

## John Long

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**From:** Celine Lessard-Brandt <celine.lessard.brandt@gmail.com>  
**Sent:** Friday, January 25, 2019 1:09 PM  
**To:** Board of Aldermen; City Clerk Contact  
**Subject:** Comments on Proposed Changes to the Condo Conversion Ordinance

Hello,

I applaud the initiative of the Board of Alderpersons in addressing the decline of the rental housing stock in Somerville. The Condo Conversion Ordinance is a vital policy that needs updating, and I am writing to comment on the proposed changes.

First, I find that the new changes place a much higher burden on property owners who want to convert their units to condos. Generally, disincentivizing speculative conversion is a good thing, and I support the idea of raising the costs of conversion to preserve rental stock. However, I foresee a few issues with the current changes: one is opposition to these changes from homeowners and the real estate industry, a second is a rise in the already-high costs of homeownership, and a third is preventing longtime Somerville homeowners from realizing expected value increases in their property.

I would support compromises to slightly lower the proposed disincentives in order to lower the costs of the eventual converted condos. For example, the relocation fees could be lowered to \$8,000 and \$5,000 and the notice period for elderly/low-income/disabled tenants could be lowered to four years. Also, in order to halt speculative conversion while enabling longtime homeowners to maximize the values of their investments, the policy could be modified to make conversion somewhat easier for property owners who have owned their homes for 10 or more years.

The only place where I think the policy falls short is in allowing only one year of notice for non-elderly/low-income/disabled tenants to relocate. As the policy states, the housing market has significantly tightened since 1985 and one year is a short time to locate alternative housing and move. This period should be one-and-a-half to two years.

I also believe that the burden for finding replacement housing should fall on City-employed professionals (or a new City agency) rather than property owners. Having a dedicated staffer to address this issue will better help tenants find suitable replacement housing in Somerville **or in a neighboring area** for those who may wish to relocate.

Finally, I suggest that the language in Section 7-63 be changed from "handicapped tenant" to "disabled tenant." It is my understanding that most disabled activists no longer use the term "handicapped" to describe themselves and prefer the term "disabled" as a more accurate description of their identity.

Thank you,

Celine Lessard-Brandt  
37 Walnut St.

**John Long**

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**From:** Jennifer Storozum <jsstoroz@gmail.com>  
**Sent:** Sunday, February 03, 2019 10:24 PM  
**To:** Board of Aldermen; City Clerk Contact  
**Subject:** On the Proposed Changes to the Condominium Conversion Ordinance

Dear City Council members,

I strongly urge the Council to adopt the proposed changes to the condominium conversion ordinance. I am a renter in Somerville and I have been renting the same unit for two years now. Our un-renovated triple decker is divided into three units by floor, and I often wonder when my out of state landlord is going to kick us out and convert the building to condos when he decides it's too much of a pain to drive down from New Hampshire every time we have a maintenance request.

Somerville is a majority-renter city, and has a reputation for being one of the most progressive cities in the nation. That progressive agenda should extend to tenant's rights so that Somerville residents can feel secure in their housing and benefit from the growing prosperity in our neighborhoods. I am particularly concerned about the Green Line Extension causing more and more condo conversions as investors buy older homes on the cheap to renovate and make a quick buck, inflating housing prices and making it hard for ordinary working folks to afford homes in Somerville.

From the perspective of a Somerville renter and a person concerned about the character and diversity of our neighborhoods, the proposed changes to the condominium conversion ordinance just make sense. Please adopt the proposed changes to the condominium conversion ordinance and protect Somerville renters.

Thank you,

Jennifer Storozum

## John Long

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**From:** Kevin J. Gatlin <KJGatlin@winterhillbank.com>  
**Sent:** Wednesday, February 06, 2019 10:53 AM  
**To:** City Clerk Contact; City Council; Hannah Carrillo  
**Subject:** Comments on the proposed condo conversion ordinance  
**Attachments:** Comments on condo conversion ordinance.docx

Greetings to all,

I have attached some observations and comments regarding the proposed condo conversion ordinance. I spoke at the public hearing on January 31<sup>st</sup> and those comments are included. I have however added a few comments where there was not sufficient time at the hearing to mention.

