

City of Cambridge

MASSACHUSETTS

In City Council May 14 1990

C. Walsh - Refer to City Solicitor For Legal Opinion.

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

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City of Cambridge

MASSACHUSETTS

In City Council May 14 1990

C. Myers - Moved The Question.

	YEA	NAY	ABSENT	PRESENT
Mr. Ed Cyr	✓			
Mr. Francis H. Duehay	✓			
Mr. Jonathan S. Myers	✓			
Mr. Kenneth E. Reeves	✓			
Mrs. Sheila T. Russell		✓		
Mr. Walter J. Sullivan		✓		
Mr. Timothy J. Toomey, Jr.		✓		
Mr. William H. Walsh		✓		
Mayor Alice K. Wolf		✓		
	4	5	0	0

Motion fails.

City of Cambridge

MASSACHUSETTS

In City Council May 14 1990

C. Cyr

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

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C. Cyr
RJ
RF



City of Cambridge

Calendar Item # 7

-38-

IN CITY COUNCIL

~~April-23, 1990~~

May 14, 1990

MAYOR WOLF
 VICE MAYOR REEVES
 COUNCILLOR CYR
 COUNCILLOR DUEHAY
 COUNCILLOR MYERS
 COUNCILLOR TOOMEY

ORDERED: That the City Council approve a petition to the General Court, pursuant to Section 8 (1) of Article 2, as amended by Article 89 of the amendments to the Constitution, to enact, with the technical and clarifying amendments attached hereto and without further amendment of substance, the attached special law, entitled **"AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE."**

In City Council May 14, 1990.

Adopted by a yea and nay vote:-

Yeas 6; Nays 3; Absent 0.

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

A true copy;

ATTEST:-

John E. Flynn, Deputy City Clerk.

To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts
in General Court assembled.

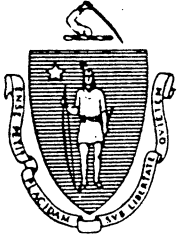
The undersigned, citizens of Cambridge respectfully
petition for the passage of the accompanying bill or resolve, and/or for legislation

AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED
RENTAL UNITS IN THE CITY OF CAMBRIDGE.

Petitioners are requested to sign names and addresses legibly.

Fennell E. Peenes
Eric B. Aubrey
Edward H. G.
Jonathan S. Myers
Alice H. Wolf

11 Fennerett Street
26 Lowell Street
106 Dudley St.
88 Sixth St.
5 Hollis St.
48 Huron Avenue



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-

AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE.

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

SECTION 1. The General Court finds and declares that:

(a) In order to meet the serious public emergency that continues to exist in the City of Cambridge with respect to the housing of a substantial number of its citizens, it is necessary to regulate the removal of controlled rental housing units from the market.

(b) The city's existing powers to regulate such removals pursuant to Chapter 36 of the Acts of 1976, as amended, have proven inadequate, and many such units continue to be removed from rent control.

(c) Since the November 20, 1989 Steinbergh v. Cambridge Rent Control Board decision, 406 Mass. 147 (1989), hundreds of individual condominium units have been transferred or sold thereby creating a substantial risk of the removal of controlled rental housing units from the rental market.

(d) In order to regulate such removals effectively, it is necessary to regulate the sale of condominium units by the owners of rent controlled buildings, for the reasons stated in the Report of the Cambridge City Council Committee on Rent Control dated May 28, 1981.

(e) In order to regulate such removals effectively, it is also necessary for the City of Cambridge to have the additional powers conferred by Section 3 of this Act.

SECTION 2. In the City of Cambridge, no owner of a building for which a condominium master deed has been recorded shall, directly or indirectly, sell, offer for sale, or agree to sell any controlled rental unit therein, unless the board has granted a removal permit for that unit, or unless the sale or offer is to, or the agreement is with, a current tenant of the unit who holds an exemption certificate. The board shall issue an exemption certificate to any person who files with it an affidavit in a form prescribed by the board, stating that he is a current tenant of the unit, that he occupied it as a tenant before August 10, 1979, and that he intends in good faith to occupy it indefinitely as its owner. Nothing in this act shall prevent an owner of a building or any portion thereof from conveying his entire interest in the building in good faith to one purchaser, who shall then be subject to the provisions of this act to the same extent as the original owner.

SECTION 3. (a) Notwithstanding the provisions of any general or special law to the contrary, including without limitation, the provisions of General Laws chapters one hundred and fifty-six B, one hundred and fifty-seven, and one hundred and eighty-three A, the City of Cambridge may, by ordinance, further regulate and control the removal of controlled rental

units from the rental housing market, the reduction in the total number of controlled rental units in a building, structure or part thereof, or the change in form of ownership of a building, structure or part thereof containing controlled rental units. Such regulations and controls may include, but are not limited to, the authority to:

(i) require that no person shall remove a controlled rental unit from rental housing use without first obtaining a removal permit from the rent control board. Such permit may be subject to terms and conditions not inconsistent with the purposes and provisions of this act;

(ii) require that no person shall convert a controlled rental unit to a condominium or cooperative without first obtaining a removal permit for that purpose from the rent control board. "Convert" shall include recording a master deed pursuant to the provisions of chapter one hundred and eighty-three A of the General Laws or filing articles of organization pursuant to chapters one hundred and fifty-six B or one hundred and fifty-seven of the General Laws, or advertising, offering for sale or selling a unit as a condominium or cooperative unit.

(iii) regulate evictions relating to the conversion of a controlled rental unit to a condominium or to a cooperative subject to such terms and conditions not inconsistent with the purposes and provisions of this act.

(b) Any hearings regarding matters related to removal permits or evictions shall be conducted by the board in accordance with the provisions of section five of Chapter 36 of the Acts of 1976, as amended.

SECTION 4. Section 9(a) of Chapter 36 of the Acts of 1976 is hereby amended by deleting subsection (8) thereof and by substituting the following:

(8) the landlord seeks to recover possession in good faith for use and occupancy of himself, or his children, parents, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law; except that no action shall be brought under this clause to recover possession from a tenant who is sixty years of age or older and who occupied the unit continuously since before the recording of the master deed, or to recover possession of a condominium unit subject to chapter 8.44 of the Cambridge Municipal Code.

SECTION 5. Violation of any provision of this act, or of any ordinance or regulation adopted hereunder, shall constitute a violation of Chapter 36 of the Acts of 1976, as amended. In addition, the board or any person aggrieved by a violation of this act or any such ordinance or regulation may enforce its provisions in a civil action for damages or for declaratory or injunctive relief.

SECTION 6. The City of Cambridge may adopt ordinances, and the board may adopt regulations, to carry out the purposes of this act.

SECTION 7. Any person who is aggrieved by any action, regulation or order of the board may appeal or file a complaint pursuant to Section 10 of Chapter 36 of the Acts of 1976, as amended, unless otherwise defined in this act.

SECTION 8. The provisions of this act shall not apply to any building containing six or fewer units that has been occupied continuously, from on and after January 1, 1970 until January 1, 1990, by the owner of record as of January 1, 1970 or a member of that owner of record's family provided that any one family in the City of Cambridge may obtain this exemption for only one building and provided that any family seeking to avail itself of this exemption swears by affidavit, under oath, that it owns or has a beneficial interest in only one building containing rent controlled units in

the City of Cambridge.

For the purposes of this section, "owner of record" shall mean any owner as of January 1, 1970 named on the deed recorded at the Middlesex Registry of Deeds for the building for which this exemption is sought provided that the owner of record is an individual and not a corporate, trust or other business entity. This exemption shall not be available to corporations, trusts or other business entities.

For the purposes of this section, "family" shall mean an individual, an individual's spouse, parents, children, brother, sister, grandchildren, great grandchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law.

