



The nation's voice for condominium, cooperative and homeowner associations

Dear Town or City Official:

I am the President of the New England Chapter of the Community Associations Institute, a national non-profit organization which assists condominiums, cooperatives and other homeowners associations with issues that concern them. For the past seven years we have been involved in trying to obtain municipal services for condominiums throughout the Commonwealth of Massachusetts if, and to the extent, that single family homeowners are provided the service. We have been working on this issue city by city and town by town, through the political process of effecting legislative changes to correct an injustice to condominium homeowners in Massachusetts communities. Although certain communities have always provided equal trash and other municipal services to condominiums, many do not. In just the past two years, at least 10 municipalities have changed their policies after the condominium owners in their communities brought the issue to the attention of the municipality's governing body.

We are writing you this letter to give you the opportunity to address this issue in a proactive manner based upon a recent Federal case. The United States District Court for the Northern District of Ohio has recently ruled that it is a violation of the Equal Protection Clause of the United States Constitution not to provide equal trash services to condominiums and single family homes in your community. The Court ordered that the municipality must provide those services within three months, as well as pay to the two condominium associations involved \$26,000.00 in damages, plus court costs. We have enclosed a copy of the Federal Court decision for your review. We hope that once you have reviewed the applicable law, you will ensure that your municipality complies with this ruling and with the U.S. Constitution by providing all citizens of your municipality, including condominium homeowners, fair and equal treatment.

In the event that you have any questions, please do not hesitate to contact the undersigned at (781) 843-5000.

Sincerely,

Richard E. Brooks
President, CAI - New England

70 Walnut Street
Wellesley Hills, Massachusetts
02481-2175
(781) 239-8193
Fax (781) 239-8194

PRESS RELEASE

Community Associations Institute of New England (CAI) is pleased to announce that after many years of diligent effort, all Massachusetts cities and towns may now be required to provide municipal trash pickup to condominiums if they provide it to single family homeowners. For many years CAI has been proactively trying to effect local legislation in each city and town throughout the Commonwealth requiring municipal trash pickup. However, convincing each city and town to voluntarily provide these services has, and continues to be, a long drawn out battle. Most recently, 10 cities and towns have agreed to change their policy, yet many cities and towns have yet to provide municipal services to condominiums.

All this may have changed as a result of a Federal Court ruling in Ohio where two condominium associations successfully sued their city to obtain municipal services. The Court ruled that the City of Mayfield Heights is required to pick up the trash for these condominium associations, as well as pay \$26,000.00 in damages and court costs. The basis for the decision was the Equal Protection Clause of the United States Constitution. The Court concluded that there was a violation of the Equal Protection Clause when the city provided different services to two types of homeowners in the same tax classification. Cities and towns throughout Massachusetts and the Country will have to take note of this decision as it has been common practice throughout the municipalities in this Country to discriminate in the provision of municipal services. Single family homeowners and condominium homeowners in Massachusetts are taxed equally and should receive the same services. Now, a Federal Court has ruled on this point.

CAI - New England, which has been instrumental in fighting this battle throughout Massachusetts and Rhode Island is headquartered in Wellesley, Massachusetts. The current President, Richard E. Brooks, has been working on this issue for six or seven years and would be happy to provide any further information by calling him at (781)843-5000.

Consent Communication #9

Communication was received from Richard E. Brooks, President, CAI-New England, transmitting information on equal trash services to condominiums.

In City Council February 5, 2001

**REFERRED TO CALENDAR
ITEM #1.**



City of Cambridge

0-2.
Calendar Item #1
IN CITY COUNCIL

~~January 29, 2001~~
February 5, 2001

COUNCILLOR TOOMEY
COUNCILLOR BORN
COUNCILLOR BRAUDE
COUNCILLOR DAVIS
COUNCILLOR DECKER
MAYOR GALLUCCIO
VICE MAYOR MAHER
COUNCILLOR REEVES
COUNCILLOR SULLIVAN

ORDERED: That the City Manager be and hereby is requested to report to the City Council on the status of trash pick-up from condominium associations.

In City Council February 5, 2001.
Adopted by the affirmative vote of nine members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- *D. Margaret Drury*

D. Margaret Drury
City Clerk



9
The nation's voice for condominium, cooperative and homeowner association.

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City of Cambridge

O-2.

IN CITY COUNCIL

January 29, 2001

COUNCILLOR TOOMEY
COUNCILLOR BORN
COUNCILLOR BRAUDE
COUNCILLOR DAVIS
COUNCILLOR DECKER
MAYOR GALLUCCIO
VICE MAYOR MAHER
COUNCILLOR REEVES
COUNCILLOR SULLIVAN

ORDERED: That the City Manager be and hereby is requested to report to the City Council on the status of trash pick-up from condominium associations.

CHARTER RIGHT EXERCISED BY COUNCILLOR TOOMEY

10-2

1/29

- re 1/22 @ 6:45pm.

17

up 21 Cm = 103 v 14 L 2

✓ by

Councilor Gormey

Ordered

That the C. Mgr be & he/she is requested

to report to the C.C. on the status of trash pick up.

from Condo Association



City of Cambridge

O-2.

IN CITY COUNCIL

January 29, 2001

COUNCILLOR TOOMEY

ORDERED: That the City Manager be and hereby is requested to report to the City Council on the status of trash pick-up from condominium associations.

cal / S
b/

Order #2

Status of trash pick-up from
condominium associations.

Councillor Toomey

In City Council January 29, 2001

*Charter Right exercised
by Councillor Toomey*

*In City Council
February 5, 2001*

ORDER ADOPTED