If anyone has any questions regarding these comments I am happy to discuss them with you.  
Thank you.

**Kevin J. Gatlin**  
**Senior Vice President/Commercial Lending**  
Winter Hill Bank  
337 Broadway  
Somerville, MA 02145-2808  
Direct: (617) 629-3345  
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 Please consider the environment before printing this email.

Live testimony provided at the Public Hearing of 1-31-19:

Section 7-64, paragraph A of the proposal requires a one-year notice period of the owner's intent to convert when the proposed unit(s) are vacant. This would help to stop the practice of conversion evictions. There are however, other reasons for vacancies. There are owner occupants, often elderly, that no longer want to be a landlord and share their property with a stranger. A unit may need repairs but the owner can't afford to make them. An owner may wish to keep a unit available for their kids/grandkids when they come to town to visit. Two family members share a two-family house. One of them passes away and the surviving family member in the other unit hasn't decided what to do with the now vacant unit. In these and other non-eviction examples, it is wasteful to still require that a one year notice period should apply as it only extends the time that the unit remains off-market. I suggest that if the owner can confirm to the CRB's satisfaction that the unit has not been occupied for 6-12 months prior to the owner's intent to convert that the one-year notice period be waived.

A second concern is the status of currently ongoing conversion projects. There are numerous projects across the city with the expectation that upon completion, the units will be sold as condos. Banks have financed these projects with the same expectation. There needs to be some form of grandfathering provided or a future date for implementation in order to allow the current projects to be completed. A conversion permit requires a Master Deed which requires an "as built" plan. By definition, the project must be completed in order to produce the "as built" plan, meaning that renovation funds have already been expended. These projects were undertaken with current rules in place. Projects that currently qualify may now require a notice period. The developers and banks have invested considerable money in these projects that require timely sales, not a one year delay before recouping their investment.

Additional comments:

- One of the issues raised at the Public Hearing was the lack of information afforded tenants with respect to their rights. The proposed ordinance provides under Section 7-64 that notice be given to the tenants including paragraphs (i) – (ix). While this is a step forward, this only reaches existing tenants at the time of the owner's intent. As a means of reducing the number of conversion evictions, it might be helpful if the owners were required to provide a similar list of tenant's rights at the time the unit is first rented and/or on an annual basis. In this way, the tenant would have the information prior to any attempt to evict. While the ordinance's requirement for a one year delay even on vacant units will help to reduce the incentive to evict, knowing your rights in advance would still be helpful.
- The five year notice requirement for elderly, disabled and low to moderate income tenants, coupled with the possibility of a two year extension if the owner cannot secure similar housing may result in unintended consequences. Fair Housing laws notwithstanding, some owners may be incentivized to rent to anyone BUT elderly, disabled or low to moderate income tenants, especially in this tight housing market where finding similar housing (especially low to moderate income) is difficult. Owners may begin to look at such tenants as a future liability if they decide to convert or sell to a developer, and act (probably illegally) in their long term interests. I am not sure what to suggest to resolve this potential issue.

- While I am in favor of the Right to Purchase, it desperately needs some clarification. For example: the owner decides to convert the building to condominiums and provides the proper notice. In the vast majority of cases, the units will need to be updated or perhaps even undergo a total renovation at the owner's discretion. Such work cannot be performed while there is someone living in the unit. It may take six months or more to complete the renovations. It is only after the tenant has been given notice (1-5 years) and after the renovations have been completed (where the tenant has had to vacate so that renovations can be performed) that the owner would then determine a sale price based on market conditions. This raises several questions.

When does the owner offer the unit for sale to the tenant? At the same time as the one or five year notice is given? At a projected price even though it will be a year and a half or more before the work is completed? If the tenant has to move out to allow for the renovations to be completed and then purchase the unit, where does the tenant go while renovations are being completed? Does the owner offer the unit for sale to the tenant at a price which will not include renovations or "as is" value? An "as is" value answers many of these questions, however some work may still be required in order to make the other units saleable (separately metering the units, structural issues that affect all units, painting or renovations to the common areas, parking issues, etc.) This may conflict with Section 7-64 paragraph (a)(viii) where "the tenant is entitled to freedom from unreasonable disruption as a result of rehabilitation, repairs or improvements made by the owner during the period of notice..."