For the purpose of this section, "continuous occupancy" shall mean the continuous physical residence by the owner of record as of January 1, 1970 or a family member of that owner of record of the building from on and after January 1, 1970 until January 1, 1990. The exemption shall not apply to any building that was not occupied by the owner of record as of January 1, 1970 or a family member of that owner of record for a period of more than twelve months, in the aggregate, between January 1, 1970 and January 1, 1990; and, in no event, shall the exemption apply to any building that remained unoccupied by the owner of record as of January 1, 1970 or a family member for any period of time where a tenant broke the chain of continued occupancy by the owner of record or a family member.

SECTION 9. The City of Cambridge, in consultation with organizations representing owners of rent controlled properties in Cambridge, rent controlled tenants and other interested parties, shall examine and consider the following rent control issues, particularly as they affect so-called small owners of rent controlled properties in Cambridge: (1) whether the

capital improvement rent adjustment procedure, set forth in regulation 75 of the Cambridge Rent Board, operates fairly; (2) whether the fair base rent formula, set forth in regulation 75-02 of the Cambridge Rent Board, should be updated to provide for new minimum rents; (3) whether, under what circumstances and to what degree, owners of rent controlled properties should be allowed to pass along increases in property taxes, water and sewer fees and pass along increases in property insurance costs to tenants; (4) whether the allowable management fee for owner-occupiers of rent controlled properties should be increased; (5) whether prospective employees and hearing officers of the Cambridge Rent Control Board should be prohibited from owning or leasing rent controlled property in the City of Cambridge. The City of Cambridge shall examine and consider these issues and any other issues it deems relevant to the administration and enforcement of rent control, particularly as relates to the availability of decent and affordable housing for low and moderate income tenants and the problems experienced by so-called small property owners of rent controlled property who owner-occupy their property and are not actively engaged in the business of owning and renting property; and shall make findings of fact and prepare recommendations, based upon the findings, and transmit both the findings and the recommendations to the Joint Committee On Local Affairs, not later than July 1, 1991.

SECTION 10. If any section or any provision of any section of this act or the application of such section or any such provision of any such section to any person or circumstance shall be held invalid, the validity of the remainder of the act and the applicability of such section or such provision of such section to other persons or circumstances shall not be affected thereby; provided also that nothing herein shall be construed to

limit the authority of the city and the rent control board to regulate removal of controlled rental units as previously judicially determined.

SECTION 11. This act shall take effect upon its passage.

Draft City Council Order

April 30 1980

ORDERED: That the City Council approve a petition to the General Court, pursuant to Section 8(1) of Article 2, as amended by Article 89 of the amendments to the constitution, to enact, with the technical and clarifying amendments attached hereto and without further amendment of substance, the attached special law, entitled "An Act Regulating Condominium Conversion and Other Removals of Controlled Rental Units in the City of Cambridge." (Senate 1580)

IN CITY COUNCIL

April 30, 1990

Technical and Clarifying Amendments to "An Act Regulating Condominium Conversion and Other Removals of Controlled Rental Units in the City of Cambridge." (Senate 1580)

1. In Section 1, line 12: strike the word "referred" and insert in its place the word "transferred"; (See House No. 5275) and
2. In Section 8,
 - line 4: insert, after "owner of record" the phrase "as of January 1, 1970" and change the phrase "or a member of the owner of record's family" to read "or a member of that owner of record's family";
 - line 12: insert, after "any owner" the phrase "as of January 1, 1970";
 - line 23: insert, after "owner of record" the phrase "as of January 1, 1970";
 - line 24: change the phrase "the owner of record" to "that owner of record"
 - line 26: change the phrase "an owner" to "the owner"
 - line 27: insert, after "of record" the phrase "as of January 1, 1970" and change the phrase "family member of the owner of record" to "family member of that owner of record";
 - line 30: change the phrase "an owner" to "the owner";
 - line 31: insert, after the word "record", the phrase "as of January 1, 1970".

City of Cambridge

MASSACHUSETTS

In City Council May 14 1990

C. Cyr - To Make the Question

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

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City of Cambridge

MASSACHUSETTS

In City Council May 14, 1990

C. Walsh

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

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Amendment Fails.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9017

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

May 15, 1990

Mr. Robert MacQueen
House Clerk
Massachusetts House of Representatives
Room 145
The State House
Boston, MA 02133

Dear Mr. MacQueen:

Pursuant to the request of the City Council, I am forwarding to you for filing with the Massachusetts House of Representatives, the enclosed order adopted by the City Council on Monday, May 14, 1990 approving the filing of the attached legislation entitled **"AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE."**

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "John E. Flynn".

John E. Flynn
Deputy City Clerk

JEF/dl

Encs.



City of Cambridge

Calendar Item # 7

-38-

IN CITY COUNCIL

~~April-23, 1990-~~

May 14, 1990

MAYOR WOLF
 VICE MAYOR REEVES
 COUNCILLOR CYR
 COUNCILLOR DUEHAY
 COUNCILLOR MYERS
 COUNCILLOR TOOMEY

ORDERED: That the City Council approve a petition to the General Court, pursuant to Section 8 (1) of Article 2, as amended by Article 89 of the amendments to the Constitution, to enact, with the technical and clarifying amendments attached hereto and without further amendment of substance, the attached special law, entitled **"AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE."**

In City Council May 14, 1990.

Adopted by a yea and nay vote:-

Yeas 6; Nays 3; Absent 0.

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

A true copy;

ATTEST:-

John E. Flynn, Deputy City Clerk.

To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts
in General Court assembled.

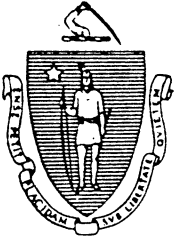
The undersigned, citizens of Cambridge respectfully
petition for the passage of the accompanying bill or resolve, and/or for legislation

AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED
RENTAL UNITS IN THE CITY OF CAMBRIDGE.

Petitioners are requested to sign names and addresses legibly.

Fenneth E. Peenes
Wm. H. Hurling
Edward W. G.
Jonathan S. Myers
Alue H. Wolf

11 Fenwick Street
26 Lowell Street
106 Dudley St.
88 Sixth St.
5 Hollis St.
48 Huron Avenue



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-

AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE.

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

SECTION 1. The General Court finds and declares that:

- (a) In order to meet the serious public emergency that continues to exist in the City of Cambridge with respect to the housing of a substantial number of its citizens, it is necessary to regulate the removal of controlled rental housing units from the market.
- (b) The city's existing powers to regulate such removals pursuant to Chapter 36 of the Acts of 1976, as amended, have proven inadequate, and many such units continue to be removed from rent control.
- (c) Since the November 20, 1989 Steinbergh v. Cambridge Rent Control Board decision, 406 Mass. 147 (1989), hundreds of individual condominium units have been transferred or sold thereby creating a substantial risk of the removal of controlled rental housing units from the rental market.

(d) In order to regulate such removals effectively, it is necessary to regulate the sale of condominium units by the owners of rent controlled buildings, for the reasons stated in the Report of the Cambridge City Council Committee on Rent Control dated May 28, 1981.

(e) In order to regulate such removals effectively, it is also necessary for the City of Cambridge to have the additional powers conferred by Section 3 of this Act.

SECTION 2. In the City of Cambridge, no owner of a building for which a condominium master deed has been recorded shall, directly or indirectly, sell, offer for sale, or agree to sell any controlled rental unit therein, unless the board has granted a removal permit for that unit, or unless the sale or offer is to, or the agreement is with, a current tenant of the unit who holds an exemption certificate. The board shall issue an exemption certificate to any person who files with it an affidavit in a form prescribed by the board, stating that he is a current tenant of the unit, that he occupied it as a tenant before August 10, 1979, and that he intends in good faith to occupy it indefinitely as its owner. Nothing in this act shall prevent an owner of a building or any portion thereof from conveying his entire interest in the building in good faith to one purchaser, who shall then be subject to the provisions of this act to the same extent as the original owner.

