



Medford City Council
Medford, Massachusetts

Planning and Permitting Committee, February 14, 2024

Voting Members

Kit Collins, Chair
Matt Leming, Vice Chair
Isaac B. "Zac" Bears
Anna Callahan
George A. Scarpelli

Broadcast Live: Channel 22 (Comcast) and Channel 43 (Verizon).

This meeting will take place at 6:00 P.M. in the Medford City Council Chamber on the second floor of Medford City Hall, 85 George P. Hassett Drive, Medford, MA and via Zoom.

Zoom Link: <https://us06web.zoom.us/j/81021611560>

Call-in Number: +13092053325,,81021611560# US

To submit written comments, please email AHurtubise@medford-ma.gov.

CALL TO ORDER & ROLL CALL

ACTION AND DISCUSSION ITEMS

22-310 - Offered by President Bears and Vice President Collins

Housing Home Rule Petitions

PAPERS IN COMMITTEE

21-070

Update on Complaints and Inspection Process for Reporting
Health & Safety Issues for Tenants

IN CITY COUNCIL	02/23/2021
IN COMMITTEE	03/08/2021
<u>21-543</u>	Traffic Engineer Recommend Safety Improvements at Cotting, West & North
IN CITY COUNCIL	09/21/2021
IN COMMITTEE	10/30/2021
<u>23-400</u>	Request Plan to Increase Civil Code Enforcement and Inspectional Services Staff
IN CITY COUNCIL	09/05/2023
<u>23-421</u>	Ordinance on Number of Occupants Living in Household or Dwelling
IN CITY COUNCIL	09/19/2023
<u>23-427</u>	Amend Short-Term Rental Ordinance to Include Monthly Report from Platforms
IN CITY COUNCIL	10/3/2023
<u>23-475</u>	Resolution to Consider Ordinance Regulating Blasting and Earth Removal
IN CITY COUNCIL	12/19/2023
<u>24-026</u>	Transportation Demand Management Ordinance
IN CITY COUNCIL	2/6/2024
<u>24-033</u>	Resolution to Begin Zoning Ordinance Updates with PDS Staff and Innes Associates
IN CITY COUNCIL	2/6/2024
<u>23-077</u>	Condominium Conversion Ordinance
IN CITY COUNCIL	02/09/2024

Adjournment



Medford City Council
Medford, Massachusetts

MEETING DATE

February 14, 2024

SPONSORED BY

AGENDA ITEM

22-310 - Housing Home Rule Petitions

FULL TEXT AND DESCRIPTION

22-310-Offered by Vice President Bears and Councillor Collins

Whereas the City of Medford and Greater Boston region are in the midst of a deep housing crisis that is displacing residents and families; and

Whereas the City of Medford saw a 15% year-over-year increase in average rents from March 2021 to March 2022 and a 5% increase in average rents from February 2022 to March 2022, according to WGBH News; and

Whereas many Medford residents are facing significant rent increase or other methods of displacement from rental units; now, therefore:

Be it Resolved by the Medford City Council that the Housing Subcommittee meet to discuss the potential drafting of home rule petitions on the following policies to protect Medford residents facing housing instability and a lack of affordable housing options:

- Rent stabilization,
- Tenant right to purchase,
- Tenant right to counsel,
- Just cause eviction protections,
- Regulation of up-front lease fees,
- Anti-price gouging protections, and
- Exemptions for small, owner-occupant landlords.

Be it Further Resolved that the Housing Subcommittee discuss a potential Council resolution supporting H.1378 and S.886, "An Act enabling local options for tenant protections" currently under consideration by the Massachusetts Legislature.

Addressing the Council:

Liza Maloney, 26 Bradlee Road

John Petrella, 61 Locust Street

Daniel Craven, 21 Maple Avenue

Casey Tiavaggi, 75 Marshall Avenue

Sharon DeYeso, Mass. Ave. and Circuit Road

Melanie Tringali, 116 Forest Street

Laura Panette, 40 Tesla Avenue

Vice President Bears moved for approval (Councillor Collins second)—approved on a roll call vote of four in favor (Vice President Bears, Councillor Collins, Councillor Tseng and President Morell), two opposed (Councillor Knight and Councillor Scarpelli) and Councillor Caraviello absent.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Medford City Council
Medford, Massachusetts

MEETING DATE

February 14, 2024

SPONSORED BY

AGENDA ITEM

21-070 - Update on Complaints and Inspection Process for Reporting Health & Safety Issues for Tenants

FULL TEXT AND DESCRIPTION

Be it Resolved by the Medford City Council that the City Administration, Building Department, and Health Department provide an update on the complaints and inspections process for reporting health and safety issues for tenants and meet with the Council to address ongoing problems and improve the system going forward.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Subcommittee Elderly & Housing Affairs Report 030821

20-300, 21-053 & 21-070
SUBCOMMITTEE ON ELDERLY & HOUSING AFFAIRS
MEETING REPORT
MONDAY MARCH 8, 2021 @ 5:30 P.M.

“Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Medford City Council Committee of the Whole will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the City of Medford website, at www.medfordma.org. For this meeting, members of the public who wish to listen or watch the meeting may do so by accessing the meeting link contained herein. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the City of Medford or Media Community Media website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.”

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Attendees: Isaac “Zac” Bears; Councillor/Subcommittee Chair; John Falco, Councillor/Subcommittee Member; Michael Marks, Councillor/Subcommittee Member; City Clerk Adam Hurtubise; Patrick Gordon, Medford Community Media; Community

Development Director Alicia Hunt; CPA Chair Roberta Cameron; CPA Coordinator Danielle Evans.

Chairman Bears called the meeting of the Medford City Council Subcommittee on Elderly and Housing Affairs to order via Zoom on Monday, March 8, 2021 at 5:30 p.m. The purpose of the meeting was to discuss Council Papers 20-300, 21-053, 21-070 and other potential actions regarding housing stability.

Chairman Bears thanked the participants for attending. He said Chief of Staff Rodrigues had a conflict and was unable to attend. He began discussion of paper 20-300. He asked for an update from the Housing Working Group, the Know Your Rights campaign, and the website updates regarding housing.

Director Hunt said she did not have copies of the ordinances in front of her but said she could provide an update from her notes. The Housing Working Group meeting had 12 people in three subgroups. In one, the group reviewed the webpage and there are updates underway on the City webpage. The group is working on updates for landlords, tenants and buyers.

Director Hunt said that she has not gotten feedback that anything is missing but that there is an overwhelming amount of information on the site. There is also discussion of a mailer to the community. The community expressed interest in three mailings, but the cost per mailing is high. The community group is also going to do some mailings. Director Hunt said that there would be a further update on Wednesday. The group is trying to meet more regularly than once a month would allow. The third group was the equity group.

Ms. Evans said that her group thought a mailer was a good start but that there needs to be more outreach to people who are left behind. There was discussion on different ways that outreach could happen, with an emphasis on involving people with lived experience. She said that people don't always feel welcome in the city and that perhaps there could be some sort of welcoming committee.

Ms. Evans said there was additional discussion of alerting landlords of the benefits of accepting Section 8 vouchers. Director Hunt said that one of the people said that what is on the MHA website isn't very good, but the city has no authority over that. A member of the MHA board was at the meeting and connected with the resident to discuss placing this information on the MHA website.

Director Hunt said the first meeting had 30 people and the next meeting had 12. She said that the group expressed interest in meeting more than once per month.

Councillor Falco asked if this group is going to set standing meetings. Director Hunt said standing meetings haven't been set yet because there are so many other meetings going on at the same time.

