


Yovani Baez-Rose
DPD Director/Assistant City Manager

Lloyd DeJesus
Director of Development Services

David Fuller
Building Commissioner

MEMORANDUM

TO: Thomas A. Golden, Jr., City Manager 

FROM: Lloyd DeJesus, Director of Development Services

CC: Yovani Baez-Rose, Assistant City Manager/DPD Director

SUBJECT: Motion Response 7/25/2023 - Councilor Scott – Request City Manager Implement Plan To Enforce to Enforce All Requirements of Chapter 176-2 Of The City Housing Code

Requirements of Chapter 176-2 the Housing Standards Inspector are to be follow the Massachusetts general Law Massachusetts State Sanitary Code (105 CMR 410) and Building Code.

If, upon inspection, an inspector observes violations of the Building Code, Sanitary Code, Zoning Code or other City Ordinance, and the violation are not of the nature where a pre-printed violation ticket is appropriate, a violation notice should be sent out. The violation notice includes all the required general language and information set forth in various laws and codes. Inspector will need to complete certain sections pertaining to the specific inspection, observations, specific violations indemnified during the inspection, and timeframe allowed to remedy the violations

Inspectors are operating with a triplicate ticket book; all violations are written on tickets with the yellow copy affixed to the property. The only exceptions to this rule are the orange sticker warnings we use for illegal dumping and unregistered vehicles. In those cases, the orange stickers count as affixing, **inspectors are not leaving a property where they are issuing a violation without leaving something at the property.**

Also, all sanitary code, building code, and zoning ordinance violations are entered by the inspector into MUNIS when the violation is issued. None of these violations should be issued without the corresponding MUNIS entry, preferably the same day, but no later than the following day. As part of this process, ownership is checked in GIS and/or Tax Master before entering the data. Once a violation is entered in MUNIS, a violation notice letter is printed directly from MUNIS.

RE: Motion Response 7/25/2023 - Councilor Scott – Request City Manager Implement Plan To Enforce to Enforce All Requirements of Chapter 176-2 Of The City Housing Code

Process – guide below:

1. Onsite
 - a. Site visit/inspection to determine violation;
 - b. Take photo(s) of violation;
 - c. **Leave orange sticker (dumping/un-reg vehicles) or yellow copy of ticket onsite** (required per M.G.L. 40U)

2. Back in Office
 - a. Put violation into MUNIS – **PLEASE CHECK OWNERSHIP BEFORE ENTERING;**
 - b. Result inspection (please write appropriate comments in the comment sections of your inspection) and schedule follow-up inspection;
 - c. Print violation letter;
 - d. Give copy of photo, white copy of ticket, and violation letter to the clerical staff

Follow-up Violation Notices The Inspectors are responsible to follow-up on violation notices, and ensuring the violations are remedied or additional steps are taken to compel compliance. Until such time as all violation types are available through MUNIS , it shall be the Inspectors responsibility to determine how to tract follow-up and compliance on issued violations

Unresolved Violations It will occur from time to time that despite taking all available steps in the enforcement process a violation remains unresolved. Reasons for this may include having an unidentified, deceased or unreachable responsible party, or an uncooperative responsible party. The enforcement actions may come to a halt at any stage of the process, depending on the circumstances.

In all instances, all available options should be pursued to their fullest. If said options have been unsuccessful, the issuing Inspector shall notify their supervisor, the Building Commissioner or The Director of the matter for further direction

City of Lowell, MA
Thursday, August 17, 2023

Chapter 176. Housing Standards

Article I. Rental Property

§ 176-2. Permits; inspection; fair housing.

