 U.S.Code Cong. and Adm.News, p. 5763.

101-625, set out as a note under section 4101 of this title.

##### Effective Dates

1990 Act. Amendment by Pub.L. 101-625 effective Nov. 28, 1990, see section 605 of Pub.L.

#### § 4121. Definitions of qualified and priority purchaser and related party rule

##### (a) Priority purchaser

The term "priority purchaser" means (A) a resident council organized to acquire the housing in accordance with a resident homeownership program that meets the requirements of this section, and (B) any nonprofit organization or State or local agency that agrees to maintain low-income affordability restrictions for the remaining useful life of the housing (as determined under section 4112(d) of this title).

##### (b) Qualified purchaser

The term "qualified purchaser" means any entity that agrees to maintain low-income affordability restrictions for the remaining useful life of the housing (as determined under section 4112(c) of this title), and includes for-profit entities and priority purchasers.

##### (c) Related parties

Except as provided in subsection (d) of this section, the terms "qualified purchaser" and "priority purchaser" do not include any entity that, either directly or indirectly, is wholly or partially owned or controlled by the owner of the housing being transferred under this subchapter, is under whole or partial common control with such owner, or has any financial interest in such owner or in which such owner has any financial interest. The Secretary shall issue any regulations appropriate to implement the preceding sentence.

##### (d) Management exception

A qualified purchaser shall not be precluded from retaining as a property management entity a company that is owned or controlled by the selling owner or a principal thereof if retention of the management company is neither a condition of sale nor part of consideration paid for sale and the property management contract is negotiated by the qualified purchaser on an arm's length basis.

(Pub.L. 100-242, Title II, § 231, as added Pub.L. 101-625, Title VI, § 601(a), Nov. 28, 1990, 104 Stat. 4273, and amended Pub.L. 102-550, Title III, § 317(a)(6), Oct. 28, 1992, 106 Stat. 3772.)

## HISTORICAL AND STATUTORY NOTES

## Revision Notes and Legislative Reports

1990 Act. Senate Report No. 101-316 and House Conference Report No. 101-943, see 1990 U.S. Code Cong. and Adm. News, p. 5763.

1992 Acts. House Report No. 102-760 and House Conference Report No. 102-1017, see 1992 U.S. Code Cong. and Adm. News, p. 3281.

## Codifications

Another section 231 of Pub.L. 100-242, as originally enacted, amended section 1715z-6 of this title by adding a subsec. (f), relating to insurance of equity loans.

## § 4122. Preemption of State and local laws

## (a) In general

No State or political subdivision of a State may establish, continue in effect, or enforce any law or regulation that—

(1) restricts or inhibits the prepayment of any mortgage described in section 4119(1) of this title (or the voluntary termination of any insurance contract pursuant to section 1715t of this title) on eligible low income housing;

(2) restricts or inhibits an owner of such housing from receiving the authorized annual return provided under section 4104 of this title;

(3) is inconsistent with any provision of this subchapter, including any law, regulation, or other restriction that limits or impairs the ability of any owner of eligible low income housing to receive incentives authorized under this subchapter (including authorization to increase rental rates, transfer the housing, obtain secondary financing, or use the proceeds of any of such incentives); or

(4) in its applicability to low-income housing is limited only to eligible low-income housing for which the owner has prepaid the mortgage or terminated the insurance contract.

Any law, regulation, or restriction described under paragraph (1), (2), (3), or (4) shall be ineffective and any eligible low-income housing exempt from the law, regulation, or restriction, only to the extent that it violates the provisions of this subsection.

## (b) Effect

This section shall not prevent the establishment, continuing in effect, or enforcement of any law or regulation of any State or political subdivision of a State not inconsistent with the provisions of this subchapter, such as any law or regulation relating to building standards, zoning limitations, health, safety, or habitability standards for housing, rent control, or conversion of rental housing to condominium or cooperative ownership, to the extent such law or regulation is of general applicability to both housing receiving Federal assistance and nonassisted housing. This section shall not preempt, annul, or alter any contractual restrictions or obligations existing before November 28, 1990, that prevent or limit an owner of eligible low-income housing from prepaying the mortgage on the housing (or terminating the insurance contract on the housing).

(Pub.L. 100-242, Title II, § 232, as added Pub.L. 101-625, Title VI, § 601(a), Nov. 28, 1990, 104 Stat. 4273, and amended Pub.L. 102-550, Title III, § 311, Oct. 28, 1992, 106 Stat. 3765.)

## HISTORICAL AND STATUTORY NOTES

## Revision Notes and Legislative Reports

1990 Act. Senate Report No. 101-316 and House Conference Report No. 101-943, see 1990 U.S. Code Cong. and Adm. News, p. 5763.

