



CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9094

David E. Sullivan
City Councillor

April 11, 1980

REPORT ON THE COMMITTEE ON RENT CONTROL ON ADMINISTRATION OF THE CAMBRIDGE RENT CONTROL PROGRAM

APRIL - 1980

On February 21 and 28 and March 6, 1980, the Committee on Rent Control conducted a series of public hearings on the administration of the Cambridge rent control program. The Committee heard thirty witnesses, nine landlords and twenty-one tenants, describe their experiences with the program and offer suggestions for improvement. Four of the five Rent Control Board members and their Executive Director also appeared to respond to numerous questions by the Committee and the public. In addition, the Committee, or its chairman, have interviewed others, have examined Rent Control Department records, and have attended several Board and hearing examiner hearings. This report results from that effort.

Introduction

Nearly a decade ago, the Cambridge City Council confronted an "emergency" in rental housing, caused by housing demolition and deterioration, insufficient new construction, inflation, changing population, and rampant speculation. It responded by accepting the then statewide rent control enabling act, 1970 Massachusetts Acts ch. 842, thus commencing the rent and eviction control program in Cambridge. When the statewide act expired in

early 1976, the Council submitted and the Legislature enacted a special Cambridge rent control act, 1976 Massachusetts Acts ch. 36. And when the emergency became more acute because of condominium conversions and other attempts to avoid rent control by removing property from the rental housing market, the Council passed its "removal ordinance" to regulate these practices in August 1979. Cambridge City Code ch. 23, sect. 1.

Since its inception, the rent control program has consistently generated more controversy than any other city program. Its continuation and modification have dominated virtually every city election campaign since. The Rent Control Board and staff, collectively the "Rent Control Department", directly touch the lives of more Cambridge citizens than any other department, save perhaps the police, public works, and the schools. Millions of dollars turn on its decisions. So does the future of the city's population. For all these reasons, Cambridge must expect a special sensitivity and excellence in the administration of its rent control program.

Instead, serious problems characterize rent control administration in Cambridge today. "Crisis" is too sharp a word, "malaise" not pointed enough. To be sure, many Department personnel are hardworking, and they no doubt face unusual pressures from all sides. But a backlog of several hundred cases clogs the dockets. Unfair if inevitable "priorities" result, relegating landlords' decontrol queries and most tenant complaint proceedings to delays of half a year or longer. Public information and assistance suffer and become woefully inadequate. The Board's regulations have been out of print for months, yet personnel excoriate citizens for ignorance of the rules. Parties in interest must often perform the Department's clerical responsibilities, including typing hearing-examiner reports in their own cases. Staff attitude and morale lag and turnover in personnel increases. Tenants and landlords,

especially smaller landlords, suffer alike. The situation is simply unacceptable.

Two basic deficiencies underlie these difficulties. The first is financial: not enough personnel to perform the Department's required tasks. But the second, while less tangible, may be more important: lack of a sense of direction and of adequate administration. Both must be remedied. Substantial change for the better must occur, and soon.

Processing Cases

The Rent Control Board hears several different kinds of cases: evictions, individual and general rent adjustments, removal permits, "special cases" to decide whether a building is covered by rent control, and tenant complaints. Under the Board's procedures in almost all cases, a staff hearing examiner first conducts a fact-finding hearing and then makes a written report to the full Board, which then acts on the examiner's recommendation after further argument by the parties.

Over the years and especially recently, a backlog of several hundred cases has been allowed to accumulate. Mostly, the bottleneck occurs at the stage of preparing the hearing examiner's report. Some cases remain undecided for six months or a year. The Department's response has been an informal "priority" system, whereby evictions, especially for non-payment, are heard "quickly" (although even "top priority" non-payment evictions average more than fifty days from application filing to Board decision in contested cases, according to Department records). Removal permits, rent adjustments, special cases, and (finally) tenant complaints are deferred, in roughly that order. As a result, the Board often does not respond to inquiries from landlords whether buildings are covered by rent control for six months or more. Tenant complaints regarding harassment, overcharging, or violation of the removal ordinance may take even longer to resolve, and some complaints

filed a year ago have not yet been acted on. The Department admits that the median individual rent adjustment case requires four months to decide, and of course this means that many will consume still more time.

