
[Senate, June 25, 1975—Substituted by amendment by the Senate (Tully) as a new text for House Bill, No. 5431, changed.]

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Five.

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

1 SECTION 2. The city of Lowell is hereby authorized to estab-
2 lish a Housing Review Board to regulate individual cases af-
3 fecting rental housing accommodations and to determine when
4 rent charges appear in the judgment of said Board to be ex-
5 cessive and unreasonable.

1 SECTION 3. The Housing Review Board shall consist of seven
2 members, who shall be residents of the city of Lowell, ap-
3 pointed by the city manager of said city and confirmed by the
4 city council of said city, to serve without compensation for a

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

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

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

14 b. Rental units which a governmental unit, agency, or au-
15 thority either owns or operates, or finances or subsidizes.

16 c. Rental units in co-operatives or condominiums.

17 d. Rental units in any hospital, convent, monastery, asylum,
18 public institution, college or school dormitory operated ex-
19 clusively for charitable or educational purposes.

20 e. Rental units in nursing homes for the aged.

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

23 Said Board shall secure such information, make such in-
24 vestigations and conduct such studies, either directly or
25 through other municipal agencies, and may summons such
26 persons, papers or documents as it finds necessary for the
27 performance of its duties.

1 SECTION 4. Said Board may regulate and modify:

2 a. Rent increases which it finds unreasonable after a hear-
3 ing and which affect buildings wherein violations of the build-
4 ing code, sanitary code or any other applicable laws, ordi-
5 nances, rules or regulations governing the condition of resi-
6 dential premises exist.

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

1 SECTION 5. Said Board shall conduct hearings for the pur-
2 pose of settling disputes between landlords and tenants in a
3 fair and equitable manner and adjust rents of rental units not
4 exempted pursuant to section three in a fair and reasonable
5 manner, allowing the landlord in each case a fair net operating
6 income, in accordance with such standards as it shall estab-

7 lish with the approval of said city manager and said city coun-
8 cil.

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

1 SECTION 7. Any person who demands, accepts, receives or
2 retains any payment of rent in excess of the amount author-
3 ized by said Board, shall be liable to the person from whom
4 such payment is demanded, accepted, received or retained, or
5 to the municipality for reasonable attorney's fees and costs
6 as determined by the court, plus liquidated damages in the
7 amount of four hundred dollars.

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

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

6 1. The tenant has failed to pay the rent to which the land-
7 lord is entitled;

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

12 3. The tenant is committing or permitting to exist a nui-
13 sance in or is causing substantial interference with the com-
14 fort, safety, or enjoyment of the landlord or other occupants

15 of the same or any adjacent accommodation;

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

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

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

31 7. The person holding at the end of a lease term is a sub-
32 tenant not approved by the landlord;

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

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

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

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