



**CITY COUNCIL ZONING SUB/COMMITTEE WILL
MEET AT 5:00 PM ON TUESDAY, JANUARY 15, 2019 IN
THE COUNCIL CHAMBER, CITY HALL**

1. Roll Call

2. Meeting Called To Order

2.1. Zoning SC January 15, 2019.

Documents:

[2019 JANUARY 15 ZONING SUBCOMMITTEE.PDF](#)

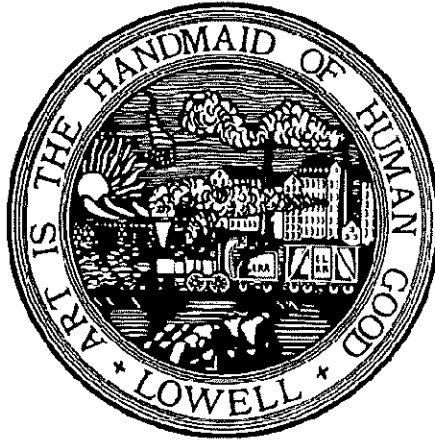
3. Order Of Business

3.1. Discussion - Developing Ordinance Regulating Student Housing.

Documents:

[2019 JANUARY 15 PROPOSED AMENDMENTS.PDF](#)

4. Adjournment



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Discussion: Developing ordinance regulating student housing.

The Public is invited to attend.

Zoning Sub/Committee

C. Milinazzo, Chair

C. Nuon, Member

C. Kennedy, Member

Michael Q. Geary
City Clerk

AMENDMENTS to RENTAL PROPERTY ORDINANCE

§ 176-1 Definitions.

Housekeeping Unit- Dwellings or units in a dwelling occupied by an individual, or by two (2) or more individuals all of whom are related by blood, marriage or adoption, living together, or by not more than three (3) individuals, where at least two (2) of said individuals are not related by blood, marriage or adoption, living together.

Add to requirements for Rental Permit:

- A. The owner of one or more rental units in a dwelling shall provide the following information as a condition to receipt of a rental unit permit:
 - 1) The name and address of the owner.
 - 2) If the owner is a corporation, LLC, partnership, trust or other form of legal entity, the name, address and phone number of the individual to be contacted in the event of an emergency, including the failure of an essential service or system.
 - 3) The number and size of rental units in the property (include a square footage calculation for the living space in each unit and for each sleeping room in the unit).
 - 4) The number of occupants in each rental unit.
 - 5) If any rental unit in the dwelling or the dwelling, if a single-family property, is being rented to four (4) or more individuals, documentation as to the kindred relationship of said individuals. An affidavit from the owner or authorized representative of an owner entity along with affidavits from the residents under pain and penalty for perjury will be accepted. The affidavit from the owner or its authorized representative shall include the following:
 - a) An acknowledgement that if the owner fails to register property in which rental unit(s) are located, or fails to provide updated information at the time of a change in occupancy, or maintains a unit contrary to the definition of a housekeeping unit or makes a material misrepresentation or falsehood in the application for a rental permit, the rental permit and the continued ability to rent the unit and receive compensation may be revoked.
 - b) An acknowledgement by the owner that he and/or the ownership entity would be liable for relocation expenses, including moving expenses and substitute housing expenses, for all tenants and occupants in the event of a revocation of the rental permit.
 - 6) The aforesaid provisions are required to ensure that owners are not violating the restriction on renting dwellings or dwelling units to individuals that would not encompass a housekeeping unit as defined herein. However, in addition to all other requirements set forth in this Article for the issuance and maintenance of a rental unit permit and the ability to rent property for residential use and occupancy, the City of Lowell will authorize and issue a rental unit permit for dwellings or units in a dwelling housing four (4) or more unrelated individuals, subject to the following conditions and requirements:
 - A) The owner of any such property or dwelling unit in which four (4) or more unrelated individuals reside shall provide the Division of Development Services, as part of the registration of such dwelling or dwelling unit, the following information:
 - 1) The name and address of the property owner. If the owner of the property is a corporation, LLC, trust, partnership or other legal entity, the name and address of a corporate officer, LLC member, trustee, or general partner, as appropriate, shall be provided;

