

DEC 18 2017, 2017

2018 JAN -2 P 12: 28

Roll Call In Connection With:

*R/A roll call to adopt
Pond Conversion Ord.*

CHELSEA CITY COUNCIL

	YES	NO	ABSENT	PRESENT
Councillor Damali Vidot At-Large	✓			
Councillor Roy Avellaneda At-Large	✓			
Councillor Luis Tejada District Two	✓			
Councillor Yamir G. Rodriguez District Seven	✓			
Councillor Giovanni Recupero District Six			✓	
Councillor Dan Cortell District Eight	✓			
Councillor Paul Murphy District One	✓			
Councillor Enio A. Lopez District Four	✓			
Councillor Leo Robinson At-Large	✓			
Councillor Matt Frank District Three	✓			
Councillor Judith Garcia District Five	✓			

Totals: _____

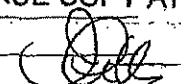
Comments:

10-0-1-0

CHELSEA, SUFFOLK, MA

JAN - 8 2018

A TRUE COPY ATTEST



JEANNETTE CINTRON WHITE
CITY CLERK

VALID ONLY IF STAMPED WITH CITY SEAL



Chelsea City Council

City Hall
500 Broadway
Chelsea, MA 02150
(617) 466-4060
(617) 466-4065 Fax

*R/A
to adopt by
roll call
passed 10-0-1 - 0018 JAN -2 P 12:28*

December 4, 2017

Whereas, the need for housing that is affordable to a substantial number of Chelsea citizens is far greater than the supply; and

Whereas, this supply is decreasing as the overall housing market is inflating, and new housing developed in Chelsea tends to be higher cost than many current residents can afford; and

Whereas, Chelsea's housing stock is currently predominantly renter-occupied, but there is presently great interest in conversion of rental housing occupied by tenants to condominium units; and

Whereas, Chelsea's housing stock primarily consists of small, older, multifamily buildings that are currently comprised of rental units, but which tend to be targeted for conversion to condominium; and

Whereas, more than three-quarters of Chelsea renters are low income and nearly three-quarters of low-income renters are cost burdened, and therefore would struggle to secure alternative housing they can afford in Chelsea if the rental units they occupy were to be converted to condominium units; and

Whereas, the effects of condominium conversion cannot be addressed solely by production of new rental housing through the private market so the removal of rental units from the market must be regulated and controlled lest lower-income Chelsea residents are displaced from the city; and

Whereas, the local conditions described above constitute an acute rental housing emergency requiring local action on account of the aggravating impact of the factors set forth above.

NOW THEREFORE, be it **Ordained**, that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended by striking out the existing Section 6-4 and replacing it with the following:

Sec. 6-4. - Condominium and Cooperative conversion.

CHELSEA, SUFFOLK, MA

JAN - 8 2018

A TRUE COPY ATTEST

JEANNETTE CINTRON WHITE

CITY CLERK

VALID ONLY IF STAMPED WITH CITY SEAL

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Condominium means the land or the lessee's interest in any lease of such land which is submitted to the provisions of M.G.L. c. 183A, the buildings, all other improvements and structures thereon, and all easements, rights and appurtenances belonging thereto, which have been submitted to the provisions of M.G.L. c. 183A.

Condominium unit is a unit in housing condominium as that term is defined in M.G.L. c. 183A.

Cooperative unit is a unit in a housing cooperative as set forth in M.G.L. c. 157B.

Convert or *Conversion* means the initial offer, in any manner, for the sale and transfer of title to any residential unit as one or more condominium units pursuant to an individual unit deed or, in the case of a cooperative, an individual proprietary lease.

Owner means a person who holds title in any manner to a building or housing accommodation, including without limitation a corporation, partnership or trust, and any employee, agent, servant or other representative of such owner.

Unit or *residential unit* means the room or group of rooms within a building which is used or intended for use as a residence by one household.

- (b) *Purpose.* The purpose of this section is to ensure that measures are taken by property owners to notify the city of the conversion of residential rental units to condominium or cooperative units and to comply with state requirements when they do so. This notification and permitting process is to alleviate the disruption in providing city services, to aid in the determination of the appropriate assessments of properties within the city, and to ensure that condominium and cooperative owners comply with state mandated protections for tenants.

- (c) *Notice of intended conversion to condominium or cooperative.*

- (1) Any person who (i) holds title to a multiple-unit rental property within the city, (ii) who intends to take title to a multiple-unit rental property within the city and convert said multiple-unit rental property to condominiums or a cooperative, as herein defined, or (iii) any person who intends to establish a condominium or cooperative within the city shall be required to send written notice by certified mail, return receipt requested, to the following city departments to be received by said city departments at least 90 days prior to the filing of a master deed with the county registry of deeds:

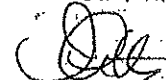
- a. Office of the city clerk;
- b. Office of the city tax collector;
- c. Office of the city assessor;
- d. Department of public works;
- e. Inspectional services department;
- f. Department of planning and development.

