

RENTAL REGISTRY REGULATION

PURPOSE:

The South Hadley Board of Health (SHBOH) adopts this regulation to ensure that safe and sanitary conditions exist in the rental housing stock and to promote and protect the health, safety and well-being of the persons occupying said premises and other citizens in the Town of South Hadley, and to provide clear and accessible guidelines for the operation of rental properties per 105 CMR 410.000 Minimum Standards of Fitness for Human Habitation (State Sanitary Code, Chapter II) for tenants, occupants, landlords, and to extend awareness of Health Regulations related to the operation of a rental property and related South Hadley Town Bylaws.

AUTHORITY:

The South Hadley Board of Health is acting under the authority of M.G.L. Chapter 111, Section 31.

DEFINITIONS:

Bed and Breakfast: means a private owner-occupied house where rooms are rented and a breakfast is included in the rent, and all accommodations are reserved in advance.

Board of Health: means a municipal board of health, a municipal health department, or its other municipal agent(s) or its authorized agent(s) or representative(s) under M.G.L. c. 111 s. 30.

Condominium: means the land or the lessee's interest in any lease of such land, the building or buildings, all other improvements, and structures thereon, and all easements, rights and appurtenances belonging thereto, which have been submitted pursuant to M.G.L. c. 183A.

Dwelling Unit: the room or group of rooms within a residence used or intended for use by an individual, family, or household for living, sleeping, cooking, and eating, and other areas of which the occupant has exclusive use.

Homeless Shelter: means a residence operated by a service agency which provides temporary, overnight sleeping accommodations and offers transitional assistance to homeless individuals and families in need of permanent housing.

Manufactured Home: means a structure, built in conformance to the National Manufactured Home Construction and Safety Standards which is transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein.

Manufactured Housing Community: means any lot or tract of land upon which three or more manufactured homes occupied for dwelling purposes are located, including any buildings, structures, fixtures, and equipment used in connection with the manufactured homes and licensed under M.G.L. c. 140 s. 32B.

Occupant: means any person living or sleeping in a residence.

Owner: means every person who alone or severally with others:

- (1) has legal title to any residence, or parcel of land, vacant or otherwise, including a manufactured housing community;
- (2) has care, charge or control of any residence or parcel of land, vacant or otherwise, including a manufactured housing community, in any capacity including but not limited to personal representative, agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title;
- (3) is a mortgagee in possession of any such property;
- (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.

Owner's Representative: means any adult person designated and duly authorized to act on the owner's behalf to effect compliance.

Rental Registry Permit: Annual certificate issued when the rental registry application submitted by the owner is reviewed and approved by an agent of the Board of Health.

Residence: means every building or structure used for or intended for, human habitation and every other structure or condition located within the physical boundaries of the same lot. Residences include, but are not limited to, single or multi-unit structures, rooming houses, manufactured homes, homeless shelters, temporary housing, alternative housing, and condominiums.

Rooming House: means every residence or part thereof which contains one or more rooming units in which space is rented for compensation by the owner, rental of which is based on a contractual agreement between owner and an individual or household for rent of a rooming unit and use of shared facilities. Rooming houses include, but are not limited to, boarding houses, hotels, motels, inns, lodging houses, bed and breakfast operations, dormitories, fraternity and sorority houses, hostels, and other similar residences.

Short-term Rental: transient lodging space with stay not exceeding 28 consecutive days.

Subsidized Housing: is owned by a private landlord or corporation that has received government subsidies to provide affordable housing.

Temporary Housing: means any tent, mobile dwelling unit, or other structure used for human shelter which is designed to be transportable, and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than 28 days.

EXEMPTION(S):

Dwelling unit (s) may be exempt from adhering to the requirements of the rental registry program if:

- * The dwelling unit(s) is not currently being rented. An affidavit attesting to this would need to be submitted to the Board of Health. Once the occupancy status of the dwelling(s) has changed, the owner must submit the rental registry application within 30 days.