- Section 7-68 (d) states "The Review Board may also deny a permit if the Board finds that the hardships imposed on the tenants justify a denial." I cannot deny that giving up one's apartment (home) is a hardship. The degree of hardship will vary from person to person. The Ordinance, on balance, does a good job of creating/preserving tenant's rights. It helps to level the playing field. The notice delays, the increased relocation benefits, the Right to Purchase and other elements will truly benefit tenants across the city. It would seem however, that if the property owner has followed the rules of the ordinance properly, they should not then be denied a permit anyway. There is too much subjectivity in this clause. There are no specific guidelines noted in the ordinance that either tenant or property owner can rely on and know what to expect when the CRB makes its decision. This clause needs to either have specific guidelines as to what a hardship is, or be stricken from the ordinance.

## John Long

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**From:** Wilfred Mbah <aldermanmbah@gmail.com>  
**Sent:** Thursday, February 07, 2019 9:34 AM  
**To:** boblapointe00@gmail.com  
**Cc:** John Long  
**Subject:** Re: Condo Conversion

Dear Bob,

Many thanks for your insightful comments. I am copying our city clerk John Long to attach this as part of our deliberation.

Thank you once again, and please continue to reach out when matters arises that are of interest to you.

Best wishes,

Wilfred

Sent from my iPhone (Apologies for brevity and predictive text errors)

On Feb 7, 2019, at 8:55 AM, <[boblapointe00@gmail.com](mailto:boblapointe00@gmail.com)> <[boblapointe00@gmail.com](mailto:boblapointe00@gmail.com)> wrote:

Good morning Counselor Mbah-

I attended the January 31st public meeting on condo conversion and intended to email the group email address posted on the city website that had a deadline of February 8th but the information on emailing comments has been taken down?? Below are some of my observations.

Bob LaPointe

I attended the Condo Conversion meeting on January and intended to send in comments but the email address for comments to be submitted by February 8th seems to have disappeared from the city of Somerville website-

I have a few concerns

I listened to all the speakers and there seems to be a lot of anger and division from the citizens of the community. There was a lot of "us versus them" . I've also witnessed it at Union Square meetings. While I agree that the current ordinance needs to be updated there seems to be a rush to get the project completed without adequate time to research the issue and make recommendations. This ordinance like the prior one will have a huge impact on future generations and should include the public in more than just two public meetings. A rush to produce something that may be flawed and may need many amendments will only lead to more division among the community.

The presentation by Ms. Schacter left me with a lot of additional questions. We need to know more about the condo conversions that have taken place in the last 8 years and I like other speakers do not think owners of 2 and 3 family buildings should be lumped in with developers.

How long had the owners owned the property before the application for conversion. There is a big difference between buying a property to flip and make a profit and buying as a long term investment and converting one unit in order to stay in Somerville.

1-3 units are lumped together on the chart. How many conversions were one unit in a two or three family building . Which tells me it was a financial issue to stay in Somerville - for instance a retiree as one of the speakers indicated or to pay for children's college as another mentioned. Many buy multi units as part of a long term financial plan and often mortgage companies will allow for rental income when granting a mortgage.

How many of the 2 or 3 units were actually whole buildings that had been sold to a developer and the developer was requesting the conversion. And why are private property owners responsible to fixing the city's lack of affordable rental units when it is the city administration that has encouraged more people to move to Somerville.

The ordinance may encourage owners of 2 and 3 families to sell and leave Somerville which would just increase the opportunity for developers to come in.

Why is the model Boston? This is a community by community issue that needs to be thoroughly researched. Boston is a destination city for workers. Boston has a huge public transportation system. GLX is very limited. Boston has more to attract people - museums, entertainment, schools, libraries and restaurants. People don't pass through Boston it's a destination. Who decides when Somerville reaches saturation. It's already the most densely populated city in the Commonwealth. More people mean more stress on the infrastructure - more police, firemen, teachers- more taxes from property owners.

