



Inspection upon Change in Occupancy of Rental Housing Regulation

Adopted XXX, XX, 2015

Section 1. Purpose

Whereas: There has been an increase in rentals in recent years resulting in more requests for inspections by the Health Agent.

Therefore, the Halifax Board of Health wants to make sure that all tenants/occupants begin their habitation in safe housing and that the property owners are reassured they are offering safe housing, according to the Massachusetts of Department of Public Health's standards for safe and sanitary housing.

Section 2. Authority

The Halifax Board of Health, on XXXXX (May 7, 1014), in accordance with and under the authority granted by Section 31, of Chapter III of the Massachusetts General Laws promulgated and adopted the "Change of Occupancy Regulation".

Section 3. Citation

105 CMR 410.000 shall be known, and may be cited, as 105 CMR 410.000: *State Sanitary Code Chapter II: Minimum Standards of Fitness for Human Habitation*.

Section 4. Scope

(A) No person shall occupy as owner-occupant or let to another for occupancy any dwelling, dwelling unit, mobile dwelling unit, or rooming unit for the purpose of living, sleeping, cooking or eating therein, which does not comply with the requirements of 105 CMR 410.000.

Section 5. Definitions

Mobile Dwelling Unit means a dwelling unit built on a chassis and containing electrical, plumbing, and sanitary facilities and designed to be installed on a temporary or permanent foundation for permanent living quarters

Occupant means every person living or sleeping in a dwelling.

Owner means every person who alone or severally with others:

- (1) has legal title to any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or
- (2) has care, charge or control of any dwelling, dwelling unit, mobile dwelling unit or parcel of land, vacant or otherwise, including a mobile home park, in any

capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
(3) is a mortgagee in possession of any such property; or
(4) is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or
(5) is an officer or trustee of the association of unit owners of a condominium.
Each such person is bound to comply with the provisions of these minimum

Section 6. Requirements

Each time a dwelling unit (including mobile unit or manufactured housing), apartment or multi-unit housing, that was used for rental purposes, is vacated, then that dwelling unit, apartment or multi-unit housing shall be inspected by the Board of Health before it can be occupied again, to determine if it meets the standards set forth in the State Sanitary Code, Article II, "Minimum Standards Of Fitness For Human Habitation" as promulgated and from time to time amended by the Department of Public Health of the Commonwealth of Massachusetts, under the authority of General Laws, Chapter III, Section 127-A.

Owners will be responsible to maintain their rental units in a condition satisfying State Sanitary Code, Article II.

Tenants will be responsible to maintain their dwelling unit in a satisfactory condition.

Inspections may be carried out by the Board of Health to ascertain compliance whenever there is reason for concern.

Fee: A \$150.00 inspection fee for rental permits is required.

6-a. Exemptions:

- All units that are inspected for Section 8 Housing or other subsidized with annual inspections.
- Property owners/managers of Section 8 Housing and other subsidized units are required to submit to the Board of Health office copies of their certificates prior to renting the unit.

Section 7. Posting

Owners shall post their name and contact information, as described in the State Sanitary Code: 410.481: Posting of Name of Owner

Section 8. Enforcement

This regulation would be enforced through the Board of Health and, if necessary, in response to non-compliance, fines can be issued and/or non-criminal disposition (21-D) tickets can be issued, as allowed in the Town's by-laws.

Fines: Any owner of such property used for rental purposes failing to comply with this regulation shall pay a fine of \$200.00. It will be deemed a violation of this regulation if any person or persons are allowed to live, occupy or inhabit the said premises without having received a certificate of fitness for human habitation from the Halifax Board of Health.

For each subsequent day there exists a failure to comply with these regulations, it shall constitute a separate offense, and said fine of \$200.00 shall apply for each subsequent offense.

Section 9. Effective Date

The effective date of this regulation is the date posted on the front of the regulation, which shall be identical to the date of the adoption of the regulation.

10. Penalties

Failure to comply with provisions of this regulation will result in the levy of fines of not less than \$200.00, but no more than \$1,000.00. Each day's failure to comply with the provisions of this regulation shall constitute a separate violation.

Note: Effective 1992, under Chapter 111: Section 31 (violation of health regulation) maximum fines increased from \$500 to \$1,000. and Section 122 (violation of nuisance regulations) maximum fines increased from \$100 to \$1,000.

11. Severability

If any provision contained in these regulations is deemed invalid for any reason, it shall be severed and shall not affect the validity of the remaining provisions.

Adopted XXX, XX, 2015 by the Town of Halifax Board of Health

Signed by:

John Delano, Chairperson
John Weber, Co-Chair
Jeffrey Anderson, Clerk