SECTION 3. (a) Notwithstanding the provisions of any general or special law to the contrary, including without limitation, the provisions of General Laws chapters one hundred and fifty-six B, one hundred and fifty-seven, and one hundred and eighty-three A, the City of Cambridge may, by ordinance, further regulate and control the removal of controlled rental

units from the rental housing market, the reduction in the total number of controlled rental units in a building, structure or part thereof, or the change in form of ownership of a building, structure or part thereof containing controlled rental units. Such regulations and controls may include, but are not limited to, the authority to:

(i) require that no person shall remove a controlled rental unit from rental housing use without first obtaining a removal permit from the rent control board. Such permit may be subject to terms and conditions not inconsistent with the purposes and provisions of this act;

(ii) require that no person shall convert a controlled rental unit to a condominium or cooperative without first obtaining a removal permit for that purpose from the rent control board. "Convert" shall include recording a master deed pursuant to the provisions of chapter one hundred and eighty-three A of the General Laws or filing articles of organization pursuant to chapters one hundred and fifty-six B or one hundred and fifty-seven of the General Laws, or advertising, offering for sale or selling a unit as a condominium or cooperative unit.

(iii) regulate evictions relating to the conversion of a controlled rental unit to a condominium or to a cooperative subject to such terms and conditions not inconsistent with the purposes and provisions of this act.

(b) Any hearings regarding matters related to removal permits or evictions shall be conducted by the board in accordance with the provisions of section five of Chapter 36 of the Acts of 1976, as amended.

SECTION 4. Section 9(a) of Chapter 36 of the Acts of 1976 is hereby amended by deleting subsection (8) thereof and by substituting the following:

(8) the landlord seeks to recover possession in good faith for use and occupancy of himself, or his children, parents, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law; except that no action shall be brought under this clause to recover possession from a tenant who is sixty years of age or older and who occupied the unit continuously since before the recording of the master deed, or to recover possession of a condominium unit subject to chapter 8.44 of the Cambridge Municipal Code.

SECTION 5. Violation of any provision of this act, or of any ordinance or regulation adopted hereunder, shall constitute a violation of Chapter 36 of the Acts of 1976, as amended. In addition, the board or any person aggrieved by a violation of this act or any such ordinance or regulation may enforce its provisions in a civil action for damages or for declaratory or injunctive relief.

SECTION 6. The City of Cambridge may adopt ordinances, and the board may adopt regulations, to carry out the purposes of this act.

SECTION 7. Any person who is aggrieved by any action, regulation or order of the board may appeal or file a complaint pursuant to Section 10 of Chapter 36 of the Acts of 1976, as amended, unless otherwise defined in this act.

SECTION 8. The provisions of this act shall not apply to any building containing six or fewer units that has been occupied continuously, from on and after January 1, 1970 until January 1, 1990, by the owner of record as of January 1, 1970 or a member of that owner of record's family provided that any one family in the City of Cambridge may obtain this exemption for only one building and provided that any family seeking to avail itself of this exemption swears by affidavit, under oath, that it owns or has a beneficial interest in only one building containing rent controlled units in

the City of Cambridge.

For the purposes of this section, "owner of record" shall mean any owner as of January 1, 1970 named on the deed recorded at the Middlesex Registry of Deeds for the building for which this exemption is sought provided that the owner of record is an individual and not a corporate, trust or other business entity. This exemption shall not be available to corporations, trusts or other business entities.

For the purposes of this section, "family" shall mean an individual, an individual's spouse, parents, children, brother, sister, grandchildren, great grandchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law.

For the purpose of this section, "continuous occupancy" shall mean the continuous physical residence by the owner of record as of January 1, 1970 or a family member of that owner of record of the building from on and after January 1, 1970 until January 1, 1990. The exemption shall not apply to any building that was not occupied by the owner of record as of January 1, 1970 or a family member of that owner of record for a period of more than twelve months, in the aggregate, between January 1, 1970 and January 1, 1990; and, in no event, shall the exemption apply to any building that remained unoccupied by the owner of record as of January 1, 1970 or a family member for any period of time where a tenant broke the chain of continued occupancy by the owner of record or a family member.

SECTION 9. The City of Cambridge, in consultation with organizations representing owners of rent controlled properties in Cambridge, rent controlled tenants and other interested parties, shall examine and consider the following rent control issues, particularly as they affect so-called small owners of rent controlled properties in Cambridge: (1) whether the

capital improvement rent adjustment procedure, set forth in regulation 75 of the Cambridge Rent Board, operates fairly; (2) whether the fair base rent formula, set forth in regulation 75-02 of the Cambridge Rent Board, should be updated to provide for new minimum rents; (3) whether, under what circumstances and to what degree, owners of rent controlled properties should be allowed to pass along increases in property taxes, water and sewer fees and pass along increases in property insurance costs to tenants; (4) whether the allowable management fee for owner-occupiers of rent controlled properties should be increased; (5) whether prospective employees and hearing officers of the Cambridge Rent Control Board should be prohibited from owning or leasing rent controlled property in the City of Cambridge. The City of Cambridge shall examine and consider these issues and any other issues it deems relevant to the administration and enforcement of rent control, particularly as relates to the availability of decent and affordable housing for low and moderate income tenants and the problems experienced by so-called small property owners of rent controlled property who owner-occupy their property and are not actively engaged in the business of owning and renting property; and shall make findings of fact and prepare recommendations, based upon the findings, and transmit both the findings and the recommendations to the Joint Committee On Local Affairs, not later than July 1, 1991.

SECTION 10. If any section or any provision of any section of this act or the application of such section or any such provision of any such section to any person or circumstance shall be held invalid, the validity of the remainder of the act and the applicability of such section or such provision of such section to other persons or circumstances shall not be affected thereby; provided also that nothing herein shall be construed to

limit the authority of the city and the rent control board to regulate removal of controlled rental units as previously judicially determined.

SECTION 11. This act shall take effect upon its passage.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

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JOSEPH E. CONNARTON
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City of Cambridge

Calendar Item # 7

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IN CITY COUNCIL

~~April-23, 1990~~

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 VICE MAYOR REEVES
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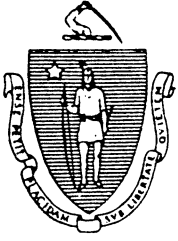
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Jenneth E. Peeneo
Luci B. Huhny
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- (c) Since the November 20, 1989 Steinbergh v. Cambridge Rent Control Board decision, 406 Mass. 147 (1989), hundreds of individual condominium units have been transferred or sold thereby creating a substantial risk of the removal of controlled rental housing units from the rental market.

(d) In order to regulate such removals effectively, it is necessary to regulate the sale of condominium units by the owners of rent controlled buildings, for the reasons stated in the Report of the Cambridge City Council Committee on Rent Control dated May 28, 1981.

(e) In order to regulate such removals effectively, it is also necessary for the City of Cambridge to have the additional powers conferred by Section 3 of this Act.

SECTION 2. In the City of Cambridge, no owner of a building for which a condominium master deed has been recorded shall, directly or indirectly, sell, offer for sale, or agree to sell any controlled rental unit therein, unless the board has granted a removal permit for that unit, or unless the sale or offer is to, or the agreement is with, a current tenant of the unit who holds an exemption certificate. The board shall issue an exemption certificate to any person who files with it an affidavit in a form prescribed by the board, stating that he is a current tenant of the unit, that he occupied it as a tenant before August 10, 1979, and that he intends in good faith to occupy it indefinitely as its owner. Nothing in this act shall prevent an owner of a building or any portion thereof from conveying his entire interest in the building in good faith to one purchaser, who shall then be subject to the provisions of this act to the same extent as the original owner.