The experience of one small landlord is instructive. In August 1979, he bought a house and occupied part of it with his wife. Because the plans had once shown four units rather than the present three, they wrote to the Rent Control Board that month asking whether the building was exempt from control under the owner-occupant provision, section 3(b)(6) of the Act. A hearing examiner held a hearing in early November. From then until early March, the landlord repeatedly called the rent control office to learn of the case's status, pointing out that he did not feel comfortable charging more than the controlled rent without an official answer from the Board. Finally, in mid-March, he was told that the report determining that the building had been decontrolled was "in the mail". Not receiving it by the following week, he called again, only to be told that the original report had been "lost", his copy had not in fact been mailed, but that a new report would be prepared "soon".

This situation has several unfortunate effects. Most obviously, it prevents the proper and fair functioning of the program. It makes a mockery of "fair net operating income", at least for the small landlord. It increases public cynicism and reluctance to pursue important statutory rights and remedies. And it overburdens the Department's own information-giving resources unnecessarily, by producing repeated inquiries from frustrated citizens.

Lack of adequate clerical resources further exacerbates the situation. Even after examiners write their reports, it often requires weeks to have them typed, unless the moving party "volunteers" to do the typing instead. This unfortunate situation, with its potential abuse, simply cannot continue.

To correct these problems will first necessitate more staff. Appendix A shows the Executive Director's request for four part-time hearing examiners, two part-time clerk typists, one data entry clerk, and two reclassifications. Most of these part-time positions were funded for the remainder of fiscal 1980 by an \$18,550 supplemental appropriation passed by the City Council on January 21, 1980. The City Manager has removed these positions from the fiscal 1981 budget request because of fiscal constraints, however. At a minimum, it is essential that the Manager and Council restore these positions.

More staff alone will not solve the problems. Poor staff morale and lack of dynamic leadership have contributed to recent departures of key personnel; at the time of the Committee's hearings, only three of six full-time hearing examiner's positions were filled. One of these remaining examiners has notoriously delayed his reports for months on end, has drawn repeated warnings in writing from the Executive Director, and yet is still on the payroll. Staff supervision and training is deficient. Until administrative changes are made, under the City Manager's direction if necessary, the situation will not change substantially.

More regular and prompt general rent adjustments will also ease the crunch of individual adjustment petitions. Although the previous, January 1979 Committee report also made this recommendation, it took the Department from January, when it published its first notice of hearing, until October 1979 to implement the adjustment. Hearings on "disputes of affidavits of conditions" and "affidavits of compliance" still occupy the Board's time today. Improved administration of the general adjustment, on an annual basis, is necessary. (In this respect, the Committee notes that the Board has noticed a 1980 general adjustment hearing.) While it would be irresponsible

for even rent control supporters to oppose such regular adjustments in view of the present rampant inflation, the Board should not include the usual "adjustment to fair net operating income" or "profit inflator", for reasons stated in the 1979 report, and should take immediate steps, consistent with an energy conservation order now pending before the City Council, to ensure that fuel costs do not again result in outrageously high rent increases, like the twenty-five percent hikes prevalent in 1979. If these steps are taken, fairness to all sides should result, and the Board's caseload eased as well.

Finally, while the backlog continues, some priorities must still be set. Instead of the present blunderbuss categorizing by case type, the Rent Control Department should screen each complaint, application, or petition as it is docketed or assigned, so as to ascertain its urgency. This process will continue to be rough, but it is inevitable while the backlog persists. The best solution, of course, would be to eliminate delays entirely. (In this connection, the City Council on January 28, 1980 directed the Board to decide all cases within forty-five days, as of April 1, or to report in writing to this Committee the reason for delay. See Appendix B.)

Interaction With The Public

Repeated testimony at the Committee's hearings indicated that the Department's relations with the public it serves leave much to be desired. First, more attention is indicated to the human nature of the Department's "caseload". Isolated cases of rudeness need to be weeded out. Sanctions, including dismissals or defaults, should be imposed on parties who delay proceedings unnecessarily, keeping opposing representatives waiting, often during time off from work. "Ex parte" contacts (i.e., by only one party in private) with hearing examiners regarding the substance of pending cases must be more carefully policed and prevented.