Chairman Bears then opened discussion on the emergency rental assistance program. He reviewed items from the previous subcommittee meeting. He invited Ms. Evans to present. Ms. Evans said that she is behind schedule because her mother recently passed away.

Ms. Cameron said that ABCD has been providing updates on who has not been able to access services. She said that the biggest barrier, despite great effort, is reaching people who are eligible for services. She said that others have reached out but are not eligible. Chairman Bears asked Ms. Cameron to continue to think about ways to allow landlords to participate.

Chairman Bears turned discussion to stabilization services or a diversion program, as requested by Councillor Marks. Councillor Marks said that stabilization involves tracking or following clients after they make contact to ensure that they are getting services. He asked if ABCD provides stabilization or tracks families.

Ms. Cameron said that ABCD agrees to follow up, and that she would ask ABCD for outcomes on follow-up with tenants. Director Hunt said that clients initially receive a full assessment of their needs when they contact ABCD. When residents call City Hall, OCD follows up with them as well. OCD also asks permission to follow up with callers.

An OCD staff member speaks Italian and Spanish, and there is also a language interpretation line at City Hall.

Councillor Marks said that the intent is that this not be a one-time process, but an annual program run by the City. Measuring success requires tracking the outcomes. Offering stabilization services allows the City to follow a family through the process. He said he wants to move this program forward in conjunction with some sort of stabilization service and tracking mechanism.

Director Hunt said that it is the role of a social worker to do that; that there is only so much for OCD employees to do. There is a social worker in the Health Office who is assisting OCD as a social worker. Director Hunt encouraged the Council to include the Health Department in future discussions.

Councillor Marks said that communities like Cambridge, Somerville and Malden self-refer from resources available at their fingertips. He said that Medford doesn't have this ability and does not have local organizations like those cities do.

Ms. Cameron said that the CPC does not typically initiate programs to be funded. This case is of an emergency nature, and the CPC reached out to a variety of organizations and invited them to apply for funding. She said she could not expect this to be a recurring program without developed relationships with these organizations. She said it would be helpful to have the City driving this type of initiative.

Director Hunt said that the Health Department has been spearheading these initiatives. That Department has been hosting a Medford Connects program. Area non-profits attend those meetings.

Chairman Bears said that it is important to include this housing discussion and the emergency program into the work that the Health Department is doing. Director Hunt suggested inviting Penny Funaiolo from the Health Department as well as Alysia LaGambina from the Health Department.

Chairman Bears moved to invite Penny and Alysia to a future meeting to discuss how to make permanent the emergency housing work the Department has been doing (Councillor Falco second)—approved on a roll call vote of three in favor and zero opposed.

Chairman Bears next discussed the Housing Stability Notification Ordinance. Councillor Falco said that the purpose of the ordinance is to promote housing stability and keep residents notified of their rights. He said he researched ordinances in other cities. He said that Cambridge had a tenant rights and resources FAQ that was very informative. He shared his research.

Chairman Bears said that he thought that this was a great initiative.

Councillor Falco said that the ordinances in Boston, Cambridge and Somerville are very similar. The definitions are similar. He said that Boston's ordinance passed in 2020 and Somerville's passed in 2019.

Chairman Bears said that the most important part to him was having tenants know their rights at the start of their leases, not just at the end. He said that the Cambridge ordinance seemed comprehensive. Councillor Marks said he needed some time to take a closer look.

Councillor Falco moved that the City Solicitor and OCD Director review the documents, including leases and tenancies at will, from Councillor Falco and draft language specific for Medford (Councillor Marks second)—passed on a roll call vote of three in favor and zero opposed.

Chairman Bears turned to paper **21-070**, and said that there needs to be discussion with the right people at City Hall to ensure that inspectors are following up on complaints from residents. He suggested a meeting with representatives from the Building Department, the Health Department, and the Chief of Staff. Councillor Falco said that Building Inspectors, Code Enforcement Officers, and Sanitarians should be invited.

Chairman Bears said he would reach out to the department heads.

Chairman Bears moved to keep all three papers in committee so the committee can follow up on the Housing Working Group, eligibility for the emergency rental assistance program, and for the motions just passed (Councillor Marks second)—passed on a roll call vote of three in favor and zero opposed.

Councillor Falco moved to adjourn at 6:29 p.m. (Councillor Marks second)—passed on a roll call vote of three in favor and zero opposed.

Chairman Bears adjourned the meeting at 6:29 p.m.



Medford City Council
Medford, Massachusetts

MEETING DATE

February 14, 2024

SPONSORED BY

AGENDA ITEM

21-543 - Traffic Engineer Recommend Safety Improvements at Cotting, West & North

FULL TEXT AND DESCRIPTION

Be it Resolved that the Traffic Engineer recommend safety improvements to the intersection of Cotting Street, West Street, and North Street in the interest of public safety.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 103021 Committee of th Whole Meeting 21-543 Report

21-543
COMMITTEE OF THE WHOLE
MEETING REPORT
SATURDAY, OCTOBER 30, 2021 @ 9:00 A.M.

This meeting took place on site on the corner of North Street and Auburn Street.

Attendees: Council President Richard Caraviello; Councillor Isaac “Zac” Bears; Councillor John Falco; Councillor Michael Marks; Councillor Nicole Morell; Councillor George Scarpelli; City Clerk Adam Hurtubise; DPW Commissioner Brian Kerins; Transportation Director Todd Blake; other attendees as noted in the body of this report.

President Caraviello called the meeting to order on Saturday, October 30, 2021 at 9:00 a.m. The purpose of the meeting was to discuss traffic concerns in the Cotting Street and North Street area.

President Caraviello thanked participants for attending. President Caraviello said he has received reports that trucks make deliveries at Whole Foods Market down the street.

Theresa Adducci said that trucks go through the one-way sign and down Cotting Street.

Angela Murphy said vehicles go through to Winthrop Street.

Ms. Adducci said that trucks go through to West Street. She said that she has been here for 64 years and it’s gotten worse lately. She said that 200 Boston Avenue is going to expand, which means more cars.

Sophie Ricks said that cars do not stop at stop signs even though we are here right now.

Ms. Murphy said she goes through this intersection every day and she stops.

Rebecca Davidson said she grew up on this street and walked to school. She said we need a safe way to cross the intersection. She said there is no construction of a sidewalk. She asked to move the crosswalk for safety. She said there is no painted crosswalk. She said it is difficult for drivers to see each other at the intersection.

Ms. Adducci said that the problem is that there are too many cars. She said that cars come down Cotting Street the wrong way. She said that there is no direction for people to cross Cotting Street right here, and that nobody painted the crosswalk.

Ms. Ricks said she does not want to walk by Whole Foods because people are whipping into the parking lot. She said the paved side on the Whole Foods side is broken and that visibility is difficult.

Ms. Adducci said that snow plows and snow banks are a problem in the winter and that snow blocks access for people with disabilities.

Director Blake said that everyone has touched on important issues. He said that a car went the wrong way during this meeting. He said that there are certain rules we can follow. He said that we are trying to address issues without disrupting lives. He said we are looking for net zero on parking and that sometimes, activities have an impact on others.

Director Blake said that there can be improvements. He said that if the City places barriers, it will need access to driveways. He said that legacy situations can be maintained but that new construction would require ramps. He suggested blocking an intersection, making it a one-way intersection. He said that the City could consider bumping out an intersection and using barriers. He said that the City could place left-only and right-only signs on two streets.

Ms. Ricks asked who enforces this.

Director Blake said that the police enforce traffic laws but that the police can't be everywhere. He said that at the end of the day, people need to obey the rules. He said that we try to change behavior every day.

