



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

July 2, 2019

REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Mark Niedergang	Chair	Present	
Lance L. Davis	Vice Chair	Absent	
Matthew McLaughlin	Ward One City Councilor	Present	
Jesse Clingan	Ward Four City Councilor	Present	
Katjana Ballantyne	Ward Seven City Councilor	Absent	
Ben Ewen-Campen	Ward Three City Councilor	Present	

Others present: Ellen Shachter - OSPCD, Sue Thomas - OSPCD, Daniela Carrillo - OSPCD, Frank Wright - Law, Eileen McGettigan - Law, Peter Forcellese - Legislative Clerk.

The meeting took place in the Committee Room and was called to order at 6:00 PM by Chairman Niedergang and adjourned at 7:15 PM.

Councilor Ewen-Campen was appointed as a member of the committee for this meeting only.

208322: Requesting approval of an amendment to Ordinances 8-361 through 8-372 to revise the permitting process for Mobile Food Vendors.

The Committee reviewed the proposed amendments. Councilor McLaughlin questioned how ice cream trucks would be treated under this ordinance, saying that he wants the tradition of having such trucks in parks and neighborhoods. Ms. Thomas replied that those vendors go through a check by the police. Ms. McGettigan added that the ordinance would apply to a vendor that needed a place to park to operate, such as the 'Cookie Monster' truck. However, they explained, the procedure for regular mobile ice cream trucks would not change.

Councilor McLaughlin stated that he would like the operating hours for food trucks at Assembly Square to be 11:00 AM to 5:00 PM. Monday through Friday and 10:00 AM to 8:00 PM on Saturdays, Sundays and holidays. Ms. McGettigan explained that setting the hours is an executive function handled through the application/review process. Chairman Niedergang responded by saying that if the City Council wants to maintain its authority over scheduling, it should reject this proposal. Councilor McLaughlin said that his original idea in proposing this ordinance was to expand food truck operations, but this seems to be restricting it. Ms. Thomas told the members that the expectation is that this ordinance will help the City to market itself for the food truck industry and would increase the number of food trucks. She also stated that, with regard to the operating hours, there is flexibility to work with ward Councilors and that the Administration is committed to doing so.

Councilor McLaughlin suggested changing the ordinance by adding the words “and City Council” after the word “Mayor”, where it appears in the ordinance. Councilor McLaughlin, concerned about relinquishing the City Council’s authority, suggested also adding the City Council to the enforcement section (8-368). Ms. Thomas explained that this change would undermine the changes proposed to facilitate food trucks. The problem is that under the current system, each permit application goes to and through the City Council, taking about 3 months to process. Under this streamlined proposal, the process would take only 3-6 weeks. That means applicants could open far more quickly.

Councilor McLaughlin made a motion to add “City Council” to any language dealing with an approval. Ms. McGettigan explained that, at this point, if the Council does that, it would be better to keep the old ordinance and not make these changes, pointing out however, that there would be no new food trucks operating in the City this summer. Ms. Thomas added that there were problems at Assembly Square because food trucks had blanket operating hours. Councilor Ewen-Campen thinks the proposed ordinance will increase the number of food trucks in the City. Councilor McLaughlin said that if there can be an understanding that the current hours of operation in Assembly will be honored, he's willing to move forward. He withdrew his motion.

Chairman Niedergang’s motion to change the last line of Sec. 8-366 (b) by adding the words “mobile food vendors shall inspect” immediately after the first word of that sentence, was approved. The amended, revised proposed ordinance was then recommended for approval to the full Council unanimously.

RESULT:	APPROVED AS AMENDED
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205918: That the Administration submit a Home Rule Petition similar to Boston's "Jim Brooks Act," but with less rigid language, to encourage passage by the State.

Ms. Shachter told the committee that she designed a local ordinance on this topic and had it reviewed by the Law Department, however, nothing is actually before the council at this time. The proposal would require that notice be given to all tenants in circumstances where the tenant is being evicted. A tenant at will must have a rental period's notice to quit. Notice to quit is not necessary in lease situations. The proposal does not deal with just cause evictions and it creates a situation that does not require approval of a Home Rule Petition. It allows for a ticketing or fining system of one initial warning, followed by monetary fines.

