

By Mr. Saltmarsh of Winchester, petition of Sherman W. Saltmarsh, Jr., William G. Robinson and John A. Brennan, Jr. (by vote of the town) for legislation to provide protection to tenants of condominium or cooperative units in the town of Stoneham. Urban Affairs. [Local Approval Received.]

The Commonwealth of Massachusetts

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

AN ACT TO PROVIDE PROTECTION TO TENANTS OF CONDOMINIUM OR COOPERATIVE UNITS IN THE TOWN OF STONEHAM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. *Declaration of Emergency:* A serious public
2 emergency exists with respect to the housing of a substantial
3 number of citizens of Stoneham, and an insufficient supply of new
4 housing has resulted in a substantial and critical shortage of safe,
5 decent, and reasonably priced rental housing. The conversion of
6 existing rental units into condominiums or cooperatives causes
7 severe displacement of tenants and reduces the number of rental
8 units in an already critically deficient rental housing market. Many
9 tenants are suffering in that they have difficulty in obtaining alter-
10 native rental housing within the Town of Stoneham at prices they
11 can afford when displaced from their homes.

1 SECTION 2. *Definitions:* When used in this Act:
2 "Rental Housing Unit" means any building, structure, or part
3 thereof, including the land appurtenant thereto, or any other real
4 or personal property, rented or offered for rent for living or dwell-
5 ing purposes, except (a) rental housing units in a building contain-
6 ing four or fewer units, or (b) rental housing units in a building
7 containing five or fewer units, provided that one unit is actually
8 occupied by the owner thereof as his or her permanent residence
9 "Board" means the condominium review board established pur-
10 suant to this Act.

11 "Condominium unit" means a unit of a condominium as that
12 term is defined in Chapter 183A of the General Laws.

13 "Cooperative" means cooperative as defined in Section 3A of
14 Chapter 157 of the General Laws or any other housing cooperative.

15 "Condominium or Cooperative Conversion Eviction" means the
16 eviction of a tenant by a landlord for the purpose of removing such
17 tenant from a rental housing unit in order to facilitate the sale and
18 transfer of the unit to a prospective purchaser.

19 "Landlord" means any person who holds title to rental housing
20 units, including, without limitation, any individual, corporation,
21 trust, or partnership.

22 "Remove from Rental Housing Use" means (1) sell any rental
23 housing unit, existing as such on the date of enactment of this
24 statute as a condominium, or sell shares in a cooperative author-
25 izing the owner thereof to occupy a rental unit existing on the date
26 of enactment of this Act, or (2) occupy, as an owner of a unit which
27 is a condominium unit, if the last previous occupant was a tenant.

28 "Tenant" means any person entitled under the terms of a rental
29 housing agreement to the use and occupancy of any housing ac-
30 commodation.

1 SECTION 3. *Condominium Review Board*: Not more than
2 sixty days after the effective date of this Act, the Town Administra-
3 tor shall appoint, subject to confirmation by the Board of Select-
4 men, a Condominium Review Board to serve for a term of three
5 years. Vacancies on the Board shall be filled in like manner to an
6 original appointment, except that a vacancy shall be filled for the
7 balance of the then unexpired term. Composition of the Board
8 shall be two Stoneham tenants, two Stoneham homeowners, and
9 one member of the Town Planning Board.

10 The Board shall issue regulations prescribing the form of appli-
11 cations for permits hereunder, and the procedure for notice and
12 hearing on such applications, and may establish a fee for such
13 permits, not to exceed one hundred dollars per unit. The Board shall
14 impose appropriate conditions to effectuate the purpose of this act
15 on the grant of any permit.

1 SECTION 4. *Removal Regulated*: No landlord or person act-
2 ing on behalf of or with the consent of a landlord, shall remove

3 from rental housing use any rental housing unit unless the board,
4 after a hearing, grants a permit for the building in which the unit is
5 located.

1 SECTION 5. *Conditions*: The Board may grant a permit only if
2 it finds that:

3 (A) fifty-one percent of the affected building's tenants who were
4 residents of the affected rental housing units at least two years prior
5 to the filing of an application for a condominium or cooperative
6 conversion permit agreement to purchase their units; and

7 (B) the landlord has either (1) facilitated acquisition by the
8 tenant of the rental housing unit occupied by the tenant by giving
9 the tenant the right of first refusal to buy the unit before it is offered
10 to other purchasers, and by providing financing assistance or price
11 concessions for the acquisition of such unit, or (2) has assisted the
12 tenant in locating comparable rental housing, in price and quality,
13 in the town of Stoneham; and

14 (C) the building in which the rental housing unit is located has
15 been certified by an independent, licensed engineer or architect to
16 meet all applicable building and health codes in the town of Stone-
17 ham and the Commonwealth of Massachusetts.

1 SECTION 6. *Eviction Protection*: No action shall be brought
2 to recover possession of any rental housing unit for purposes of
3 condominium or cooperative conversion unless: (A) a permit has
4 been issued by the Condominium Review Board for the building;
5 and (B) tenants have received one year's notice prior to the com-
6 mencement of any such action, except in the cases of persons 62
7 years of age or older or hardship cases as shall be determined by the
8 Board, in which cases notice shall be for three years.

1 SECTION 7. *Harassment and Interruption of Services*: It shall
2 be a violation of this Act for any landlord or agent thereof to
3 engage in conduct designed to force a tenant to vacate a rental
4 housing unit intended for condominium or cooperative conver-
5 sion. Such conduct shall include, but not be limited to, interruption
6 or discontinuance of essential services which substantially inter-
7 feres with or disrupts the comfort, peace or quiet enjoyment of his
8 rental housing unit, arbitrary or unreasonable rent increases, or

9 other such conduct. Tenants so affected may notify the condomini-
10 um review board of such conduct and the board may revoke
11 permits or levy fines as deemed appropriate.

1 SECTION 8. *Penalty*: Any person who violates this Act shall
2 be punished by a fine of not more than five thousand dollars per
3 offense. Each month during which a unit is offered for sale or
4 occupied without a permit shall constitute a separate offense.

1 SECTION 9. *Injunctive Relief*: The board or any person ag-
2 grieved by a failure to comply with this statute may enforce its
3 provisions in a civil action for injunctive relief.

1 SECTION 10. *Severability*: If any provision of this Act or the
2 application of any provision to any person or circumstance is held
3 invalid, such invalidity shall not affect other provisions of this Act.

1 SECTION 11. This Act shall take effect upon its passage.