- (2) This notice shall include the following information:

CHELSEA, SUFFOLK, MA

JAN - 8 2010

A TRUE COPY ATTEST



JEANNETTE CINTRON WHITE

CITY CLERK

VALID ONLY IF STAMPED WITH CITY SEAL

- a. The property address as listed at the county registry of deeds prior to the proposed conversion;
 - b. The street address assigned by the department of public works prior to the proposed conversion as to the final number of separate condominium units which shall result;
 - c. The final number of units proposed post conversion and proposed square unit of each unit;
 - d. Name and contact information for the condominium association, if already established.
- (3) Any person required to send notice under subsection (d)(1) of this section is required to supplement said notice, if any of the information contained in the original notice becomes inaccurate prior to the recording of any master deed or unit deed.
- (d) *Notice of intended consolidation/cancellation of condominium or cooperative.*
- (1) Any person who (i) holds title to condominium or cooperative property within the city or (ii) who intends to take title to a condominium or cooperative property within the city and convert said condominiums or cooperative from that form of ownership interest to some other form of ownership interest, including but not limited to commonly owned multiple-unit rental property, shall be required to send written notice by certified mail, return receipt requested, to the following city departments, to be received by said city departments at least 30 days prior to the filing of documentation with the county registry of deeds, cancelling or converting the form of ownership interest in the real property from condominium or cooperative to such other form of ownership:
 - a. Office of the city clerk;
 - b. Office of the city tax collector;
 - c. Office of the city assessor;
 - d. Department of public works;
 - e. Inspectional services department;
 - f. Department of planning and development.
 - (2) This notice shall include the following information:
 - a. The property addresses as listed at the county registry of deeds prior to the proposed conversion;
 - b. The street addresses assigned by the department of public works, including unit numbers prior to the proposed cancellation/consolidation;
 - c. The final number of separately owned units proposed post-cancellation/consolidation and square footage of each unit;
 - d. Title references at the county registry of deeds for all properties affected by the cancellation/consolidation.
 - e. Name and contact information for the condominium association and its successor in interest.

CHELSEA, SUFFOLK, MA

JAN - 8 2010

A TRUE COPY ATTEST


JEANNETTE CINTRON WHITE

CITY CLERK

VALID ONLY IF STAMPED WITH CITY SEAL

- (3) Any person required to send notice under subsection (e)(1) of this section is required to supplement said notice, if any of the information contained in the original notice becomes inaccurate prior to the recording of any documentation with the county registry of deeds.

(e) *Conversion Permit.*

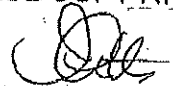
(1) Any person who (i) holds title to a multiple-unit rental property within the city, (ii) who intends to take title to a multiple-unit rental property within the city and convert said multiple-unit rental property to condominiums or a cooperative, as herein defined, or (iii) any person who intends to establish a condominium or cooperative within the city shall apply to the Director of Inspectional Services for a conversion permit.

(2) The application required by subsection (f)(1) shall contain an affidavit from the person proposing to establish a condominium or cooperative swearing on pains and penalties of perjury that they have complied with the provisions of this section and with the provisions of Section 4 of Chapter 527 of the Acts of 1983. Specifically the affidavit will aver that the owner:

- 1) Has given each tenant notice of the owner's intent to file a master deed at the registry of deeds or articles of incorporation with the Secretary of the Commonwealth;
 - 2) Has given each tenant notice that the tenant will have a period of time stated in the notice from the date of receipt of the notice before the tenant will be required to vacate the housing accommodation;
 - 3) Has given each tenant notice that the tenant will have a period of time stated in the notice to purchase the unit occupied by the tenant on terms or conditions which are at least as favorable as those which the owner extends to the public for ninety days following the expiration of the tenant's right to purchase;
 - 4) Has given each tenant notice that the owner will pay relocation expenses to the extent required by Section 4 of Chapter 527 of the laws of 1983 to any tenant choosing not to purchase their unit, except that the relocation expenses shall not exceed \$750 per tenant, or \$1,000 if the tenant is elderly, handicapped, or low or moderate income;
 - 5) And has given each tenant notice that the owner will assist any elderly, handicapped, or low or moderate income tenant to find comparable rental housing within Chelsea.
- (3) The owner will attach the required notices, including contact information for the tenants, to the affidavit. The period of notice required above shall be no less than the expiration of any written agreement between the owner and the tenant governing the tenant's occupancy of the housing accommodation or one year whichever is greater; except that for any tenant who is elderly, handicapped or of low or moderate income, the period of notice shall be no less than the greater of the period of a such agreement or two years. Notwithstanding any language to the contrary in Chapter 527 of the Acts of 1983, in no situation shall the period of notice exceed two years, regardless of relocation efforts, unless expressly set forth in a written agreement between the tenant and owner. Rent increases are restricted during the notice period to the percentage increase in the Consumer Price-Index (CPI) or 10%, whichever is less.