How do you know the units being converted were "affordable" in the first place - do you have the actual statistics -

Where is the planning board in all this - where are the affordable units that are supposed to come with every apartment complex development.

We should all listen to Stephen Mackey - President of the Chamber of Commerce.

Thank you for your time- I have more thoughts but these are the ones that came to mind during the meeting on January 31st - as I said I emailed you directly because the contact information regarding this issue has been removed from the website.

Bob LaPointe

**John Long**

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**From:** Paul Turcotte <pturcotte@destinyagents.com>  
**Sent:** Friday, February 08, 2019 9:05 AM  
**To:** City Clerk Contact  
**Subject:** Proposed Changes to the Condominium Conversion Ordinance

I am writing as a citizen and an owner of a historic three family property in Somerville. I find the proposed changes to the condominium Conversion Ordinance quite disturbing and a complete overreach of my rights. The current ordinance is already challenging and provides opportunity. I would like to go on record as opposing any change to the current ordinance.

Thank you,

Paul Turcotte  
74 Mt. Vernon Street 02145



**John Long**

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**From:** Andy Greenspon <andy.greenspon@gmail.com>  
**Sent:** Friday, February 08, 2019 11:07 AM  
**To:** Board of Aldermen; City Clerk Contact  
**Subject:** In Support of New Condo Conversion Ordinance  
**Attachments:** CondoConversion\_Greenspon\_2019\_02\_08.pdf

Please find attached and reproduced below comment in support of the new proposed Condo Conversion Ordinance.

Thank you,  
Andrew (Andy) Greenspon  
14 Boston St, Unit 3C  
617-230-4140

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February 8, 2019

City Council  
City Hall  
[93 Highland Avenue](#)  
[Somerville, MA 02143](#)

**RE: Condo Conversion Ordinance**

Dear Honorable Members of the City Council,

I write strongly in favor of the new Condo Conversion Ordinance. Rental units are rapidly being removed from the housing market due to Condo Conversions without necessary assistance for relocation of tenants or enough opportunity for tenants or non-profits to purchase the property at fair market value as an alternative.

The current ordinance is far out of date and an overhaul is desperately needed. The new ordinance does not place an undue burden on homeowners or landlords and provides necessary protections for tenants, especially the elderly, disabled, and low or moderate income.

The new ordinance will help prevent landlords from waiting until units are vacant before moving to convert to condos by requiring one year notice of plans to convert and requiring tenants to be notified by the Condo Review Board of proposed conversions. The new ordinance will also provide a much-needed extended timeline of 120 days (or 180 days for elderly, disabled, low or moderate income) to allow the tenant or City or designated affordable housing developer to purchase the unit. Given the complexities of purchasing property, especially without the assistance of an expensive lawyer or realtor, tenants need that time to reach out for assistance and consider all their options for financing a purchase and sale agreement for their unit. The new ordinance increases the relocation funds required from a meager \$300 to a number at least somewhat on par with the actual costs of living in Somerville. (One question: Is the new funding value tied to CPI index of inflation? If so, housing cost inflation is much higher than CPI calculated inflation, so that should be taken into account.)

Within the details of the proposed Ordinance, I believe there may be specific legal language that should be modified for stronger protection to tenants, but I defer to comments and feedback from other members of the community with more knowledge in these areas.

Somerville continues to rapidly change, and this new Ordinance is one part among many things the City must do to help protect those marginalized groups at risk of displacement in the City.

Sincerely,  
Andrew (Andy) Greenspon  
14 Boston St, Unit 3C  
617-230-4140

## John Long

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**From:** Thalia Tringo <thalia@thaliatringorealestate.com>  
**Sent:** Friday, February 08, 2019 4:46 PM  
**To:** Board of Aldermen; City Clerk Contact; Mayor  
**Cc:** Robin Kelly  
**Subject:** Comments on Proposed Condo Conversion Ordinance  
**Attachments:** Comments Regarding Proposed Somerville Condo Conversin Ordinance (Tringo & Kelly).docx

February 8, 2019

To the City Councilors, the Mayor, and the City Clerk of Somerville:

As Somerville residents who have worked in local residential real estate for more than 15 years, we want to share our serious concerns about potential unintended consequences from the proposed changes to the Somerville Condo Conversion Ordinance.