The bulk of the problem, however, has to do with communication. People who need information about this important rent control program, both its general rules and procedures and its specific proceedings, are not receiving it adequately. The Board's own regulations have not been available to the public since about September 1979. No written documentation exists of final Board decisions and their rationales, as opposed to examiners' recommendations. Various hearing examiners rotate into and out of "public assistance", roles creating inconsistencies in advice and information given. Since December 1979, the Rent Control office has been closed to the public on Mondays. Small landlords and some tenants cannot cope with the maze of regulations and bureaucracy.

To take another example, the deadline under the Board's regulations for tenants to contest the 1979 general adjustment, by filing an "Affidavit of Conditions" to suspend the increase until repairs were made, was September 21. Reg. 92-02(e). But Department personnel continued to accept these forms after the deadline, and naturally enough, tenants (illegally) withheld the increase. They were never informed (nor were their landlords) that the forms were too late to produce Board action.

Again, significant change is called for. The Board's regulations cannot get back into print too quickly, and they must remain available and up-to-date. A small fee could be charged to defray expenses. (The Committee was informed that printed copies would be available by April 1.) The Board should issue a short, careful statement of reasons for its decisions, especially those in which a hearing examiner is reversed, new issues are presented, or judicial review appears likely. This will serve several purposes: providing the parties with a reasoned explanation of the result, furnishing precedent for future decisions which may be cited by parties,

and supplying a basis for judicial review "on the record"* These written opinions should be compiled and indexed by subject matter (as state agencies must do now, 801 CMR 1.03(11)), and they should be codified into regulations as soon as possible, to facilitate public awareness.

Still, the necessary complexity of Board processes, especially under present circumstances, seems to cry out for establishment of an ombudsman, to address the fundamental institutional obstacles. Accordingly, the Committee recommends passage of the draft ordinance attached as Appendix C. The rent control ombudsman, appointed by the City Manager with citizen participation, would have as his or her sole function improving communication between the Department and the public. Although the ombudsman would not actually appear on behalf of parties, he or she would provide expert legal and accounting assistance to them, supervise and coordinate all information and advice, prepare simple-language publications concerning rights and remedies, receive complaints from the public and seek to resolve them, bring administrative problems to the attention of the Executive Director and the Board and if necessary the City Manager and City Council, and in general represent the public interest within the Department and before the Board. The ombudsman could also publicize Rent Control Department services and procedures in the press and in the community. Because the ombudsman would remove some workload from existing personnel, little or no additional funding should be required for this position.

*Review is "on the record" in rent adjustment proceedings, Zussman v. Rent Control Board, 371 Mass. 632, 635-38, 359 N.E.2d 29, 31-33, (1976); Sherman v. Rent Control Board, 367 Mass. 1, 9-12, 323, N.E. 2d 730, 734-36 (1975); World Wide Realty v. Boston Rent Control Administration, 79 Mass. App. Ct. Adv. Sh. 588, 589, 387 N.E.2d 598, 600 (1979), but not in eviction certificate proceedings where the court hears the controversy "de novo". Gentile v. Rent Control Board, 365 Mass. 343, 349 and n.6, 312 N.E.2d 210, 215 and n.6 (1974). The considerations of these cases, namely requirement of a hearing and exercise of Board discretion, suggest that review of removal permit decisions will also be "on the record".

Role Of The Department

When the City Council and the Legislature created the rent control program, they of course established substantive defenses to rent increases and evictions in buildings covered. But they did more: instead of providing that these defenses were to be asserted in court, they established a citizen "Rent Control Board" to enforce these substantive rights by providing procedural justice as well. Both the City Council and the Legislature seem to have recognized that substantive rights are all but meaningless if they must be asserted only by unaffordable lawyers in formal court proceedings, before judges often unsympathetic to tenant interests and unknowledgeable about landlord-tenant law, able to enforce no consistent policy of interpretation, and without any ability to take affirmative action against patterns of abuse.

