

348 Franklin Street  
Cambridge, MA 02139-3731  
August 20, 1990

TO THE HONORABLE, THE CAMBRIDGE CITY COUNCIL:

I understand there was a meeting of the Rent Control Committee to consider proposed changes to Rent Control on last Thursday evening. I also understand this was intended to be the first of several such meetings.

I regret that I was unaware of the meeting until it was over.

There are three changes I am aware are necessary.

FIRST: The council needs to implement into the removal ordinance the protections against eviction for relative occupancy supported by the state legislature in the c 1/2 changes. I am not going to propose language to do this, I am fully confident members of the council are working on and have created quite adequate language.

SECONDLY: The council should put to rest transition exemptions built into the ordinance when it was created in 1979. These items of language were described by Councillor Crane when he moved to insert them as protecting condo owner-occupants then, in good faith, in the process of buying apartments for their own use.

The transition language is broad and its interpretation by Rent Control staff has been even broader. People have been evicted from rent controlled apartments because of these transition provision even in recent years. Untold other people are threatened by it and know or do not know of these bizarre provisions. THE THREAT OF EVICTIONS MUST STOP. The transition period can reasonably be said to be ended.

Eleven years is long enough for transition protections. The enclosed proposed language would say that if such apartments have never been legally occupied by owner-occupants up to August 1, 1990, then rent control tenants will have the same protections as other tenants.

This language is carefully drafted and should fit in well with the language which is necessary to protect against evictions for relative protections.

It is appropriate for fair play, and equal treatment of all Rent Control tenants.

This proposal is consistent with the policy of the Cambridge Tenants Union on Condo Eviction which reads:

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CAMBRIDGE, MA.

No tenant should be evicted for purposes of Condominium Conversion.

THIRD: The Rent Control Board, in its most recent General Adjustment took the position that the poorest of the poor, tenants of single room occupancies under rent control living in rooms renting for \$200.00 or less per month should be allowed percentage rent increases exceeding the cap applied to less impoverished tenants.

Tenants living in apartments renting for \$200.00 or more had a cap on their G.A. of 15%. SRO tenants living in rooms renting for \$100.00 per month, for example, could have 30% increases because the rent board decreed that the percentage cap on G.A. increases would be limited in units renting for less than \$200.00. Such units could receive increases up to a flat \$30.00.

When you are talking about a three bedroom apartment going from \$100.00 to \$130.00, you are talking about, possibly, three people sharing \$30.00 increase among them.

When you are talking about one room rented by some one too poor to afford an apartment going from \$100.00, you are talking about one very poor person getting a 30% increase.

When you realize that these single-room occupancies can frequently be in groups of five or more, the gross lack of fairness becomes abundantly clear.

Such an apartment or house, if not subdivided into SRO's could reasonably be considered to be rented for \$500.00. At \$500.00 there would be a 15% cap on rent increases. The unit could not get more than a \$75.00 increase.

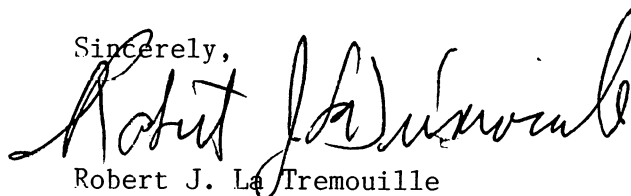
If the same apartment or house has been subdivided into SRO's, the increase could change the rent from \$500.00 to \$650.00, under the alternate \$30.00 minimum cap per SRO. That is an additional \$75.00 rent increase, BASED ON THE POVERTY OF THE TENANTS.

The Rent Control Board must be forced to distinguish between SRO's and apartments renting for the same amount. A price which MAY be unreasonably low for a three or five bedroom apartment may be absurdly expensive for one room.

Cambridge must protect our SRO's. Cambridge must stop chasing away the very poor.

The enclosed language is a concept. I very stongly would appreciate improvements.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert J. La Tremouille". The signature is fluid and cursive, with the first name "Robert" being the most prominent.

Robert J. La Tremouille

Enclosure 1, proposed removal ordinance change, final, except for my lack of knowledge of the correct citation in the Code of Cambridge:

Amend Ordinance Number 966 of the Ordinances of the City of Cambridge, as amended to date [substitute latest reference], by amending the last paragraph of section 1(b) by inserting therein after the first "August 10, 1979,": "and which has been once legally occupied by the unit owner prior to August 1, 1990.", and by deleting the balance of that sentence so that the paragraph picks up again with the last sentence, as a result of which said last paragraph reads as follows:

But this term "removal from the market" does not include occupancy of . . . a condominium unit as to which it can be shown with respect to its initial sale after the recording of the master deed that a purchase and sale agreement has been entered into prior to August 10, 1979, and which has been once legally occupied by the unit owner prior to May 1, 1990. No condominium unit once legally occupied by the unit owner shall ever again be subject to this section for any reason.

