



CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

March 29, 2022

REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Lance L. Davis	Chair	Present	
Ben Ewen-Campen	Vice Chair	Present	
Willie Burnley Jr.	City Councilor At Large	Present	
Jefferson Thomas ("J.T.") Scott	Ward Two City Councilor	Present	
Jesse Clingan	Ward Four City Councilor	Present	

Others present: David Shaipro - Assistant City Solicitor, Ellen Shachter - Director of Housing Stability, Aneesh Sahni - Director of Intergovernmental Affairs, Brendan Salisbury Legislative and Policy Analyst, Peter Forcellese - Legislative Clerk.

The meeting took place virtually via GoToWebinar and was called to order at 6:05 PM by Chair Davis and adjourned at 7:50 PM on a roll call vote of 5 in favor (Councilors Clingan, Scott, Burnley, Ewen-Campen and Davis), none against and none absent.

Approval of the March 15, 2022 Minutes

The minutes were accepted on a roll call vote of 4 in favor (Councilors Scott, Burnley, Ewen-Campen and Davis), none against and 1 absent (Councilor Clingan).

RESULT:

ACCEPTED

213074: That the City Solicitor draft language to amend the Housing Stability Notification Act to proactively meet the needs of residents.

Councilor Burnley introduced the item by saying that many residents are experiencing housing difficulties and that the current legislation requires that a notice be provided to tenants upon them leaving a dwelling, that informs them of available assistance. The draft before the committee requires that a tenant should be provided with a document listing their rights with regard to housing when they first secure a dwelling in the city. This bill would go as far as possible in empowering the residents of the city. Assistant City Solicitor Shapiro advised on legal considerations.

Director Shachter said enforcement has not yet been discussed with the administration. She noted that most of the larger landlords comply with the existing ordinance, so there is some disparity in who gets reported and that raises some equity considerations because it may be more difficult and/or more of a risk for some tenants to report a landlord at the very beginning of their tenancy versus others. Director Shachter also feels that there is a need for an internal conversation, including with

Inspectional Services, to weigh issues regarding implementation. She noted that translations should be able to be done through OSPCD.

Chair Davis said that the main difference between the current and proposed acts is when the tenant is provided the notice. He had questions about language suggesting that the landlord should take a guess at what language the tenants might speak. Mr. Shapiro will take a look at the draft to make the intent clear. Chair Davis is fine with leaving this in committee to give the administration more time to work out any concerns.

Councilor Ewen-Campen supports the item and asked about recent case law. He also inquired about any time limits that might apply for a tenant to report that the required notice was not received and Director Shachter replied that there is no expiration date for reporting.

Councilor Scott supports this item and thinks that enforceability is of primary concern and he favors passing the legislation and then tweaking it since the effective date is 6 months after passage. Councilor Burnley said that the goal is to provide a 1 page document that has information and links to additional information and resources and he feels that this will help to empower tenants to speak up. Councilor Clingan asked about the form to be used and asked if it could be expanded to emails and text messages. Director Shachter said it's something to consider, but noted that not everyone has email. Councilor Scott said there's no perfect way to contact everyone, and he said that a rental registry would provide the city with contact information for all tenants, for use in notifying them about public hearings, emergencies, etc.

RESULT:

KEPT IN COMMITTEE

213186: That the City Solicitor advise this Council on its ability to ban quotas in law enforcement, including the application for grants that require additional enforcement as a prerequisite.

Councilor Burnley introduced the item and said that he is against quotas and he would like to pass something that would prevent the city from accepting grants with quota requirements. Assistant City Solicitor Shapiro informed the committee that there is case law indicating that traffic stop quotas are illegal in the state, therefore, the Council could go forward with an ordinance to address this issue. Councilor Ewen-Campen, noting that a recent grant contained a requirement that quotas be attained, and if not, that an explanation be provided, asked if that is an attempt to get around the quota requirement. Mr. Shapiro will research that question further. Councilor Burnley commented that if the city administration is willing to go along with his intent in this matter, then an ordinance might not be needed immediately, but he still wants to have a discussion about it. Chair Davis wants to hear the answer to Councilor Ewen-Campen's question and wants to know if the City Council can close the apparent loophole that was used in the recent grant proposal.

