



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

September 20, 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	Absent	
Katjana Ballantyne	Ward Seven Alderman	Present	
Jefferson Thomas ("J.T.") Scott	Ward Two Alderman	Present	
Ben Ewen-Campen	Ward Three Alderman	Present	
Jesse Clingan	Ward Four Alderman	Present	
William A. White Jr.	Alderman At Large	Absent	
Stephanie Hirsch	Alderman At Large	Present	
Wilfred N. Mbah	Alderman at Large	Present	

Others present: George Proakis - OSPCD, Ellen Shachter - OSPCD, Kelly Donato - OSPCD, Alex Mello - OSPCD, David Shapiro - Law, Doug Kress - HHS, Joe Lynch - Licensing Commission, Annie Connor - Legislative Liaison, Peter Forcellese - Legislative Clerk.

The meeting took place in the Aldermen's Chamber and was called to order at 6:35 PM by Chairman Niedergang and adjourned at 9:10 PM.

**Approval of the August 30, 2018 Minutes**

<b>RESULT:</b>	<b>ACCEPTED</b>
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**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.**

(Additional information regarding this matter may be found in the Legislative Matters Committee report of April, 26, 2017.) Mr. Shapiro gave an update on relevant cases challenging the legality of Somerville's current Condominium Conversion Ordinance going before the Superior Court, saying 1 case has been scheduled for November and the 2nd case, (concerning whether it is legal for Somerville to regulate conversions of properties with less than four units), has not been scheduled yet.

Mr. Shapiro highlighted some of the differences between the existing vs. the proposed ordinances, including:

- number of units covered
- notification triggering
- notice requirements
- burden of proof for elderly/handicap/low-moderate income eligibility
- condominium conversion eviction
- right of first refusal
- reimbursement
- obligation to locate comparable housing
- extension of rental agreement
- rent increases
- access for workers or purchasers to a tenant's unit
- rehabilitation during notice period
- interruption of essential services
- penalties for violation
- remedies allowed by law
- sub-letting by tenant
- Condo Review Board and hearing process
- criteria for decision
- standards for denial
- certification of permit

Ms. Connor informed the committee that the Administration is putting together a document detailing the difference between the existing and proposed ordinances. A web page will be added to the city's website by October 2<sup>nd</sup>, and will show the current ordinance, state law, and a comparison to the proposed ordinance.

Members asked about possible scenarios regarding a tenant vacating a unit, evictions, look back period, and rights for tenant forced out by rent increases. Alderman Ewen Campen commented that the proposed ordinance is a major improvement and will protect tenants, noting that it is trying to address a major loophole that allows fast condo conversion, by imposing a waiting period. Alderman Hirsch stated that there should be different obligations based on age and household composition, adding that this might be part of the right of first refusal. Chairman Niedergang told the members that an ordinance for the right of first refusal on property sales would have to go to legislature as a home rule petition, whereas, revising Somerville's current condo conversion ordinance is something the BOA could do on its own.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**205420: Assistant City Solicitor submitting an updated Condominium/Cooperative**

## **Conversion Ordinance.**

See discussion of #202523.

**RESULT:**

**KEPT IN COMMITTEE**

### **203965: That the City Solicitor draft an ordinance for review by this Board related to recreational marijuana.**

Mr. Mello gave a presentation and highlighted some key points related to recreational adult use marijuana licensing, including:

- Establishment caps
- Host agreements and length of agreements
- Local option tax on retail sales
- Regulation through zoning and/or licensing
- Number of licenses
- Application requirements and evaluation criteria
- Inspection/compliance checks
- Priority applications

Mr. Proakis explained that Somerville is the only community offering a priority application process with reduced application time for certain applicants and that it would allow the city to take a first pool of applicants through the process. Asked why existing medical dispensaries are included in the priority application pool, Mr. Proakis noted that these 3 entities have already been vetted by the city and are likely to become dual purpose facilities, i.e., medical and recreational. This is not a state requirement nor is there anything that requires the City to do this. The opening of adult use recreational marijuana facilities will bring other companies into the business that aren't in it now, and the industry could also include research and testing facilities in addition to retail outlets.

Mr. Proakis told the committee that the licenses are not transferrable and would mirror state licenses in many ways. The state has not licensed many entities because host community agreements have not been completed in many cities and towns. Worcester, Brookline and Newton each have 1 state licensed recreational marijuana entity. Alderman Ballantyne asked about the possibility of recreational entities putting medical facilities out of business and Mr. Proakis acknowledged that it could happen, but he said medical marijuana does not have the tax applied to it, so it is essentially about 20% less expensive.

Presently, there is nothing that limits distances between facilities and Mr. Proakis said that one way to address this is through zoning. Chairman Niedergang stated that the issue of locating marijuana facilities would be addressed in the Land Use Committee and he asked that the number of liquor, smoke and vape shops in the city be provided to the committee.

At the request of Alderman Ballantyne, Mr. Mello will provide documentation to explain the application requirements, evaluation criteria and the inspection/compliance checks. The city's intention is to do what was done with medical entities, i.e., have all recreational marijuana facilities sign host community agreements with the same provisions. The licenses would expire when the host community agreement expires, providing an opportunity to renegotiate terms. The state mandated that host agreements must be for 5 years.

**RESULT:**

**KEPT IN COMMITTEE**

**206284: City Solicitor submitting an Ordinance regarding Adult Use Marijuana Establishments.**

See discussion of 203965.

**RESULT:**

**KEPT IN COMMITTEE**

**203822: That this Board's Committee on Legislative Matters draft appropriate language to require this Board's approval of certain licenses entered into by the City for a term of more than 3 years.**

The Law Department was asked to provide an opinion of whether passage of this item required a 2/3 vote of BOA, and Mr. Shapiro explained that the general statute states that, unless otherwise provided, a majority vote is sufficient for passage. (Note: the item in question was #206660, which will be discharged from the Legislative Matters Committee at the September 27, 2018 Board of Aldermen meeting.)

**RESULT:**

**WORK COMPLETED**

**206581: Increasing the membership of the Redevelopment Authority from 5 to 7, with one new member an Alderman appointed by the President, and the other new member appointed by the Mayor, subject to confirmation by this Board.**

Chairman Niedergang told the members that this would require a Home Rule Petition (HRP) and commented that there were differing views among some aldermen. He went on to note that the Somerville Redevelopment Authority is in a critical position with respect to Union Square and that adding 2 members would make it a stronger body. He would like have the HRP submitted to legislature sooner rather than later.

Alderman Rossetti's motion *that the City Solicitor draft a Home Rule Petition to increase the membership of the Somerville Redevelopment Authority from 5 to 7*, was approved.

Chairman Niedergang asked that the draft be submitted to the BOA in time for its September 27, 2018 meeting.

**RESULT:**

**KEPT IN COMMITTEE**

**Handout:**

- Adult-Use Recreational Marijuana Presentation (with 203965)