

The Commonwealth of Massachusetts



EDWARD J. KING
GOVERNOR

December 28, 1982

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES:

In accordance with the provisions of Article LVI of the Amendments to the Constitution, I am returning herewith, House Bill No. 6375 entitled "AN ACT AUTHORIZING CITIES AND TOWNS TO CONTROL CONDOMINIUM AND COOPERATIVE CONVERSIONS".

There is no denying the high emotion involved in the conflict between tenants and landlords on the difficult issue of condominium conversions. In a tight housing market, to be displaced by a conversion can create a monumental disruption in a tenant's life. For an elderly or handicapped tenant, that disruption can be so intolerable as to threaten their health and well-being. In that same housing market, however, given the price of single family houses, condominiums now provide the most realistic opportunity for first-time and moderate income buyers. Often, condominiums offer their only opportunity for home ownership.

In mediating these important competing interests, we must seek a balance that minimizes the disruption in the lives of existing tenants without foreclosing the homeownership opportunities of moderate income home buyers.

House Bill No. 6375 provides an open ended authorization to the Commonwealth's 351 cities and towns to individually address the issue.

I believe such an open ended authorization could lead to abuses. Ordinances that would be unreasonably restrictive of housing growth are easily imagined--a new form of snob zoning. Similarly, the lack of any maximum/minimum standards and the ready amendability of ordinances under a blanket authorization could chill new housing development. It is difficult to attract developers of new units if they must risk their investment capital against both the market and suddenly changed restrictions on the rental/sale of that new housing.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

Accordingly, I believe the authorization must be limited in the following ways:

- a) maximum notice provided of two years for elderly and handicapped tenants and one year for other tenants
- b) blanket exemption for new construction to encourage same
- c) sunset provision so that such local ordinances as are adopted are reviewed every three years

Therefore, I recommend that House Bill No. 6375 be amended as follows:--

Strike section two and insert in place thereof the following section:--

SECTION 2. Chapter 183A of the General Laws is hereby amended by adding the following section:--

Section 22. (a) Notwithstanding any other general or special law, a city or town may, after a public hearing, adopt ordinances or by-laws for controlling the conversion of rental housing to a condominium, cooperative or any similar entity which would remove the property from residential rental use and for controlling evictions related to such conversion. Any person who violates any ordinance or by-law hereunder shall be punished by a fine of up to three thousand dollars, such fines to be imposed separately for each rental unit illegally converted or each tenant illegally evicted. The superior and housing courts shall have jurisdiction to enjoin violations of any such ordinance or by-law.

b) No ordinance or by-law adopted pursuant to this section shall require more than that any person, group of persons, corporation, or any other business entity who intends to convert a building or buildings containing any occupied residential units to the condominium, cooperative, or similar form of ownership, shall give to each of the residential tenants notice of the conversion. No such notice shall be required to be given more than seven hundred and thirty days prior to the date any elderly tenant, defined as a person who is sixty-two years of age or older on the date such notice is received, and any physically handicapped tenant, as defined in section thirteen A of chapter twenty-two may be required to vacate, nor more than three hundred and sixty-five days prior to the date upon which any other tenant may be required to vacate.

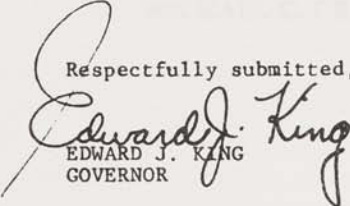
c) A city or town may, by adopting such an ordinance or by-law, require such person, group of persons, corporation or other business entity who creates a condominium to pay, within 10 days, after the date the unit is vacated, to any tenant who does not purchase the unit he occupies, or another unit in the same building or buildings, relocation benefits in an amount equivalent to one month's rent per unit, as paid by the tenant for the unit being vacated as of the date notice to vacate is given, provided, however, that said benefits shall in no event exceed the sum of five hundred dollars; provided no tenant shall be eligible for said relocation benefits unless all rent due and payable for said unit has been paid to the lessor prior to the date on which the unit is vacated and all tenants of said unit vacate the premises on or before the expiration of the notice period or periods.

d) Any such ordinance or by-law shall expire thirty-six months after its effective date unless readopted within twelve months of the expiration date.

e) The provisions of this section shall not apply to owner-occupied residential properties consisting of four or fewer dwelling units.

f) No ordinance or bylaw adopted pursuant to this act shall apply to structures newly constructed or converted to residential use after the effective date of this act.

Respectfully submitted,



EDWARD J. KING
GOVERNOR

The following information was obtained from the records of the Department of the Interior, Bureau of Land Management, regarding the land in question.

The land in question is situated in the County of [County Name], State of [State Name]. It is bounded on the north by [Description], on the south by [Description], on the east by [Description], and on the west by [Description].

The land was originally acquired by [Name] in the year [Year]. It was then conveyed to [Name] by [Name] in the year [Year]. The land was then conveyed to [Name] by [Name] in the year [Year].

The land is currently owned by [Name]. It is being offered for sale by [Name].

The land is situated in the County of [County Name], State of [State Name]. It is bounded on the north by [Description], on the south by [Description], on the east by [Description], and on the west by [Description].

The land was originally acquired by [Name] in the year [Year]. It was then conveyed to [Name] by [Name] in the year [Year]. The land was then conveyed to [Name] by [Name] in the year [Year].

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