



**CITY OF SOMERVILLE, MASSACHUSETTS  
CLERK OF COMMITTEES**

February 15, 2018  
REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Mark Niedergang	Chair	Present	
Lance L. Davis	Vice Chair	Present	
Mary Jo Rossetti	Alderman at Large	Present	
Matthew McLaughlin	Ward One Alderman	Present	
Katjana Ballantyne	Ward Seven Alderman	Present	

Others present: Alderman Stephanie Hirsch, Alderman Ben Ewen-Campen, Alderman Jesse Clingan, David Shaipro - Law, Jason Grossfield - Law, Michael Glavin - OSPCD, Hannah Carrillo - OSPCD, Michael Feloney - OSPCD, David Tisel - (MIT student), Tim Snyder - Mayor's Office, Annie - Connor - Legislative Liaison, Rositha Durham - Clerk of Committees.

The meeting took place in the Committee Room and was called to order at 6:30 PM by Chairman Niedergang and adjourned at 9:30 PM.

The committee discussed the process of moving agenda items forward in a more expeditious manner, as there are a number of high priority items before the committee that need to be addressed. Chairman Niedergang asked for suggestions since he feels that despite the committee meeting two or three times per month, there will not be enough time to work through many of those items this year. Among the suggestions offered were moving some items to another committee, limiting the discussion time on particular items, and using ordinance language from other communities.

**Approval of the February 1, 2018 Minutes**

<b>RESULT:</b>	<b>ACCEPTED</b>
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**204954: Requesting approval of a Home Rule Petition to authorize the City to impose a Real Estate Transfer Fee.**

The committee discussed the need to approve this item by its April 5<sup>th</sup> or April 19<sup>th</sup> meeting and to obtain BOA approval by April 26<sup>th</sup> at the latest. A public hearing will be scheduled for March 15<sup>th</sup> or March 29<sup>th</sup> to receive public comment. The committee was informed that the legislature's formal session ends in July and passage after that would be unlikely as any single legislator

could prevent passage. The city's state delegation shares a lot of excitement about the transfer fee proposal.

Possible exemptions from the proposed Real Estate Transfer Fee (RETF) were discussed as was similar Home Rule Petition (HRP) legislation from Provincetown that failed to pass. Chairman Niedergang asked that other suggested exemptions be held until the next committee meeting on March 1, which will be a Committee of the Whole, and he asked that the administration put together a list of possible exemptions for the HRP. Mr. Snyder expressed hesitancy about trying to capture the desires of the committee and writing a list of exemptions beyond what the Administration has already proposed, so Chairman Niedergang said that he would draw up a draft list of what Aldermen have suggested for exemptions to begin that discussion.

Members discussed increasing the proposed 1% fee to a higher level and possibly making it 2% in some circumstances, as an anti-speculation component. The committee discussed anti-speculation language, whether the transfer fee might be a burden on the buyer, whether a preamble would be necessary to show how Somerville is unique in terms of the housing market and whether the revenue from the transfer fee should go into the City's Affordable Housing Trust Fund (preferred by most committee members).

Mr. Feloney had reached out to some realtors and lenders to see if a transfer fee, if paid by the buyer, would be a deal breaker in real estate transactions, but he did not yet have a definitive answer. The committee reviewed House Bill 4196 from State Representative Michael Connolly and considered using some of the same language he used regarding whether the buyer or seller pays. Rep. Connolly's bill does not specify who pays and requires that both buyer and seller sign an affidavit to be submitted with the payment.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**205118: Requesting approval of a Home Rule Petition to preserve affordable housing through a tenant's right to purchase.**

The committee heard from Ms. Connor, Mr. Feloney, Mr. Tisel and Mr. Grossfield and was informed that the right to purchase could enable a tenant to purchase the apartment or unit where they live, when that property is put up for sale. The burden will be on the seller to send out a notice about the sale of the property. A tenant could assign their right to purchase the property to a non-profit affordable housing organization or to the city government. Mr. Tisel shared his research and work experience (from Washington DC) on the topic of the right of first refusal and discussed bidding wars and obtaining appraisals to help avoid inflated offers. Somerville could adopt qualification criteria for eligible appraisers.

Single family houses would be exempt (not included in the right to purchase for tenants) and two family homes with a family member living there would also be exempt. The committee discussed the 120 day time period, saying that it could be too long for senior citizens and might be better suited for larger buildings. The length of the purchase period for smaller houses may need to be less so that people who are selling their homes are not delayed by a lengthy process for tenants to purchase their units.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**204516: Requesting approval of an Ordinance for the Somerville Municipal Job Creation and Retention Trust Fund.**

The committee suggested that Trustees have terms and agreed that representation from two local businesses and two Somerville residents is desirable. The Mayor's Task Force had recommended including larger businesses and employers to the list. Questions were asked about the draft's language regarding public agents vs. public employees and special municipal employees. Nominees for Trustees would be required to be approved by the BOA as are nominees for other boards and commissions.

**Sec. 7-104 - Board of Trustees** was amended by striking the semi-colon following the words "Two Somerville Residents" and adding the following "with a preference that one have participated in a workforce development program in Somerville;"

<b>RESULT:</b>	<b>APPROVED AS AMENDED</b>
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**204663: Director of Economic Development submitting recommendations from the Mayor's Advisory Committee on Jobs Linkage.**

<b>RESULT:</b>	<b>WORK COMPLETED</b>
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**202023: That the Director of SPCD report to this Board on the Administration's plans for the Somerville Municipal Job Creation and Retention Trust Fund and jobs linkage fee for new commercial development.**

<b>RESULT:</b>	<b>WORK COMPLETED</b>
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**205071: That the City Solicitor prepare a Home Rule Petition to change the name of the Board of Aldermen to City Council.**

Mr. Snyder reported that he had extensive discussions with the city's state legislative delegation and they suggested that extensive and careful drafting of a HRP that included the hundreds of locations where the City Charter would need to be changed should be done. He reported that this is how Senator Jehlen's office would like to see the Home Rule Petition drafted and told the committee that it would be helpful to have the HRP drafted so the committee could review it, but that will take months. He said that this HRP, unlike some of the others, did not need to be submitted in April as it is unlikely that any legislator would veto it during the summer session since they would not care about something like this that is specific to Somerville. The committee voted to approve the Board order and will discuss the HRP once the Administration submits it, probably in the late spring or early summer. There was discussion about holding a Public Hearing on the name change. Alderman Hirsch spoke in favor of it and Aldermen Davis, McLaughlin and Chair Niedergang said that they did not think it was worth taking the BOA's time for a Public Hearing on his matter.

<b>RESULT:</b>	<b>APPROVED</b>
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**Handouts:**

- Key discussion points - RETF (with 204954)
- Draft HRP for RETF (with 204954)
- Notes (with 204954)
- House Bill 4196 (with 204954)
- Selected Times for Right to Purchase (with 205118)
- Proposed Ord - Jobs (with 204516)
- Linkage Planning & Legislative Summary (with 204516)