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agreement may provide for the payment of interest. To facilitate such repayment, the commissioner of revenue is hereby authorized to deduct the amount of said payment from the first distribution of local aid made each year pursuant to section eighteen C, of chapter fifty-eight. Any amount so deducted shall be credited to the Local Aid Fund.

SECTION 2. For the purpose of carrying out the provisions of section one, two million dollars is hereby appropriated from the Local Aid Fund.

Approved October 3, 1984.

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Chap. 249. AN ACT DESIGNATING THE BRIDGE ON FAYETTE STREET IN THE CITY OF LYNN AS THE JAN E. MATZELIGER MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge over the railroad tracks on Fayette street in the city of Lynn shall be designated and known as the Jan E. Matzeliger Memorial Bridge, in memory of Jan E. Matzeliger's contribution to the shoe industry. Suitable markers bearing said designation shall be attached thereto by the department of public works in compliance with the standards of said department.

Approved October 9, 1984.

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Chap. 250. AN ACT PROVIDING FOR THE REESTABLISHMENT 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 availability and quality of the housing of a substantial number of residents of said city. This emergency has been created by housing demolition, expanding student 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, unless residential rents become subject to review and control on a case-

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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, hereinafter referred to as the board, to accept individual petitions by tenants on a form approved by the board, and to determine when rent increases appear, in the judgment of said board, to be excessive and unreasonable. Any such petitions shall be filed with the board within thirty days after the tenant's receipt of the landlord's notice of the rent increase.

SECTION 3. The board shall consist of seven members, who shall be residents of the city of Lowell, appointed by the city manager and confirmed by the city council of said city, to serve without compensation for a term of one year. The board shall consist of one owner of rental residential property, one tenant, and five persons who own single family residences.

The board shall promulgate rules and regulations for the conduct of its business as are allowed and are consistent with the provisions of this act.

The board shall have jurisdiction to accomplish the purpose of this act over all rental units in the city of Lowell except (1) rental units in motels, inns, and tourist homes, and rental units in rooming or boarding houses in which the tenant petitioner has resided for a period of three months or less; (2) rental units which a governmental unit, agency or authority either owns, operates, finances or subsidizes; (3) rental units in any hospital, convent, monastery, asylum, public institution, college or school dormitory operated exclusively for charitable or educational purposes; (4) rental units in nursing homes and rest homes for the aged; (5) rental units in owner-occupied two, three or four family houses; and (6) rental units in co-operatives or condominiums.

The board shall secure such information 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. The board may deny, regulate or modify rent increases which it finds to be unreasonable or excessive.

The board shall deny rent increases when it determines that the affected premises do not comply with Chapter II of the State Sanitary Code, the State Building Code or any other applicable municipal code, ordinance, or state law, regulating the condi-

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tions of residential housing accommodations. However, the board may allow a rental increase in any case if it determines that the tenant is more than thirty days in arrears in tendering rent, unless such arrearage is due to a withholding of rent pursuant to the provisions of section one hundred and twenty-seven L of chapter one hundred and eleven or section eight A of chapter two hundred and thirty-nine of the General Laws.

The board shall deny a rent increase in any case where it finds that the landlord has not served the tenant with a written notice to quit including an offer to establish a new tenancy pursuant to section twelve of chapter one hundred and eighty-six of the General Laws.

SECTION 5. Within thirty days of receipt of a petition of a tenant presenting a rental dispute the board shall conduct a hearing to settle said dispute in a fair and equitable manner and to adjust the rent of the rental unit involved, if said unit is not exempt under section three, in a fair and reasonable manner, and the board shall allow the landlord in each such case a fair and reasonable net operating income, in accordance with such standards as shall be established by the board, with the approval of the city manager and city council.

Standards to determine a fair and reasonable net operating income for landlords shall be reviewed and reestablished annually by the board prior to October first of any succeeding year, and shall be submitted annually prior to October first of any succeeding year for the approval of the city manager and city council.

Every decision of the board shall be rendered within fourteen days of the close of a hearing. The decision shall be in writing and parties to the proceedings shall be notified of the decision in person or by mail.

Any orders issued by the board shall remain in effect for a period of one year unless modified by the board.

SECTION 6. Any aggrieved party may file a civil action against the board in the district court of Lowell, or in any housing court having jurisdiction within thirty days of receipt of a decision by the board. The court shall review and decide such 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 the 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-

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

SECTION 8. The necessity for the continuation of the board shall be reviewed annually by the city manager and city council. The board shall expire on the first day of October of each year, beginning in the year nineteen hundred and eighty-five, unless previously renewed by a vote of the city council based on the annual review.

SECTION 9. Any owner of residential property within the city of Lowell which is not exempt under the provisions of section three may not bring eviction proceedings against a tenant for a period of one year after the tenant has filed 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 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, following the termination of a written lease or rental agreement 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 on 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, daughter-in-law or son-in-law; (9) the landlord seeks to recover possession to demolish or otherwise remove the unit from housing use; or (10) that landlord seeks to recover possession for any other just cause, provided that his purpose is not in conflict with the provisions and purpose of this act.

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

Approved October 16, 1984.