

By Mr. Finneran of Boston, petition of Thomas M. Finneran relative to restricting the conversion of rental housing for condominiums and cooperatives. Housing and Urban Development.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR RESTRICTING THE CONVERSION OF RENTAL HOUSING TO CONDOMINIUMS AND COOPERATIVES.

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. The gen-
2 eral court finds and declares that a serious public emergency exists
3 within the Commonwealth with respect to the housing of a substan-
4 tial number of the citizens of the Commonwealth. This rental
5 housing emergency has been created by prolonged increases in
6 housing costs at a rate substantially exceeding increases in personal
7 income, by housing demolition, by insufficient new housing con-
8 struction, by increased costs of construction and finance, and by
9 increased residential mortgage interest rates. It has also been creat-
10 ed by the effect of conversion of rental housing into condominiums,
11 cooperatives and other non-rental housing use reducing the stock
12 of rental housing otherwise available. A substantial and increasing
13 shortage of rental housing accommodations, especially for persons
14 and families of low and moderate income, has been and will
15 continue to be the result of this emergency. Unless the available
16 stock of rental housing, and the tenants who reside therein, receive
17 further protection from the consequences of conversion of said
18 accommodations to condominiums and other non-rental use than
19 the law now affords, this rental housing shortage will generate
20 serious threats to the public health, safety and general welfare of
21 the citizens of the Commonwealth, particularly individuals and
22 families of low and moderate income. It is necessary that such
23 emergency be met by the Commonwealth immediately.

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

3 *Section 22.* Notwithstanding any other general or special law, a
4 city or town may adopt ordinances or by-laws for restricting and
5 controlling the conversion of rental housing to a condominium,
6 cooperative or similar entity and evictions for the purpose of or as a
7 result of such conversion. In a city with a population of one
8 hundred and fifty thousand inhabitants or more, there shall be no
9 conversion of rental housing to a condominium, cooperative, or
10 similar entity unless there is a rental vacancy rate in such city of
11 more than five percent. Any person who violates this section or any
12 ordinance or by-law hereunder shall be punished by a fine of not
13 less than Three Thousand Dollars (\$3,000) or by imprisonment for
14 not less than sixty (60) days, or both, for each rental unit illegally
15 converted. The superior and housing courts shall enjoin any
16 violation of this section or of any such ordinance or by-law.

17 An used in this Chapter, the following words shall have the
18 following meaning:—

19 “Conversion,” with respect to a condominium, any of the follow-
20 ing occurrences: the recording of a master deed, the sale of any
21 unit, or the occupancy of any unit by its owner or the developer.

22 “Rental vacancy rate,” the ratio of rental vacancies to the
23 number of all housing units within which there is no condition that
24 may endanger or materially impair the health, safety or well-being
25 of a person occupying the premises, excluding units in seasonal
26 housing occupied on a regular basis less than six months of the
27 year, nursing homes, dormitories, hotels and motels. The vacancy
28 rate shall be determined annually in March by the planning board
29 or other agency designated by the chief executive of the city,
30 according to a procedure approved by, and the rate so determined
31 shall be certified by, the Department of Community Affairs, sub-
32 ject to judicial review.