President Caraviello said that there has been an uptick from Whole Foods deliveries. He said that many drivers don't know the neighborhood. He said that we have been here twenty minutes and only three or four drivers have stopped at the sign.

A resident requested flashing signs because there are cars going through stop signs. President Caraviello said that the same car went by three times without stopping while we were here.

Councillor Morell asked about whether funding is available for improvements. Director Blake said that the City could always use more money. He said we can probably use what we have now on quick fixes, which may be in place a little longer. He said the City could place yield signs and left-only signs. He said that the weather is a challenge for pavement markings right now.

Councillor Scarpelli suggested raised crosswalks and speed tables. He said nobody is stopping at stop signs even while we are here.

Director Blake said that there are many issues like this in the City. He said that there is a backup of issues in the City Engineer's office. He said he thinks that the intersection is most important. He said that we are doing our best.

Councillor Marks thanked Councillor Falco for requesting this meeting.

Councillor Marks offered a motion requesting that the Traffic Engineer put together a list of short-, medium-, and long-term fixes to the problems raised today, and then we can move forward with a list of improvements. Councillor Falco offered an amendment requesting repair to the left side of Auburn Street and requesting addition of a sidewalk by Whole Foods. Councillor Scarpelli offered an amendment requesting a traffic enforcement plan as soon as possible (Councillor Bears second)—approved as amended.

Councillor Falco said that the City recently received federal money. He asked about the timing of short-term fixes.

Commissioner Kerins said that a lot of this is weather-driven. He said that stop signs and barriers could be placed quickly. He said that painting is difficult and dependent on rain, air temperature and ground temperature. He said that if we have to re-adjust sidewalks, that is construction. He said that there is a construction moratorium on November 15. He said it is a mixed bag on how quickly the work can be done. He said that markings and signs go hand in hand. He gave examples of other improvements in the City.

Ms. Ricks said that the Auburn Street Bridge needs fixing. President Caraviello said that it was fixed but that it needs fixing again.

Director Blake said a truck exclusion needs local and state approval. Commissioner Kerins said that we have to think about fire apparatus. He said that their turning radius needs to be factored.

President Caraviello said that the City just hired a new Parking Director. He said that we can bring those concerns.

Ms. Adducci said that there are fire trucks at Walkling Court every day. She said that the worst time is rush hour.

Director Blake said that there are 730 streets and 1,600 intersections. He said that there is spot enforcement. He said he would place items on the next Traffic Commission agenda.

Councillor Scarpelli moved to adjourn at 9:50 a.m. (Councillor Bears second)—approved.

President Caraviello adjourned the meeting at 9:50 a.m.



Medford City Council
Medford, Massachusetts

MEETING DATE

February 14, 2024

SPONSORED BY

AGENDA ITEM

23-400 - Request Plan to Increase Civil Code Enforcement and Inspectional Services Staff

FULL TEXT AND DESCRIPTION

23-400 - Offered by Vice President Bears

Whereas, thousands of civil code violations are going unaddressed each year due to underfunding and misallocation of city staffing resources for enforcement and inspections; now, therefore:

Be it Resolved by the Medford City Council that the City Administration provide a plan to increase civil code enforcement and inspectional services staffing, either with new funding or by reallocating funding within or between the city's enforcement departments to match need.

Be it Further Resolved that the City Administration report on efforts to address numerous major code enforcement violations in the Hillside neighborhood.

Vice President Bears moved for approval (Councillor Knight second)—approved on a roll call vote of seven in favor and zero opposed.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Medford City Council
Medford, Massachusetts

MEETING DATE

February 14, 2024

SPONSORED BY

AGENDA ITEM

23-421 - Ordinance on Number of Occupants Living in Household or Dwelling

FULL TEXT AND DESCRIPTION

23-421 — Offered under suspension by Councillor Caraviello

Be it so Resolved that the Medford City Council request that the Subcommittee on Rules and Ordinances revise the ordinance on the number of occupants living in a household or dwelling.

Councillor Caraviello moved to refer the paper to the Subcommittee on Zoning, Planning, and Development (Councillor Scarpelli second)—referred to the Subcommittee on Zoning, Planning and Development.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Medford City Council
Medford, Massachusetts

MEETING DATE

February 14, 2024

SPONSORED BY

AGENDA ITEM

23-427 - Amend Short-Term Rental Ordinance to Include Monthly Report from Platforms

FULL TEXT AND DESCRIPTION

23-427 - Offered by Vice President Bears

Be it Resolved by the Medford City Council that the Zoning, Planning, and Development Subcommittee meet to discuss amendments to Section 8.4 of the Zoning Ordinance regarding short term rentals to require a monthly report from all short-term rental platforms to ensure that short-term rental units in Medford meet all requirements of this section.

Vice President Bears moved for approval (Councillor Tseng second)—approved.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Medford City Council
Medford, Massachusetts

MEETING DATE

February 14, 2024

SPONSORED BY

AGENDA ITEM

23-475 - Resolution to Consider Ordinance Regulating Blasting and Earth Removal

FULL TEXT AND DESCRIPTION

23-475 - Offered by President Morell

Be it so Resolved that that council explore and consider language for an ordinance regulating blasting and earth removal within the city.

Vice President Bears moved to refer the paper to the Subcommittee on Zoning, Planning, and Development (Councillor Tseng second)—referred to the Subcommittee on Zoning, Planning, and Development.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Medford City Council
Medford, Massachusetts

MEETING DATE

February 14, 2024

SPONSORED BY

Matt Leming, City Councilor, Justin
Tseng, City Councilor

AGENDA ITEM

24-026 - Transportation Demand Management Ordinance

FULL TEXT AND DESCRIPTION

WHEREAS the City of Medford should address high levels of traffic;

WHEREAS developers often need to make exceptions to zoning regulations to feasibly develop new buildings, and the current process of passing these through the Zoning Board of Appeals often adds unwanted uncertainty and delays to these processes;

WHEREAS a Transportation Demand Management program automates these exceptions and puts them to the staff level by means of a points-based impacts and credits system;

WHEREAS Everett and Boston have implemented a Transportation Demand Management program to great success, spurring development of both commercial and affordable residential property;

AND WHEREAS a transportation demand management program can provide design and programming strategies that developers can employ to reduce car traffic to and from their buildings;

THEREFORE BE IT RESOLVED that Medford City Council adopt a Transportation Demand Management Ordinance;

BE IT FURTHER RESOLVED that this matter be referred to Committee for further discussion with the Office of Planning, Development, and Sustainability;

BE IT FURTHER RESOLVED that members of the Committee on Planning and Permitting submit questions to the Chair, Clerk, and city staff ahead of the committee meeting scheduled for this subject.