SECTION 3. (a) Notwithstanding the provisions of any general or special law to the contrary, including without limitation, the provisions of General Laws chapters one hundred and fifty-six B, one hundred and fifty-seven, and one hundred and eighty-three A, the City of Cambridge may, by ordinance, further regulate and control the removal of controlled rental

units from the rental housing market, the reduction in the total number of controlled rental units in a building, structure or part thereof, or the change in form of ownership of a building, structure or part thereof containing controlled rental units. Such regulations and controls may include, but are not limited to, the authority to:

(i) require that no person shall remove a controlled rental unit from rental housing use without first obtaining a removal permit from the rent control board. Such permit may be subject to terms and conditions not inconsistent with the purposes and provisions of this act;

(ii) require that no person shall convert a controlled rental unit to a condominium or cooperative without first obtaining a removal permit for that purpose from the rent control board. "Convert" shall include recording a master deed pursuant to the provisions of chapter one hundred and eighty-three A of the General Laws or filing articles of organization pursuant to chapters one hundred and fifty-six B or one hundred and fifty-seven of the General Laws, or advertising, offering for sale or selling a unit as a condominium or cooperative unit.

(iii) regulate evictions relating to the conversion of a controlled rental unit to a condominium or to a cooperative subject to such terms and conditions not inconsistent with the purposes and provisions of this act.

(b) Any hearings regarding matters related to removal permits or evictions shall be conducted by the board in accordance with the provisions of section five of Chapter 36 of the Acts of 1976, as amended.

SECTION 4. Section 9(a) of Chapter 36 of the Acts of 1976 is hereby amended by deleting subsection (8) thereof and by substituting the following:

(8) the landlord seeks to recover possession in good faith for use and occupancy of himself, or his children, parents, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law; except that no action shall be brought under this clause to recover possession from a tenant who is sixty years of age or older and who occupied the unit continuously since before the recording of the master deed, or to recover possession of a condominium unit subject to chapter 8.44 of the Cambridge Municipal Code.

SECTION 5. Violation of any provision of this act, or of any ordinance or regulation adopted hereunder, shall constitute a violation of Chapter 36 of the Acts of 1976, as amended. In addition, the board or any person aggrieved by a violation of this act or any such ordinance or regulation may enforce its provisions in a civil action for damages or for declaratory or injunctive relief.

SECTION 6. The City of Cambridge may adopt ordinances, and the board may adopt regulations, to carry out the purposes of this act.

SECTION 7. Any person who is aggrieved by any action, regulation or order of the board may appeal or file a complaint pursuant to Section 10 of Chapter 36 of the Acts of 1976, as amended, unless otherwise defined in this act.

SECTION 8. The provisions of this act shall not apply to any building containing six or fewer units that has been occupied continuously, from on and after January 1, 1970 until January 1, 1990, by the owner of record as of January 1, 1970 or a member of that owner of record's family provided that any one family in the City of Cambridge may obtain this exemption for only one building and provided that any family seeking to avail itself of this exemption swears by affidavit, under oath, that it owns or has a beneficial interest in only one building containing rent controlled units in

the City of Cambridge.

For the purposes of this section, "owner of record" shall mean any owner as of January 1, 1970 named on the deed recorded at the Middlesex Registry of Deeds for the building for which this exemption is sought provided that the owner of record is an individual and not a corporate, trust or other business entity. This exemption shall not be available to corporations, trusts or other business entities.

For the purposes of this section, "family" shall mean an individual, an individual's spouse, parents, children, brother, sister, grandchildren, great grandchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law.

For the purpose of this section, "continuous occupancy" shall mean the continuous physical residence by the owner of record as of January 1, 1970 or a family member of that owner of record of the building from on and after January 1, 1970 until January 1, 1990. The exemption shall not apply to any building that was not occupied by the owner of record as of January 1, 1970 or a family member of that owner of record for a period of more than twelve months, in the aggregate, between January 1, 1970 and January 1, 1990; and, in no event, shall the exemption apply to any building that remained unoccupied by the owner of record as of January 1, 1970 or a family member for any period of time where a tenant broke the chain of continued occupancy by the owner of record or a family member.

SECTION 9. The City of Cambridge, in consultation with organizations representing owners of rent controlled properties in Cambridge, rent controlled tenants and other interested parties, shall examine and consider the following rent control issues, particularly as they affect so-called small owners of rent controlled properties in Cambridge: (1) whether the

capital improvement rent adjustment procedure, set forth in regulation 75 of the Cambridge Rent Board, operates fairly; (2) whether the fair base rent formula, set forth in regulation 75-02 of the Cambridge Rent Board, should be updated to provide for new minimum rents; (3) whether, under what circumstances and to what degree, owners of rent controlled properties should be allowed to pass along increases in property taxes, water and sewer fees and pass along increases in property insurance costs to tenants; (4) whether the allowable management fee for owner-occupiers of rent controlled properties should be increased; (5) whether prospective employees and hearing officers of the Cambridge Rent Control Board should be prohibited from owning or leasing rent controlled property in the City of Cambridge. The City of Cambridge shall examine and consider these issues and any other issues it deems relevant to the administration and enforcement of rent control, particularly as relates to the availability of decent and affordable housing for low and moderate income tenants and the problems experienced by so-called small property owners of rent controlled property who owner-occupy their property and are not actively engaged in the business of owning and renting property; and shall make findings of fact and prepare recommendations, based upon the findings, and transmit both the findings and the recommendations to the Joint Committee On Local Affairs, not later than July 1, 1991.

SECTION 10. If any section or any provision of any section of this act or the application of such section or any such provision of any such section to any person or circumstance shall be held invalid, the validity of the remainder of the act and the applicability of such section or such provision of such section to other persons or circumstances shall not be affected thereby; provided also that nothing herein shall be construed to

limit the authority of the city and the rent control board to regulate removal of controlled rental units as previously judicially determined.

SECTION 11. This act shall take effect upon its passage.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9017

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

May 15, 1990

Mr. Robert MacQueen
House Clerk
Massachusetts House of Representatives
Room 145
The State House
Boston, MA 02133

Dear Mr. MacQueen:

Pursuant to the request of the City Council, I am forwarding to you for filing with the Massachusetts House of Representatives, the enclosed order adopted by the City Council on Monday, May 14, 1990 approving the filing of the attached legislation entitled **"AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE."**

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "John E. Flynn".

John E. Flynn
Deputy City Clerk

JEF/dl

Encs.



City of Cambridge

Calendar Item # 7

-38-

IN CITY COUNCIL


~~April-23, 1990~~

May 14, 1990

MAYOR WOLF
VICE MAYOR REEVES
COUNCILLOR CYR
COUNCILLOR DUEHAY
COUNCILLOR MYERS
COUNCILLOR TOOMEY

ORDERED: That the City Council approve a petition to the General Court, pursuant to Section 8 (1) of Article 2, as amended by Article 89 of the amendments to the Constitution, to enact, with the technical and clarifying amendments attached hereto and without further amendment of substance, the attached special law, entitled **"AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE."**

In City Council May 14, 1990.
Adopted by a yea and nay vote:-
Yeas 6; Nays 3; Absent 0.
Attest:- John E. Flynn, Deputy City Clerk.

A true copy; 

ATTEST:-

John E. Flynn, Deputy City Clerk.

To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts
in General Court assembled.

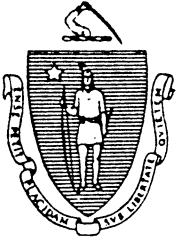
The undersigned, citizens of Cambridge..... respectfully
petition for the passage of the accompanying bill or resolve, and/or for legislation

AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED
RENTAL UNITS IN THE CITY OF CAMBRIDGE.

Petitioners are requested to sign names and addresses legibly.

Fenneth E. Peenes
Wm. B. Aubrey
Edward W. G.
Jonathan S. Myers
Alice K. Wolf

11 Penereith Street
26 Lowell Street
106 Dudley St.
88 Sixth St.
5 Hollis St.
48 Huron Avenue



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-

AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE.