1992 Acts. House Report No. 102-760 and House Conference Report No. 102-1017, see 1992 U.S. Code Cong. and Adm. News, p. 3281.

## Amendments

1992 Amendments. Subsec. (b). Pub.L. 102-550, § 317(a)(6), substituted "4112(c)" for "4112(d)".

## Effective Dates

1992 Acts. Except as otherwise provided, amendment by Pub.L. 102-550 effective Oct. 28, 1992, see section 2 of Pub.L. 102-550, set out as a note under section 5301 of Title 42, The Public Health and Welfare.

1990 Act. Section to take effect Nov. 28, 1990, see section 605 of Pub.L. 101-625, set out as a note under section 4101 of this title.

1992, see section 2 of Pub.L. 102-550, set out as a note under section 5301 of Title 42, The Public Health and Welfare.

1990 Act. Amendment by Pub.L. 101-625 effective Nov. 28, 1990, see section 605 of Pub.L. 101-625, set out as a note under section 4101 of this title.

## § 4123. Severability

If any provision of this subchapter, or the application of such provision with respect to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to any other person or circumstance, shall not be affected by such holding.

(Pub.L. 100-242, Title II, § 233, as added Pub.L. 101-625, Title VI, § 601(a), Nov. 28, 1990, 104 Stat. 4274.)

## HISTORICAL AND STATUTORY NOTES

## Revision Notes and Legislative Reports

1990 Act. Senate Report No. 101-316 and House Conference Report No. 101-943, see 1990 U.S. Code Cong. and Adm. News, p. 5763.

## References in Text

This Act, referred to in text, is a reference to Pub.L. 100-242, Title II, Feb. 5, 1988, as generally revised Pub.L. 101-625, Title VI, Nov. 28, 1990, 104 Stat. 4249, popularly known as the Low-Income Housing Preservation and Resident

Homeownership Act of 1990, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

## Effective Dates

1990 Act. Amendment by Pub.L. 101-625 effective Nov. 28, 1990, see section 605 of Pub.L. 101-625, set out as a note under section 4101 of this title.

## § 4124. Authorization of appropriations

## (a) In general

There are authorized to be appropriated for assistance and incentives authorized under this subchapter \$638,252,784 for fiscal year 1993 and \$665,059,401 for fiscal year 1994.

## (b) Grants

Subject to approval in appropriation Acts, not more than \$50,000,000 of the amounts made available under subsection (a) of this section for fiscal year 1993, and not more than \$50,000,000 of the amounts made available under subsection (a) of this section for fiscal year 1994, shall be available for grants under section 4111(d)(2) of this title.

(Pub.L. 100-242, Title II, § 234, as added Pub.L. 101-625, Title VI, § 601(a), Nov. 28, 1990, 104 Stat. 4274, and amended Pub.L. 102-550, Title III, § 301, Oct. 28, 1992, 106 Stat. 3762.)

## HISTORICAL AND STATUTORY NOTES

## Revision Notes and Legislative Reports

1990 Act. Senate Report No. 101-316 and House Conference Report No. 101-943, see 1990 U.S. Code Cong. and Adm. News, p. 5763.

1992 Acts. House Report No. 102-760 and House Conference Report No. 102-1017, see 1992 U.S. Code Cong. and Adm. News, p. 3281.

## Amendments

1992 Amendments. Pub.L. 102-550, § 301, substituted, in subsec. (a), in catchline, "In general" for "General", and in text, "\$638,252,784" for "\$425,000,000", "1993" for "1991", "\$665,059,401" for "\$353,000,000", and "1994" for "1992", and, in subsec. (b), "Subject to approval in appropriation Acts, not more than \$50,000,000 of the amounts made available under subsection (a) of this section for fiscal year 1993, and not more than \$50,000,000 of the amounts made

available under subsection (a) of this section for fiscal year 1994, shall be available for grants under section 4111(d)(2) of this title." for "Of the amounts made available under subsection (a) of this section, not more than \$100,000,000 for each of fiscal years 1991 and 1992 shall be available for grants under section 4111(d)(2) of this title, subject to approval in appropriations Acts".

## Effective Dates

1992 Acts. Except as otherwise provided, amendment by Pub.L. 102-550 effective Oct. 28, 1992, see section 2 of Pub.L. 102-550, set out as a note under section 5301 of Title 42, The Public Health and Welfare.

1990 Act. Amendment by Pub.L. 101-625 effective Nov. 28, 1990, see section 605 of Pub.L. 101-625, set out as a note under section 4101 of this title.

Consent Communication #21

S-110

Communication was received from Robert J. LaFremouille, Transmitting documents entitled "The Treat to Cambridge Tenants - The Radicals," and a statutory reprint from the 1995 US Code Annotated regarding Title 12, §4119, 4120 and 4121.

In City Council March 4, 1996

Placed on file