The Rent Control Board, in short, must not be an unfeeling court, but an administrative agency with a legislatively-mandated "mission" - like the NLRB (protecting labor organizing), the FTC (protecting consumers), the MCAD (protecting minority groups against discrimination), the State Ethics Commission (protecting citizens against corrupt public officials), OSHA (protecting workers' safety and health). Similarly, the Rent Board's "mission", spelled out quite clearly in the preambles of both the Rent Control Act and the removal ordinance,* is to protect Cambridge tenants, especially low and moderate income and elderly tenants, against unfair rents, arbitrary evictions, and loss of decent affordable housing. It is easy to criticize this statement unfairly; it does not imply that the Board or its hearing examiners should deal unfairly with landlords, should be "biased" in favor of tenants, or should apply the law other than impartially

*See, e.g., Mayo v. Boston Rent Control Administration, 365 Mass. 575, 579-81, 314 N.E.2d 118, 121-22 (1974).

and disinterestedly. On the other hand, it does impose on the Rent Control Department a fiduciary duty to safeguard the substantive statutory rights of tenants, whose economic circumstances, the City Council and Legislature have determined, place them in special vulnerability and consequent need of protection. It is this duty which appears to have escaped many of the Department's personnel.

Some instances are instructive. Although the Act explicitly grants the Board power to conduct investigations, issue cease-and-desist orders, bring civil actions to enforce the law, and commence criminal prosecutions in appropriate cases, these powers have seldom been exercised. Given the six-month delays referred to above, the Board's requirement of a formal tenant complaint and multiple hearings (with strict standing requirements) before it will even consider acting imposes insuperable practical obstacles to most affirmative action. For example, when violations of Board regulation 50-11, requiring notice of a tenant's legal rights to appear on a notice to quit, apparently caused several tenants to vacate a building without availing themselves of statutory rights and remedies, the Department failed even to consider taking action against the offending landlord. Most tenants who wish to press for action now retain counsel and proceed directly to court, thus effectively demonstrating the Department's virtual abdication of a crucial element in the legislative plan.

Far from taking an affirmative role, the Rent Control Department is reluctant even to defend its own decisions in court. Although the Department employs its own special trial counsel, it has failed to appeal several adverse District Court decisions, including one raising an important legal question concerning condominium evictions. In at least one case, the Committee heard testimony that the Board failed to appear at all to defend its refusal to issue a certificate of eviction. Even when the Board does

appear in certificate-of-eviction cases, it refuses to play an active role in presenting factual evidence; since these cases are heard "de novo" under the Gentile rule (see footnote, page 8), this constitutes abdication of a crucial portion of the case. In all these situations, the result in practice is to force affected tenants to retain a lawyer, to intervene, and in effect to try the Board's case for it. This eviscerates the procedural policy of the City Council and the Legislature almost completely in these cases.

Further complicating the problem is the lack of sympathy accorded the substantive legislative policies by judges now sitting in Cambridge District Court, the reviewing court for Rent Board matters under Section 10 of the Act. To resolve this problem, and the increasing court docket for housing problems in eastern Middlesex County, the Committee recommends a home rule petition to the Legislature for an Eastern Middlesex Housing Court similar to those already functioning in Boston and in Hampden County (Springfield). (See Appendix D)

Finally, in several instances, the Board's regulations reflect a practice of uniformly imposing external costs on tenants rather than landlords when admittedly difficult choices are presented. Two such situations, "profit inflator" rent increases and mammoth heating fuel cost increases resulting from inadequate insulation, have already been mentioned in the discussion of the general adjustment above. See also Reg. 72-04(a)(v), (b) (individual adjustments). Similarly, the Board has decided to grant building owners carte blanche to make - and bill tenants for - capital improvements without tenant consent in common areas of buildings, as opposed to individual apartments, Reg. 72-04(c); the effect in some cases has been to charge present tenants for the costs of condominium conversion which may eventually produce their eviction. And when "errors" appeared in some of the Depart-

ment's 1979 general adjustment notices, the Board made "corrections" effective and permitted increased rents to be charged, not only without the thirty-day notice required by the common law and by General Laws ch. 186, but actually retroactively - forcing low income tenants to pay several months' increase at once, or be evicted. In all cases, no doubt, persuasive arguments can be made in favor of allocating these costs both to landlords and to tenants. What is unacceptable is their consistent imposition solely on tenants, the class sought to be protected by the Department's legislative mandate.