BE IT FURTHER RESOLVED that the Medford City Council work with the Office of Planning, Development, and Sustainability to evaluate the suitability of a transportation demand management program, determine the capacity of the city to implement such a program, and provide specific

recommendations for its structure and policies, particularly with respect to the nature of its the Medford-specific impacts and the design of its credits system.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Medford City Council
Medford, Massachusetts

MEETING DATE

February 14, 2024

SPONSORED BY

Isaac Bears, Council President, Kit
Collins, Council Vice President

AGENDA ITEM

24-033 - Resolution to Begin Zoning Ordinance Updates with PDS Staff and Innes Associates

FULL TEXT AND DESCRIPTION

Be it Resolved by the Medford City Council that the Planning and Permitting Committee invite staff from the Office of Planning, Development, and Sustainability and Innes Associates, the Medford City Council's Zoning Consultant, to discuss our upcoming comprehensive review and update of the Zoning Ordinance.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Medford City Council
Medford, Massachusetts

MEETING DATE

February 14, 2024

SPONSORED BY

AGENDA ITEM

23-077 - Condominium Conversion Ordinance

FULL TEXT AND DESCRIPTION

Be it resolved by the Medford City Council that the Subcommittee on Housing meet to discuss a proposed Condo Conversion Ordinance so as to improve stability for tenants in the event of large rental apartment buildings being sold as condominiums. Be it further resolved that the Subcommittee invite the City Solicitor and staff from the Office of Planning, Development and Sustainability to join this discussion.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Subcommittee Zoning Planning Development Report 032223 Condo Conversion Ord
2. Zoning Subcommittee Notice 091323 Condo Conversion Ord
3. Zoning Subcommittee Report 091323 Condo Conversion Ord (3)
4. Condo Conversion report 2020
5. Summary Research - Somerville Condo Conversion Ordinance

22-321
SUBCOMMITTEE ON ZONING, PLANNING AND DEVELOPMENT
MEETING REPORT
WEDNESDAY, MARCH 22, 2023 @ 6:00 P.M.

Join Zoom Meeting

<https://us06web.zoom.us/j/86844971407>

Meeting ID: 868 4497 1407

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Meeting ID: 868 4497 1407

Find your local number: <https://us06web.zoom.us/j/kx4tiH9yB>

Attendees: Council Vice President Isaac “Zac” Bears; Councillor Kit Collins; Councillor Adam Knight; City Clerk Adam Hurtubise; Building Commissioner Bill Forte; Alicia Hunt, Director of Planning, Development and Sustainability.

Vice President Bears called the meeting to order on Wednesday, March 22, 2023, at 6:00 p.m. in the Medford City Council Chamber on the second floor of Medford City Hall, and via Zoom. The purpose of the meeting was to discuss the Condo Conversion Ordinance (Paper **22-321**).

Vice President Bears thanked participants for attending. He said that this paper was actually referred to the Subcommittee on Housing, not this subcommittee, but that he and Councillor Collins were both on this Subcommittee and there may need to be a resolution sending this paper to this committee, but that he did not see any difficulties.

Councillor Collins gave a brief overview of similar ordinances as she understood them. She discussed the benefits of a condo conversion ordinance. This is a way to help displaced tenants. She said some communities have ordinances that are more strict than state law provides. She compared ordinances in other communities. She said these ordinances are tailored to target for-profit developers, not people converting properties to be transferred to family members.

Councillor Collins went through the structure of typical condo conversion ordinances. She said that the state statute enacted 40 years ago and regulates how condo conversions happen and imposes certain conditions. There must be notice to tenants. There must be notice of at least one year, and in some cases it is two years. Tenants in a protected class must be given two years of notice and an additional two years if housing can't be found in the same community. Other tenants get one year of notice. There are limits on rent increases during this period as well. Tenants are afforded the first right of refusal. There are relocation payments, with higher payments to tenants in protected classes. There are penalties for violating the law.

Councillor Collins said that 12-15 cities have these ordinances. She highlighted some of the provisions within these ordinances.

Director Hunt said this is not something we've really dug into. She said the Housing Production Plan is basically silent on this topic. She said that the Interim Assessor said that condo conversions are good for the budget and increase the tax levy, but they need to be balanced against the need for affordable housing, and there is not enough deed-restricted affordable housing. Director Hunt contrasted homeowners who want to convert to condos versus developers who are trying to flip properties for profit.

Vice President Bears asked for data on condo conversions and Director Hunt said she would try to get what she had.

Lilly Worth from PDS provided some highlights of the Somerville ordinances. Commissioner Forte said most renovations are not condo conversions. He said soundproofing and fire protection are big issues with condo conversions. He said it's a hassle to divide up an existing property into title. Sound attenuation is particularly difficult. He said certain conversions would require two separate building permits and two separate certificates of occupancy. He said that the big 40B project coming up might be something we want to restrict. He said he very rarely sees two-family homes converted to condos unless the building has been demolished and rebuilt.

Vice President Bears said that there was a condo boom in the 80s, then a moratorium later. He said there is a pretty big new building on Middlesex Avenue. He said he could see the 10-25 unit buildings going in that direction.

Councillor Collins said this was all helpful context. She said that the Green Line Extension is now here and could factor into a variety of housing issues. She said she would like to follow up with our Interim Assessor.

Councillor Collins said she looked at other ordinances. She said many communities required a declaration of emergency. She said most of these ordinances require notifying the tenant in the targeted unit. She said that these ordinances identify protected tenants. She detailed other situations such as when a unit becomes vacant during the conversion notice period and then is re-rented. Eviction during the

conversion period is also spelled out by statute. She said that Lexington has a Condo Conversion Board which issues licenses.

She detailed tenant rights of first refusal. She said that everywhere except Lexington, the tenants have first right of refusal. They can purchase at the same or more favorable terms as offered to the general public. Some ordinances give the right to a city to purchase if a tenant does not exercise the right to purchase, so that the condo can be purchased as affordable housing. She said some cities go higher for the relocation payments (higher than state law requires). There is also relocation assistance requiring owners to help tenants find alternate housing. Boston and Marlboro extend the notice period in the event that new housing cannot be found. She gave examples of reporting and review requirements. She asked in what ways we might want this to be a lever for affordable condo conversions.

Vice President Bears said one way we could go forward is to get more data and to get more anecdotal information. He said we could check additional data. He said he is interested in the potential outcomes. Councillor Collins said she wanted to start with desired outcomes and work backward from there.

Vice President Bears asked Ms. Worth for examples of communities looking for desired outcomes and crafting that into the ordinance. Ms. Worth gave examples from Somerville. She said there may have been incentives to property owners to connect tenants with new housing.

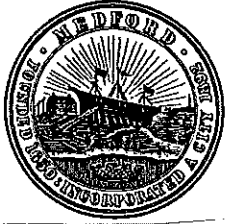
Councillor Collins said that she would like to circulate the documents from the meeting tonight to relevant City staff, asking for feedback on outcomes to avoid and outcomes to focus on, making sure that tenants can remain in the community or streamlining procedures for owner-occupants.

Vice President Bears moved to request data and other information from the Building Department, PDS, and the Assessor's Office (Councillor Collins second)—approved.

Councillor Collins moved to circulate the relevant documents to subcommittee members and relevant city employees for feedback on goals a potential ordinance could help achieve, and potential negative consequences any ordinance should avoid (Vice President Bears second)—approved.

Councillor Collins moved to adjourn at 7:09 p.m. (Vice President Bears second)—approved.

Vice President Bears adjourned the meeting at 7:09 p.m.



City of Medford
OFFICE OF THE CITY COUNCIL

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2023 SEP -7 PM 4:36

22-321

**SUBCOMMITTEE ON ZONING, PLANNING, AND DEVELOPMENT
MEETING NOTICE**

WEDNESDAY, SEPTEMBER 13, 2023 @ 6:00 P.M.

This meeting will take place in the Howard F. Alden Memorial Chambers on the second floor of Medford City Hall, and via Zoom.

Join Zoom Meeting

<https://us06web.zoom.us/j/85637871041>

Meeting ID: 856 3787 1041

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Dial by your location

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- +1 301 715 8592 US (Washington DC)
- +1 669 900 6833 US (San Jose)
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)

Meeting ID: 856 3787 1041

Find your local number: <https://us06web.zoom.us/j/kqHMqBShk>

To participate remotely outside of Zoom, please e-mail AHurtubise@medford-ma.gov.

There will be a meeting of the Medford City Council Subcommittee on Zoning, Planning and Development on Wednesday, September 13, 2023, at 6:00 p.m. in the Medford City Council Chamber on the second floor of Medford City Hall, and via Zoom.