Councilor Ewen-Campen commented that Boston's ordinance did not have a just cause provision, adding that if it's worth fighting for that, it would require a Home Rule Petition. Ms. Shachter noted, that given the anti-displacement in the city, it’s important to get information out now. She thinks that this proposal does most of what the Jim Brooks Act does. Councilor McLaughlin favors pushing the proposal forward and perhaps strengthening it at a later date via a Home Rule Petition.

(Councilor McLaughlin left this meeting at 6:56 PM to attend another meeting.)

Ms. Shachter told the Committee that she drafted this proposed local ordinance on this topic, calling it the “Housing Stability Notification Act.”She asked that it be reviewed by the Law Department, and they did so, but did not have enough time to provide definitive feedback. So, she explained, what she has submitted is just a draft for discussion purposes, and, nothing is actually officially before the Council at this time. The proposal would require that notice be given to all tenants in circumstances where the tenant is being evicted. In response to a question she explained that a tenant at will must have a full rental period's notice to quit. Notice to quit is not necessary in lease situations. The proposed ordinance does not deal with the topic of just cause evictions and therefore, she and the Law

Department believe, does not require approval of a Home Rule Petition by the State Legislature. The ordinance proposes a ticketing or fining system of one initial warning, followed by monetary fines.

Councilor Ewen-Campen commented that Boston's proposed ordinance that the Legislature did not approve did not have a just cause provision. He added that if just cause eviction is worth fighting for, it would require a Home Rule Petition. Ms. Shachter noted that given the huge problem of displacement in the City right now, it's important to get information out to tenants about their rights now. She thinks that this proposal does most of what the Jim Brooks Act does. Councilor McLaughlin favors pushing this proposal forward and then perhaps strengthening it at a later date via a Home Rule Petition.

(Councilor McLaughlin left this meeting at 6:56 PM to attend another meeting.)

RESULT:	KEPT IN COMMITTEE
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208469: City Solicitor submitting a Home Rule Petition that would authorize the City Council to appoint a Clerk of Committees and Assistant Clerks of Committees.

Solicitor Wright told the committee that the Home Rule Petition should be approved before the associated ordinance is changed to avoid a conflict between the City Charter and the ordinance. He also relayed that the Mayor has no objections to the changes. Councilor Clingan asked if there would be another body making candidate recommendations to the Council and Chairman Niedergang replied that he didn't know exactly how the selection/hiring process would work; that would be up to the President of the Council to work out in consultation with, and with the support of, the rest of the Council.

RESULT:	APPROVED
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208333: That the Municipal Ordinances be amended to provide for the appointment of the Clerks of Committee by this City Council.

RESULT:	KEPT IN COMMITTEE
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207392: Requesting approval of a Home Rule Petition providing for legal voting rights in municipal elections for non-citizen residents.

Councilor Ewen-Campen stated that Massachusetts allowed non-citizen residents to vote as far back as 1822, but that privilege has since been rescinded. He is concerned that discussion, debate and possibly passage of this item might draw attention to undocumented individuals, and he would prefer to get expert advice from others who might be more familiar with this concern before moving forward. Councilor Ewen-Campen noted that non-citizen resident voting is allowed, in some cases, in Chicago and Maryland. Members raised concerns about who would be allowed to vote, e.g., would it be green card holders or those with driver's licenses or some other category? Councilor Ewen-Campen commented that protections should be built in to prevent non-citizen residents from voting in state or federal elections as they would unintentionally be committing a crime by doing so and could get in trouble for it.

RESULT:	KEPT IN COMMITTEE
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206811: Conveying the Report of the Clean and Open Elections Task Force.

RESULT:

KEPT IN COMMITTEE

Handout:

- Proposed Housing Stability Notification Act (with 205918)