Summary Of Recommendations

A. For the Rent Control Board

1. Eliminate the backlog of pending cases as soon as possible by use of new staff and better administration, including personnel changes where necessary. Report to this Committee in writing the reasons why any case requires substantially longer than forty-five days to decide. (Appendix B)
2. Type all documents using Department employees, beginning at once.
3. Improve staff supervision, training, performance, morale, and coordination.
4. Develop a system for screening incoming cases for priority consideration while the backlog persists, and eliminate priorities by case type only.
5. Provide an annual general rent adjustment which is implemented promptly. Do not include the traditional "profit inflator" or fuel costs resulting from inadequate insulation as components, nor as factors in individual adjustments.
6. Impose sanctions for unnecessary delay and waiting, including default or dismissal.

7. Prevent private contacts with hearing examiners regarding the substance of pending cases.
8. Make printed copies of regulations available to the public at once, perhaps at cost of publication.
9. Re-open the Rent Control office on Mondays as soon as possible.
10. Issue a short, carefully-worded statement of reasons for decisions especially when a hearing examiner is reversed, new issues are presented, or judicial review appears likely. Compile, index by subject matter, and codify these decisions.
11. Develop a sense of direction or "mission", by readiness to exercise affirmative roles in appropriate cases and by accelerating procedures for doing so.
12. Defend all decisions on judicial review, by presenting evidence when necessary, so as to eliminate the need for the prevailing party before the Board to intervene. Appeal to higher courts whenever the District Court seems wrongly-decided.
13. Revise policies which impose costs on tenants for undesired capital improvements in common areas and which correct mistakes in general adjustment notices retroactively.

B. For the City Manager

1. Include in the fiscal 1981 budget requested part-time hearing examiners and clerical personnel, and reclassify present personnel (Appendix A).
2. Re-examine Rent Control Department management practices and personnel and bring about whatever changes are necessary.

C. For the City Council

1. Restore to the fiscal 1981 budget funds for requested part-time hearing examiners and clerical personnel.
2. Pass the proposed order regarding fuel conservation in rent-controlled buildings.
3. Pass the proposed ordinance creating a rent control ombudsman (Appendic C).
4. Pass the proposed home rule petition for an Eastern Middlesex Housing Court (Appendix D).

For the Committee,

David E. Sullivan

David E. Sullivan
Chairman

DES/smc



APPENDIX A

CITY OF CAMBRIDGE

639 MASSACHUSETTS AVENUE

CAMBRIDGE, MASSACHUSETTS 02139

TEL 498-9077

RENT CONTROL BOARD

PETER D. STANTON, EXECUTIVE DIRECTOR

March 6, 1980

Councilor David Sullivan
City Council
City Hall
Cambridge, MA. 02139

RE: Rent Control Department Staffing

Dear Councilor Sullivan,

During the meeting of the Rent Control Committee on February 21, 1980, you asked me to prepare my recommendations concerning additional staff for the Rent Control Department. Through this letter I hope to provide you with this information.

The present staff of the Rent Control Department is as follows:

<u>Position</u>	<u>Status</u>	<u>No. of positions</u>
Executive Dir.	full-time	1
Assistant Dir.	full-time	1
Hearing Examiners	full-time	6
Legal Counsel	part-time	1
Special Assistant	full-time	1
Program Analyst	full-time	1
Senior Clerk/Steno.	full-time	2
Clerk/typist	full-time	3

Our present staff consists of 15 full-time positions and 1 part-time position.

