



City of Lowell - Law Department

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MEMORANDUM

TO: Eileen M. Donoghue, City Manager *EMD*

FROM: Elliott Veloso, Assistant City Solicitor/Municipal Hearings Officer

DATE: April 28, 2020

RE: Motion: C. Nuon - Request City Manager due to COVID-19 Crisis, extend the appeals period for any citation, ticket, or fine Issued by the City; in addition, relax any timelines for late fees and/or municipal licenses until emergency orders are lifted.

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In response to the COVID-19 pandemic, the City has currently suspended all in-person hearings for appeals of citations, tickets, or fines issued by the City's Development Services Office, Animal Control, or other similar municipal enforcement entities. All current pending appeals that would have held an in-person hearing have been held in abeyance until such time that the Governor's emergency orders have lifted and a determination can be made that the hearings can be conducted in a safe manner. All late fees and interest that could accrue for these violations will be waived during this period they are held in abeyance. Hearings conducted through mail or online submissions, such as parking tickets, are being conducted as normal.

The City does not have the authority to extend any appeals period governed by state law. For example, a person who wishes to appeal a violation of a rule, regulation, order, ordinance, or by-law regulating housing, building, or sanitary codes must submit their appeal within 21 days pursuant to M.G.L. c. 40U, §8. Similarly, a person who wishes to appeal a parking ticket must submit their appeal within 21 days pursuant to M.G.L. Chapter 90, § 20A. The City does not maintain the authority to abrogate these timelines. Additionally, neither the governor's current emergency orders nor the state and federal laws passed in response to the COVID-19 pandemic have authorized the waiver or suspension of these appeal periods.

Mayor John J. Leahy and Members of the City Council

April 23, 2020

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Therefore, persons wishing to appeal any citation, ticket, or fine issued during the COVID-19 pandemic are still required to timely submit them to the City. Instructions on appealing a citation can usually be found on the notice itself. Any appeal timely received within the applicable timeframe that would require an in-person hearing will be held in abeyance until such time that in-person hearings can safely resume. Any persons with questions regarding the appeal process may contact the issuing department for assistance.

Cc: Christine P. O'Connor, City Solicitor