



# City of Somerville, Massachusetts

## City Council Legislative Matters Committee

### Meeting Minutes

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Wednesday, July 12, 2023

6:00 PM

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This meeting was held via Zoom and was called to order by Chair Davis at 6:03 pm and adjourned at 7:24 pm with a roll call vote of all in favor (Councilor Scott, Councilor McLaughlin, Councilor Burnley, Councilor Kelly, and Chair Davis), none opposed, and none against.

Councilor Burnley and Councilor Scott joined late due to a Licenses and Permits Committee meeting happening simultaneously.

Others present: Neha Singh – Mayor’s Office, David Shapiro – Solicitor’s Office, Ellen Shachter – OSPCD, Morena Zelaya – OSPCD, Stephanie Widzowski – Clerk of Committees.

#### Roll Call

**Present:** Chairperson Lance L. Davis, Vice Chair Charlotte Kelly, Willie Burnley Jr., Matthew McLaughlin and Jefferson Thomas (J.T.) Scott

Mayor's Request  
(ID # [23-1104](#))

Requesting ordainment of an amendment to Sections 7-63 through 7-67 of the Code of Ordinances, the Condominium Conversion Ordinance.

Chair Davis explained that one of the main reasons for amending the ordinance is to remove the city’s right to purchase, as that provision was challenged in court. Other changes are to clarify the ordinance and fill in gaps in the legislation. Chair Davis and Housing Policy Coordinator Zelaya reviewed the changes. Topics included logistics of tenant right to purchase, optional extension of the five-year notice period, deed restricted affordable units, and permit expiration and exceptions. Chair Davis flagged a topic for future discussion discovered while reviewing the ordinance, which is to determine when the owner should be responsible for relocation expenses.

Councilor Burnley wanted clarification that the proposed language for occupants not paying rent does not contradict state law that allows tenants to withhold rent from landlords in certain situations. This led to a discussion of how to clarify or rephrase the term “non-paying tenant”. Councilor Burnley also asked if there was any way to allow the City of Somerville to purchase a converted rental if given legal permission to do so. Chair Davis and Deputy Solicitor Shapiro spoke to the other tools the city has to acquire or purchase property.

**Chair Davis made a series of motions that were tabled and taken together for a single vote:**

- To change the definition of non-rent paying tenant or occupant to

replace the word “not” with the phrase “never been charged for nor” so that it reads: “a person living in a unit who has never been charged for nor paid rent as defined below”;

- To change Sec. 7-64.1.a to add “or owner-occupied units” after vacant units and after “unoccupied” in the first sentence, such that it reads: “Vacant units or owner-occupied units. If an owner has an intent to convert an unoccupied or owner-occupied housing accommodation to the condominium or cooperative form of ownership...”
- To change Sec. 7-64.5 to replace “fee” with “relocation” and add “on the city’s website” so that it reads: “Adjusted relocation amounts shall be publicly posted on the city’s website.”;
- To change “an occupied” to “a tenant occupied” in Sec. 7-65.1.a;
- To change the paragraph following Sec. 7-65.1.b to add “and former tenant(s)” and change “previously un-tenanted” to “non-tenanted” so that it reads: “...the review board shall be responsible for giving written notice at least two weeks in advance to the tenant(s) and former tenant(s) stating the date, time, and place of any hearing regarding the housing accommodation in which such tenants reside or formerly resided. For non-tenanted units, the review board’s written notice date shall comply with Massachusetts Open Meeting Law requirements. ...”
- To change Sec. 7-65.3.a to add “For any conversion that will include a unit that will be deed restricted for affordability,” at the beginning of the section, add “for the affordable unit” and delete “for development subject to this section” so that it reads: “For any conversion that will include a unit that will be deed restricted for affordability, an Affordable Housing Implementation Plan (AHIP) for the affordable unit, approved at the discretion of the Director of Housing, must be agreed to and signed by the Applicant and Director of Housing.”;
- To change Sec. 7-65.4.c.1 to read: “When a unit is excluded from the one-year notice period under Section 7-64(a)(ii) and the unit continues to be occupied by an owner, or a non-rent paying tenant or occupant, as their primary place of residence.”

**These motions passed with a roll call vote of 5 in favor (Councilor Scott, Councilor McLaughlin, Councilor Burnley, Councilor Kelly, and Chair Davis), none opposed, and none absent.**

**RESULT:        RECOMMENDED TO BE APPROVED AS AMENDED**

**AYE:**            Chairperson Davis, Vice Chair Kelly, City Councilor At Large Burnley Jr., Ward One City Councilor McLaughlin and Ward Two City Councilor Scott