- 2) The name and phone number of the individual to be contacted in the event of an emergency;
 - 3) The number of bedrooms in the property or dwelling unit, as appropriate.
 - 4) The number of individuals residing in the dwelling or dwelling unit, as appropriate.
- B) In any residential property in which four (4) or more unrelated individuals will be residing, occupancy shall be limited to one individual per bedroom, regardless of the size of the bedroom. Living spaces other than bedrooms, such as living rooms or dens, cannot be utilized as bedrooms or additional sleeping areas.
- C) Parking permits/stickers for property owners to enable off-site street parking shall not be provided to residents where four (4) or more unrelated persons reside in a dwelling or dwelling unit, where appropriate. Either the owner shall provide on-site parking, consistent with all laws, codes and regulations, for those residents or the residents shall be required to make other suitable and legal off-site parking arrangements; and
- D) Owners of properties or dwelling units in which four (4) or more unrelated individuals reside shall comply with the following fire safety requirements:
- 1) All properties and dwelling units in which four (4) or more unrelated individuals reside shall be fitted with a hard-wired fire detection system.
 - 2) In every single-family property in which six (6) or more unrelated individuals reside or any dwelling unit in a multi-family property in which six (6) or more unrelated individuals reside, said property or dwelling unit, as appropriate, shall also be fitted with a fire suppression (sprinklered) system.
 - 3) Pre-existing non-compliance with these fire safety requirements shall not be grandfathered and it is a material condition of the issuance of a rental permit that the owner shall comply with these requirements and obtain written approval from the Lowell Fire Department as to said compliance.

Additional provisions as to rental properties:

- 1) A new registration providing the aforesaid ownership information shall be filed within thirty (30) days of a transfer of ownership of the property in which rental units are located or in which the ownership interest of said property has been transferred.
- 2) If the owner fails to register property in which rental unit(s) are located, or fails to provide updated information at the time of a change in occupancy, or maintains a rental unit contrary to the definition of a housekeeping unit (except as permitted for four (4) or more unrelated individuals) or makes a material misrepresentation or falsehood in the application for a rental permit, or violates any provision of this Ordinance, the permit may be revoked and, upon revocation, the owner shall not be permitted to rent units or receive compensation from occupants. The owner shall receive written notice of the proposed revocation and the bases therefore and may appeal the proposed revocation to the City's Hearing Officer by filing a notice of appeal within twenty-one (21) days of receipt of the revocation notice. The remedies herein are in addition to other fines and penalties that may be imposed pursuant to the provisions of this ordinance.
- 3) Owners of properties in which rental units are located are prohibited from receiving compensation for the rental of a room in a rental unit. All occupants of a rental unit shall be signatories on a written lease agreement wherein each occupant is jointly and severally responsible for leasing the entire rental unit.
- 4) In the event of a complaint made to the Lowell Police Department and/or the City's Division of Development Services for a claimed violation of the Rental Property ordinance, the

property shall be inspected for said claimed violation. As part of the inspection, the inspector shall have the opportunity to inspect the rental unit(s) as well as all documentation required to be provided by the owner as set forth in this ordinance, including ownership information, the size and occupancy of rental units, lease agreements and documentation as to kindred relationships of the occupants (if the inspection reveals a level of occupancy that may be contrary to the definition of a housekeeping unit, except for registered student housing properties or units). The failure of the owner to cooperate in providing access to the rental unit(s) and/or the requested documentation and/or information sought by the inspector shall constitute a violation of this ordinance, subjecting the owner to all fines, penalties and remedies provided herein.

- 5) For every change in occupancy of a rental unit, the owner shall provide the foregoing information and documentation as to the number of occupants and the kindred relationship of said occupants with thirty (30) days of the change of occupancy.

§ 176-2 shall be amended such that inspections of rental properties by the City of Lowell shall occur every five (5) years, except that the City shall inspect every unit to ensure compliance with applicable building, health and fire codes upon the vacancy of said unit. The owner of said vacant unit shall request an inspection from the City's Division of Development Services and shall be prohibited from permitting occupancy of said unit until the City has determined that the unit is in substantial compliance with applicable codes.