

Condominium Ordinance Frequently Asked Questions

7/31/08

Q: What is the goal of the proposed Condominium Conversion Ordinance?

A: The goal of the proposed ordinance is to bring clarity and predictability to the condominium conversion process. The proposed ordinance provides reasonable protections to all tenants while recognizing that owners of smaller properties need more flexibility in the ability to convert to the condominium or cooperative form of ownership. It represents many months of work by committee members, who have been ardent advocates on behalf of their constituents, and who are genuinely convinced that this work product represents a consensus that will benefit the entire Somerville community.

Q: Who are the members of the Condominium Conversion Ordinance Working Group?

A: Fred Berman, member of the Affordable Housing Organizing Committee; Richard DiGirolamo, real estate attorney; City of Somerville Director of Housing Philip Ercolini; Alderman Rebekah Gewirtz, Chair; Ellen Shachter, Senior Attorney at Cambridge and Somerville Legal Services; City of Somerville Special Counsel Anne Thomas; and Gregory Vasil, CEO of the Greater Boston Real Estate Board.

Q: What was the process used to create the proposed Condominium Conversion Ordinance?

A: In November of 2006, Mayor Joseph A. Curtatone asked Ward 6 Alderman Rebekah Gewirtz to lead a broadly representative, community-based task force to revise the city's Condominium Conversion Ordinance, which was no longer consistent with state law. Under Alderman Gewirtz's leadership, and with the full support of the mayor, a committee representing the spectrum of stakeholders on this issue has worked for nearly two years to develop consensus on a proposed ordinance. The Committee decided to base the new ordinance on state law, rather than Somerville's existing ordinance.

Q: What are the key provisions of the proposed Condominium Conversion Ordinance?

A:

- For buildings of four or more units to be converted from rental to condominium: a 2-year notice to elderly, handicapped, and low to moderate income tenants and a 1-year notice to all other tenants; a lump sum reimbursement for relocation costs of \$4,000 for elderly, handicapped and low to moderate-income tenants and \$2,000 for all other tenants; and a conversion permit fee of \$750 per unit.
- For two and three family homes to be converted from rental to condominium: the proposed ordinance requires a 6-month notice to all tenants; a lump sum reimbursement for relocation costs of \$2,000 for all tenants; and a conversion permit fee of \$750 per unit.
- The city's Condominium Conversion Board will continue to administer the proposed ordinance.

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Q: What are the main difference between the Proposed Condominium Conversion Ordinance, State Law and the Current Somerville Ordinance?

A: Please click [here](#) to view a matrix outlining the main differences.

Q: What properties are covered by the Proposed Condominium Conversion Ordinance?

A: The Proposed Condominium Conversion Ordinance covers all housing accommodations, but has different (lesser) requirements for 2-3 family homes. To see the differences between regulations for 2-3 family homes and buildings with 4 or more units, click [here](#).

Q: When do I have to give notice to the tenants under the Proposed Condominium Conversion Ordinance?

A: Notice is required when the landlord has “intent to convert” to condo or co-op.

Q: How much notice do I need to give under the Proposed Condominium Conversion Ordinance?

A: Buildings with 4 or more units: 2-year notice for elderly, handicapped, low/moderate income tenants; 1-year notice to all other tenants
2-3 family homes: 6-month notice period.

Q: If I am converting, do I need to offer my tenant the right to purchase the unit?

A: Yes. Tenants in buildings with 4 or more units and tenants in 2-3 family homes must be offered a 90-day Right to purchase the unit. If the tenant does not wish to purchase, the 90-day period will expire when the tenant communicates this to the landlord.

Q: How much relocation assistance do I need to give my tenants?

A: 2-3 Family Homes: Relocation assistance of a flat fee of \$2,000 per tenant.
Buildings with 4 or more units: Relocation assistance of a flat fee of \$4,000 for elderly, handicapped or low/moderate-income tenants; \$2,000 for all other tenants.

Q: Can I raise the rent on the unit during the conversion process?

A: The rental agreement may not be modified except that rent may be increased annually by the lesser of 10% or the CPI increase, and the owner can collect under a valid tax escalation clause. This is true for all housing accommodations with 2 or more units. This provision mirrors the State Statute Chapter 527.

Q: How much will the Condominium Conversion Permit cost?

A: The fee will be \$750 per unit, for all building types.

Q: When does a permit get granted?

A: A permit will be granted when 1) all required documents have been submitted; and 2) requirements of the proposed ordinance have been met.

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Q: When would a permit lapse?

A: A permit will lapse is 1) the owner has failed to file a Master Deed by 12/31 of the year of issuance; or 2) the unit has not been sold to a bona fide purchaser within 4 years of granting the permit.

Q: When would a permit be denied?

A: A permit would be denied if 1) documentation is incomplete (discretionary); or 2) a document or statement is determined to be false in any material respect (mandatory).

Q: When would a permit be revoked?

A: A permit would be revoked if a document or statement is determined retroactively to have been false in any material respect.