

BAY STATE CONDOMINIUM TRUST  
1572 Massachusetts Avenue  
Cambridge, Massachusetts 02138

May 18, 1981

To the Cambridge City Council:

As Trustees of the Bay State Condominium Trust, we are writing to urge the City Council to take action to curb what we believe to be excessive and unwarranted conduct by the Cambridge Rent Control Board against the owners of six condominium units in the Bay State Condominium, who are Cambridge taxpayers and registered voters. We ask that:

- (1) each of you support the measure which we understand has been introduced by Councillor Leonard Russell to halt criminal prosecutions of these people,
- (2) the Council adopt an amendment to Ordinance 945 to exempt the Bay State from its operation.

The Rent Control Board, alleging that these owners occupied their units without obtaining removal permits, is seeking to have criminal complaints issued against them and to have fines imposed against each of them of \$500 for each day they have lived in their condominiums. It maintains that its actions are authorized by the ordinance and are in the best interests of the City of Cambridge. We disagree.

The Rent Control Board has made it clear that it is using the Bay State as a test case and that, if it is successful in obtaining criminal convictions of these people, it will initiate similar prosecutions against numerous other condominium owners throughout the city. We believe the Rent Control Board's actions are having, and will continue to have, extremely serious repercussions for all Cambridge condominium owners, and thus for the city as a whole.

The Rent Control Board has demanded that the Bay State owners vacate their units and has taken the position that it will not drop the criminal prosecutions until they do so. If the Board is not successful in having fines of \$500 per day imposed, Peter Stanton has informed our attorney that the Board will seek orders to vacate in the Superior Court, an action it is already pursuing against condominium owners on Highland Avenue. We find these tactics to be unauthorized and vindictive. The ordinance itself imposes a maximum one time fine of \$500 for removal of a unit from the rental market, not \$500 per day. Furthermore, the units in question here had already been removed from, and were being held off of, the rental market by the previous owner of the building and/or by the developer, and had been vacant for several months before these people purchased them. There was no question, therefore, of evicting tenants or of forcing tenants to leave.

The hardship which the Board's demands impose is almost incalculable. Most of these people were Cambridge tenants before they purchased the condominiums. If they vacate their units, they may well have to move away from Cambridge, resulting in effective disenfranchisement of Cambridge citizens. Even if they rented their units to others, each would sustain an immediate and substantial financial loss because of the difference between their carrying costs and the controlled rents governing each unit. The alternative of a criminal conviction would, of course, result in a record which could damage them for the rest of their lives.

The Trustees are concerned about the effect on the building as a whole if six owners are forced to move out. The Bay State has 41 units and over half are occupied by tenants, leaving only a small group from which to draw five trustees. The building is thus already a "hybrid" and the accessibility of resident trustees is important in maintaining a harmonious relationship between tenants and owners. Two of the current Trustees, the Chairperson and the Treasurer, are among the six whom the Rent Control Board seeks to prosecute. If a number of owners must move out, the detriment to the building will be shared by tenants and owners alike.

The reason for requesting an amendment to the ordinance is that the Bay State had been under a purchase and sale agreement to the condominium developer since July, 1979, prior to the enactment of the ordinance. The developer intended to, and did, record a condominium master deed shortly after the closing. Had the developer not gone ahead with the purchase, it would have forfeited a \$50,000 deposit to the seller. The building was thus slated for condominium conversion prior to enactment of the ordinance. The ordinance presently exempts individual units which were under purchase and sale agreements on August 10, 1979. We are simply asking that a building under purchase and sale agreement on the same date have the same exemption. A copy of the proposed amendment is attached.

The Rent Control Board has received no complaints from any tenant residents of the Bay State at any time. It has instituted the present criminal prosecutions entirely on its own. We ask that these prosecutions be stopped before further damage is done to Cambridge citizens and Cambridge condominium communities. We also urge the Council to address the question of preserving rental housing by some means other than requiring isolated individual citizens to leave their homes.

Very truly yours,



*Peter Lenrow*  
Clerk

Wesley A. Clark  
Peter Lenrow  
Suzanna Cenedella Russell  
Barbara E. Stephenson  
Palmer True,  
Trustees

Proposed amendment (underlined) by addition to paragraph (b)(4)(iv) of Ordinance 945:

But, this term "removal from the market" does not include occupancy of a non-condominium unit by the owner of the building in which it is located or by any member of his/her immediate family; or a condominium unit which the unit owner occupied before the tenant occupied it; or a condominium unit as to which unit it can be shown with respect to its initial sale after recording of the master deed that a purchase and sale agreement has been entered into prior to August 10, 1979, a cancelled check being conclusive proof of the transaction, or a unit deed recorded in Middlesex registry of Deeds prior to August 10, 1979; or the units in a condominium building as to which building it can be shown that a purchase and sale agreement had been entered into prior to August 10, 1979 and a condominium master deed recorded in the Middlesex Registry of Deeds prior to October 1, 1979.

13. 0-17

Comm. from Trustees of Bay State Condo  
Trust re: proposed amendment to Ord. No.  
945 & support of the halting of criminal  
prosecutions by the Rent Control Board.

In City Council,

May 18, 1981

5-18-81

Referred to the  
Rent Control

Committee  
Copy sent to Rent Control  
Committee 5/19/81 (cc)