



CITY OF CAMBRIDGE

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RENT CONTROL BOARD

PETER D. STANTON, EXECUTIVE DIRECTOR

September 24, 1979

OFFICIAL NOTICE

The following amendments to the Rent Board's Regulations have been approved by the Board and are in effect:

- 11-01 Applications for Certificates of Eviction, petitions for rent adjustment, applications for removal permits and complaints shall be made on forms provided by the Board and available from the Board at the Board's offices. All notices and other forms required by these Regulations shall be in such form as provided and made available by the Board.
- 12-01 The Rent Board shall employ an Executive Director for the administration of Rent Control within the City of Cambridge. The duties of the Executive Director shall include supervision of the Rent Control offices, coordination of programs with City, State and Federal Agencies, and supervision of the budget. The Executive Director shall be employed upon the approval of any qualified applicant by the members of the Rent Board with the approval of the City Manager. In addition to the Executive Director's other duties, the Director shall coordinate all aspects of Rent Adjustment hearings, Removal Permit proceedings and Eviction proceedings, and assume any other duties as directed by the Rent Board.
- 13-01 The following words or phrases as used in these Regulations, the Rent Control Act or Ordinance 926 shall have the following meanings:
 - 13-01 (r) "Ordinance", Ordinance 926 of the Code of the City of Cambridge entitled "Chapter Twenty-Three. Regulations Pertaining to Controlled Rental Housing Units", as passed by the Cambridge City Council on August 13, 1979.
 - 13-01 (s) "Removal Permit Proceeding", the procedures by which the Board determines whether a removal permit shall be granted.

- 13-01 (t) "Last Previous Occupant", as used in Section (b)(4)(i) of the ordinance shall mean the last occupant prior to August 10, 1979.
- 13-01 (u) "Same Person", as used in Section (b)(4)(i) of the ordinance shall mean the last previous occupant as defined above in 13-01 (t).
- 13-01 (v) "Owner", as used in the second sentence, second paragraph of Section (b)(4) of the ordinance, in reference to non-condominium units, shall mean all owners except multiple owners of a building who, after August 10, 1979, have taken title as joint tenants or tenants in common, who seek removal of more than half the units in the building for the purpose of occupancy by individual owners, present or future, and whose primary purpose in joining together for the purchase of said property was or is to evade the effects of Ordinance 926.
- 30-01 An action, hearing or proceeding under the Rent Control Act or under these regulations shall be commenced by filing a Petition for Rent Adjustment, an Application for a Certificate of Eviction, an Application for a Removal Permit, or a Complaint, in proper form, with the Board..
- 30-07 The Board shall consider an application for a removal permit pursuant to Regulation Series 46 upon receipt of an application filed in form satisfactory to the Board.
- 33-01 Separate dockets shall be maintained in the Rent Control Office for all petitions for rent adjustments, applications for certificates of eviction, applications for removal permits and complaints. Petitions shall be numbered, docketed and processed in the order that they are received. However, a petition may be advanced for good cause, and such good cause shall be stated in the docket. If two or more petitions relate to the same unit, although they appear on separate dockets, they may be combined for a single hearing.
- 35-01 There shall be a full and fair open proceeding to determine whether a rent adjustment shall be allowed, a certificate of eviction issued, a removal permit granted, or a complaint acted upon, regardless of whether the respondent contests the petition, except as is provided for in the case of a default by Regulation 50-09.
- 41-02 A copy of the decision in any rent adjustment, removal permit proceeding or eviction certificate proceeding, and a statement of the reasons therefore, shall be de-

livered or mailed to each party, along with a statement of their rights to a rehearing.

- 45-08 The Board on its own motion may initiate an action, or any tenant within a building subject, in whole or in part, to rent control, may file a Tenant's Complaint alleging that the building owner or the owner of a unit within the building in which the tenant resides has removed or is removing a controlled unit from the market without a removal permit. Where a building is totally vacant, and an owner is taking or has taken action which arguably is covered by Ordinance 926, and is doing so without a removal permit, any person or organization with knowledge of such activity, may file a Tenant's Complaint.
- 45-09 Upon a finding by the Board that an owner has removed a controlled unit from the market as defined in Ordinance 926, the Board may order that an Application for a Removal Permit be filed, or make any order which it may deem appropriate.

REGULATION SERIES NO. 46 - REMOVAL PERMIT PROCEEDINGS

- 46-01 Removal Permit proceedings shall be commenced in accordance with the provisions of these regulations.
- 46-02 Where the applicant fails to comply substantially with these regulations, the Board may deny the application for a removal permit.
- 46-03 Applications for Removal Permits filed with the Rent Control office by Friday at 1:00 P.M. shall be assigned for hearing the immediately following Wednesday at 9:00 A.M. at the Rent Control office. If a holiday falls on a Wednesday, the hearing originally scheduled for the holiday will be held on the Friday immediately following.
- 46-04 The following documents and/or actions, where applicable, are required to accompany applications for removal permits filed at the Rent Control office:
- (a) Where tenants occupy the unit(s) for which a removal permit is sought, an "officer's return of service" indicating that the notice of hearing has been delivered in hand or left at the last and usual address of the tenants involved, along with a copy of the application and a tenant's response form by a constable or a sheriff. Such service shall be made at least fourteen (14) days prior to the date of the hearing.
 - (b) In addition to the above requirement, whenever a

permit is sought in a building containing any occupied units, regardless of whether the permit is sought for an occupied or vacant unit, the applicant shall either post a notice of the time, date, place and purpose of the hearing at all regularly used entrances to the building - or mail, by first class postage, copies of such notice to all occupants then residing in the building. In addition, the applicant shall mail an affidavit to Rent Control so as to arrive before the hearing date, which affidavit shall specify the manner of notice given and the date notice was posted or mailed. The action of posting or mailing notices must be completed at least fourteen (14) days prior to the date of the hearing.

