

City of Cambridge

HOUSING COMMITTEE MEMBERS

*Councillor Jim Braude, Chair
Councillor Kathleen L. Born
Councillor Henrietta Davis
Councillor Marjorie C. Decker
Vice Mayor David P. Maher*

In City Council September 10, 2001

The Housing Committee held a public hearing on May 22, 2001 beginning at 4:08 P.M. in the Sullivan Chamber for the purpose of discussing the progress made on improving the condition of the housing at Fresh Pond Apartments.

Present at the hearing were Councillor Jim Braude, Chair of the Committee, Councillor Kathleen L. Born, Councillor Henrietta Davis, Councillor Marjorie C. Decker, Councillor Kenneth E. Reeves and City Clerk D. Margaret Drury. Also present were Darcy Jameson, Director of Housing for the Community Development Department (CDD), and Elizabeth Sternberg, CDD, Maurice Barry, HUD, Richard Henken, Executive Vice President of Schochet Associates, Inc., Patricia Casola, tenant and president of Fresh Pond Tenants Association, Carol Eades, Expiring Use Tenants Committee, Elaine DeRosa, CEOC, Laura Boothe, CEOC, Susan Hegel, Attorney for Legal Services, Donna Bronk, property manager.

Councillor Braude convened the hearing and explained the purpose. He invited Darcy Jameson to begin.

Ms. Jameson began with a brief history of the City's efforts to preserve affordability at Fresh Pond Apartments. A year ago HUD approved prepayment of the existing mortgage in exchange for a use agreement, tenant protections and housing improvements.

Councillor Braude noted that essentially every member of the City Council has had recent contact with the parties involved in this matter, and that most have visited the building recently.

Maurice Barry, HUD, stated that the use agreement was executed in May 2000. HUD retrieved it in September 2000 and in October 2000, a "re-app" report was issued. In that report, the property received a score of 30% of 100 for compliance. The property was referred to the Enforcement Section for action. The owner appealed the score, and this property was reviewed and rescored as 61% of 100.

Mr. Barry said that to date \$1.4 million repairs have been completed, of which \$1 million were paid for from the replacement reserve fund. The MHFA is now the contract administrator, so MHFA will be doing inspections.

The current Section 8 utilization is approximately 305 units, up from 270 before the use agreement. MHFA performed a project management review - a combination of physical conditions and management practices. Overall, the physical condition was rated as unsatisfactory on March 13. The owners appealed. In a response after repairs MHFA found that the condition is now satisfactory.

The MHFA report listed two areas that MHFA wants the owner to address:

- repair the laundry rooms
- hallway door issue

It was noted that the MHFA only inspected vacant units. Councillor Braude asked whether occupied units could be included in future inspections and Mr. Henken said it could be done.

Mr. Henken stated that the property is clearly acceptable under law. However, a score of 61 is not acceptable to the owners. With regard to graffiti, toilet paper in trees, etc., these tenants need to have conversations with the tenants who are causing these conditions. The management cannot keep up with the graffiti, and the urine in the hallways.

Elaine DeRosa, Director of CEOC, began by stating that fingerprinting is inappropriate in light of the resources put into these buildings by HUD and the harassment of tenants that has occurred.

Ms. DeRosa said that CEOC has had a contract with the City since 1988 to work with tenants in expiring use buildings.

Susan Hegel, Housing Attorney, Cambridge and Somerville Legal Services (CASLS), stated that HUD has put a huge sum of \$15 million into these apartments. There are over 500 apartments. In addition, the owner was allowed to prepay and refinance. The written use agreement provides the city with rights to monitor in three areas. She noted provisions in use agreements.

1. Repairs and improvements - owner is required to submit monthly reports to MHFA.
2. Posting and distribution of the tenant selection and transfer plan.
3. Full utilization of Section 8 - There are 338 Section 8's. The owner submits a monthly report to MHFA on how many of these apartments are actually being rented to Section 8 tenants.

Mr. Barry said that HUD does not require the monthly reports, but it is perfectly reasonable and acceptable for MHFA to require them.

Mr. Henken said that he will see that these reports are sent to CDD. Mr. Henken said that he has no problem posting the tenant selection plan. It is being distributed to new tenants.

Mr. Henken said that he is happy to supply copies of these reports and information to CDD if the tenants will give copies to management of what information they are distributing to the city as well.

Carol Eade, Expiring Use Tenants Association, requested further inspection of the property. Based on their recent survey, there are still problems with vermin infestation, elevator door sensors and there are concerns about asbestos. She said that she would like to see an inspection of the below market rate interest units (BMIR). She is also concerned with discriminatory treatment of its tenants.

Mr. Barry said that HUD will be doing its own inspection of BMIR units.

Patricia Casola, Fresh Pond Apartments Tenants Association, provided a history of tenant involvement at Fresh Pond Apartment Housing. She said that in the February 8, 2001 project management inspections by MHFA, there was no tenant input, although this was requested. She fully agrees with the unsatisfactory rating. She outlined past discrimination against people with disabilities and longstanding mistreatment of activists by the management. Since Ms. Bronk has been involved with the North Cambridge Crime Task Force, police have been inappropriately involved and unresponsive to tenants. Appliances need replacement, especially stoves. Ceilings were not properly finished after asbestos remediation. She noted that there is asbestos in the hallway on the 27th floor. She suggested a careful look into the inspection process.

Councillor Born reviewed the improvements and renovations required by the use agreement and asked Mr. Barry if Schochet Associates has complied with the agreement. Mr. Barry said that with regard to the Section 8 utilization, all were aware at the time the use agreement was executed that achieving full compliance would take time.