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

SECTION 1. The General Court finds and declares that:

- (a) In order to meet the serious public emergency that continues to exist in the City of Cambridge with respect to the housing of a substantial number of its citizens, it is necessary to regulate the removal of controlled rental housing units from the market.
- (b) The city's existing powers to regulate such removals pursuant to Chapter 36 of the Acts of 1976, as amended, have proven inadequate, and many such units continue to be removed from rent control.
- (c) Since the November 20, 1989 Steinbergh v. Cambridge Rent Control Board decision, 406 Mass. 147 (1989), hundreds of individual condominium units have been transferred or sold thereby creating a substantial risk of the removal of controlled rental housing units from the rental market.

(d) In order to regulate such removals effectively, it is necessary to regulate the sale of condominium units by the owners of rent controlled buildings, for the reasons stated in the Report of the Cambridge City Council Committee on Rent Control dated May 28, 1981.

(e) In order to regulate such removals effectively, it is also necessary for the City of Cambridge to have the additional powers conferred by Section 3 of this Act.

SECTION 2. In the City of Cambridge, no owner of a building for which a condominium master deed has been recorded shall, directly or indirectly, sell, offer for sale, or agree to sell any controlled rental unit therein, unless the board has granted a removal permit for that unit, or unless the sale or offer is to, or the agreement is with, a current tenant of the unit who holds an exemption certificate. The board shall issue an exemption certificate to any person who files with it an affidavit in a form prescribed by the board, stating that he is a current tenant of the unit, that he occupied it as a tenant before August 10, 1979, and that he intends in good faith to occupy it indefinitely as its owner. Nothing in this act shall prevent an owner of a building or any portion thereof from conveying his entire interest in the building in good faith to one purchaser, who shall then be subject to the provisions of this act to the same extent as the original owner.

SECTION 3. (a) Notwithstanding the provisions of any general or special law to the contrary, including without limitation, the provisions of General Laws chapters one hundred and fifty-six B, one hundred and fifty-seven, and one hundred and eighty-three A, the City of Cambridge may, by ordinance, further regulate and control the removal of controlled rental

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SECTION 4. Section 9(a) of Chapter 36 of the Acts of 1976 is hereby amended by deleting subsection (8) thereof and by substituting the following:

(8) the landlord seeks to recover possession in good faith for use and occupancy of himself, or his children, parents, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law; except that no action shall be brought under this clause to recover possession from a tenant who is sixty years of age or older and who occupied the unit continuously since before the recording of the master deed, or to recover possession of a condominium unit subject to chapter 8.44 of the Cambridge Municipal Code.

SECTION 5. Violation of any provision of this act, or of any ordinance or regulation adopted hereunder, shall constitute a violation of Chapter 36 of the Acts of 1976, as amended. In addition, the board or any person aggrieved by a violation of this act or any such ordinance or regulation may enforce its provisions in a civil action for damages or for declaratory or injunctive relief.

SECTION 6. The City of Cambridge may adopt ordinances, and the board may adopt regulations, to carry out the purposes of this act.

SECTION 7. Any person who is aggrieved by any action, regulation or order of the board may appeal or file a complaint pursuant to Section 10 of Chapter 36 of the Acts of 1976, as amended, unless otherwise defined in this act.

SECTION 8. The provisions of this act shall not apply to any building containing six or fewer units that has been occupied continuously, from on and after January 1, 1970 until January 1, 1990, by the owner of record as of January 1, 1970 or a member of that owner of record's family provided that any one family in the City of Cambridge may obtain this exemption for only one building and provided that any family seeking to avail itself of this exemption swears by affidavit, under oath, that it owns or has a beneficial interest in only one building containing rent controlled units in

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SECTION 10. If any section or any provision of any section of this act or the application of such section or any such provision of any such section to any person or circumstance shall be held invalid, the validity of the remainder of the act and the applicability of such section or such provision of such section to other persons or circumstances shall not be affected thereby; provided also that nothing herein shall be construed to

limit the authority of the city and the rent control board to regulate removal of controlled rental units as previously judicially determined.

SECTION 11. This act shall take effect upon its passage.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9017

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

May 15, 1990

Mr. Robert MacQueen
House Clerk
Massachusetts House of Representatives
Room 145
The State House
Boston, MA 02133

Dear Mr. MacQueen:

Pursuant to the request of the City Council, I am forwarding to you for filing with the Massachusetts House of Representatives, the enclosed order adopted by the City Council on Monday, May 14, 1990 approving the filing of the attached legislation entitled **"AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE."**

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "John E. Flynn".

John E. Flynn
Deputy City Clerk

JEF/dl

Encs.



City of Cambridge

Calendar Item # 7

-38-

IN CITY COUNCIL

~~April-23, 1990~~

May 14, 1990

MAYOR WOLF
VICE MAYOR REEVES
COUNCILLOR CYR
COUNCILLOR DUEHAY
COUNCILLOR MYERS
COUNCILLOR TOOMEY

ORDERED: That the City Council approve a petition to the General Court, pursuant to Section 8 (1) of Article 2, as amended by Article 89 of the amendments to the Constitution, to enact, with the technical and clarifying amendments attached hereto and without further amendment of substance, the attached special law, entitled **"AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE."**

In City Council May 14, 1990.

Adopted by a yea and nay vote:-

Yeas 6; Nays 3; Absent 0.

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

A true copy;

ATTEST:-

John E. Flynn, Deputy City Clerk.

To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts
in General Court assembled.

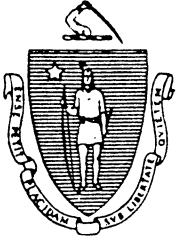
The undersigned, citizens of Cambridge, respectfully
petition for the passage of the accompanying bill or resolve, and/or for legislation

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Petitioners are requested to sign names and addresses legibly.

Fenneth E. Peenes
Eric S. Huhny
Edward H. G.
(Joseph J. Cooney)
Jonathan S. Myers
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11 Fennerett Street
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The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-

AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE.

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

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SECTION 10. If any section or any provision of any section of this act or the application of such section or any such provision of any such section to any person or circumstance shall be held invalid, the validity of the remainder of the act and the applicability of such section or such provision of such section to other persons or circumstances shall not be affected thereby; provided also that nothing herein shall be construed to

limit the authority of the city and the rent control board to regulate removal of controlled rental units as previously judicially determined.

SECTION 11. This act shall take effect upon its passage.

Draft City Council Order
April 30 1990

ORDERED: That the City Council approve a petition to the General Court, pursuant to Section 8(1) of Article 2, as amended by Article 89 of the amendments to the constitution, to enact, with the technical and clarifying amendments attached hereto and without further amendment of substance, the attached special law, entitled "An Act Regulating Condominium Conversion and Other Removals of Controlled Rental Units in the City of Cambridge." (Senate 1580)

SUBMITTED AS SUBSTITUTION TO CAL. ITEM #4 BY VICE-MAYOR REEVES 5/2/90

IN CITY COUNCIL

April 30, 1990

Technical and Clarifying Amendments to "An Act Regulating Condominium Conversion and Other Removals of Controlled Rental Units in the City of Cambridge." (Senate 1580)

1. In Section 1, line 12: strike the word "referred" and insert in its place the word "transferred"; (See House No. 5275) and
2. In Section 8,
 - line 4: insert, after "owner of record" the phrase "as of January 1, 1970" and change the phrase "or a member of the owner of record's family" to read "or a member of that owner of record's family";
 - line 12: insert, after "any owner" the phrase "as of January 1, 1970";
 - line 23: insert, after "owner of record" the phrase "as of January 1, 1970";
 - line 24: change the phrase "the owner of record" to "that owner of record"
 - line 26: change the phrase "an owner" to "the owner"
 - line 27: insert, after "of record" the phrase "as of January 1, 1970" and change the phrase "family member of the owner of record" to "family member of that owner of record";
 - line 30: change the phrase "an owner" to "the owner";
 - line 31: insert, after the word "record", the phrase "as of January 1, 1970".