While we agree with the intent behind the proposed ordinance, to protect affordable rental housing for those who need it most, we strongly believe the outcome of the amended ordinance will result in a reduction of affordable rentals. Instead of protecting low-income, elderly, and disabled tenants, we fear the ordinance will incentivize landlords to skirt the law and avoid renting to people who may fall into these categories.

In the interest of brevity, we have summarized below the most important issues we see with the proposed ordinance. We can later submit a more detailed response if the response period is extended, which we hope it will be.

### **Section 7-63:**

The definition of "elderly tenant" as anyone aged 62 or older seems young given the current average lifespan and retirement age in the U.S. Perhaps the age could be tied to when an individual begins to take Social Security.

The definition of "disabled tenant" is so broad as to be offensive to the truly disabled. "Disabled" is defined as "*a person or group of persons residing in the same unit of a housing accommodation [N.B.: this does not specify whether the person is an actual lessee or just any person who is staying in the property with a lessee] any one of whom has a physical or mental impairment, as of the date the notice provided for hereunder is given or should have been given, which (1) substantially limits such person's ability to care for him or herself, perform manual tasks, walk, see, hear, speak, breathe, learn, or work; or (2) significantly limits the housing appropriate for such person or significantly limits such person's ability to seek new housing; or (3) would be eligible for housing for disabled persons under the provisions of G.L. c121B, Section 1.*" By this definition, almost any person could be considered disabled. For example, a person with asthma or ADHD would qualify as someone with impaired breathing or ability to learn.

The definition of "household" as "*all persons who occupy a unit in a housing accommodation...*" does not specify whether these people are actual lessees or would include anyone who happened stay at the property, even without the landlord's knowledge or permission.

The definition of "low/moderate income tenant" as "*a person or group or persons residing in the same unit of a housing accommodation whose total income for the twelve months immediately preceding the date the notice provided for hereunder is given or should have been given is at or below 80% of Boston Area Median Income, adjusted for household size, as published annually by the U.S. Dept. of Housing and Urban Development.*" It is not clear how to interpret this. For example, three roommates who are MBA graduate students at Harvard might have an income that

fits the description during their time in school. Are they tenants you need to protect? And, if so, will they still be protected for the full five years as they enter their jobs with average starting salaries above \$200,000 each? Is this intended to protect a person who lives off interest income, alimony, or a trust fund and chooses not to work? If a tenant has significant assets, including owned property in other locations, is that taken into consideration? There is a need for much greater clarification here.

**Section 7-64:**

Section (iii) states *"that the tenant shall have a period of one hundred twenty days, or one hundred and eighty days in the case of an elderly, disabled, or low/moderate income tenant, from the date the notice is given to purchase the tenant's unit on terms and conditions which are substantially the same as or more favorable than those which the owner would in good faith or actually extends to prospective arm's length purchasers of such unit during the applicable period following the expiration of said tenant's right to purchase, as provided in Section 7-64(c), provided that such terms and conditions represent fair market value for such unit in "as is" condition;"*. This is fraught with so many issues we are not sure where to begin. It is likely the owner will not be able to deliver the unit in "as-is condition" since, in order to convert to condominiums, the City may require some changes/upgrades be made to the structure and systems that will cost a significant amount of money, such as the installation of a sprinkler system in a 3-unit building, emergency lights, separate water/sewer meters, electrical panel separation or upgrades, etc.

Additionally, how is fair market value to be determined in "as is" condition if the unit is not exposed to the market? In an undersupplied market with plentiful buyers, as Somerville is now, it is difficult to know at what price a property will sell without actually presenting it to the open market. On average, properties in Somerville sell over their asking prices. Some sell below, some sell substantially higher. Without market exposure, the "fair market value" is not knowable. Will it be based on the written appraisal of a licensed MA real estate appraiser? The average of two appraisals?

