

CONDOMINIUM REVIEW BOARD  
APPLICATION FOR CONDOMINIUM CONVERSION AND REMOVAL OF RENTAL UNITS  
FROM THE MARKET

NOTICE TO DECLARANT/APPLICANT/ATTORNEY: Please fill out this form and all attached forms completely (form should be typewritten or printed using a ballpoint pen), date and sign where indicated below. All statements are signed under the pains and penalties of perjury. Any application that is incomplete, unsigned or illegible will not be accepted. As required under Chapter 7 36(c) and Chapter 8 38-3 of the Somerville Code of Ordinances, the following shall be filed along with this application:

1. An affidavit listing the names of all tenants in the building(s) to be converted at the time notice was sent pursuant to the ordinance; an affidavit that the notice requirements of the ordinance have been complied with, and an affidavit that the declarant has not and, to the best of his/her knowledge, his/her predecessors in title have not violated Section 12 of the ordinance (Interruption of Essential Services). Applicants must utilize the affidavit forms attached to this application.
2. A Certificate of Good Standing must be included with the application – this may be obtained from the City of Somerville’s Treasury Department.
3. A final water bill with a ‘received payment’ stamp and a paid receipt reflecting that there are no water charges owed on the subject property. The document must have a Treasury Department ‘received payment’ stamp with the date of payment and must be obtained no more than 30 days prior to the date of hearing. Please call the Water Department at (617) 625-6600 EXT. 5850 to arrange for a final water meter reading. All water accounts serving the subject property must be paid in full. Please allow at least five business days to process this request.
4. A certified check or money order made payable to the City of Somerville to cover the filing fee (filing fee is \$500.00 per unit). No fees will be refunded.
5. A copy of the deed granting the property to be converted to the declarant (available at <http://www.masslandrecords.com/MiddlesexSouth/>)
6. \*A condominium master deed for the property. The master deed does not have to be filed with the Registry of Deeds before it is submitted with the permit application but should be in final form, ready for filing with the Registry of Deeds.
7. \*A report of an independent, licensed engineer or architect describing the present condition of all structural components and major mechanical systems of the building and also including the approximate dates of construction, installation, major repairs and the expected useful life of each such item.

The complete application must be received by the Wednesday preceding the scheduled meeting.

\* Please note that, unlike all other required documents, master deed and engineer/architect report submission are not required prior to the Condominium Review Board meeting. If not included with application submitted prior to Condominium Review Board meeting, granting of a removal permit will be conditioned on submission of the required documents.

**SIGNATURE AND DATE ON THIS PAGE SHOWS THAT YOU HAVE READ AND FOLLOWED PROCEDURES ON PAGE 1.**

\_\_\_\_\_  
Declarant/Applicant/Attorney / Date

Applicant's Address \_\_\_\_\_

Daytime Telephone # \_\_\_\_\_

ADDRESS OF PROPERTY FOR WHICH PERMIT IS SOUGHT:

\_\_\_\_\_  
Number and Street Zip Code

RENTAL UNIT IS SOUGHT TO BE REMOVED FOR WHAT REASON:

\_\_\_\_\_  
Occupy as an owner of a condominium unit  
\_\_\_\_\_  
Demolition  
\_\_\_\_\_  
Rehabilitate, repair or improve for sale or rental as a condominium unit  
\_\_\_\_\_  
To sell as a condominium unit  
\_\_\_\_\_  
Other \_\_\_\_\_  
(Please Specify)

STATUS OF BUILDING:

\_\_\_\_\_  
Vacant  
\_\_\_\_\_  
Partially Occupied  
\_\_\_\_\_  
Fully Occupied

RENT STRUCTURE:

\$ \_\_\_\_\_ /Month - One Bedroom Apartment  
\$ \_\_\_\_\_ /Month - Two Bedrooms  
\$ \_\_\_\_\_ /Month - Three Bedrooms  
\$ \_\_\_\_\_ /Month - Four or More Bedrooms

Does Rent Include Utilities?    YES \_\_\_\_\_ NO \_\_\_\_\_

I, SWEAR, UNDER THE PAINS AND PENALTIES OF PERJURY, THAT ALL OF THE INFORMATION SUPPLIED HEREIN IS TRUE.

\_\_\_\_\_  
Signature of Declarant/Applicant or Attorney Date

NOTE: Whoever willfully violates any provision of the aforementioned Ordinance or whoever knowingly makes any false statement or affidavit pursuant to Section 6 of this Ordinance shall be punished by a fine of not more than two hundred dollars (\$200.00).

CITY OF SOMERVILLE  
CONDOMINIUM REVIEW BOARD  
AFFIDAVIT A

I, \_\_\_\_\_ on oath depose and state that the following is  
(applicant/declarant or attorney)  
a true and complete list of all of the tenants residing at \_\_\_\_\_  
\_\_\_\_\_, Somerville, Massachusetts, to  
whom notice was sent regarding the application to be filed in accordance with the  
Condominium Conversion Ordinance of the City of Somerville:

Apt. No.                                      Name of Tenant                                      Date Notice Served

(Use Additional Sheets as Necessary)

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY

Date: \_\_\_\_\_ 20\_\_

Signature of: \_\_\_\_\_  
Applicant/Attorney for Applicant

Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_

CITY OF SOMERVILLE  
CONDOMINIUM REVIEW BOARD

AFFIDAVIT B

I, \_\_\_\_\_, on oath depose and state that:

1. I have complied with the notice requirements of Section 7 of the Condominium Conversion Ordinance 1985-9; namely
  - a. At least one year before the master deed is filed, notice must be given to the Condominium Review Board and each tenant in the housing accommodation of the intention to file an application to convert the housing accommodation to condominium units.
  - b. For buildings which have already been converted, at least one years notice must be given to the tenant of the unit the owner's intention to recover possession of the premises (at least a two year notice in the case of a rental unit occupied in whole or in part by a handicapped, elderly, or low or moderate income tenant).
  - c. All notices to tenants must be personally served by a process server or sent by certified mail, return receipt requested.
  - d. The terms of the tenancy may not be altered during any notice period required by the ordinance.
2. To the best of my knowledge, neither the declarant or his/her predecessors in title have violated Section 12 of the ordinance by interrupting or discontinuing essential services in any dwelling or in the common area of the housing accommodation.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY

Signed \_\_\_\_\_  
Applicant/Declarant or Attorney

Date: \_\_\_\_\_

CITY OF SOMERVILLE  
CONDOMINIUM REVIEW BOARD

TENANT NOTICE OF APPLICATION  
FOR CONVERSION TO CONDOMINIUMS

Date: \_\_\_\_\_

Name (s):

Address:

Application has been made to this Board by

Seeking permission to convert the property known as

by \_\_\_\_\_ demolishing

\_\_\_\_\_ converting

\_\_\_\_\_ rehabilitating

said property and offering to sell units as condominium units to buyers who wish to occupy said property.

You are hereby notified and advised to attend a hearing that will determine whether the applicant in this matter should be granted a removal permit for the above-mentioned property.

(Note: After the application has been filed, the Board will send you a notice stating the date, time, and place of the hearing.)

Please complete the enclosed Tenant Information Request Form and return it to the Board.

SOMERVILLE CONDOMINIUM REVIEW BOARD  
TENANT INFORMATION REQUEST FORM

Please complete this form and return it to:

Condominium Review Board  
City Hall  
93 Highland Avenue  
Somerville, MA 02143

Please type or print clearly and attach additional pages if necessary.

1. Name (s) a) \_\_\_\_\_ b) \_\_\_\_\_  
c) \_\_\_\_\_ d) \_\_\_\_\_
2. Address: \_\_\_\_\_ Unit: \_\_\_\_\_
3. Ages of occupants: a) \_\_\_\_\_ b) \_\_\_\_\_ c) \_\_\_\_\_ d) \_\_\_\_\_
4. Is any occupant of this unit physically handicapped? \_\_\_\_\_  
\_\_\_\_\_
6. When did you move into this building? \_\_\_\_\_  
Month and Year
7. Are you presently a student? \_\_\_\_\_ Do you consider yourself a temporary resident of Somerville for educational purposes only? \_\_\_\_\_
8. Before receiving notice of the application for conversion to condominiums, were you planning to move? \_\_\_\_\_ If so, when? \_\_\_\_\_  
(approximate month)
9. If your building were converted to condominiums, would you consider purchasing your present unit? \_\_\_\_\_
10. Has the present owner of your building offered assistance for any of the following? (If yes, please explain).
  - a) Moving expense: \_\_\_\_\_
  - b) Purchasing unit: \_\_\_\_\_
  - c) Locating alternate housing: \_\_\_\_\_
  - d) Other: \_\_\_\_\_



## CONVERSION OF RENTAL UNITS

No owner or other person shall convert rental units into condominiums unless the Condominium Review Board holds a hearing and grants a permit.

If a removal permit is granted by the Board, this does not mean that you have been evicted. The owner of the unit may offer you an opportunity to purchase the unit and must give you at least one year notice before bringing an action to recover possession of the unit.

## CONSIDERATIONS

In deciding whether to grant a permit under the ordinance, the Board shall consider:

- (1) the benefits to the persons sought to be protected by the ordinance;
- (2) the hardships imposed on the tenants residing in the unit proposed to be removed, including any special provisions made by the applicant;
- (3) any aggravation of the shortage of rental housing accommodations, especially for families of low and moderate income and elderly people on fixed incomes, which may result from the removal of the units from the rental market.

## NOTICE REQUIREMENTS

A declarant who intends to convert a housing accommodation to condominium ownership must give the Board and each of the tenants written notice at least one year before the declarant files a master deed.

A declarant or unit owner shall give each tenant at least one (1) year prior written notice of his or her intention to bring an action to recover possession of the unit.

If a rental unit is occupied in whole or in part by a handicapped tenant, an elderly tenant, or a low or moderate income tenant, the notice period shall be at least two (2) years.

Notices must be personally served by process server or mailed by certified mail, return receipt requested.

## ACCESS

The tenant in a rental unit to be recovered shall not unreasonably withhold consent to the applicant or his or her agents to enter the unit in order to inspect the premises, obtain data, or show the unit to prospective or actual workers or purchasers. The applicant shall give the tenant at least two (2) days notice of intent and may enter only at reasonable times.

The applicant shall not start remodeling a unit while it is occupied by a tenant, nor create any unreasonable disruption of the common areas; including, but not limited to, restricting access thereto, interference with the quiet use and enjoyment of the premises, abuse of the right of access to units, or harassment of tenants.

#### INTERRUPTION OF ESSENTIAL SERVICES

Any tenant who experiences interruption or discontinuance of essential services in his or her dwelling unit or in the common area of the housing accommodation may notify the Condominium Review Board and the Building and health Departments of the City of Somerville. The Building and Health Departments shall, upon notification by the tenant and verification that such interruption does exist, order appropriate corrective action.