CHELSEA, SUFFOLK, MA

JAN 8 2010
A TRUE COPY ATTEST


JEANNETTE CINTRON WHITE
CITY CLERK

VALID ONLY IF STAMPED WITH CITY SEAL

- (A) A landlord must provide elderly, disabled, or low or moderate income tenants with reasonable assistance in locating accessible and comparable apartments with preference in the City of Chelsea.
- (4) The above responsibilities and notices are intended to be consistent with the requirements of Chapter 527 of the Acts of 1983. To the extent they might differ, the notices required by Chapter 527 will satisfy the requirements of this section, except as set forth in Subsection (e)(3) above.
- (5) The application shall include a plan of the proposed common areas and a parking plan.
- (6) For any building or structure with ten or fewer units which is subject to this section, the applicant shall be required to install for each unit a separate water meter to measure water usage within the individual condominium unit.
- (7) The fee for such conversion permit shall be established from time to time by the Chelsea City Council.

(f) *Inspections.*

- 1) Prior to the issuance of any Conversion Permit, the Inspectional Services Department shall make an inspection of the units to determine if they are in compliance with all applicable provisions of the State Sanitary Code, applicable regulations of the Board of Health, the State Building Code, the Fire Safety Code, the City of Chelsea Zoning Ordinances and the rules and regulations of all other regulatory agencies of the City of Chelsea.
- 2) For any building or structure with less than ten units, the Department of Public Works shall make an inspection to confirm that each unit has a separate water meter.
- (g) The Director of Inspectional Services shall issue a conversion permit only after confirming that:
- (1) City departments have been properly notified of the conversion;
- (2) each unit complies with all Sanitary Code, Fire Safety Code, Building Code, the City of Chelsea Zoning Ordinance and other regulatory requirements and has a valid occupancy permit for each unit;
- (3) for buildings with ten or less units, each unit has a separate water meter; and
- (4) the owner has complied with the notice and other requirements of Chapter 527 of the Acts of 1983.


(h) *Violations; penalties.*

- (1) *Fines/penalties.* Any present or former owner of property within the city who by the terms of this section was required to comply with the provisions of this section and who fails to do so in a timely fashion shall be fined \$500.00 for each converted unit.
- (2) *Violations.* Each notice required under the provisions of this section shall constitute a separate notice. The failure to send any one of the required notices shall constitute a separate violation of this section and is subject to a separate fine or penalty. Further, any notice required by

CHELSEA, SUFFOLK, MA

JAN 18 2010

TRUE COPY ATTEST


JEANNETTE CINTRON WHITE
CITY CLERK

VALID ONLY IF STAMPED WITH CITY SEAL

filed pursuant to the terms of this section which does not contain any of the content required as described in subsections (c) and (d) of this section shall be deemed not to have been sent. Each such failure to send required notice shall constitute a separate violation.


- (i) *Enforcement.* Any violation contained herein shall be deemed a criminal offense pursuant to criminal enforcement; or the city, at its sole discretion, may elect to pursue any violation of this section, non-criminally, pursuant to the provisions of section 1-8, as amended, in which instance civil tickets will be issued to the violators in accordance with the terms of this section. All fines and penalties issued pursuant to this section shall be listed on the certificate of municipal liens and shall not be removed unless and until such fines or penalties have been paid in full.
- (j) *Noncriminal disposition; designated enforcement officers.*
 - (1) If the city elects to pursue this matter pursuant to section 1-8, civil tickets will be issued to the violators by the following designated enforcement officers:
 - a. Director of public works or designee; and,
 - c. Director of inspectional services or designee.
 - (2) For the purposes of this section, the city may deem that the failure of any notice to any required recipient by any person required to provide such notice shall constitute a separate offense and shall be subject to a separate fine.
- (k) *Applicability.* The provisions of this section shall apply to all multiple-unit property, whether commercial or residential in nature, except for owner-occupied two and three family homes, provided that the owner occupant has occupied such building for more than two years. The city does not intend to regulate the form of ownership of these properties, but intends to ensure that the city has adequate notice of any newly created condominium units or cooperatives or newly cancelled or consolidated units to ensure the efficient and accurate information is available upon request, including but not limited to the accuracy of any final water and sewer bills, the accuracy of information provided on certificates of municipal liens, and to ensure compliance with state protections for tenants.
- (l) *Severability.* The provisions of this Ordinance or Section shall be severable and if any section, part, or portion hereof shall be held invalid for any reason by any court, the decision of such court shall not affect or impair any remaining section, part or portion thereof.
- (m) This Ordinance shall be effective thirty (30) days from the date of adoption.


Council President Leo Robinson

CHELSEA, SUFFOLK, MA

JAN - 8 2010

A TRUE COPY ATTEST


JEANNETTE CINTRON WHITE
CITY CLERK

VALID ONLY IF STAMPED WITH CITY SEAL