- A. No person, firm, agency, or corporation shall rent, operate, or provide residential occupancy, for 30 consecutive days or more, with compensation, any dwelling, tenement, housing, or rooming unit without a valid rental unit permit issued by the city.
- B. A rental unit permit shall be issued upon application, payment of the required fee as set forth in Chapter **150**, proof of fair housing compliance, and the satisfactory result of an inspection by a City code enforcement inspector to determine that the unit's and the building's common areas conform to Massachusetts General Laws, Massachusetts Sanitary Code (105 CMR 410), this article and other applicable state and local laws and regulations.
- C. Rental unit permits are required for all rental units in a building. In buildings containing six or more rental units, the rental unit permits may be issued for all of the building's rental units following an inspection of a sample of units consisting of no less than 10% or three of the rental units contained within the building, whichever is greater. The sample of units shall be selected by the code enforcement inspector.
- D. An inspection will not be required for rental units where an annual inspection is conducted in conjunction with funding or rental vouchers from the United States Department of Housing and Urban Development (HUD), provided the owner or owner's agent submits a copy of the satisfactory HUD inspection report, which must have occurred within the 12 months preceding the rental unit permit application.
- E. Anyone seeking a rental unit permit shall be provided with information regarding applicable federal, state, and local fair housing laws and regulations and shall submit with his permit application a sworn statement attesting to his having received and reviewed this documentation and affirming fair housing compliance.
- F. Anyone seeking a rental permit must provide a designated person-in-charge for each property containing a rental unit. The name and contact information, including a phone number and email address, must be provided with the rental permit application. In addition, the name and contact information of the person-in-charge shall be posted at the property on a printed placard adjacent to the main entrance to the building. In the event that a property has multiple buildings, the information above shall be posted at the main entrance to each building. The printed placard shall be entitled "Property Manager" and shall be printed in a minimum 48 pt. font. The placard shall be easily visible from the main entrance. Any changes to the person-in-charge or his/her contact information shall be submitted to the City within seven days of the change.
[Amended 9-22-2020]
- G. The rental unit permit shall expire on the last day of the month, three years from issuance. Nothing in this article shall prohibit an owner or owner's agent for seeking rental unit permits more frequently, provided the requirements for the permit, including a complete application, satisfactory inspection, and payment of the permit fee, are met.

- H. If a rental unit or the common areas of the building the rental unit is located in has, within the three years of the valid permit period, generated three or more violation notices of the Sanitary Code, Building Code, Fire Code or local ordinances, excluding violations of Chapter **270**, Waste and Recycling, or combination thereof, or one or more life safety violation notices, the rental unit permit shall be revoked, and notice will be sent to the owner or owner's agent indicating the permit's revoked status and providing a deadline of 30 days to vacate the unit or obtain a new valid rental unit permit. Subsequent rental unit permits will be issued following a satisfactory inspection by a City code enforcement inspector and will be valid for one year only, until the rental unit and/or building common areas have had three consecutive years without generating three or more violation notices, excluding violations of Chapter **270**, Waste and Recycling, or one or more life safety violation notices. Violations of life safety are determined by the code enforcement inspector in accordance with the Massachusetts Building Code, Sanitary Code and/or Fire Code.
- I. For rental units with HUD funding or vouchers, if the rental unit or the common areas of the building the rental unit is located in has, within the three years of the valid permit period, generated three or more notices of violation of the Sanitary Code, Building Code, Fire Code or local ordinances, excluding violations of Chapter **270**, Waste and Recycling, or combination thereof, or one or more life safety notices of violation, the rental unit permit shall be revoked, and notification shall be provided to the owner or owner's agent, with copy to HUD, indicating the permit's revoked status and providing 30 days to vacate the unit or obtain a new valid rental unit permit. Subsequent rental unit permits will be issued following a satisfactory inspection by a City code enforcement inspector and will be valid for one year only, until the rental unit and/or building common areas have had three consecutive years without generating three or more violation notices, excluding violations of Chapter **270**, Waste and Recycling, or one or more life safety violation notices. Violations of life safety are determined by the code enforcement inspector in accordance with the Massachusetts Building Code, Sanitary Code and/or Fire Code.
- J. The owner or owner's agent may appeal the decision to revoke a rental unit permit to the Board of Health. The appeal must be received within 15 days of the notice of the revoked permit being received, on the form provided by the Division of Development Services. A hearing will be set for the next regularly scheduled meeting of the Board of Health, provided the appeal application is received 14 days prior to the meeting. If the appeal application is received less than 14 days prior to the next regularly scheduled Board of Health meeting, the appeal hearing will be set for the following regularly scheduled Board of Health meeting. The owner or owner's agent will have the right to inspect the public record regarding the matter and to appear and/or be represented at the hearing. Any person aggrieved by the appeal decision issued under this article may seek relief in any court of competent jurisdiction as provided by the laws of the commonwealth.
- K. This article does not limit, eliminate, or in any way impact the City's authority to respond to complaints and/or requests for inspection from owners and/or tenants, seek remedy for violations, or pursue other enforcement allowed by state and local laws.