

# Council nixes tenant bargaining

By David Taber August 24, 2007

Three years after its introduction, JP-based City Life/Vida Urbana's (CLVU) tenant collective bargaining ordinance was voted down by the Boston City Council on Aug. 8.

"These guys have declared themselves to be enemies of tenants associations. They have declared we are worthless," said CLVU Tenant Organizing Coordinator Steve Meacham.

The City Council defeated the ordinance 8 to 5.

City Councilor John Tobin, who represents JP, West Roxbury and a small part of Roslindale, was among the no votes, despite a record of supporting negotiations between tenant organizations and landlords.

In 2005, Tobin advocated for mediation between Urban Edge, a non-profit developer with a mission to provide affordable housing, and tenants facing eviction. Eventual negotiations in that instance are considered to have been successful.

In 2002, Tobin advocated for tenant/landlord negotiations over rental rates at a Lourdes Avenue apartment owned by Leonard Samia, who refused to negotiate and pursued eviction proceedings. Both of the tenants he attempted to evict are still living in their apartments and paying rent.

"The irony is he [Samia] would have done better if he negotiated a multi-year lease," said Francesca Fordiani, one of the tenants. Fordiani declined to elaborate on the details of her case.

That year Tobin also pushed for negotiations when tenants protested landlord Francis Colannino proposal to cancel federal Section 8 subsidies and start charging market-rate at Forestvale apartments on the corner of Forest Hills Street and Rockvale Circle.

At that time, the Gazette quoted Tobin as saying, "All we are asking is for him to come to the table in good faith. But sometimes you have to shame people into doing the right thing."

In a recent interview, Tobin said he has consistently supported council resolutions calling on landlords to negotiate in cases like these, but opposes mandating "that a conversation between a group of tenants and a landowner take place."

"Are there bad landlords out there? Absolutely. There are bad tenants, too, but most are playing within the within the 40 yard lines," Tobin said.

"The spirit of the law was about bringing people together," said councilor-at-large Sam Yoon, who was sponsoring the ordinance when it came up for a vote.

"In the art and science of negotiation," encouraging opposing parties to work out their differences between themselves is becoming increasingly popular, Yoon said.

The councilor-at-large cited a California law empowering divorce court judges to mandate mediation sessions before court proceedings begin as one example.

"Maybe this legislation was a little too cutting-edge" for some city councilors, Yoon said.

CLVU Tenant Organizer Cheryl Lawrence said passage of the ordinance would have guaranteed the renegotiation of at least one expiring contract Tobin supported the original negotiation for. It would have required Colannino to sit down with the Forestvale Tenants association when the Section 8 contract it negotiated in 2002 expires next year.

Colannino had a similar contract with 200 residents of Florence Apartments in Roslindale. That contract expires this year, and the landlord has refused to meet with the tenants association there, Lawrence said.

The ordinance would have applied to landlords who reside in Boston and rent 20 or more units and landlords who reside outside of Boston and rent 10 or more units. It would have required landlords to meet with recognized tenant organizations once every six months at the tenants' request.

"We tried to make the target as small as possible," Yoon said.

If a landlord refused to meet or was otherwise determined to have been acting in bad faith, a letter would be placed on file with a number of city agencies with jurisdiction over housing and development.

Meacham said CLVU had made significant compromises, based on concerns expressed by City Councilors and by real estate interests, over the three years the ordinance was being considered.

The most significant change from the original legislation was the removal of language saying landlords with non-compliance letters could not get building or business permits and were not eligible to purchase public land from the city.

The language in the ordinance the council voted on read, "the existence of such a pending letter shall be considered in by the agency as a factor in determining the disposition" of a bad faith landlord's bid or application.

CLVU also agreed to reduce the sunset clause on the legislation from five years to three years and raise the number of units a landlord living in Boston must own in order to fall under the law from 10 to 20.

"We were very flexible. Anything they asked us to, we did," Meacham said.

Councilor At-Large Michael Flaherty, who originally co-sponsored the ordinance but voted against it in the end, agreed that CLVU had been willing to compromise on a number of points.

Flaherty, however, said he could not support legislation that even mildly penalizes landlords for not negotiating. He would, he said, be more inclined to support a program of tax breaks or tax credits to landlords who negotiate in good faith.

Tobin said he never met with CLVU regarding the ordinance, and refuses to meet with Meacham. CLVU protests in City Council chambers in 2004 when councilors voted down tenant activists bid to reintroduce limited rent control as well as protests after the recent vote were, "disrespectful to the institution," Tobin said.

"I think his behavior is poor at best," Tobin said.

Meacham said the protests in the City Council chambers, "have never been raised as a reason he doesn't want to meet with me."

CLVU requested meetings with Tobin through out the course of the tenant collective bargaining ordinance's life, Meacham said.

The tenant organizer defended the 2004 protest as "an expression of an overwhelming amount of anger in the tenant movement that only increased as a result of this vote."

Since Tobin did not support CLVU's proposal, Meacham said he hoped Tobin could think of something better.

"I invite him to think of some regulation that balances human need and profit," Meacham said.

Despite their opposition to the legislation, both Flaherty and Tobin said they believe there is a housing crisis in Boston.

According to data from the 2000 census, compiled in the city's Leading the Way II affordable housing report, 19.6 percent of Boston renters are spending between 30 and 50 percent of their income on housing, and 18.3 percent are spending more than 50 percent. More recent data from a wider survey area in the 2005 American Community Survey indicates 47 percent of Greater Boston renters pay more than 30 percent of their income, and 23 percent cough up more than 50 percent of their income, for rent. It is generally accepted that housing is not affordable if it costs more than 30 percent of household income.

Tobin said he is frustrated the debate over collective bargaining is, "taking the focus off of building affordable housing."

Flaherty was more circumspect. "There is an affordable housing crisis," he said, "I am just trying to get my hands around something that makes sense. I don't know what it would be, but I hope we find it soon."

CLVU, however, is through trying to work with the Boston City Council on tenant-landlord relations, Meacham said. "The City Council will not provide relief, so whatever we win, we are going to have to win it in direct confrontation" with private interests, Meacham said.

A CLVU protest outside of international lender Deutsche Bank's downtown Boston offices on Aug. 8 over the financial institution's practice of evicting tenants of properties it has foreclosed on has led to negotiations, Meacham said.