

ORDINANCE NO. 2020-15 – FINAL PUBLICATION

CITY OF CAMBRIDGE

In the Year Two Thousand and Twenty

AN ORDINANCE

In amendment to the Ordinance entitled “Cambridge Municipal Code”

Be it ordained by the City Council of the City of Cambridge as follows:

That the Cambridge City Council amend the Municipal Ordinances of the City of Cambridge to insert a **new Chapter 8.71**, entitled Tenants’ Rights and Resources Notification, to read as follows:

Chapter 8.71 TENANTS’ RIGHTS AND RESOURCES NOTIFICATION

Sec. 8.71.010 PURPOSE

The purpose of this Ordinance is to inform residents of Cambridge of housing rights and resources available to them including rights and resources if they receive an eviction notice and to share information and resources with landlords and management companies to maintain housing stability for Cambridge tenants.

Sec. 8.71.020 DEFINITIONS

“*Applicable laws*” means all controlling applicable federal, state and local statutes, regulations, ordinances and administrative rules and orders that have the effect of law, as well as all applicable final, non-appealable judicial opinions.

“*Entity*” means a business organization, or any other kind of organization, including without limitation a corporation, partnership, trust, limited liability corporation, limited liability partnership, joint venture, sole proprietorship, development or project, or any other category of organization, private or public, and any employee, agent, servant or other representative of such entity.

“*Former Homeowner*” means any natural person or group of natural persons who, prior to foreclosure of a housing accommodation, had been the title owner or owners of such housing accommodation, or who has a legal or beneficial interest in the housing accommodation by dissolution of marriage, separation agreement, survivorship, devise, or intestate succession, and who at the time of foreclosure actually occupied such housing accommodation as a resident or residents.

“Foreclosing Owner” means any natural person or entity that holds title in any capacity, directly or indirectly without limitation, including, whether in its own name, as trustee or as beneficiary, to a housing accommodation that has been foreclosed upon and either (1) held or owned a mortgage or other security interest in the housing accommodation at any point prior to the foreclosure of the housing accommodation, or is the subsidiary, parent, trustee, or agent thereof; or (2) is an institutional mortgagee that acquires or holds title to the housing accommodation; or (3) is the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

“Landlord” means owner of record, or lessor or sub-lessor of an owner of record, or any other person, project, housing development, or other entity entitled either to receive rent for the use and occupancy of any rental unit or to maintain an action for possession of a rental unit, or an agent, representative, successor, or assignee of any of the foregoing.

“Lease non-renewal or expiration” means a provision in a written rental agreement for a housing accommodation or rental unit that the lease will expire either as of a fixed date, or at the election of the owner for the failure of the tenant to take certain affirmative action.

“Notice to Quit” means any written notice sent by a landlord or a foreclosing owner to a tenant or former homeowner of a residential rental unit or housing accommodation seeking to terminate the tenant’s tenancy or the former homeowner’s occupancy of such rental unit or housing accommodation.

“Owner” means any person or entity that holds title to one or more dwelling units in any manner including but not limited to a partnership, corporation or trust. For purposes of this ordinance the term “owner” shall include one who manages, controls, or customarily accepts rent on behalf of the owner.

“Property” means a parcel of land along with all fixtures, structures and improvements thereupon, located in the City of Cambridge, that is assessed and taxed as an undivided whole.

“Rental Unit” means a non-owner-occupied room or group of related rooms within a dwelling used or intended for use by one family or household for living, sleeping, cooking and eating that is not a short term rental unit as set forth in Article 4, Section 4.60 of the Cambridge Zoning Ordinance.

“Skilled Nursing Facility” means a health facility or a distinct part of a hospital that provides, at a minimum, skilled nursing care and supportive care to patients whose primary medical need is the availability of skilled nursing care on an extended basis. Such facility must provide 24-hour inpatient care, an activity program, and medical, nursing, dietary, and pharmaceutical services. Additionally, the facility must provide effective arrangements, confirmed in writing, through which services required by the patients but not regularly provided within the facility can be obtained promptly when needed.

“Tenancy” means occupation or use of a dwelling unit under an express or implied rental agreement, including through a lease.

“*Tenant*” means any person who inhabits or is entitled to inhabit a dwelling unit under a rental agreement, including through a lease.

Sec. 8.71.030 APPLICABILITY

The provisions of this ordinance shall apply to all Rental Units and housing accommodations in the City of Cambridge, in whole or in part, at the inception of the tenancy and where a notice to quit or other notice of lease nonrenewal or expiration has been served, or should have been served, on the tenant or former homeowner of any such rental unit or housing accommodation as of the effective date of this ordinance, but where any such rental unit or housing accommodation has not yet been vacated or a final order of judgment for possession has not entered as of the effective date of this ordinance. However, the provisions of this ordinance shall not apply to the following types of units:

- (1) Rental units in any hospital, skilled nursing facility or health facility.
- (2) Rental units in a nonprofit facility that has the primary purpose of providing short term treatment, assistance or therapy for alcohol, drug or other substance abuse. Short term treatment is treatment meant to last thirty or fewer days where housing is incidental to the recovery program and where the client has been informed in writing of the short term, temporary or transitional nature of the housing at its inception.
- (3) Short term rental units as set forth in Article 4, Section 4.60 of the Cambridge Zoning Ordinance

Sec. 8.71.040 REQUIRED NOTICE

At the inception of a tenancy and when a landlord or foreclosing owner serves the tenant or former homeowners any notice to quit or notice of lease nonrenewal or expiration, such landlord or foreclosing owner shall, at the same time, also provide the tenant or former homeowner with a notice of basic housing rights and resources, including a list of organizations available to assist tenants and/or former homeowners with their contact information on a form or forms prepared by the City of Cambridge which shall be attached thereto. Where a landlord or foreclosing owner is exercising a right of lease nonrenewal or expiration, the owner shall give such a written notice prepared by the City of Cambridge at least thirty days prior to commencing any summary process action against the tenant or former homeowner. Such notice shall be provided in-hand or by both certified mail and first-class mail.

Sec. 8.71.050 NON-WAIVABILITY

The provisions of this Ordinance may not be waived, and any term of any lease, contract or other agreement which purports to waive or limit a tenant’s or former homeowner’s substantive or procedural rights under this ordinance is contrary to public policy, unenforceable, and void.

Sec. 8.71.060 PARTIAL INVALIDITY

If any provision of this ordinance or application thereof is held to be invalid or in conflict with

applicable laws, this invalidity or conflict shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications, and to this end, the provisions and applications of this ordinance are severable.

Sec. 8.71.070 VIOLATION PENALTY

Sec. 8.71.070.1 Noncriminal Disposition. Whoever violates any provision of this chapter may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section, the Commissioner of Inspectional Services and his or her designee shall be the enforcing officer. The penalty for each violation shall not exceed three hundred dollars. Each day's violation shall constitute a separate violation.

Sec. 8.71.070.2 Criminal Penalty. Any person who violates any provisions of this chapter may be subject to a fine not exceeding three hundred dollars, and each day's violation shall constitute a separate offense. For purposes of this section, the Commissioner of Inspectional Services shall be the enforcing officer, except that the Commissioner may delegate his enforcing authority to designated Inspectional Services Enforcement Officers.

Sec. 8.71.080 EFFECTIVE DATE.

This Ordinance shall be effective 30 days after passage by the City Council.

In City Council September 14, 2020.

Passed to be ordained as amended by a yeas and nays vote:

Yeas 9; Nays 0; Present 0; Absent 0.

Attest:- Anthony I. Wilson, City Clerk

A true copy;

ATTEST:- Anthony I. Wilson, City Clerk