- (c) Whenever a permit is sought for a unit or units within a building in which no tenants reside, the application shall have attached to it when filed, an affidavit from the applicant stating that fact. In addition, in such instances the applicant shall mail by first class postage, at least fourteen (14) days prior to the date of the hearing, notice of the time, date, place and purpose of the hearing to all persons or organizations appearing on an official list maintained for that purpose at the Rent Control office, and the applicant also shall specify the date of mailing in his or her affidavit.
- (d) With regard to such a list as referred to in (c) above, interested persons or organizations must request and receive approval from the Executive Director for placement on that list, and it shall be within the discretion of the Board to limit the number of entries or to refuse for good cause, entry on the list. In no event shall the list be allowed to exceed fifteen (15) entries.
- (e) The Board may, where it deems necessary, order notice by publication in removal permit cases.
- (f) It shall be the applicant's responsibility to send notice as specified above, and to bear the costs of doing so.

46-05 The form for an Application for Removal Permit, the notice of a hearing, tenant's response form and affidavits shall be provided by the Rent Control office. The notice of the hearing shall meet all the requirements of Regulations 32-02 and 32-03.

46-06 Applications for Removal Permits shall be dismissed unless service and/or notice, as required under this Regulation

Series, is made within the time limits specified in Regulation 46-04.

46-07 The hearing shall be conducted in accordance with the provisions of Regulation Series Nos. 34 through and including 41.

46-08 In considering whether to grant or deny a removal permit, the Board may consider any evidence which bears on an application, including, but not limited to, the following factors:

- (a) The condition of the housing involved, and the prospects that capital needed to maintain it as rental housing will be available;
- (b) The present and likely future rent structure in the building, including likely increases which would result from major improvement, renovation or rehabilitation;
- (c) Whether, for how long and for what reasons a building or unit has been abandoned or vacant;
- (d) Whether, and to what extent units in a building are owner-occupied;
- (e) Tenant's age, financial status, occupation and health generally;
- (f) Length of tenant's occupancy in the unit, building or neighborhood involved;
- (g) Size and make-up of tenant's family if unit so occupied;
- (h) Comparable housing available to the tenant, including housing actually made available to tenant by applicant;
- (i) Other financial arrangements offered by applicant;
- (j) Statistical data about the housing market in Cambridge, or within particular neighborhoods, including number of rental units, number of vacant rental units, new construction or the like. In this regard, the Board on occasion may publish and take notice of such factual data as can be developed from its records or otherwise is available to it;
- (k) Prior denials of applications for removal permits.

46-09 (a) When an application for a removal permit is denied, no further application may be filed by any person

for six (6) months from the date of denial, and no application may be filed by the same applicant unless the Board grants permission to reapply based upon its satisfaction that some significant change has occurred regarding material facts.

- (b) Requests to reapply shall be made on a form prescribed by the Board and be accompanied by an affidavit which specifies the facts which have changed and the manner in which those facts have changed. Requests to reapply shall be heard by the Board.
- (c) In no event shall the Board allow more than two (2) applications for removal permits to be filed against any unit within any twelve (12) month period.
- (d) Removal permits granted by the Board shall be transferable from developer to purchaser and thereafter shall run with the unit for which it was granted, until the unit is removed from the market.

46-10 The grant of a removal permit shall not eliminate an owner's obligation to comply with the requirements for a Certificate of Eviction when possession of the unit is sought. However, both an Application for a Removal Permit and Application for a Certificate of Eviction may be filed together and if so filed, may be joined and heard together. When such joint filing is to be made, the hearing date chosen by the applicant must be a Wednesday which allows the notice requirements for both proceedings to be satisfied.

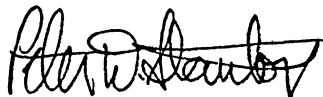
46-11 When a removal permit is granted, a unit shall nevertheless remain subject to all applicable provisions of the Act and Regulations until such time as it is actually removed from the rental market, and shall be subject to controls once again, if and when the unit returns to the rental market and is otherwise not exempt from the provisions of the Act and these Regulations.

50-08 Hearings on applications for Certificates of Eviction, with one exception specified below, shall be conducted each Tuesday and Thursday at 9:00 o'clock in the forenoon at the Rent Control offices. If a Tuesday or Thursday is a holiday the hearing originally scheduled for the holiday will be held on the following Friday. Hearings on applications for Certificates of Eviction where the only alleged ground for eviction is that the tenant has failed to pay rent to which the landlord is

entitled shall be each Tuesday. Except for matters to be joined with removal permit proceedings, in all other cases where a Certificate of Eviction is sought the hearing shall be each Thursday. In cases where a Certificate of Eviction application is to be filed and joined with an application for a Removal Permit, the hearing shall be on Wednesday at 9:00 A.M.

- 50-13 Without a removal permit where required under the ordinance, no owner of a controlled rental unit shall be granted a Certificate of Eviction under section 9(a)(8) of the Act, where that owner seeks to occupy the unit for him or herself.
- 50-14 Without a removal permit, no owner of a controlled unit or units shall be granted a Certificate of Eviction under Section 9(a)(9) of the Act.

By order of the Rent Control Board

A handwritten signature in dark ink, appearing to read "Peter D. Stanton", written over a horizontal line.

Peter D. Stanton
Executive Director

S-521