City of Cambridge

38.

IN CITY COUNCIL

April 23, 1990

MAYOR WOLF
VICE MAYOR REEVES
COUNCILLOR CYR
COUNCILLOR DUEHAY
COUNCILLOR MYERS
COUNCILLOR TOOMEY

ORDERED: That the City Council approve a petition to the General Court, pursuant to section 8(1) of article 2 as amended by article 89 of the amendments to the constitution, to enact, without further amendment of substance, the attached special law, entitled "An Act Regulating Condominium Conversion and Other Removals of Controlled Rental Units in the City of Cambridge." (Senate 1580)



City of Cambridge

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CHARTER RIGHT EXERCISED BY COUNCILLOR WALSH

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS
OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE.

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

1 SECTION 1. The General Court finds and declares that:

2 (a) In order to meet the serious public emergency that continues
3 to exist in the City of Cambridge with respect to the housing of
4 a substantial number of its citizens, it is necessary to regulate the
5 removal of controlled rental housing units from the market.

6 (b) The city's existing powers to regulate such removals
7 pursuant to Chapter 36 of the Acts of 1976, as amended, have
8 proven inadequate, and many such units continue to be removed
9 from rent control.

10 (c) Since the November 20, 1989 Steinbergh v. Cambridge Rent
11 Control Board decision, 406 Mass. 147 (1989), hundreds of
12 individual condominium units have been referred or sold thereby
13 creating a substantial risk of the removal of controlled rental
14 housing units from the rental market.

15 (d) In order to regulate such removals effectively, it is necessary
16 to regulate the sale of condominium units by the owners of rent
17 controlled buildings, for the reasons stated in the Report of the
18 Cambridge City Council Committee on Rent Control dated May
19 28, 1981.

20 (e) In order to regulate such removals effectively, it is also
21 necessary for the City of Cambridge to have the additional powers
22 conferred by Section 3 of this Act.

1 SECTION 2. In the City of Cambridge, no owner of a building
2 for which a condominium master deed has been recorded shall,
3 directly or indirectly, sell, offer for sale, or agree to sell any
4 controlled rental unit therein, unless the board has granted a
5 removal permit for that unit, or unless the sale or offer is to, or

6 the agreement is with, a current tenant of the unit who holds an
7 exemption certificate. The board shall issue an exemption
8 certificate to any person who files with it an affidavit in a form
9 prescribed by the board, stating that he is a current tenant of the
10 unit, that he occupied it as a tenant before August 10, 1979, and
11 that he intends in good faith to occupy it indefinitely as its owner.
12 Nothing in this act shall prevent an owner of a building or any
13 portion thereof from conveying his entire interest in the building
14 in good faith to one purchaser, who shall then be subject to the
15 provisions of this act to the same extent as the original owner.

1 SECTION 3. (a) Notwithstanding the provisions of any
2 general or special law to the contrary, including without
3 limitation, the provisions of General Laws chapters one hundred
4 and fifty-six B, one hundred and fifty-seven, and one hundred and
5 eighty-three A, the City of Cambridge may, by ordinance, further
6 regulate and control the removal of controlled rental units from
7 the rental housing market, the reduction in the total number of
8 controlled rental units in a building, structure or part thereof, or
9 the change in form of ownership of a building, structure or part
10 thereof containing controlled rental units. Such regulations and
11 controls may include, but are not limited to, the authority to:

12 (i) require that no person shall remove a controlled rental unit
13 from rental housing use without first obtaining a removal permit
14 from the rent control board. Such permit may be subject to terms
15 and conditions not inconsistent with the purposes and provisions
16 of this act;

17 (ii) require that no person shall convert a controlled rental unit
18 to a condominium or cooperative without first obtaining a
19 removal permit for that purpose from the rent control board.
20 "Convert" shall include recording a master deed pursuant to the
21 provisions of chapter one hundred and eighty-three A of the
22 General Laws or filing articles of organization pursuant to
23 chapters one hundred and fifty-six B or one hundred and fifty-
24 seven of the General Laws, or advertising, offering for sale or
25 selling a unit as a condominium or cooperative unit.

26 (iii) regulate evictions relating to the conversion of a controlled
27 rental unit to a condominium or to a cooperative subject to such
28 terms and conditions not inconsistent with the purposes and
29 provisions of this act.

30 (b) Any hearings regarding matters related to removal permits
31 or evictions shall be conducted by the board in accordance with
32 the provisions of section five of Chapter 36 of the Acts of 1976,
33 as amended.

1 SECTION 4. Section 9(a) of Chapter 36 of the Acts of 1976
2 is hereby amended by deleting subsection (8) thereof and by
3 substituting the following:

4 8) the landlord seeks to recover possession in good faith for use
5 and occupancy of himself, or his children, parents, brother, sister,
6 father-in-law, mother-in-law, son-in-law, or daughter-in-law;
7 except that no action shall be brought under this clause to recover
8 possession from a tenant who is sixty years of age or older and
9 who occupied the unit continuously since before the recording of
10 the master deed, or to recover possession of a condominium unit
11 subject to chapter 8.44 of the Cambridge Municipal Code.

1 SECTION 5. Violation of any provision of this act, or of any
2 ordinance or regulation adopted hereunder, shall constitute a
3 violation of Chapter 36 of the Acts of 1976, as amended. In
4 addition, the board or any person aggrieved by a violation of this
5 act or any such ordinance or regulation may enforce its provisions
6 in a civil action for damages or for declaratory or injunctive relief.

1 SECTION 6. The City of Cambridge may adopt ordinances,
2 and the board may adopt regulations, to carry out the purposes
3 of this act.

1 SECTION 7. Any person who is aggrieved by any action,
2 regulation or order of the board may appeal or file a complaint
3 pursuant to Section 10 of Chapter 36 of the Acts of 1976, as
4 amended, unless otherwise defined in this act.

1 SECTION 8. The provisions of this act shall not apply to any
2 building containing six or fewer units that has been occupied
3 continuously, from on and after January 1, 1970 until January 1,
4 1990, by the owner of record or a member of the owner of
5 record's family provided that any one family in the City of
6 Cambridge may obtain this exemption for only one building and

7 provided that any family seeking to avail itself of this exemption
8 swears by affidavit, under oath, that it owns or has a beneficial
9 interest in only one building containing rent controlled units in
10 the City of Cambridge.

11 For the purposes of this section, "owner of record" shall mean
12 any owner named on the deed recorded at the Middlesex Registry
13 of Deeds for the building for which this exemption is sought
14 provided that the owner of record is an individual and not a
15 corporate, trust or other business entity. This exemption shall not
16 be available to corporations, trusts or other business entities.

17 For the purposes of this section, "family" shall mean an
18 individual, an individual's spouse, parents, children, brother,
19 sister, grandchildren, great grandchildren, father-in-law, mother-
20 in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-
21 law.

22 For the purposes of this section, "continuous occupancy" shall
23 mean the continuous physical residence by the owner of record
24 or a family member of the owner of record of the building from
25 on and after January 1, 1970 until January 1, 1990. The exemption
26 shall not apply to any building that was not occupied by an owner
27 of record or a family member of the owner of record for a period
28 of more than twelve months, in the aggregate, between January 1,
29 1970 and January 1, 1990; and, in no event, shall the exemption
30 apply to any building that remained unoccupied by an owner of
31 record or a family member for any period of time where a tenant
32 broke the chain of continued occupancy by the owner of record
33 or a family member.