It is completely untenable for a sale to be held at bay for 120-180 days (4-6 months), for many reasons. First of all, most buyers with financing can close in 4-6 weeks without any problem. Cash buyers may close more quickly. Even a tenant-buyer with Mass Housing or Mass Housing Partnership financing of up to 100% does not need more than 5-6 weeks to close. All other buyers in the market must be prepared to make an offer with their pre-approval or proof of liquid cash assets in hand. Tenant-buyers should also be prepared to meet this timeline - especially when they are given at least 1 year's notice of intent to convert. That year provides ample time to get financing in order and resolve any credit issues - something ALL buyers have to do to qualify for a purchase. Secondly, the value of the unit can change significantly in that period of time - as much as 5-10% in either direction if there is market volatility. That could hurt the tenant-buyer or the landlord-seller depending whether the market is appreciating or depreciating.

Section (vi) states *"that the owner is obliged to find comparable housing for elderly, disabled, and low or moderate income tenants as provided in Section 7-64(e) or the notice period will be extended for up to two additional years; and that no change may be made in the tenant's rental agreement during the notice period..."* This is an unwarranted burden on the landlord. If the City has acknowledged in the ordinance that the reason for it is that comparable affordable housing does not exist, how is the landlord supposed to provide it? In addition, Section (v) states that, *"if the tenant does not purchase the tenant's unit or another unit in the housing accommodation, the tenant has a right to relocation benefits"* of at least \$6,000-\$10,000 per tenant, it appears (Section 64(d)). As we read it, if, for example, a landlord has three tenants who are roommates, one in graduate school, one with asthma, and one with ADHD, is the landlord now required to give each roommate 5 years' notice and \$10,000 to relocate?

It is clear that the onerous provisions of the proposed ordinance will only encourage landlords to find ways not torent to anyone who might be considered elderly, disabled, or low/moderate income. Without a Short Term Rental Ordinance on the books, many landlords may opt to do thatinstead. Or, even worse, they will leave the units vacant.

We have only touched on some of the problems with the proposed ordinance; there are many others. But, to summarize, given its current wording, the proposed ordinance's intent is likely to work against itself and create a greater shortage of affordable housing.

At the core of this proposal, there seems to be an assumption that all multi-family property owners are wealthy and powerful, and that most tenants are vulnerable or of modest means. Landlords and tenants come in all varieties. Some of the people who will be most affected by this ordinance will be long-term Somerville multi-family owner-occupants (or former owner-occupants) whose major asset in life is a 2- or 3-family they cannot afford to keep up or are no longer able to live in. Landlords like this will face reduced value if they are unable to convert the house themselves or sell to someone who can. And, a new landlord buying the building to maintain as rentals may studiously avoid renting to any of the types of people protected in the ordinance. If, instead, a 2-family is warehoused, or turned into a single family, or used as a short-term rental, or rented to able and affluent tenants, the cause of affordable housing is hurt, not helped.

In conclusion, we wanted to address a philosophical issue at the core of this rebuttal. The proposed ordinance characterizes the housing situation as an emergency. The dictionary defines "emergency" as

E·mer·gen·cy /ə'mɜrjənsē/  
*noun*

1. a serious, unexpected, and often dangerous situation requiring immediate action.

The affordable housing crisis in Somerville, and the region at large, is serious, but not unexpected. The pressures on the housing market are varied and have been long at work - changing demographics and household structures, shifts in housing and location preferences, and failures in planning for a regional transportation system that works well. More needs to be done by the city, surrounding communities, and state to make housing more affordable for all residents, and to create fair protections for the most vulnerable in our communities.

As a community, all residents of Somerville share a responsibility to support common values and goals. Protecting low-income/low-asset residents - across their full spectrum of needs, including housing - is one of those shared responsibilities. While we agree that the city should do more to assist and protect vulnerable residents, we do not agree that the proposed condo ordinance can be as effective as it intends to be, or as effective as the ordinance could be.