I feel that this Department will be able to function more efficiently with the addition of 6 part-time positions and 1 full-time position. In addition, 2 of our present full-time clerical positions should be reclassified. The additions and reclassifications are as follows:

<u>New position</u>	<u>Status</u>	<u>No. of positions</u>
Hearing Examiner	part-time	4
Clerk/typist	part-time	2
Data Entry Clerk	full-time	1

Reclassifications

<u>Present position</u>	<u>New position</u>
Senior Clerk/Steno.	Principal Clerk
Clerk/typist	Senior Clerk/typist

Part-time Hearing Examiners

The four part-time Hearing Examiner positions are to assume the "public assistance" functions of the full-time Hearing Examiners. Relieving the full-time Examiners from this duty will result in more of their work time being devoted to writing hearing reports. Also, I believe this extra writing time will improve the quality of reports the Board must consider.

Part-time Hearing Examiners will have primary responsibility for hearing Tenant Complaint cases. This will greatly speed-up the processing of these cases.

These Examiners will not work variable hours. They will be expected to perform their duties during an established set of hours each week. The addition of these positions will allow this Department to more easily meet case load "crunches" and will provide the public with much improved service.

Part-time Clerk/typists

At the present time each of the five clerical personnel in this Department are assigned duties in addition to typing hearing reports. These duties are: dockets clerk, accounts/payroll clerk, receptionist and secretary to the Director. These duties consume between 50% and 100% of the weekly work time for each of the positions. Any remaining work time is used to type hearing reports.

The 2 part-time Clerk/typist positions shall function primarily as typists until our current typing backlog is relieved. Thereafter they shall perform whatever clerical tasks need to be completed. I believe these positions will help us to eliminate our typing problems because I will be able to allocate personnel with more flexibility.

Data Entry Clerk

The Data Entry Clerk position is needed to assist in maintaining the Rent Control computer data base file. This Department presently has one position, Program Analyst, to handle our data base maintenance system. The position of Program Analyst was created in 1976 before we had experience with our present computer system. It is now clear to me that in order to manage this system, I need at least one other person. In processing the 1979 General Adjustment, I personally spent several entire weeks assisting my Program Analyst simply because the work could not be completed by one person working alone. The fact that this Department relies more and more on the computer to increase our efficiency and effectiveness, makes it essential that this position be added to our staff. In addition, this person will help to insure that fewer errors will show up during a General Adjustment mailing and in fact may result in a net cost reduction if our computer processing time is lessened.

Reclassifications

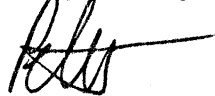
The reclassifications I propose are long overdue. The Dockets Clerk for this Department is classified as a Senior Clerk/ Stenographer. This position has evolved as a position which has supervisory duties. These duties include assigning tasks to the other clerical employees and monitoring the progress of assigned cases. I believe these duties necessitate that the position be reclassified to Principal Clerk.

The accounts/payroll clerk is classified as a Clerk/typist. The knowledge and expertise required to perform this function mandates, in my opinion, that the position be reclassified to Senior Clerk/typist.

Finally, I must state that I cannot guarantee that additional staff will bring about desired results - such as lessening processing time - but I firmly believe that with effective management of these new resources we will be able to achieve this goal and provide better service to the general public.

The Rent Control Board and I are strongly committed to making our procedures as speedy as possible, without sacrificing the requirements of due process. I thank you for giving me this opportunity to detail these matters.

Very truly yours,



Peter D. Stanton

cc: City Manager



City of Cambridge

1.

IN CITY COUNCIL
January 28, 1980

COUNCILLOR VELLUCCI

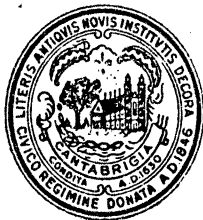
WHEREAS: This City Council recently approved a request for a supplemental appropriation to the Rent Control Office in the amount of \$18,550.00; and

WHEREAS: This City Council was informed that this supplemental appropriation would allow the Rent Control staff to render decisions in a more timely manner as well as provide the public with copies of the rules and regulations of the Board; now therefore be it

RESOLVED: That this City Council, as a matter of legislative policy, adopt the following:

Effective April 1, 1980, the Rent Control Board shall have a period of 45 days to render a decision on each case which is pending before that body and failure to render a decision within said period shall result in the Rent Control Board providing the City Council Committee on Rent Control a written report on each instance detailing why a decision has not been made within the 45 days period; and be it further

RESOLVED: That this policy be distributed in all booklets and literature printed by the Rent Control Board for general circulation to tenants and landlords and further that this policy be posted in all public buildings.