The purpose of this meeting is to discuss the Condo Conversion Ordinance (Paper **22-321**). The Subcommittee has invited Interim Building Commissioner Bill Forte and Alicia Hunt, Director of Planning, Development and Sustainability, to attend this meeting.

For further information, aids, and accommodations, contact the City Clerk at
781-393-2425.

September 7, 2023

Sincerely yours,

Isaac B. "Zac" Bears (AH)

Isaac B. "Zac" Bears
Subcommittee Chair

22-321
SUBCOMMITTEE ON ZONING, PLANNING, AND DEVELOPMENT
MEETING REPORT
WEDNESDAY, SEPTEMBER 13, 2023 @ 6:00 P.M.

This meeting will take place in the Howard F. Alden Memorial Chambers on the second floor of Medford City Hall, and via Zoom.

Join Zoom Meeting

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Find your local number: <https://us06web.zoom.us/j/85637871041>

To participate remotely outside of Zoom, please e-mail AHurtubise@medford-ma.gov.

Attendees: Council Vice President Isaac “Zac” Bears; Subcommittee Chair; Councillor Kit Collins; City Clerk Adam Hurtubise; Interim Building Commissioner Bill Forte; Alicia Hunt, Director of Planning, Development, and Sustainability; other participants as noted in the body of this report.

Chairman Bears called the meeting to order on Wednesday, September 13, 2023, at 6:00 p.m. in the Medford City Council Chamber on the second floor of Medford City Hall, and via Zoom. The purpose of this meeting was to discuss the Condo Conversion Ordinance (Paper **22-321**).

Chairman Bears thanked participants for attending. He said this is a follow-up meeting. He outlined the meeting and then Councillor Collins gave an update.

Councillor Collins said that this is a legislative mechanism that governs what happens when rental properties are converted into condominiums. She said many municipalities in Massachusetts have enacted protections for tenants. She said we have a severe scarcity of rental units in Medford. She said most municipalities used a similar

framework. She said the main portions were notice requirements, protected tenants, tenant rights, first rights of refusal, relocation payments, and other items.

Councillor Collins said that after our first meeting, PDS staff did additional research.

Lily Worth from PDS said that much of this can be researched at the Registry of Deeds because recording of a master deed would indicate a condo conversion. From 2018-2022, there are about 30 conversions per year. She said she suspects that the pandemic affected this. She said in one year, 30 of the 33 conversions were multi-family conversions.

Commissioner Forte said he had questions about permitting. He said that there needs to be some changes to Citizen Serve to address the issues around conversions. If a developer buys a three-family and intends to convert it, it appears that the developer would need to state this. Councillor Collins said her impression is that a conversion permit would need to be created which would show the developer's intent.

Commissioner Forte said that some people may not know their exact intentions on purchase. Commissioner Forte detailed limits on deed restrictions and items that are units in perpetuity. Anything on the state level receiving a subsidy is subject to the in perpetuity provision.

Councillor Collins said the intent in March was to have this ordinance target for-profit developers. She said one thing she saw from the research is that a positive outcome from other communities is that residents are staying in communities. She said relocation payments are often too low.

Councillor Collins detailed the draft ordinance. She said state law sets the floor. Protected tenants get two years and all other tenants get one year to stay in their homes. In many municipalities, protected tenants get five years to vacate and other tenants get one year. Councillor Collins said that we could be more proactive.

Chairman Bears asked if the notice period is the same as the waiting period. Councillor Collins said no. She said the waiting period is a year-long holding period before the notice period starts. She referred to the Boston ordinance.

Chairman Bears said if the state law is not sufficient, we should consider going above the minimum. Councillor Collins said a notice of two years might be better. She said on the issue of the waiting period, she would like to do more research.

Councillor Collins addressed the tenant right to purchase or right of first refusal. She said she needed to consult with legal on the City right of refusal. She said Somerville updated their ordinance to provide a City right of refusal, which was invalidated by the courts.

Ms. Worth said she would research the grounds for that holding. Chairman Bears said that it could have been an illegal taking or in the eminent domain realm.

Councillor Collins next addressed relocation payments. She also noted that tenants can't be evicted under the ordinance because of the conversion, but other grounds for eviction would remain intact. She detailed the relocation payment schedules for other cities. She said some relocation payments are set by the consumer price index.

Chairman Bears said that there is a possible inflationary adjustment. He asked if this could be tied to the rent amount. Councillor Collins said that this was a good point. She said potentially we could look at 4 times rent as a payment amount. Chairman Bears said doing the formula that way ties to the intent and purpose.

Councillor Collins said that relocation assistance is important. She said that the Council could also consider extending the notice period. Chairman Bears said he would be interested in knowing what would constitute a failure to assist. Councillor Collins said that we are learning more about what this looks like in other communities.

Councillor Collins said the next item for discussion was limits on the numbers of conversions per year. She said Malden does not allow conversions on two- and three-unit buildings unless the vacancy rate is over 3.5%. She said she would like to get more feedback from department heads.

Chairman Bears said it might be unwise to exclude two- and three-family properties. He said most of the condo conversions are happening by flippers. He said maybe we should treat the rare instance when a family-owned building wants to convert.

Councillor Collins moved for a brief recess because of technical issues with the camera, at 6:51 p.m. (Chairman Bears second)—approved.

Chairman Bears called the meeting back to order at 6:55 p.m.

Councillor Collins said we need to discuss treatment of small developments versus larger developments. She said she would like to get feedback from department heads.

She said she would also like to discuss creation of a condo review board. She said in other communities there have been independent condo review boards. She said she doesn't know if the City has the resources to establish such a board. She said in Somerville, the board consists of city staff, homeowners, tenants, and protected tenants.

Chairman Bears said his recommendation is to ask the Community Development Board.

Ms. Worth said the Planning Office would be happy to be a resource.

Councillor Collins moved to circulate the notes and records of this meeting to the Planning Department, the Board of Health, Outreach and Prevention, the Building Department, and request the assistance of those departments on research and discussion of the questions that came out of this meeting.

Councillor Collins moved that those same city departments review the definitions of protected tenants.

Councillor Collins moved to request that KP Law provide counsel on the City right of first refusal.

Councillor Collins moved to reach out to the Community Development Board to inquire if they'd be willing to be the implementing authority for this ordinance.

Councillor Collins moved to authorize herself as sponsor to draft a section on purpose/intent and to draft additional language based on this discussion and feedback from City departments.

Chairman Bears seconded all motions and joined—all motions approved.

Councillor Collins moved to adjourn at 7:08 p.m. (Chairman Bears second)—approved.

Chairman Bears adjourned the meeting at 7:08 p.m.



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE, MAYOR

GEORGE PROAKIS
EXECUTIVE DIRECTOR

HOUSING DIVISION

Date: October 26 , 2020

CONDOMINIUM REVIEW BOARD FY20 ANNUAL REPORT

As per Somerville Condominium Conversion Ordinance (SCCO) Section 7-70, this document serves as an annual report of the business of the Somerville Condominium Review Board (CRB) for Fiscal Year 2020 (July 1, 2019-June 30, 2020).

Board membership and Organizational Information

As of June 2019, the Condominium Review Board had five members as called for under the SCCO. Members included Board Chair Zachary Zasloff, Board Vice-Chair Patricha Paul, Vikram Kanda, Elizabeth Janiak, and William Medeiros. Board members Zasloff, Janiak and Medeiros are up for reappointment. Members Kanda and Paul both remain in their initial terms. Additionally, an alternate board member position was created in the updated SCCO. This alternate position is currently in the process of being filled.