Providing government protections to one clumsily defined group of residents at the expense of another clumsily defined group of residents, rather than having all residents share in providing needed protections for vulnerable residents, is not only unfair, but is ultimately ineffective

As a final note, we wanted to add that, although we are residential real estate agents, we rarely represent developers converting to condos. We both own our properties and are engaged in the local community. Our concerns stem from the same regard for affordable housing as those who drafted the ordinance. We share the sentiment, but not the method proposed to reach a goal of more affordable housing and fewer displaced tenants.

Sincerely,

Thalia Tringo, Ward 6 homeowner (9 Chandler Street) and business owner (128 Willow Avenue))  
Robin Kelly, Ward 3 homeowner (30 Warren Avenue)

## John Long

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**From:** Richard M. Brenner <RMBrenner@winterhillbank.com>  
**Sent:** Friday, February 08, 2019 5:25 PM  
**To:** Mayor; City Clerk Contact; City Council; Mark Niedergang  
**Subject:** FW: condo conversion letter 020819  
**Attachments:** condo conversion letter 020819.pdf

To all,

Comments regarding Condo conversion ordinance.

Thanks,

Rich Brenner

-----Original Message-----

**From:** [LendingScans@Winterhillbank.com](mailto:LendingScans@Winterhillbank.com) <[LendingScans@Winterhillbank.com](mailto:LendingScans@Winterhillbank.com)>  
**Sent:** Friday, February 08, 2019 5:15 PM  
**To:** Richard M. Brenner <[RMBrenner@winterhillbank.com](mailto:RMBrenner@winterhillbank.com)>  
**Subject:** condo conversion letter 020819

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Device.

Sent by: [[LendingScans@Winterhillbank.com](mailto:LendingScans@Winterhillbank.com)]  
Attachment File Type: pdf, Multi-Page

Multifunction Device Location:  
Device Name: WC7845

February 8, 2019

Mr. Mark Niedergang, Chair  
City Council Legislative Matters Committee  
Somerville City Hall  
93 Highland Avenue  
Somerville Ma 02143

Re: 205420 Proposed Condominium/Cooperative Conversion Ordinance

Dear Mr. Niedergang,

Thank you for your work in chairing the above mentioned committee. As a Commercial lender in Somerville, the above mentioned proposed legislation is particularly troublesome because it goes way beyond revising the 1985 legislation. It reaches way past needed economic adjustments (such as relocation costs) to favoring tenant needs at the expense of landlord rights.

First, is the scope of properties that are covered. The proposed legislation does not limit the properties covered to four or more units as both the State and Boston ordinance do. Thus, some of the requirements will have a much greater effect on 1- 3 family owners than it would on 4+ family owners. The relocation cost patterned after Boston, for example, (\$10,000 handicapped, elderly, low-income, \$6,000 others) is a much larger burden on the 1-3 family owner. These owners are excluded in Boston. Have 1-3 family owners even been made aware of the ramifications of this ordinance as proposed?

With regard to relocation costs, the 1/31/19 Public Presentation indicated, an average rent for a two-bedroom unit at \$3,212 per Rent Café. This seems a little high especially as justification for the relocation costs. A quick look at Zillo listings for two-bedrooms in Somerville shows an average of \$2,522 per two-bedroom unit (the first seven listings).

Second, is the requirement for a vacant building to remain vacant for one year upon notice to the Condo Review Board. This just takes additional housing off the market for another year with no "benefit" other than to stop condominium conversion.

Third, perhaps the most troubling is the right of first refusal for the City or a designated affordable housing developer. I believe there is a case to be made that a tenant by virtue of paying rent has been paying for an implied "right" to purchase the property at market value. But the City /developer has not paid any consideration for that "right". There is no agreement between the landlord and the City. This is a far overreach of landlord rights of ownership against the needs of tenants in general.