Councillor Born then asked about asbestos testing, and whether the owner intends to do remedial cosmetic work to areas where the walls were damaged by the asbestos remediation. She suggested sampling 10% and based on the statistics repainting all of the bathrooms. Mr. Henken said that he has told these people for two years to call him if he has a problem.

Councillor Born said that one would expect that a reasonable property owner would go and look at units after they were remediated to see whether the work had been done satisfactorily.

Councillor Born reminded all that the goal of this meeting is to solve existing problems and find away to move forward.

Councillor Davis asked if there had been any thought to use of mediation to get to a more constructive relationship.

Kenneth Waldron, tenant at 364 Rindge Avenue said that he has been a tenant there for nine years. Lack of heat has been a consistent problem, so have rodents. In the process of dealing with the stove, he was served with an eviction notice with a claim that he had someone living there with him. The Police Task Force visited him at 9:00 p.m. based on a tip from Ms. Bronk that there were drugs in his apartment. Ms. Bronk called his mother in Ohio to say that he had an undesirable person living there.

Councillor Braude asked for a response regarding the heat issue. Ms. Bronk stated that she has been a property manager for 18 years, and that she could tell everyone what the problem is with this tenant and the police could too. Councillor Braude asked Ms. Bronk to please limit her comments to the heat. She said that she has never been made aware that Mr. Walker does not have heat.

Councillor Braude said that even if, hypothetically, the tenants are completely wrong and the owners are completely right, the fact that there are so many dissatisfied tenants at this hearing is a problem that must be solved. Councillor Braude said that a major goal of this hearing is to agree upon a mechanism through which landlords and tenants can communicate and address common problems.

Ms. DeRosa stated that the city needs to look at how the tenants assess their housing and their quality of life. She then summarized the recommendation from the Cambridge Expiring Use Tenants Committee for moving forward (Attachment).

Councillor Braude asked for a response to the recommendation from Ms. Jameson. She said that she is just seeing these recommendations for the first time. They appear to address some of the residents concerns and may provide a basis for a way to move forward. Mr. Henken stated that this is also the first time he is seeing the recommendations; they look reasonable, but he needs time to review them.

Councillor Braude offered to host one more meeting of the principals on this issue within a short period of time. He would like the City Council to take a look at police issues before there is any further discussion of it in this committee.

Ms. DeRosa suggested bringing in the MHFA. Ms. Jameson suggested putting the complaints in writing and giving the owner a chance to fix them.

Councillor Braude said that he wants to get to the basic communication issues as soon as possible; otherwise, the underlying problems will keep coming up again and again.

Representative Alice Wolf said that she toured the building yesterday with Councillor Born and Councillors Decker and Braude. She observed several safety issues

- stoves with gas leaks, elevator stops that were not functioning, and asbestos ceilings in need of finishing.

Mr. Henken urged tenants to let the management know immediately if there is suspicion of a gas leak. The ceiling issue is important to address but he wants to make it clear that it is not an asbestos issue, there is not a health and safety issue.

Councillor Braude noted a clear breakdown of communication.

Ms. Casola said that there is no asbestos in the bathrooms but it is present in the halls and in the other rooms of the apartment.

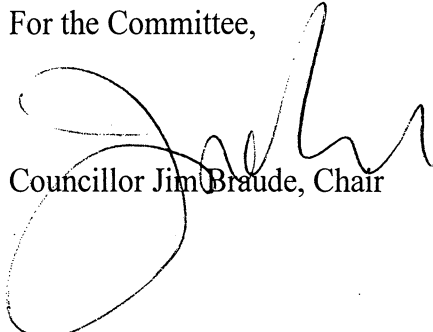
Mr. Henken said that if the tenants tell him there is a problem he will have it fixed; they should contact the management. Ms. Casola suggested that new tenants be informed of this. Ms. Bronk said that all staff have been trained on asbestos and what the staff can do and what they cannot do.

Robert Hall, Fresh Pond Apartments, stated that he has watched this process for a long time. He would like to see a monthly meeting of tenants and owners and management staff, where all are talking to each other, not "at" each other, with Mr. Henken present at the first few meetings.

Councillor Braude thanked all those present for coming. He noted the wonderful attendance and that is very rare to see the room filled to this extent.

The meeting was adjourned at 5:45 p.m.

For the Committee,



Councillor Jim Braude, Chair

The current Section 8 utilization is approximately 305 units, up from 270 before the use agreement. MHFA performed a project management review - a combination of physical conditions and management practices. Overall, the physical condition was rated as unsatisfactory on March 13. The owners appealed. In a response after repairs MHFA found that the condition is now satisfactory.

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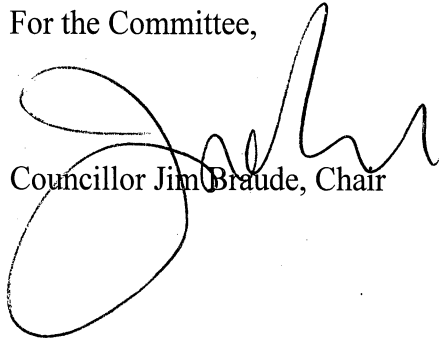
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S-13 Cal 5

Committee Report #2

Committee Report from Councillor
Jim Braude, Chair of the Housing
Committee, for a meeting held on
May 22, 2001 for the purpose of
discussing the progress made on
improving the condition of the
housing at Fresh Pond Apartments.

*In City Council
January 14, 2002*

PLACED ON FILE

In City Council September 10, 2001

*Charter Right exercised
by Councillor Braude*

*In City Council
September 24, 2001*

*Tabled on motion
of Councillor Braude.
In City Council
December 17, 2001*

*Referred to 2002-2003
City Council on motion
of Councillor Decker*