Enclosure 2, language for a new ordinance, VERY PRELIMINARY

Section 1. Definitions and Statement of Purpose.

(a) Definitions

Words used in this ordinance shall have the same meaning as in Chapter 36 of the Acts of the Commonwealth of Massachusetts of 1976, as amended to date, and as in [insert latest designation for the Removal Ordinance], as amended to date.

Additionally, the following words shall be defined and used herein as stated:

"Multiple Room Occupancy":

"Single Room Occupancy":

(b) The City Council of the City of Cambridge finds and declares as follows:

- (1) The poorest of Cambridge residents are frequently persons without families or are single mothers with children such persons of whom are unable to afford to rent an apartmentan apartment. They are forced to live in Single Room Occupancies because this is the best they can do.
- (2) Single room occupancies are vanishing in the City of Cambridge, being destroyed at an alarming rate.
- (3) The circumstances of rental of single room occupancies are strikingly different from rental of other rental units, because those single room occupancies are, except for subdivision and the terms of letting, of little difference from multiple room occupancies.
- (4) It can be grossly unfair to treat single room occupancies and multiple room occupancies the same rent in exactly the same manner inasmuch as the tenants in single rooms receive much less than tenants in multiple rooms. There are clear circumstances when the differences must be recognized, in order that the poorest of the poor are not unduly harmed.
- (5) In particular, when establishing "caps" on General Adjustments granted by the Board in its exercise of its powers delegated to it under Section 7 of the Act, it is unfair to set a flat minimum dollar amount of cap for a single room occupancy identical to such an amount for a multiple room occupancy renting for the same rent.

Section 2.

- (a) In its exercise of its powers delegated to it under Section 7 of the Act, the Board, and its establishment of fixed dollar amounts intermingled with percentage increases or decreases, the Board shall either:

- (1) treat single room occupancies as one-fifth of multiple room occupancies for whom said dollar amounts are established, and apply to said single room occupancies an amount equal to one-fifth of an amount established for multiple room occupancies in a manner otherwise consistent with multiple room occupancies, unless the Board finds good cause to treat single room occupancies more favorably than multiple room occupancies, or
- (2) use, and fully justify, such other method of recognizing the different characteristics of single-room occupancies, as the board may find fulfills the purposes of this ordinance.

8.

Comm. from Robert J. LaTremouille, 348  
Franklin St., transmitting proposed  
changes to the Rent Control Regulations.

In City Council,

Sept. 10, 1990

*Referred to the  
Rent Control Committee*

## THE COMMONWEALTH OF MASSACHUSETTS

RECEIVED BY  
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1988 AUG 15 AM 10:04

In the Year One Thousand Nine Hundred and Ninety

CAMBRIDGE MA.

AN ACT DIRECTING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO LEASE A CERTAIN PARCEL OF LAND AND A BOATHOUSE IN THE CITY OF CAMBRIDGE FOR USE FOR ROWING AND BOATING RELATED PURPOSES.

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 division of capital planning and operations in consultation with the metropolitan district commission, is hereby authorized and subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to execute and deliver in the name and on behalf of the commonwealth, subject to the terms and conditions as determined by said division in consultation with said commission, one or more instruments to lease a certain parcel of land two hundred and fifty feet, more or less, in length and the existing boathouse and other improvements thereon, and the docks, floats, and piers associated therewith located in the city of Cambridge, seven hundred and fifty feet, more or less, easterly of the Boston University bridge, for rowing and related purposes, to the Trustees of Boston University in order to effect an extension of said University's current right of use and occupancy of land and improvements.

The original lease or leases of such land to Boston University shall be for a period not to exceed twenty-five years, and shall be for not less than fair market value for comparable rentals. Said division, in consultation with said commission, may renew such lease or leases, subject to the approval of the general court, for an additional period of ten years; provided, however, that any additional renewals or leases for any further term of years shall also require approval of the general court.

The parcel of land to be leased herein by Boston University is shown on a plan of land entitled "Lease Plan for Boston University Boat House Memorial Drive - Cambridge, MA." prepared by Harry R. Feldman, Inc., surveyors, dated December 1, 1988, containing 38,625 square feet, more or less, and bounded and described according to said plan, as follows:-

Beginning at a point in the southerly sideline of Memorial Drive distant easterly 750 feet, more or less, from the Boston University Bridge, thence running

North 89 00'00" East by the southerly sideline of Memorial Drive, 250 feet to a point; thence

South 01 00'00" East by other land of the Metropolitan District Commission, about 147 feet to the Harbor Commission Line; thence

South 85 34'30" West along the Harbor Commission Line, about 250.5 feet to a point; and thence

North 01 00'00" West by other land of the Metropolitan District Commission, about 162 feet to the point of beginning at Memorial Drive.