1 SECTION 9. The City of Cambridge, in consultation with
2 organizations representing owners of rent controlled properties
3 in Cambridge, rent controlled tenants and other interested parties,
4 shall examine and consider the following rent control issues,
5 particularly as they affect so-called small owners of rent controlled
6 properties in Cambridge: (1) whether the capital improvement
7 rent adjustment procedure, set forth in regulation 75 of the
8 Cambridge Rent Board, operates fairly; (2) whether the fair base
9 rent formula, set forth in regulation 75-02 of the Cambridge Rent
10 Board, should be updated to provide for new minimum rents; (3)
11 whether, under what circumstances and to what degree, owners

12 of rent controlled properties should be allowed to pass along
13 increases in property taxes, water and sewer fees and pass along
14 increases in property insurance costs to tenants; (4) whether the
15 allowable management fee for owner-occupiers of rent controlled
16 properties should be increased; (5) whether prospective employees
17 and hearing officers of the Cambridge Rent Control Board should
18 be prohibited from owning or leasing rent controlled property in
19 the City of Cambridge. The City of Cambridge shall examine and
20 consider these issues and any other issues it deems relevant to the
21 administration and enforcement of rent control, particularly as
22 relates to the availability of decent and affordable housing for low
23 and moderate income tenants and the problems experienced by
24 so-called small property owners of rent controlled property who
25 owner-occupy their property and are not actively engaged in the
26 business of owning and renting property; and shall make findings
27 of fact and prepare recommendations, based upon the findings,
28 and transmit both the findings and the recommendations to the
29 Joint Committee On Local Affairs, not later than July 1, 1991.

1 SECTION 10. If any section or any provision of any section
2 of this act or the application of such section or any such provision
3 of any such section to any person or circumstance shall be held
4 invalid, the validity of the remainder of the act and the
5 applicability of such section or such provision of such section to
6 other persons or circumstances shall not be affected thereby;
7 provided also that nothing herein shall be construed to limit the
8 authority of the city and the rent control board to regulate removal
9 of controlled rental units as previously judicially determined.

1 SECTION 11. This act shall take effect upon its passage.

To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts
in General Court assembled.

The undersigned, citizens of Cambridge, respectfully
petition for the passage of the accompanying bill or resolve, and/or for legislation

AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED
RENTAL UNITS IN THE CITY OF CAMBRIDGE.

Petitioners are requested to sign names and addresses legibly.

Fennell E. Peenes
Luci B. Hurling
Edward H. G.
Jonathan S. Myers
Alice H. Wolf

11 Fenwick Street
26 Lowell Street
106 Dudley St.
88 Sixth St.
5 Hollis St.
48 Huron Avenue



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-

AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE.

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

SECTION 1. The General Court finds and declares that:

(a) In order to meet the serious public emergency that continues to exist in the City of Cambridge with respect to the housing of a substantial number of its citizens, it is necessary to regulate the removal of controlled rental housing units from the market.

(b) The city's existing powers to regulate such removals pursuant to Chapter 36 of the Acts of 1976, as amended, have proven inadequate, and many such units continue to be removed from rent control.

(c) Since the November 20, 1989 Steinbergh v. Cambridge Rent Control Board decision, 406 Mass. 147 (1989), hundreds of individual condominium units have been transferred or sold thereby creating a substantial risk of the removal of controlled rental housing units from the rental market.

(d) In order to regulate such removals effectively, it is necessary to regulate the sale of condominium units by the owners of rent controlled buildings, for the reasons stated in the Report of the Cambridge City Council Committee on Rent Control dated May 28, 1981.

(e) In order to regulate such removals effectively, it is also necessary for the City of Cambridge to have the additional powers conferred by Section 3 of this Act.

SECTION 2. In the City of Cambridge, no owner of a building for which a condominium master deed has been recorded shall, directly or indirectly, sell, offer for sale, or agree to sell any controlled rental unit therein, unless the board has granted a removal permit for that unit, or unless the sale or offer is to, or the agreement is with, a current tenant of the unit who holds an exemption certificate. The board shall issue an exemption certificate to any person who files with it an affidavit in a form prescribed by the board, stating that he is a current tenant of the unit, that he occupied it as a tenant before August 10, 1979, and that he intends in good faith to occupy it indefinitely as its owner. Nothing in this act shall prevent an owner of a building or any portion thereof from conveying his entire interest in the building in good faith to one purchaser, who shall then be subject to the provisions of this act to the same extent as the original owner.

SECTION 3. (a) Notwithstanding the provisions of any general or special law to the contrary, including without limitation, the provisions of General Laws chapters one hundred and fifty-six B, one hundred and fifty-seven, and one hundred and eighty-three A, the City of Cambridge may, by ordinance, further regulate and control the removal of controlled rental

units from the rental housing market, the reduction in the total number of controlled rental units in a building, structure or part thereof, or the change in form of ownership of a building, structure or part thereof containing controlled rental units. Such regulations and controls may include, but are not limited to, the authority to:

(i) require that no person shall remove a controlled rental unit from rental housing use without first obtaining a removal permit from the rent control board. Such permit may be subject to terms and conditions not inconsistent with the purposes and provisions of this act;

(ii) require that no person shall convert a controlled rental unit to a condominium or cooperative without first obtaining a removal permit for that purpose from the rent control board. "Convert" shall include recording a master deed pursuant to the provisions of chapter one hundred and eighty-three A of the General Laws or filing articles of organization pursuant to chapters one hundred and fifty-six B or one hundred and fifty-seven of the General Laws, or advertising, offering for sale or selling a unit as a condominium or cooperative unit.

(iii) regulate evictions relating to the conversion of a controlled rental unit to a condominium or to a cooperative subject to such terms and conditions not inconsistent with the purposes and provisions of this act.

(b) Any hearings regarding matters related to removal permits or evictions shall be conducted by the board in accordance with the provisions of section five of Chapter 36 of the Acts of 1976, as amended.

SECTION 4. Section 9(a) of Chapter 36 of the Acts of 1976 is hereby amended by deleting subsection (8) thereof and by substituting the following:

(8) the landlord seeks to recover possession in good faith for use and occupancy of himself, or his children, parents, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law; except that no action shall be brought under this clause to recover possession from a tenant who is sixty years of age or older and who occupied the unit continuously since before the recording of the master deed, or to recover possession of a condominium unit subject to chapter 8.44 of the Cambridge Municipal Code.

SECTION 5. Violation of any provision of this act, or of any ordinance or regulation adopted hereunder, shall constitute a violation of Chapter 36 of the Acts of 1976, as amended. In addition, the board or any person aggrieved by a violation of this act or any such ordinance or regulation may enforce its provisions in a civil action for damages or for declaratory or injunctive relief.

SECTION 6. The City of Cambridge may adopt ordinances, and the board may adopt regulations, to carry out the purposes of this act.

SECTION 7. Any person who is aggrieved by any action, regulation or order of the board may appeal or file a complaint pursuant to Section 10 of Chapter 36 of the Acts of 1976, as amended, unless otherwise defined in this act.

SECTION 8. The provisions of this act shall not apply to any building containing six or fewer units that has been occupied continuously, from on and after January 1, 1970 until January 1, 1990, by the owner of record as of January 1, 1970 or a member of that owner of record's family provided that any one family in the City of Cambridge may obtain this exemption for only one building and provided that any family seeking to avail itself of this exemption swears by affidavit, under oath, that it owns or has a beneficial interest in only one building containing rent controlled units in

the City of Cambridge.

For the purposes of this section, "owner of record" shall mean any owner as of January 1, 1970 named on the deed recorded at the Middlesex Registry of Deeds for the building for which this exemption is sought provided that the owner of record is an individual and not a corporate, trust or other business entity. This exemption shall not be available to corporations, trusts or other business entities.

For the purposes of this section, "family" shall mean an individual, an individual's spouse, parents, children, brother, sister, grandchildren, great grandchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law.