Fourth, the solution to the supposed "problem" of permit expiration does not specifically address the issue. It would be a rare case that an owner would sit on a vacant building with a permit (1/31/19 Public Presentation). In the event that they did rent to another tenant, however, that tenant should still have the same rights of notice and protection. Furthermore, the lapse condition of one year to file a Master Deed puts an unreasonable timeframe on expiration because one year is simply not enough time to complete most projects especially with the requirements the City puts on these projects. A two-year timeframe to START a project would be a much more reasonable and germane requirement. The other lapse condition (unit has not been sold within two years after granting permit) makes no sense. If the unit is completed but not sold due to market conditions, the permit would lapse for a completed building/unit?

Lastly, is the concept of unintended (but foreseeable) consequences. Onerous requirements on landlords to give long timeframes for relocating could result in landlords limiting the number of low income, handicapped people they rent to. This would be an unfortunate reality.

Sincerely,

A handwritten signature in cursive script that reads "Richard M. Brenner". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Richard M. Brenner



## John Long

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**From:** Bob Filene <bob@bobfilene.com>  
**Sent:** Saturday, February 09, 2019 8:44 PM  
**To:** City Clerk Contact; Board of Aldermen  
**Subject:** Proposed Changes To Condominium Conversion Ordinance

### Regarding the Proposed Condominium Conversion Ordinance changes

Dear Councilors,

I have attempted to understand the complex proposed changes.

I agree we should provide higher payments for tenants to move and provide more than 30 days for a tenant to make an offer (although 120 days in the proposal is unreasonably long).

But the proposal goes too far.

Miss Shecter (spelling?) in her testimony at the public meeting January 31, 2019 describing the changes said:

*"In FY 2018, 92% of applications for conversion were for properties that were partially or fully vacant while the city has less than 2% vacancy rate of all housing stock. THIS MEANS that in one way or another, people who are converting to condominiums are emptying their units, one way or another."*

I disagree with this cause and effect reasoning. I own a three family in Somerville and work as a Realtor in Somerville. In many cases, including my own, tenants decide to move for their own reasons and the owner decides it may be a good time to sell. Or a family lives in more than one unit and sells the building. Then the next owner may decide to convert to condos. Nobody was forced out. I sold such a building and the next owner moved into one unit and rented out the two other units. There are many reasons for the 2% vacancy rate. People want to own and rent in Somerville. The economy is strong. It is incorrect to blame it on partially (maybe one unit?) or fully vacant buildings becoming condominiums.

Yes, buying a condominium in Somerville is expensive. Buying real estate in Somerville was expensive in 1985 too. And also in 1970. You have to work hard to save for a down payment. If you buy a small multifamily you will lose money if you look at it as a rental business. Only after many years does it become a break even situation.

Yes, tenants generally don't buy their rentals when they become condos because they cannot afford to. I don't believe it is mainly because the condo conversion ordinance is outdated. Some of these changes will just make it harder for someone to create condominiums (which are the entry point for new buyers) by dragging out the required steps. Trying to legislate affordability will not work.

I see with the new ordinance a landlord may have to work for up to seven years to find new comparable housing in the city of Somerville for a disabled, elderly, L/M income tenant. Is it the landlord's problem that there may be no suitable apartment to be found?

A new piece in the ordinance is that when an owner applies for a conversion permit for a totally vacant building, a year must now pass before he can apply for a conversion permit. Miss Schecter said *"This will take away some incentive to deliver buildings vacant at time of application."* Yes, but why must we punish an owner who has done nothing wrong in this situation? The new ordinance adds more stringent notice requirements to tenants so deal with proposed conversion, so why must you then also punish the owner for having a legal vacant building!

The new ordinance requires an owner to locate PREVIOUS tenants for vacant units. The ordinance already added new requirements for notifying current tenants. This is enough. Why must we add more hoops by making an owner search for previous tenants who were already notified and were not interested in buying.

Another new piece in the ordinance says "CRB may deny a permit if it finds hardship imposed on tenants to justify a denial." That is so vague. This should not be part of this ordinance.

Somerville is the only city or town in Massachusetts that controls conversion in buildings under four units. So we are already much stricter than everyone. Adding unreasonable requirements will not achieve the intended goals.

Sincerely,

Robert Filene

117 Chilton St.  
Cambridge, MA 02138