

and other officers shall be made for a term of years not to exceed three years. Said board may remove such chief and or officers during the term of the appointment for cause at any time after a hearing; provided, however, that said board, in deciding not to reappoint a chief and or other officers, may do so only after a public hearing. The chief of police shall from time to time make suitable regulations governing the police department, and other officers thereof, subject to the approval of said board; provided, that such regulations shall become effective without such approval upon the failure of said board to take action thereon within thirty days after they have been submitted to them by the chief of police. The chief of police shall be in immediate control of all town property used by the police department, and of the police officers, whom he shall assign to their respective duties and who shall obey his orders.

Approved July 11, 1975.

Chap. 483. AN ACT PROVIDING FOR THE ESTABLISHMENT OF A HOUSING REVIEW BOARD IN THE CITY OF LOWELL.

Be it enacted, etc., as follows:

SECTION 1. Declaration of Emergency. The general court finds and declares that a serious public emergency exists in the city of Lowell with respect to the housing of a substantial number of residents of said city, with emergency has been created by housing demolition, an expanding student population, a substantial elderly population, deterioration within the existing housing stock and the national and area economic conditions which have deterred new construction of housing accommodations and placed such new housing above the means of low and moderate income residents. The general court further finds that because of the substantial and increasing shortage of rental housing accommodations abnormally high rents have resulted, and, that unless residential rents become subject to review and control on a case-by-case basis, such emergency and the further inflationary pressures resulting therefrom will produce serious threats to the public health, safety and general welfare of the residents of Lowell; that such emergency should be met by the commonwealth immediately with due regard for the rights and responsibility of the city of Lowell.

SECTION 2. The city of Lowell is hereby authorized to establish a Housing Review Board to regulate individual cases affecting rental housing accommodations and to determine when rent charges appear in the judgment of said Board to be excessive and unreasonable.

SECTION 3. The Housing Review Board shall consist of seven members, who shall be residents of the city of Lowell, appointed by the city manager of said city and confirmed by the city council of said city, to serve without compensation for a term of one

year. Said Board shall consist of one owner of rental residential property, one tenant, and five persons who own single family residences.

Said Board shall have jurisdiction over all rental units in the city of Lowell except:

a. Rental Units in motels, inns, and tourist homes, and rental units in rooming or boarding houses which are rented primarily to transient guests for periods of less than fourteen consecutive days.

b. Rental units which a governmental unit, agency, or authority either owns or operates, or finances or subsidizes.

c. Rental units in co-operatives or condominiums.

d. Rental units in any hospital, convent, monastery, asylum, public institution, college or school dormitory operated exclusively for charitable or educational purposes.

e. Rental units in nursing homes for the aged.

f. Rental units in owner-occupied two, three or four family houses.

Said Board shall secure such information, make such investigations and conduct such studies, either directly or through other municipal agencies, and may summons such persons, papers or documents as it finds necessary for the performance of its duties.

SECTION 4. Said Board may regulate and modify:

a. Rent increases which it finds unreasonable after a hearing and which affect buildings wherein violations of the building code, sanitary code or any other applicable laws, ordinances, rules or regulations governing the condition of residential premises exist.

b. Any unreasonable rent increase intended to take effect after the effective date of this act.

SECTION 5. Said Board shall conduct hearings for the purpose of settling disputes between landlords and tenants in a fair and equitable manner and adjust rents of rental units not exempted pursuant to section three in a fair and reasonable manner, allowing the landlord in each case a fair net operating income, in accordance with such standards as it shall establish with the approval of said city manager and said city council.

SECTION 6. Any aggrieved party may file a civil action against said Board in the District Court of Lowell, or in any Housing court having jurisdiction thereof. Such court shall review and decide the action pursuant to the standards set forth in paragraph (7) of section fourteen of chapter thirty A of the General Laws. The District Court of Lowell, or such Housing court, shall have jurisdiction to enjoin any violation of this act.

SECTION 7. Any person who demands, accepts, receives or retains any payment of rent in excess of the amount authorized by said Board, shall be liable to the person from whom such payment is demanded, accepted, received or retained, or to the municipality for reasonable attorney's fees and costs as deter-

mined by the court, plus liquidated damages in the amount of four hundred dollars.

SECTION 8. The necessity for such Board shall be reviewed annually by said city manager and said city council and said Board shall expire on the first day of October of each year, beginning in the year nineteen hundred and seventy-six, unless previously renewed by vote of said city council.

SECTION 9. No owner of residential property within the city of Lowell not exempted pursuant to the provisions of section three may bring eviction proceedings against a tenant who has utilized this law for a period of one year after the filing, in writing or otherwise, of a complaint with the Board, unless:

1. The tenant has failed to pay the rent to which the landlord is entitled;

2. The tenant has violated an obligation or covenant of his tenancy other than the obligation to surrender possession upon proper notice and has failed to cure such violation after having received written notice thereof from the landlord;

3. The tenant is committing or permitting to exist a nuisance in or is causing substantial interference with the comfort, safety, or enjoyment of the landlord or other occupants of the same or any adjacent accommodation;

4. The tenant is convicted of using or permitting the rental unit to be used for any illegal purpose;

5. The tenant, who has a written lease or rental agreement which terminated after this act has taken effect, has refused, after written request or demand by the landlord, to execute a written extension or renewal thereof for a further term of like duration and in such terms that are not inconsistent with or violative of any provisions of law;

6. The tenant has refused the landlord reasonable access to the unit for the purpose of making necessary repairs or improvements required by the laws of the United States, the commonwealth, or the city of Lowell, or for the purpose of inspection as permitted or required by the lease or by law, or for the purpose of showing the rental unit to any prospective purchaser or mortgagor;

7. The person holding at the end of a lease term is a subtenant not approved by the landlord;

8. The landlord seeks to recover possession in good faith for use and occupancy of himself, or his children, parents, brother, sister, father-in-law, mother-in-law, or daughter-in-law;

9. The landlord seeks to recover possession to demolish or otherwise remove the unit from housing use; and

10. That landlord seeks to recover possession for any other just cause, provided that his purpose is not in conflict with the provisions and purposes of this act.

SECTION 10. This act shall take effect upon its passage.

Approved July 14, 1975.