There are appurtenant to said property customary riparian rights in and to the Charles River.

SECTION 2. The division of capital planning and operations shall file a copy of said lease or leases at least twenty business days prior to the execution thereof by said division with the inspector general and a copy thereof with the clerk of the house of representatives who shall forward the same to the joint committee on state administration. The inspector general shall review and comment, and any recommendations thereon by the inspector general, shall be forwarded to said clerk and to said joint committee on state administration. Said lease or leases, when executed by the deputy commissioner, shall be deemed to have been conclusively authorized hereby; provided, however, that all provisions contained therein are consistent with the provisions of this act. Said deputy commissioner from time to time is hereby authorized to execute and deliver, in the name and on behalf of the commonwealth, a notice of such lease or leases for recording and any and all other agreements and instruments related to the lease or leases authorized hereby which said division may, from time to time, determine appropriate. Any such notice of lease or leases, when executed by said deputy commissioner shall be deemed conclusively authorized hereby; provided, however, that all provisions contained therein are consistent with this act.

No sub-lease or sub-leases of such land or any building or portion thereof shall be executed without the prior approval of the general court.

No privately owned, occupied, or financed building of any kind may be erected upon said land without the written approval of said divisions, in consultation with the metropolitan district commission, a copy of which shall be

submitted to the clerk of the house of representatives who shall forward same to the joint committee on state administration. Plans for any such building shall be submitted to said division for its approval prior to any construction thereon. In like manner any alteration, addition thereto, or destruction or demolition thereof shall require the prior written approval of said division. Copies of any and all plans, together with all such written approvals therefor by said division shall be sent to the joint committee on state administration by said division to be kept on file.

The rental payment to the commonwealth for the lease or leases authorized by this act shall not be subordinated to any household mortgage of the lessee.

The lease or leases shall provide that the commonwealth may repossess the leased premises if payment of the rent or any other sum is not timely paid, or if the lessee otherwise defaults and that, notwithstanding such default, the lessee shall continue to owe rent or any other sums of money due to the commonwealth under the provisions of said lease or leases.

The lessee shall carry, in an amount approved in writing by the deputy commissioner of the division, comprehensive general liability insurance protecting the lessee and the commonwealth against personal injuries and property damage occurring on said property within any structure or building erected thereon, or using any equipment including, but not limited to, boats of any size assigned thereto; and such fire and extended risk insurance, as said deputy commissioner deems appropriate.

Boston University shall have the right, subject to the prior written approval of said deputy commissioner in consultation with the metropolitan district commission, to construct additions to or extensions of any of the improvements, and to perform restorations, or renovations thereto.

No sale, transfer, conveyance or any other disposition of such land, and buildings thereon, if any, may be made without the prior approval of the general court.

SECTION 3. No lease or leases of the property described in section one shall be valid unless such lease or leases shall provide that the Trustees of Boston University shall provide that said property shall be utilized during the months of July and August, annually, for said University's summer rowing program, open to residents of the commonwealth, and operated by and under the supervision of said University, in consultation with the division of capital planning and operations and the metropolitan district commission. Said summer

rowing program shall commence no later than the first Monday after the fourth of July and shall terminate on the last Friday in August, annually. Said rowing program shall not be required to operate on any Saturday or Sunday.

No lease or leases shall allow for the sale or consumption of alcoholic beverages of any kind in any building or on any land or improvements leased under the provisions of this act.

House of Representatives, June 5, 1990.

Passed to be enacted, *George L. Furman*, Speaker.

In Senate, June 12, 1990.

Passed to be enacted, *William M. Bulger*, President.

June 25, 1990.

Approved,

*Richard D. Hughes*, Governor.

Chapter 82 of the Acts of 1990  
AN ACT DIRECTING THE DEPUTY COMMISSIONER  
OF CAPITAL PLANNING AND OPERATIONS TO  
LEASE A CERTAIN PARCEL OF LAND AND A  
BOATHOUSE IN THE CITY OF CAMBRIDGE FOR USE  
FOR ROWING AND BOATING RELATED PURPOSES.

In City Council,

Sept. 10, 1990

*Referred to the  
Conservation Commission  
for report.  
Copy sent to Conservation  
Commission 9/12/90 dw*