City of Cambridge

In the Year One Thousand, Nine Hundred

AN ORDINANCE

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

That Chapter Twenty-Three entitled "Regulations Pertaining to Controlled Rental Units" is hereby amended by adding after Section 1 the following section:

Section 2. Rent Control Ombudsman.

(a) Establishment. There shall be in the Rent Control Department an ombudsman. The Rent Control Board shall furnish the ombudsman with office space and necessary clerical assistance. The ombudsman shall be paid a salary to be determined by the City Manager, subject to appropriation.

(b) Appointment. The City Manager shall appoint, and may remove at any time, the ombudsman. Before making the appointment, the City Manager shall solicit recommendations from landlord, tenant, and other community organizations.

(c) Powers and Duties. The ombudsman shall:

- (1) provide expert legal and accounting assistance to parties with business before the Board;
- (2) supervise and coordinate all informal advice and information given to the public by employees of the Board;
- (3) prepare publications which explain the rights and remedies of landlords and tenants in easily understandable language;
- (4) receive informal complaints from the public concerning Board and staff procedures, and attempt to resolve them;
- (5) bring administrative problems to the attention of the Executive Director and the Board, and if necessary the City Manager and the City Council;
- (6) compile and index by subject matter decisions of the Board;

City of Cambridge

- (7) appear before the Board in rulemaking proceedings, at general rent adjustment hearings, and in appropriate cases to represent the public interest, but not any particular party; and
- (8) in general, improve communication between the Board and the public.



CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9094

Kevin P. Crane
City Councillor

April 14, 1980

The Honorable, The City Council:

Tonight you are receiving a Report, including recommendations from the Rent Control Committee of the City Council.

As a member of that committee who attended all of its hearings over the past months, I find myself unable to lend my name to this report. Instead I shall issue a Minority Report which dissents substantially from the Report submitted to you by Councillor David Sullivan and Councillor Saundra Graham.

My Minority Report will be on the communication list at the next regularly scheduled meeting of the City Council, although I expect to make it available to my colleagues and the public prior to that time.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin P. Crane", with a stylized flourish at the end.

Kevin P. Crane
City Councillor

KPC/smc



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A handwritten signature in black ink, appearing to read "Kevin P. Crane", with a stylized flourish at the end.

Kevin P. Crane
City Councillor

KPC/smc



City of Cambridge

APPENDIX D

PROPOSED ORDER

IN CITY COUNCIL

WHEREAS:

Chapter 185C of the General Laws creates a Housing Court Department of the Trial Court of the Commonwealth because of the special nature of housing problems arising in the City of Boston and in Hampden County; and

WHEREAS:

Similar housing problems exist in the cities of Cambridge and Somerville, justifying creation of an Eastern Middlesex Division of the Housing Court Department to serve those cities; and

WHEREAS:

Such a housing court would relieve the crowded dockets of the Third Eastern Middlesex Division of the District Court Department, provide special attention to the housing crisis in Cambridge and Somerville, and promote expert review of decisions of the Cambridge Rent Control Board; therefore be it

ORDERED:

That the City Council of the City of Cambridge petition the General Court under Section 8(1) of Article 2, as amended by Article 89, of the Amendments to the Constitution, to enact the attached special law entitled "AN ACT ESTABLISHING THE EASTERN MIDDLESEX DIVISION OF THE HOUSING COURT DEPARTMENT".

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred Eighty

AN ACT ESTABLISHING THE EASTERN MIDDLESEX COUNTY DIVISION OF THE HOUSING COURT DEPARTMENT

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

Section 1.

Section 1 of chapter 185C of the General Laws, as appearing in section 92 of chapter 478 of the acts of 1978, is amended by striking out the first sentence and inserting in its place the following sentence: - The housing court department established under section one of chapter two hundred and eleven B shall be composed of a division for Hampdem county, a division for eastern Middlesex county, and a division for the city of Boston.

Section 2.