For the purpose of this section, "continuous occupancy" shall mean the continuous physical residence by the owner of record as of January 1, 1970 or a family member of that owner of record of the building from on and after January 1, 1970 until January 1, 1990. The exemption shall not apply to any building that was not occupied by the owner of record as of January 1, 1970 or a family member of that owner of record for a period of more than twelve months, in the aggregate, between January 1, 1970 and January 1, 1990; and, in no event, shall the exemption apply to any building that remained unoccupied by the owner of record as of January 1, 1970 or a family member for any period of time where a tenant broke the chain of continued occupancy by the owner of record or a family member.

SECTION 9. The City of Cambridge, in consultation with organizations representing owners of rent controlled properties in Cambridge, rent controlled tenants and other interested parties, shall examine and consider the following rent control issues, particularly as they affect so-called small owners of rent controlled properties in Cambridge: (1) whether the

capital improvement rent adjustment procedure, set forth in regulation 75 of the Cambridge Rent Board, operates fairly; (2) whether the fair base rent formula, set forth in regulation 75-02 of the Cambridge Rent Board, should be updated to provide for new minimum rents; (3) whether, under what circumstances and to what degree, owners of rent controlled properties should be allowed to pass along increases in property taxes, water and sewer fees and pass along increases in property insurance costs to tenants; (4) whether the allowable management fee for owner-occupiers of rent controlled properties should be increased; (5) whether prospective employees and hearing officers of the Cambridge Rent Control Board should be prohibited from owning or leasing rent controlled property in the City of Cambridge. The City of Cambridge shall examine and consider these issues and any other issues it deems relevant to the administration and enforcement of rent control, particularly as relates to the availability of decent and affordable housing for low and moderate income tenants and the problems experienced by so-called small property owners of rent controlled property who owner-occupy their property and are not actively engaged in the business of owning and renting property; and shall make findings of fact and prepare recommendations, based upon the findings, and transmit both the findings and the recommendations to the Joint Committee On Local Affairs, not later than July 1, 1991.

SECTION 10. If any section or any provision of any section of this act or the application of such section or any such provision of any such section to any person or circumstance shall be held invalid, the validity of the remainder of the act and the applicability of such section or such provision of such section to other persons or circumstances shall not be affected thereby; provided also that nothing herein shall be construed to

limit the authority of the city and the rent control board to regulate removal of controlled rental units as previously judicially determined.

SECTION 11. This act shall take effect upon its passage.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS
OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE.

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

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5 removal of controlled rental housing units from the market.

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7 pursuant to Chapter 36 of the Acts of 1976, as amended, have
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9 from rent control.

10 (c) Since the November 20, 1989 Steinbergh v. Cambridge Rent
11 Control Board decision, 406 Mass. 147 (1989), hundreds of
12 individual condominium units have been ~~referred~~ or sold thereby *transferred*
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14 housing units from the rental market.

15 (d) In order to regulate such removals effectively, it is necessary
16 to regulate the sale of condominium units by the owners of rent
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19 28, 1981.

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6 the agreement is with, a current tenant of the unit who holds an
7 exemption certificate. The board shall issue an exemption
8 certificate to any person who files with it an affidavit in a form
9 prescribed by the board, stating that he is a current tenant of the
10 unit, that he occupied it as a tenant before August 10, 1979, and
11 that he intends in good faith to occupy it indefinitely as its owner.
12 Nothing in this act shall prevent an owner of a building or any
13 portion thereof from conveying his entire interest in the building
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15 provisions of this act to the same extent as the original owner.

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2 general or special law to the contrary, including without
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4 and fifty-six B, one hundred and fifty-seven, and one hundred and
5 eighty-three A, the City of Cambridge may, by ordinance, further
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8 controlled rental units in a building, structure or part thereof, or
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10 thereof containing controlled rental units. Such regulations and
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15 and conditions not inconsistent with the purposes and provisions
16 of this act;

17 (ii) require that no person shall convert a controlled rental unit
18 to a condominium or cooperative without first obtaining a
19 removal permit for that purpose from the rent control board.
20 "Convert" shall include recording a master deed pursuant to the
21 provisions of chapter one hundred and eighty-three A of the
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23 chapters one hundred and fifty-six B or one hundred and fifty-
24 seven of the General Laws, or advertising, offering for sale or
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27 rental unit to a condominium or to a cooperative subject to such
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29 provisions of this act.

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 31 or evictions shall be conducted by the board in accordance with
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 2 is hereby amended by deleting subsection (8) thereof and by
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 7 except that no action shall be brought under this clause to recover
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 2 building containing six or fewer units that has been occupied
 3 continuously, from on and after January 1, 1970 until January 1,
 4 1990, by the owner of record or a member of the owner of
 5 record's family provided that any one family in the City of
 6 Cambridge may obtain this exemption for only one building and

*as of Jan. 1, 1970
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8 swears by affidavit, under oath, that it owns or has a beneficial
9 interest in only one building containing rent controlled units in
10 the City of Cambridge.

as of Jan 1, 1970

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12 any owner named on the deed recorded at the Middlesex Registry
13 of Deeds for the building for which this exemption is sought
14 provided that the owner of record is an individual and not a
15 corporate, trust or other business entity. This exemption shall not
16 be available to corporations, trusts or other business entities.

17 For the purposes of this section, "family" shall mean an
18 individual, an individual's spouse, parents, children, brother,
19 sister, grandchildren, great grandchildren, father-in-law, mother-
20 in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-
21 law.

22 For the purposes of this section, "continuous occupancy" shall
23 mean the continuous physical residence by the owner of record
24 or a family member of ~~the owner of record~~ of the building from
25 on and after January 1, 1970 until January 1, 1990. The exemption
26 shall not apply to any building that was not occupied by ~~an owner~~
27 of record ~~or a family member of the owner of record~~ for a period
28 of more than twelve months, in the aggregate, between January 1,
29 1970 and January 1, 1990; and, in no event, shall the exemption
30 apply to any building that remained unoccupied by ~~an owner of~~
31 record ~~or a family member~~ for any period of time where a tenant
32 broke the chain of continued occupancy by the owner of record
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as of Jan 1, 1970 that owners of record

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6 properties in Cambridge: (1) whether the capital improvement
7 rent adjustment procedure, set forth in regulation 75 of the
8 Cambridge Rent Board, operates fairly; (2) whether the fair base
9 rent formula, set forth in regulation 75-02 of the Cambridge Rent
10 Board, should be updated to provide for new minimum rents; (3)
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12 of rent controlled properties should be allowed to pass along
13 increases in property taxes, water and sewer fees and pass along
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15 allowable management fee for owner-occupiers of rent controlled
16 properties should be increased; (5) whether prospective employees
17 and hearing officers of the Cambridge Rent Control Board should
18 be prohibited from owning or leasing rent controlled property in
19 the City of Cambridge. The City of Cambridge shall examine and
20 consider these issues and any other issues it deems relevant to the
21 administration and enforcement of rent control, particularly as
22 relates to the availability of decent and affordable housing for low
23 and moderate income tenants and the problems experienced by
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25 owner-occupy their property and are not actively engaged in the
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28 and transmit both the findings and the recommendations to the
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8 authority of the city and the rent control board to regulate removal
9 of controlled rental units as previously judicially determined.

1 SECTION 11. This act shall take effect upon its passage.

Order # 38 *Col #1*

S-5/2
Mayor Wolf, Vice-Mayor Reeves, Councillors
Cyr, Duehay, Myers and Toomey approval of
Senate Bill 1580.- *An Act Regulating
Condominium Conversion + other
Removals of Controlled Rental
Units in the City of Cambridge*

In City Council,

April 23, 1990

*Charter Right
Exercised by
Councillor Walsh*

*4/30/90 Tabled by
Vice Mayor Reeves.*

*5/7/90 Amendment by
substitution Carried
Substituted motion
Tabled.*

*5/14/90 Order adopted
6-3-0*