



City of Somerville, Massachusetts

MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT

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CONDOMINIUM REVIEW BOARD FY23 ANNUAL REPORT

As per Somerville Condominium Conversion Ordinance (SCCO) Section 7-70, this document serves as an annual report of the business of the Somerville Condominium Review Board (CRB) for Fiscal Year 2023 (July 1, 2022-June 30, 2023).

Board Membership and Organizational Information

As of June 2023, the Condominium Review Board had four members. Members included Board Chair Patricha Paul, Board Vice-Chair Zachary Zasloff, Board Member Kate Byrne, and Board Member Alix Simeon.

Board meetings continued to be held virtually using GoToWebinar due to Covid-19. Hearings during this period were held in accordance with Open Meeting Law and followed the standard hearing schedule. Applications were primarily submitted via email and attendees joined hearings either virtually or by phone. The June 2023 meeting was divided into two meetings, one for Final permits and one for Preliminary permits, held in early July 2023, due to scheduling conflicts.

Condominium Conversion - Summary Information and Process Overview

The City of Somerville has had a condominium conversion ordinance since 1985. The ordinance was last updated in 2023, though these updates were primarily for clarification and to outline administrative procedures. The changes were first introduced to the City Council in June 2023, then referred to the Legislative Matters Committee, and were ordained by the Council in FY24 on July 13, 2023 and signed by Mayor Ballantyne a week later.

While the list below is not exhaustive, some of the changes to the ordinance included:

- Including once again that residential properties which are demolished in order to build condominium units are subject to the condo ordinance. This language had inadvertently been

removed during the 2019 update but had been part of the original ordinance which had been in effect from 1985-2019.

- Clarifying that only properties owned by natural persons who lived at the property as their principal residence qualified as owner-occupied.
 - This natural person requirement was also added to instances when an owner is seeking to sell a unit to a family member within the 4th degree of kindred.
- Removal of the language related to the City's, or its designee's, right to purchase a unit in order to deed restrict the unit for affordability. This provision had been struck down by a Superior Court judge in 2022 and had not been enforced since then but the language was not removed from the ordinance until these 2023 updates.
 - Language was added in its place to allow for exemptions from certain provisions in cases where a unit was being deed restricted for affordability. Accompanying language on how those applications would be handled was also added to the ordinance.
- A process on how to handle assisting tenants who need to establish their eligibility for enhanced protection was put in place. Roles of Board Staff, the Office of Housing Stability, and the City's Americans with Disabilities Act Coordinator are now defined.
- A lengthy clarification was added related to how notices, applications and permits are handled if either is rescinded, rejected, denied or revoked. This language also further clarified that most tenant protections remained in effect even if a notice, application or permit had been rescinded, rejected, denied or revoked. This protection already existed in the ordinance, with existing language making clear that "rights...shall vest with a tenant at the time that the owner intends to convert..."
- Provisions were added allowing for the notice period to be extended for tenants who are seniors, low-moderate income, or disabled. This would allow them, with the property owner's permission, to continue living in their unit and would extend the requirement by which the property owner is required to sell the unit.
- Memorialized that units that are owner-occupied are not required to be sold after Final permits are issued. This was already the practice of the Board.

These updates and clarifications have helped applicants better understand how common situations are handled, increased the opportunity for especially vulnerable tenants to remain in their homes, and made clear the question of the vesting of tenants' rights.

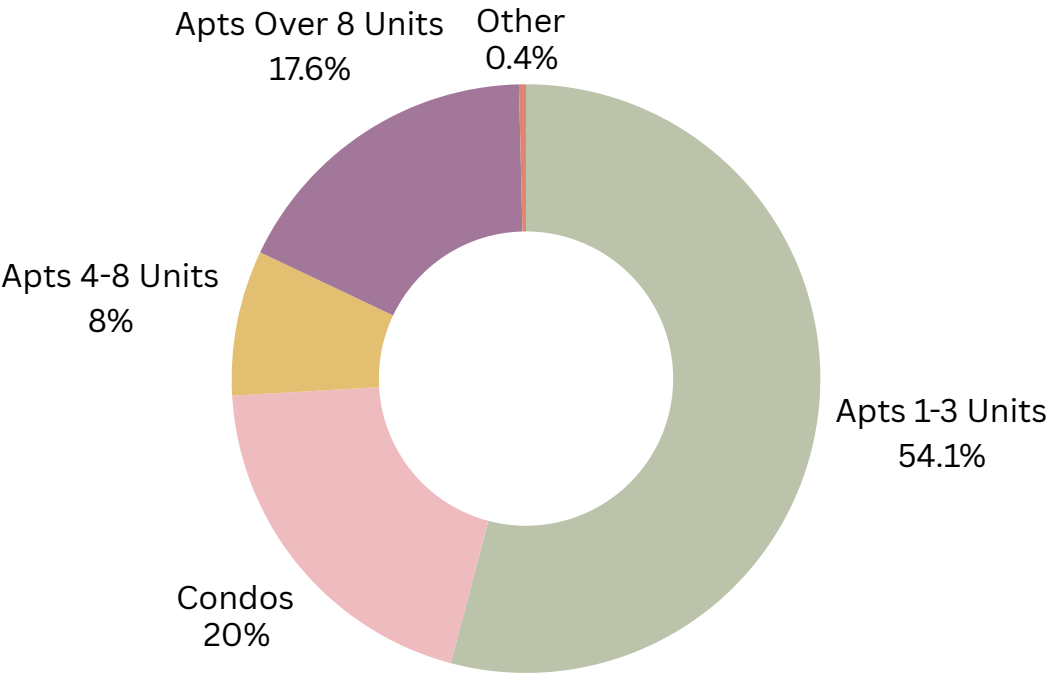
The administrative process for applying for a conversion continues to be the same since the 2019 overhaul of the ordinance. After a completed application for conversion is submitted, the application is scheduled for a board meeting where the board, and public, has the opportunity to ask questions and have discussion on the conversion. Generally, the board then votes on the issuance of a preliminary permit. Properties receive a Preliminary Rental Conversion permit (PRCP) or a Preliminary Non-rental Conversion permit (PNRCP), depending on if the property was previously a rental or owner-occupied. The granting of a Final permit is usually contingent on the tenant receiving a first right of refusal, followed by the submission of a master deed, property condition report, and proof of payment of any applicable relocation fees to a tenant, and the elapsing of any applicable waiting period. A Final permit is issued once all requirements are met and