Condominium Conversion - Summary Information and Process Overview

As of FY 2020 year-end, there were approximately 31,608 total private housing units¹ in Somerville. Roughly 70.9% of all private housing units are rental units (about 22,412 units). There are approximately 6,259 total condominium units currently in Somerville, according to data maintained by the City's Assessing Department, with 3,835 or roughly 61.3% being owner-occupied. This totals approximately 19.8% of the total private housing units in the City as of FY20 year-end, and an increase of 685 condominium units (both from conversion and new construction) from FY19 to FY20.

Somerville's updated Condominium Conversion Ordinance was first implemented as of October 7, 2019. Approved applications converting a rental unit to a condominium unit receive a Final Conversion Permit. Approved applications converting a unit that has never been rented (generally a unit that is/was owner-occupied) to a condominium unit receive a Non Rental Conversion Permit. Applications that have been reviewed by the Board, but are still pending final submission of required documents receive a Preliminary Conversion Permit conditioned on the completion of the application.

¹ Figures provided by Somerville Assessing Department.

Application Data Summary

In FY20, 94 applications – encompassing 94 buildings and 199 units – were submitted for condominium conversion. Of those 199 units, 134 were submitted for current or former rental units. That total is down significantly from FY19, during which applications for 290 rental units were submitted.

In FY20, 36 of all applications submitted (totaling 73 units) were completed and granted Final Conversion or Non Rental Conversion Permits. An additional 58 applications, for a total of 126 units, were granted conditional approval, bringing the total number of units either approved for or conditionally approved for condominium conversion to 199.

Because the updated SCCO went into effect during FY20, only 63 of the units submitted for conversion were submitted under the updated SCCO and thus are subject to the revised requirements. The remaining 136 units submitted in FY20 are subject to the requirements of the former SCCO, as those applications were submitted before the updated Ordinance was enforced.

SCCO Update and Impact (*Updated Ordinance Implemented October 7, 2020*)

City staff prepared multiple new documents for both tenants and property owners, to provide them with guidance and information on requirements of the SCCO. Materials developed included: a revised application, Rules, Standard Operating Procedures, a property owner FAQ, a Tenant FAQ, and both property owner and tenant flyers. Additional informational documents and flyers on tenant rights were developed to ensure that both property owners and tenants could easily access information on tenant protections afforded by the SCCO. City staff involved with SCCO drafting and preparation for implementation conducted a training session for CRB members on its requirements prior to the effective date of October 7, 2020. Staff to the CRB continue to be in frequent communication with applicants and tenants alike.

Updating the SCCO had a major impact on application volume during the final quarter of FY19. In June 2019 alone 74 applications were submitted; an unprecedented number. Twelve months later, in June 2020, 3 applications were submitted. The late-FY19 spike in applications seen in Table 1 occurred in anticipation of the updated Ordinance's effective date, as property owners did not want to be subject to additional requirements included in the updated SCCO. Of the 199 total units submitted, 136 were submitted over the last three months the former SCCO was in effect, with the remaining 63 units submitted over a span of nine months under the updated SCCO (i.e., October 2019 through June 2020)

Table 1- FY20 Applications Submitted

Date of Meeting Application was Considered	Number of Applications Submitted	Date of Meeting Application was Considered	Number of Applications Submitted
June 13 2019	44	November 25 2019	2
June 24 2019	30	December 16 2019	2
July 29 2019	23	January 27 2020	1
August 21 2019	26	February 24 2020	4
September 5 2019	10	April 27 2020 ²	7
October 7 2019*	6	June 1 2020	3
October 28 2019	7	June 29 2020	3

*New Ordinance in effect as of October 7, 2020 hearing.

² The March hearing was canceled due to the corona virus pandemic so the April hearing included both March and April applications.

Vacant Unit Data

Of the 94 applications submitted for conversion in FY20, 38 (40.4%) of them included one or more vacant units. This percentage is dramatically lower than the percentage for the preceding year FY19 (71.2%). This decline suggests the application requirements for vacant units in the updated ordinance are having some impact in reducing a previously common practice of displacing tenants prior to submitting a condominium conversion application.

Under the former SCCO, the process for securing a Removal Permit for a vacant unit (which allowed the sale of a unit as a condominium unit under the former SCCO) was generally much quicker than it was for a tenanted unit. There was essentially an incentive of sorts for property sellers to empty their units prior to sale. Compounding this situation was the fact that the Board had neither the authority to investigate how a unit became vacant nor the means of contacting former tenants to determine if they had been evicted as part of a condominium conversion effort. Two trends resulting from this dynamic had been displacement of tenants prior to the submission of an application for condominium conversion and, not coincidentally, the vast majority of applications being submitted for vacant units. The dramatic decrease in the percentage of applications being for vacant units – from 71.2% in FY19 to 40.4% in FY20 – suggests that ordinance revisions are having a substantive impact in ensuring that tenants access the rights afforded by the SCCO.

Tenanted Units under the Updated SCCO

Under the updated SCCO, all current and former tenants from within the preceding 12 months are entitled to notice of the CRB hearing at which their former unit will be on the agenda at least two weeks in advance of the hearing. Under the updated SCCO there were 10 applications submitted during FY20 that included currently and/or formally tenanted units entitled to hearing notice. In those 10 applications there was a total of 21 units submitted for conversion, with 13 of them being tenanted. There were also eligible former tenants in 6 of the units. All eligible tenants were provided with notice of the CRB hearing when their unit would be on the agenda.

While under the former SCCO it was rare that a tenant would attend a CRB hearing (aside from the 2019 Millbrook Lofts conversion which involved a 100 unit building and had extensive tenant participation), there have already been at least three instances of tenant participation- both in person and virtually- since the updated SCCO went into effect. In addition to those who actually attended and participated in the CRB hearings, many current and former tenants have reached out to CRB staff with questions- another positive result of sending hearing notice that includes staff contact information directly and in advance to eligible tenants. All former and current tenants are contacted directly by CRB staff either by email or phone to make sure they understand the condominium conversion process and their rights during it.

Relocation Payments

The required relocation payment has increased from \$300 or one month's rent to \$10,000 for elderly, disabled and low/moderate-income tenants and \$6,000 for all other tenants- payment is per unit (not per tenant). Five of the 13 units that had tenanted units in FY20 received their relocation payment and six more units will be receiving the payment once they vacate their units, if they do so within the one year notice period. Tenants in two units made the decision to stay in their units past the one year notice period, forfeiting the relocation payment. All tenants that have been entitled to a relocation payment have received them, though in cases where there are multiple tenants in one unit the payment does not necessarily cover the full cost of moving.

COVID-19 Impact on Condominium Conversion

Due to the COVID-19 pandemic, Condominium Review Board hearings for the last quarter of FY 20 (April through June) were held virtually using GoToWebinar. Hearings during that period (and as of report issuance) have been held in accordance with Open Meeting Law and except for in March continued to follow the standard hearing schedule. Applications have been submitted via email and attendees can join hearing either virtually or by phone. All CRB members have been able to participate virtually.

Vacant Unit Waiting Period

The main change contributing to the reduced number of Final Conversion Permits granted in FY20 is the one year waiting period applicable to any vacant units submitted that were not formerly owner-occupied for at least 12 months prior to becoming vacant. Whereas under the former SCCO an applicant could purchase a vacant property where tenants were already displaced and obtain a permit to convert to condominium units within one to two months, there is now a one year waiting period for such units. This component of the updated SCCO was included in an effort both to incentivize owners to maintain their tenants during the waiting period, and also to help tenants access the rights afforded by the updated SCCO *prior* to being displaced or otherwise being prompted to move.

