



CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

April 26, 2017

REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Mary Jo Rossetti	Chair	Present	
Mark Niedergang	Vice Chair	Present	
Katjana Ballantyne	Ward Seven Alderman	Present	
John M. Connolly	Alderman At Large	Present	
William A. White Jr.	Alderman At Large	Present	
Matthew McLaughlin	Ward One Alderman	Present	
Maryann M. Heuston	Ward Two Alderman	Present	
Robert J. McWatters	Ward Three Alderman	Present	
Tony Lafuente	Ward Four Alderman	Present	
Lance L. Davis	Ward Six Alderman	Absent	
Dennis M. Sullivan	Alderman At Large	Present	

Others present: Michael Glavin - OSPCD, David Shapiro - Law, Frank Wright - Law, Tim Snyder - Mayor's Office, Annie Connor - Legislative Liaison, Peter Forcellese - Legislative Clerk.

The meeting took place in the Aldermen's Chamber and was called to order at 6:05 PM by Alderman Rossetti and adjourned at 7:30 PM.

202523: That the City Solicitor prepare a draft ordinance to amend or replace the current Condominium Conversion Ordinance, and incorporate the strongest parts of relevant state law.

Chairman Rossetti gave a brief summary of previous discussions regarding this item.

Mr. Snyder addressed the committee saying that this is a complex issue which ultimately comes down to whether the city's current condominium conversion ordinance is valid, i.e., legal. The draft ordinance being presented at this meeting contains the strongest language allowable under MA state law and is being put forth so that the city will have an ordinance ready to go in the event that the current ordinance is ruled to be invalid by the courts. The draft before the committee this evening is basically new and applies to buildings with 4 or more units. Mr. Snyder said that another issue being considered is whether the city can require that it be notified, along with tenants, of conversions.

Alderman White spoke about current state regulations and thinks that it would be unwise to expand the scope of the ordinance beyond what is in place now, so as to not open up any new questionable areas.

Mr. Shapiro reported that the suit brought against the city (re: the condo conversion ordinance) was dismissed this past Tuesday by the court. The judge hearing the case told the parties that the matter would be better served in Land Court. Mr. Shapiro said that Land Court tends to work quickly, so this matter might take in the ballpark of 6 months to be resolved, once the suit is filed.

The committee reviewed the draft ordinance and had the following comments:

- **A-3-(b)** change the word "town" to "city"
- **A-3-(c)** revise the language regarding "agreement of the Board"
- **A-3-(d)** review and revise this language
- **A-3-(e)** review this section to determine what specific types of action may be taken
- **B-1** Mr. Shapiro summarized this section by explaining that there is already an applicable state law, as well as case law, on this, so this essentially means that additional protection will be available
- **B-2** Mr. Shapiro stated that this language is different from the current ordinance, as the current ordinance gives the Condo Review Board more discretion. Mr. Shapiro explained that the term "public interest", in section B3(a)(i), is a broad term used to allow the review board to use its discretion.
- **B-3-(a)-(iii)** Mr. Shapiro explained that this language is different from the current ordinance in that these are components of conditions
- **C** Mr. Shapiro said this is an additional section and that state law provides for a right of first refusal, already
- **D** Alderman Heuston asked for the definition of "low or moderate income" and how it is income calculated and certified. Alderman Heuston wants to make sure that any applicable guidelines are referenced in the ordinance. Mr. Glavin will research this. Mr. Shapiro stated that state law has a notice requirement of 1-year requirement plus a 2-year requirement for handicapped, elderly and low or moderate income tenants. This draft pushes that 2-year requirement to 5-years. Alderman Niedergang stated that he believes that 5 years is excessive and he made a *motion to amend the notification period from 5 years to 3 years.* Alderman White sponsored resident Ellen Shachter, a housing attorney, to speak on the subject. Ms. Shachter told the committee that state law allows for a 4-year notification period in some cases and that the City of Boston's notification period is 5 years, therefore, this draft doesn't change the requirement drastically from state law. Alderman White would like time to look at the state law. Alderman Niedergang *withdrew his motion* and suggested that the committee consider different notice requirement levels for family owned vs. corporation owned properties. Alderman Laufente is comfortable with the 5-year notification period. The committee agreed to allow Mr. Shapiro the opportunity to discuss this draft ordinance with Ms. Shachter.
- **E** Mr. Shapiro explained that this draft raises the relocation amounts. The City of Boston has a \$10,000 relocation benefit for elderly/handicapped. Alderman McLaughlin asked members to consider the amount of money involved in moving, e.g., first and last month's rent, security deposit, etc. Alderman Lafuente stated that he doesn't think there are that many people who would fall into the elderly/handicapped/low income group and he requested data on this.

- Mr. Shapiro will add language regarding deregation of law.

Chairman Rossetti asked that related documents from other communities be provided to the committee.

RESULT:

KEPT IN COMMITTEE

Handouts:

- Draft Language (1) (with 202523)
- Draft Language (2) (with 202523)
- Condo Conversion and Removal (with 202523)
- Key Additions for Consideration (with 202523)
- Other Condo Conversion Laws (with 202523)
- Somerville Housing Numbers (with 202523)
- Letter to Condo Review Board (with 202523)
- Letter to BOA (with 202523)
- Acts 1983 ch 527 (with 202523)
- ALM GL ch 40P sec 1 (with 202523)
- Chapter 708 (with 202523)