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R. Eric Slagle
Director of Development Services

David Fuller
Building Commissioner

TO: Eileen Donoghue, City Manager *EMD*
FROM: R. Eric Slagle, Director of Development Services
DATE: April 20, 2021
RE: Motion by C. Conway - Req. City Mgr. Provide A Report Regarding The Number Of Complaints/Citations On Illegal Housing Units In The City

This memorandum provides the numbers of complaints and citations that the City has issued for illegal housing units across the City of Lowell.

Development Services receives complaints for possible illegal units in residential properties for several different sources. We receive complaints through the City's website, we receive emails from City Councilors and neighborhood groups, and we receive phone calls from concerned residents regarding such illegal units. Sometimes, Development Services even receives complaints from the tenants in the very building where the illegal unit is.

With respect to properties that the City receives complaints about for suspected illegal units, the process is a bit difficult. Development Services typically must obtain access to a property in order to pursue an investigation of this type. As these properties are sometimes listed as single-families or two-families, evidence must be gathered from the exterior of the dwelling first, as we have limited jurisdiction over those dwellings. We often work in concert with the Police and Fire Departments to act on information that they provide us after they have been in a building for an emergency call. Based on information we receive, we are sometimes able to issue a violation, or in extreme cases, obtain an administrative search warrant to inspect the property, though the threshold for obtaining this search warrant in Housing Court is so high that it is hard to obtain.

Absent neighbor or resident complaints, illegal units are very hard to investigate proactively. Most often, activity that might indicate an illegal unit takes place during non-business hours. The mere presence of a large number of residents or large number of vehicles is not probable cause for an illegal unit search. At times we review the number of mailboxes or number of electric meters or water meters at a dwelling. However, these pieces of information are more useful after a complaint has been received, and are not an efficient use of staff resources absent a complaint.

In the last calendar year, Development Services has received 16 complaints for illegal units. Of these 16 complaints, 12 resulted in citations from the inspector who found evidence of an illegal unit onsite. Of the 12 total citations, 3 properties resolved the issue with just a warning. The remaining 9 properties received citations ranging from \$300 to \$1,500, depending on the number of

citations that were issued before compliance was achieved. Several of the enforcement actions are still ongoing. Of the outstanding fines, two properties have paid their fines in full, several others are appealing their fines to the Municipal Hearing Officer (as allowed by MGL 40U). Any outstanding fine that is unpaid will be converted into a lien against the property, and will proceed to be rolled into the property owner's tax bill.

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