Section 3 of said chapter 185C is amended by striking out the first paragraph as appearing in section 3 of chapter 72 of the acts of 1979, and inserting in its place the following paragraph: - The divisions of the housing court department shall have common law and statutory jurisdiction concurrent with the divisions of the district court department and the superior court department of all crimes and of all civil actions arising in the cities of Cambridge and Somerville in the case of eastern Middlesex division, arising in the city of Boston in the case of that division and arising in the county of Hampden in the case of that division, under chapter forty A, sections twenty-one through twenty-five of chapter two hundred and eighteen, sections fourteen and eighteen of chapter one hundred and eighty-six and under so much of sections one hundred and twenty seven A through one hundred and twenty-seven F, inclusive, and sections one hundred and twenty-seven H through one hundred and twenty-seven L, inclusive, of chapter one hundred and eleven, so much of of chapter ninety-three A, so much of section sixteen of chapter two hundred and seventy, so much of chapters one hundred and forty-three, one hundred and forty-eight, and two hundred and thirty-nine, jurisdiction under the provisions of common law and of equity and is concerned directly or indirectly with the health, safety, or welfare of any occupant of any place used, or inteneded for use, as a place of human habitation and the possession, condition, or use of any particular housing accomodations or household goods or services situated therein or furnished in connection therewith. The

divisions of the housing court department shall have jurisdiction of all housing problems, including all contract and tort actions which affect the health, safety and welfare of the occupants or owners thereof, arising within and affecting residents in the cities of Cambridge and Somerville, in the case of the eastern Middlesex division, in the city of Boston, in the case of that division, and Hampden county, in the case of that division, and shall also have jurisdiction in equity, concurrent with the divisions of the district court department, the divisions of the probate and family court department, the superior court department, the appeals court, and the supreme judicial court, of all cases and matters so arising.

Section 3.

Section 4 of said chapter 185C, as appearing in section 92 of chapter 478 of the acts of 1978, is amended by adding at the end the following paragraph: - The division of the housing court department for eastern Middlesex county shall hold its sittings in the court house facilities of the superior court department at Cambridge within Middlesex county, and with the consent of the chief administrative justice, such other court house facilities within said county as the administrative justice of the housing court department may deem to be expedient or convenient.

Section 4.

Section 8 of said chapter 185C, as so appearing, is amended by striking out the first sentence and inserting in its place the following sentence: - There shall be one justice appointed for the eastern Middlesex division, one justice appointed for the Hampden county division, and two justices appointed for the city of Boston division of the housing court department.

Section 5.

Subsection (d) of section 5 of chapter 36 of the acts of 1976 is amended by striking out the last sentence and inserting in its place the following sentence: - Section ten of chapter two hundred and thirty-three of the General Laws shall apply, and for the purposes of this act a justice of the district court department or of the housing court department shall have the same powers as a justice of the supreme judicial court or of the superior court department to implemnt the provisions of said section.

Section 6.

Said chapter 36 is further amended by striking out section 10 and inserting in its place the following section: -

Section 10. Judicial Review

(a) Any person who is aggrieved by any action, regulation or order of the board may file a complaint against the board in the eastern Middlesex county division of the housing court department, or in the third eastern Middlesex division of the district court department, and thereupon an order of notice shall be issued by said court and served on the board. Said courts shall have concurrent original jurisdiction, subject to section twenty

of chapter one hundred and eighty-five C of the General Laws, over such proceedings and shall be authorized to take such action with respect thereto as is provided in the case of the superior court department under the provisions of chapter two hundred and thirty-one A of the General Laws, except that section three of said chapter two hundred and thirty-one A shall not apply. All orders, judgments and decrees of either such court may be appealed as is provided in the case of a civil action in said court.

(b) The eastern Middlesex county division of the housing court department and the third eastern Middlesex division of the district court department shall have concurrent original jurisdiction, subject to section twenty of chapter one hundred and eighty-five C of the General Laws, over actions arising out of the provisions of section eleven.

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4/14/1910

Report Received

Placed on File -

Ordinance of Board

John W. Lee

attached signature

to be referred to the

Ordinance Committee