the application goes before the Board for a second time. Occasionally applicants for Non-rental Conversion permits are well prepared and can be issued a Final permit after a single Board meeting.

As of May 2023, based on Assessing data use codes, there were approximately 35,000 units, being used for residential purposes in the city. [1] This figure does not include illegal units or Housing Authority units. About 26% of residential properties in the city are receiving a residential tax exemption which is only available to properties that are owner-occupied. In FY23 there were 2,304 single-family homes in the City of Somerville, and 1,783 (76%) of these were owner-occupied[2].

Over 50% of units in the city are in small properties made up of 1-3 units. There were approximately the same number of three-family homes as single-family, 2,213, but far fewer of them were owner-occupied, only 681 or 30%. Condominium units made up the next largest share of properties with 6,783 units throughout the city and 57% of them owner-occupied.

While there are far fewer parcels with large buildings, only 527 are between 4-8 units and 163 have 8+ units, they have a big impact on unit counts. These parcels account for approximately 8,900 units throughout the city, and over 6,000 of these units are in the very large 8+ unit buildings.



Application Data Summary

The number of conversion applications continued to decline and anecdotal evidence suggests this is the result of the continued high cost of capital, supply chain disruptions and the high cost of materials. In FY23, 82 applications, with 187 units, went before the Board. As shown in Fig. 1 below, 42 of these were new applications –totaling 94 units. Figures 1 & 1a also show that of the 94 units, 45 were current or former rental units, 40 were units that were/are owner-occupied, and there were 9 courtesy permits for newly constructed units. Fig. 2 provides unit comparison information for the 72 applications submitted in FY22.

^[1] All data courtesy of City of Somerville Assessor's Office

^[2] Owner-occupancy determined by active Residential Exemption

Figs. 1 - New FY23 Application Data

# Of New Applications Current FY	# Of Units in All Apps This FY	# Of Units in New Apps This FY
42	187	94

Date/Permit Type	# Of Units Submitted	% Of Total
FY23 PNRCF	40	43%
FY23 PRCP	45	48%
FY23 Courtesy	9	9%
FY23 Total	94	100%

Fig. 2- FY22 Application Data

Date/Permit Type	# Of Units Submitted	% Of Total
FY22 PNRCF	72	43%
FY22 PRCP	88	53%
FY22 Courtesy	7	4%
FY22 Total	167	100%

Figure 3 below shows the breakdown of Final and Courtesy permits issued by the Board in FY23. The Board issued Final or Courtesy permits for 116 units in FY23, 79 of these units were carryover from the previous FY.

Fig.3- All FY23 Unit Data

# Of Units with Courtesy Permits This FY	# Of Units with Final NRCF This FY	# Of Units with Final RCP This FY	# Of NRCF Completed This FY From Previous FY	# Of RCP Completed This FY From Previous FY	Sum of All Final Permits Current FY
9	22	15	27	52	116

Fig. 4 Number of Units per Property in New Applications This FY

# Of Apps for New Construction Property	# Of Apps for 1- Unit Prop	# Of Apps for 2- Unit Prop	# Of Apps for 3- Unit Prop	# Of Apps for 7- Unit Prop
1	5	32	3	1

The majority of applications before the board continue to be for vacant properties. Thirty-one (31) of the 42 new applications the Board heard in FY23 were for properties vacant at the time of purchase by the converting owner. There were just five applications where tenants received permanent relocation payments, and three applications where a tenant exercised their right of first refusal and purchased their unit. Regardless, the majority of properties before the Board are vacant and few owners seem to be renting their units during the conversion process.

Fig. 5 Number of Applications with Recent Purchase



Figure 5 above shows that 21 of the 42 applications were for properties that were purchased within the prior two fiscal years.

The table below details, by ward, where in the city conversions occurred during FY23 and the use of the unit being converted at each application (Fig. 6). Each row represents a different application. As shown by the table, with the exception of Ward 5, conversions were generally equally distributed throughout the city, with between 5-8 properties converted per ward.

Fig. 6 Applications per Ward

Ward	# of units NRCP	# of units RCP	# of units Courtesy	Ward	# of units NRCP	# of units RCP	# of units Courtesy
1	0	0	2	4	2	0	
1	1	1		4	1	1	
1	0	2		4	0	3	
1	2	0		4	1	6	
1	2	0		4	1	0	1
2	0	2		5	1	1	
2	1	0		5	1	1	
2	1	1		6	1	1	
2	0	3		6	0	2	
2	0	2		6	0	2	
2	2	0		6	0	2	
2	2	0		6	2	0	1
3	2	0		6	1	1	
3	2	0		6	0	2	
3	2	0		6	2	0	
3	0	2		7	0	2	
3	1	0	1	7	2	0	
3	0	2		7	0	2	
3	1	0	1	7	1	0	1
3	2	0		7	0	2	
				7	3	0	
				7	0	2	