RESULT:

KEPT IN COMMITTEE

213227: That the City Solicitor prepare a revision to the appropriate ordinance so vehicles that are parked in a crosswalk, or blocking a bicycle lane, ADA ramp, bus stop, or sidewalk may be towed as well as ticketed.

Chair Davis stated that although the city already has the ability to tow in these situations, Councilor McLaughlin wanted to consider expanding the authority. Assistant City Solicitor Shapiro said that, under local law, the responsibility for ordering a vehicle to be towed falls to the Police Department. A request

would have to be approved by the Traffic Commission to allow Parking Control Officers (PCO) to initiate towing. Chair Davis asked Mr. Shapiro to compose a request to the Traffic Commission to achieve this.

Councilor Clingan commented that perhaps a PCO could send a photo to the Police Department to establish a record of an incident and initiate the towing of the vehicle. He went on to say that he is concerned about PCO's being targeted, adding that it's a lot of power to put in the hands of PCO's.

The Council's Legislative and Policy Analyst, Brendan Salisbury, stated that his understanding is that the Acts and Resolves of the commonwealth govern the penalties for this, but he's not sure if the Council has authority to make these changes. Mr. Shapiro will review any applicable laws.

RESULT:

KEPT IN COMMITTEE

212824: That the Administration re-submit its request for adoption of the Rental Registration and Energy Disclosure Ordinance.

This item refers to an item previously submitted as item #211952. Councilor Ewen-Campen gave an update on the issue, saying that it was introduced last year to encourage moving the city's housing stock away from fossil fuels. Certain disclosures would be required regarding rents and heat, thereby allowing the city to collect housing data to make policy decisions. He said that a rental registry could also be used to assist/protect tenants in disputes with landlords. A draft ordinance had been prepared prior, and he thinks it would be valuable to possibly add to the registry format. This is a framework that he would like to get passed ASAP after making sure that alternatives to strengthen it have been exhausted. Director of Intergovernmental Affairs Aneesh Sahni informed the committee that the Housing Department unsuccessfully applied for a grant to assist on this matter. He told the members that it would be helpful for the administration to hear from councilors to consider and/or encompass their concerns.

Councilor Scott noted that the driving force came from the Office of Sustainability and Environment and he would like Director Christine Blais to speak at the upcoming meeting of the Committee on Open Space, Environment and Energy since the information could be a launching point for other grants. Chair Davis cautioned against discussing the same item in multiple committees. Councilor Burnley commented on the arbitrary November starting date and on the ability for an owner to have a representative stand in if that owner lives more than 25 miles away. Chair Davis noted that the November date question was addressed in prior discussions and was selected because of the amount of time needed to prepare any legislation. He stated that the 25-mile question was also addressed then, and borrowed from neighboring communities' ordinances. Councilor Ewen-Campen raised some critical issues that were brought to his attention and stated that he wants to require an inspection of every unit in the city prior to them being rented. That, he continued, puts unwanted pressure on the most vulnerable tenants. He spoke about the importance of being realistic about staffing needs so that this doesn't get set up for failure. He suggested that some combination of requested and random inspections be performed in as a way to protect tenants' identities. Chair Davis favors waiting for the administration to resubmit the item.

RESULT:

KEPT IN COMMITTEE

213382: Requesting approval of an amendment to Ordinance 1-11 to establish the enforcing personnel for violations of the Condominium Conversion Ordinance.

Assistant City Solicitor Shapiro informed the committee that this was just a simple change.

RESULT:

APPROVED. [UNANIMOUS]

AYES:

Davis, Ewen-Campen, BurnleyJr., Scott, Clingan

Reference Material:

- Housing Stability Notification Act draft (with 213074)