

NOTICE: This is NOT the official version of the Committee Report as APPROVED by the Board of Aldermen. While reasonable efforts have been made to assure that this is the Committee Report that was presented at a meeting of the Board of Aldermen, you should check the Minutes of that meeting in order to confirm its approval, rejection or amendment. Do not rely on the accuracy of this information without first checking with the City Clerk.

May 16, 2006

REPORT OF THE COMMITTEE
ON LEGISLATIVE MATTERS

The Committee on Legislative Matters convened on May 16, 2006 with Chairman Thomas Taylor presiding and Committee Members Aldermen Maryann Heuston, Sean O'Donovan, William Roche and Robert Trane also present and voting. Also present were Aldermen Dennis Sullivan, Rebekah Gewirtz, Denise Provost, William White and Walter Pero. Also present were James Kostaras and Anne Thomas of SPCD, Mike Lambert of the Mayor's Office, Phil Ercolini of the Affordable Housing Trust Fund, Kenneth Joyce of the Condo Review Board as well as several interested citizens.

The committee met for the purpose of conducting a Public Hearing regarding a request to approve a new condominium and cooperative conversion ordinance.

There were 16 individuals speaking **in favor** of the proposal. Their comments are summarized as follows:

- There is a serious demand for affordable rental housing as 70% of the city's residents are renters
- In many cases, new property owners are pressuring tenants to move
- Many buildings undergoing conversion are not secured, creating security hazards for tenants still occupying the building
- Tenants feel as if they are under siege while other units in their buildings are converted
- Parts of buildings are being converted without notifying tenants
- The BOA was urged to adopt the mayor's draft and the AHOC (Affordable Housing Organizing Committee) amendments
- The mayor's proposal does not require that notice be given to tenants, but the AHOC amendments would require that notice be given when the conversion process begins
- Tenants are asking for a level playing field
- The proposal would make landlords accountable
- The resulting profit would far out weight the inconvenience of additional notice
- Clarifies the definitions of elderly and low income and provides additional clarity, which would help in avoiding lawsuits
- Tenants should have the right of first refusal upon conversion

- Tenants don't realize that they have rights under the law with regards to conversions
- Additional time is needed for tenants to find suitable rental housing or to purchase converted units
- The fabric of the working class that build this city are gone because they can't afford to live here
- The answer is not repealing current law and replacing it with state law, but rather strengthening the existing law with this proposal and AHOC's amendments

Ellen Shachter, an attorney for AHOC, provided the members with AHOC's suggested improvements. She noted that the state condo conversion law does not apply to Somerville because Somerville has its own ordinance. She also pointed out that some of the regulations in the Somerville ordinance are questionable, and therefore are not always enforced. Ms. Shachter also said that Somerville residents are in a worse position than most people in the state as Somerville does not have the 4-year protection that is provided in the state law, nor are Somerville's eviction protection laws as strong as the state's. Ms. Shachter told the members that representatives of AHOC would meet with each alderman, individually, to explain their position.

There were 5 individuals speaking **against** the proposal. Their comments are summarized as follows:

- Rent control is like an infection and if this defacto rent control is allowed, property would be devalued
- Evictions would be controlled – even in 2-3 family residences
- The courts will be burdened with cases
- The intent of the proposal is to make condo conversion difficult
- Condo conversion has made home buying possible for many families and has raised the stature of the city because of the pride of ownership
- The 4 year notice seems excessive
- The remedy is not in creating more regulations, but enforcing the ones that already exist

SPCD Special Counsel Anne Thomas distributed copies of the state law, (Acts, 1983 – Chapter 527) and the special act of 1985 regarding condo conversions in the City of Somerville. Ms. Thomas assured the members that the new proposal would not be in conflict with existing state law. The committee asked that the Law Department render an opinion as to why c527 of the Acts of 1985 does not render the proposed ordinance null and void.

Alderman O'Donovan requested that any city officials involved with the drafting of this proposal be present at the meeting on May 26th to answer any questions that might arise and Chairman Taylor asked that members of the Condo Review Board be invited, as well.

Alderman Roche asked that a communication be sent to the Mayor requesting that future changes to any codes or ordinances presented to the Board of Aldermen for approval be in red-lined format. He also asked that this proposal be presented in a bullet format.

Chairman Taylor informed those present that the record would remain open until the close of business on Friday, May 26, 2006, and that any additional comments be submitted in writing to the City Clerk. The committee will meet on May 30, 2006 to further discuss this matter.

No papers were acted on.

Alderman Thomas F. Taylor, Chairman
Committee on Legislative Matters

COMMITTEE REPORT

Report of the Committee on Legislative Matters,
May 16, 2006

In Board of Aldermen

Clerk