To facilitate the enforcement of this part of the ordinance, applicants are required to provide contact information for any tenants that had resided in the unit in the preceding 12 months. This information is provided via “Affidavit B” included in the application packet. Staff are then able to send notice of the upcoming CRB hearing to former tenants, who have the right to testify if they so choose. While former tenants do not necessarily have any right to their former unit, the CRB can deny an application if it is found that a condominium conversion eviction (i.e., an eviction sought for the purpose of facilitating the sale of the unit as a condominium) took place.

Removing incentives to submit an application for a vacant property was intended to help ensure tenants actually have the opportunity to exercise the rights afforded to them by the SCCO in a manner that is in their own best interest. This waiting period does not apply for formerly owner-occupied units to ensure the waiting period is not a burden for owner-occupants and their families. In addition, if illicit displacement does still occur and tenants are prematurely displaced, those tenants are entitled to notice of the hearing date and would have the right to testify before the CRB if it occurred within 12 months of their tenancy.

Non Rental Conversion versus Rental Conversion

Of the 199 total units that were submitted for conversion in FY20, 65 of them were for units that had been or currently are owner-occupied and 134 of them were formally or are currently rental units. The percent of total applications submitted for owner-occupied or formerly owner-occupied units increased from 7.6% in FY19 to 32.3% in FY20. This appears at least in part to reflect the one year waiting period for vacant rental units noted above, which is determined on a unit-by-unit basis rather than by property.

It appears that an increased volume of applications are being submitted for properties that have one owner-occupied unit and one or two rental units, with 17 of these types of applications being submitted in FY20 (8 of which were submitted under the updated SCCO). By comparison, a total of 9 such applications were submitted in FY19. This appears to indicate a shift from developer-owned conversion to resident-owned conversion. Fewer rental units in particular are being submitted for conversion, and overall the volume of condo conversion applications is lower than in preceding years.

SCCO changes were designed to enable owner-occupants to maximize their property value (through conversion), while protecting tenants from abrupt displacement. The increase in owner-occupied applications from FY19 to FY20 suggests that the SCCO as revised does still allows owners to convert. Table 3 below shows that the proportion of applications submitted for non-rental units (both currently and formerly owner-occupied) has increased, while rental conversion and conversion applications overall have decreased.

Table 2- Non Rental vs. Rental Conversions-FY20 and FY19

FY20			FY19		
Date/Permit Type	# of Units Submitted	% of Total	Date/Permit Type	# of Units Submitted	% of Total
FY20 Non Rental Conversions	65	32.3%	FY19 Non Rental Conversions	22	7.6%
FY20 Rental Conversion	134	67.6%	FY19 Rental Conversion	290	92%
FY20 Total	199	100%	FY19 Total	312	100%

Submissions- Former versus Updated Ordinance

Of the 65 Non rental conversion units submitted in FY20, 37 of them were submitted under the updated SCCO and 28 were submitted under the former SCCO. Of the 134 rental conversions, 112 were submitted under the former SCCO and 22 under the updated SCCO. Unfortunately none of the updated requirements, including tenant protections, can be applied to the applications submitted up until the September 5, 2019 Condominium Review Board hearing.

Right to Purchase Under the Updated SCCO

Under the updated SCCO, the City or its Designee (an affordable housing developer) has the right to purchase units that are either submitted vacant or are tenanted, where any tenants have waived their right to purchase. This right to purchase was designed to allow the City or Designee the opportunity to preserve a tenancy or create an affordable unit where there is no tenancy to preserve. The Right to Purchase can be exercised by a tenant, the City, or a local affordable housing developer designated by the City.

In order for an affordable housing developer to be appointed as a Designee, an application must first be submitted by the organization and approved by the Housing Division in the Mayor's Office of Strategic Planning and Community Development. The Housing Division is to maintain a list of all eligible affordable housing developers who have completed the application process and met the necessary requirements, which were modeled after Massachusetts General Law Chapter 40T. All organizations on the Designee list will receive each offer to purchase that is submitted to the Housing Division, and will have the opportunity to purchase.

Currently, there are no organizations on the designee list; the application process has been slowed by the current COVID-19 pandemic. Housing Division staff are in the process of drafting and reviewing a policy to outline situations where the right to purchase might be exercised. The City has not independently exercised the right to purchase any of the units that have been offered thus far.

While the SCCO provides the right to purchase, it does not identify or provide a subsidy source to make such a purchase. Table 4 illustrates the average offer prices by unit size that have been received between October 7, 2020 and June 30, 2020. The Housing Division received 38 offers during that time; another 5 applications comprising a total of 10 units are pending the submission of their offers. Seven (7) applications were not required to submit a right to purchase offer due to their owner-occupancy status.

Because the Right to Purchase is required for all vacant and tenanted rental units, there is a large pipeline of offers that will persist as long as owners continue to submit applications. In order for the City and local affordable housing developers to take advantage of these opportunities to purchase, a dedicated subsidy source is needed, given the very high offers being received. Any units purchased using the City/Designee right to purchase are required to be for the purposes of affordable housing *only*, so this provision cannot be used for the purposes of making a profit off of the unit.

Table 3- Right to Purchase Offer Data³

Unit Size (# of bedrooms)	Average Offer	Number of Units by Size
1	\$550,000.00	1
2	\$718,278.57	14
3	\$955,526.67	15
4	\$884,142.86	7
5	\$1,190,000.00	1
Average Price/Total	\$850,468.42	38

Litigation Challenging Updated Ordinance

The updated Ordinance originally was due to go into effect on July 31st, 2019, one month after the close of FY19. Implementation was delayed by roughly two months due to litigation collectively filed against the City by an individual and organization respectively: Mr. Stephen Bremis and the Somerville Property Owner's Coalition (SPOC). A request to postpone implementation of the ordinance while litigation was pending was denied on August 22, 2019 and the law technically took effect as of August 23, 2019. The first Condominium Review Board hearing at which the updated Ordinance was enforced was held on October 7, 2019. As of this report, litigation against the ordinance remains pending; there are no scheduled hearing dates or other milestones that the City is aware of at this time.

Broader Trends and Selected Concluding Notes

Over the decade from FY 2010 through FY 2020 ending (June 30, 2020) a total of 1,656 rental units were removed from Somerville's rental market and converted to condominium units. Note that figures in Table 5 below include *only* granted permits for rental units; they do not include applications that remain pending or applications for non-rental units.

Table 4- Condominium Conversion Permits Issued by Year- Rental Units Only

Calendar Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020*
Converted Rental Units⁴	139	111	133	137	141	139	203	143	266	234	10

*Figure includes data for the period between January and August 2020

The vast majority of the applications received in 2020 remain conditional due to the changes in how and when final permits are issued under the updated SCCO. In calendar year 2020 alone, there are 43 additional units with conditional approval, with approximately three months remaining in the year.

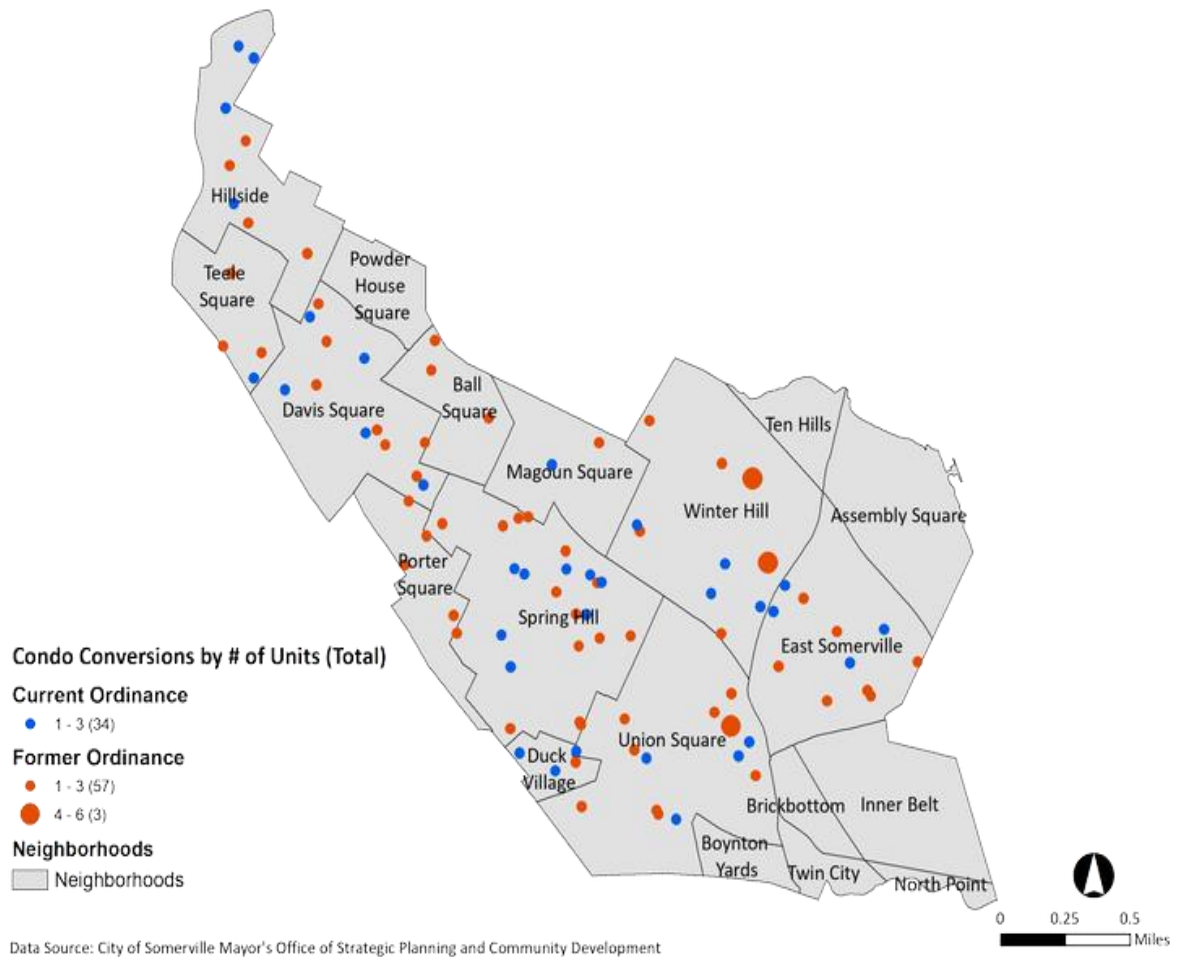
Preliminary data available indicates that revisions to the SCCO have had a significant impact on condominium conversion patterns in Somerville – including a reduction in overall number and an increase in conversions by owner-occupants. It is now clear that ordinance changes have not put a halt to condominium conversions (a concern expressed by individuals and organizations that opposed the changes adopted in 2019). Table 5 suggests another concern that does not appear to have been borne out – that a strengthening of tenant protections and requiring a waiting period would cause a sudden drop in prices. Other benefits of the SCCO changes appear to include owner-occupants not only remaining able to convert their property, but accounting for more conversion activity (compared to developers) than under the former SCCO. At the same time, tenants have successfully availed themselves of the enhanced SCCO protections.

³ Includes applications submitted between Oct 2019-June 2020

⁴ Does not include non-rental conversion

Appendix 1- FY 20 Condominium Conversions

FY20 Condominium Conversions



Appendix 2 - Applications by Neighborhood

Neighborhood	Applications	Units
Ball Square	3	5
Davis Square	12	22
Duck Village	3	6
East Somerville	11	21
Hillside	8	16
Magoun Square	2	4
Porter Square	4	8
Spring Hill	23	51
Teele Square	4	9
Union Square	14	34
Winter Hill	10	23
Grand Total	94	199

Data Source: City of Somerville Mayor's Office of Strategic Planning and Community Development

Appendix 3 - Applications by Ward

Ward	Applications	Units
1	14	28
2	15	31
3	18	45
4	7	16
5	11	22
6	13	26
7	16	31
Total	94	199

Data Source: City of Somerville Mayor's Office of Strategic Planning and Community Development

Somerville Condo Conversion Ordinance – Summary Research

Somerville passed a condo conversion ordinance in **1985** and it was updated in **2019** with stronger tenant protections. There is also a [statewide condo conversion law](#).

Property owners who intend to remove rental units from the market by converting to condos must **notify tenants** and **apply to the Condo Conversion board** for permission. If property is sold and delivered vacant, the new buyer inherits the same condo conversion restrictions. Ordinance applies to units that have had tenants within the last 12 months.

Right of first refusal: Tenants have the right of first refusal to buy the property in “as-is” condition at fair market rate: 120 days to exercise this right (180 days if elderly, disabled, or low-income). If they choose not to exercise this right, the **City or a designee** may elect to purchase **only if they will maintain the property as affordable housing in perpetuity**.

Exceptions: Right of first refusal doesn’t apply if an owner wishes to sell to a family member. Owner-occupants do not have to wait to convert the unit they occupy, but the ordinance still applies to their rental units.

Tenant notification and protections:

Waiting period & assistance: Tenants are entitled to a 1-year notification period and \$6,000 of relocation assistance provided by the landlord in order to find suitable alternative housing. Tenants who are elderly, disabled, or low-income are entitled to a 5-year notification period and \$10,000 of relocation assistance. Relocation payments are per unit, not per tenant.

Limited rent increases: For 4+ unit buildings, rent can increase during the notice period to a maximum of 10%, OR their current rent multiplied by the Consumer Price Index, whichever is less. For 3 units or less, rent can increase at market rate - Condo Review Board will verify that increases do not exceed market rate.

Tenancy & rentals during notice period: Aside from rent, no other terms of tenancy can change during the notice period. If the unit becomes vacant voluntarily or is already vacant, owners may rent during the waiting period if they inform prospective tenants of the pending conversion. A tenant cannot be evicted during this time unless the eviction is due to a substantial violation of the lease.

Structure & Timelines:

The Condo Review Board meets once a month and is comprised of five members (two homeowners, two tenants and one elderly, handicapped or low-to-moderate income Somerville resident). Property owners must apply to the Condo Board at least 3 weeks in advance of their intended hearing date, so that the Condo Board can give their tenants 2 weeks notice of the hearing. Conversion permit lapses if Master Deed not filed within 1 year or unit not sold within 2 years.

Outcomes:

Per 2020 Annual report:

- Overall decrease in number of condo conversions
- Increase in owner-occupant conversions vs developer conversions
- No conversion applications were denied (some were submitted prior to 2019 update in ordinance, some have conditional approval).
- All eligible tenants received relocation payments
- Decrease in number of units delivered vacant

Further reading and resources:

Acts of 1983, Chapter 527 (MA state law governing condo conversions including municipalities' power to enact their own condo conversion ordinances):

<https://archives.lib.state.ma.us/handle/2452/39633>

MA Legal Help summary of state law: <https://www.masslegalhelp.org/housing/private-housing/ch20/protections-for-tenants-under-the-state-condo-law-article>