- * Rooming Houses, specifically, boarding houses, hotels, motels, inns, lodging houses, dormitories, fraternity and sorority houses, hostels, short-term rentals, bed and breakfast operations, except; Rooming Houses or Short-term Rentals lasting longer than twenty-eight (28) consecutive days **shall** require a permit.
- * Residential facilities authorized and operated under state and federal law, congregate or similar group housing for the elderly or disabled, housing for persons with substance abuse problems, congregate living arrangements for persons with disabilities, or other similar housing facilities operated under a license by the Commonwealth of Massachusetts. Notwithstanding, such facilities, where required, shall comply with ***subsidized housing** requirements.

PERMIT REQUIREMENTS:

- * Every property owner renting/leasing a residence/dwelling unit(s) in South Hadley shall register with the South Hadley Board of Health.
- * Every property owner renting/leasing a residence/dwelling unit(s) in South Hadley shall submit a completed rental registry permit application with the South Hadley Board of Health.
- * All components of the permit application must be completed, reviewed, and approved before the issuance of the rental registration permit.
- * The permit must be renewed annually and is valid until the end of the calendar year (Dec.31st).
- * Every property owner has thirty (30) days to register with the Board of Health when acquiring/purchasing a rental property.
- * Every property owner shall post the rental registration permit, conspicuously, on the property.
- * No short-term residential unit shall be offered for rental unless such unit shall have adequate provision for on-premises off street parking. Adequate parking is defined as at least one off-street parking space per residential unit, with such parking space being additional to a parking space for the dwelling owner. A prospective operator must certify such parking access at the time of registration with the Town.

SELF-INSPECTIONS CONDUCTED BY OWNERS:

- * Self-inspections will be conducted by property owners.
- * Owners or their agent(s) will utilize checklist(s) issued by BOH to conduct inspections.
- * The inspection must be done annually, signed by the owner or their agent(s), and submitted in conjunction with the rental registration application. Any false statements or information provided on the Checklist(s) shall constitute a violation of this regulation.
- * Subsidized Housing will not require a Self-Inspection or Certification. An annual Certification by the owner that a rental unit has been inspected in accordance with state and/or federal law shall be provided and shall be accepted as evidence of Self-Inspection as part of the permit application or renewal.

* Violations noted during inspections must be addressed and made to be compliant with 105 CMR 410.000, Massachusetts Standards of Fitness for Human Habitation (State Sanitary Code, Chapter II).

COMPLAINT PROCESS:

1.) Complaints.

A complaint alleging that a residential unit is in violation of a provision of this ordinance or of any applicable law, code or regulation may be filed with the BOH. The complaint must contain the residential unit's address, unit number (if applicable), date and nature of the violations alleged, and the name and contact information of the complaining party.

2.) Review of Complaint.

Within 30 days after receipt of the complaint, the Board of Health Agent or designee shall investigate the complaint and shall determine whether a violation may have occurred. If the alleged violation is within the purview of another Town agency, or federal or state agency, the Agent or designee shall refer the complaint to such agency for further action. Upon a finding of a violation, the Agent or designee shall serve notice of such violation upon the operator of the residential unit at issue. Service shall be made by certified mail and first-class mail at the address listed in the Short Term Rental Registry or, if not listed in the Registry or, if not listed in the Registry, at the address of the unit at issue. The Health Department shall keep records of all complaints received and determinations made.

3.) Right to hearing.

An operator who has been served with notice of a violation may request a hearing by filing a written request for such a hearing with the Board of Health within 14 days of service of notice of the violation. Service shall be considered to have been made as of the date the certified mail is accepted and signed for or, if not signed for, as of five days subsequent to the date indicated on the notice served, whichever date is earlier in time. Upon receiving a written request for a hearing, the Agent shall notify the complainant of the place, date and time of said hearing. The hearing shall occur no later than 21 days after the date the Agent receives the request for a hearing. The time period in which violations must be remedied shall be stayed upon the Agent's receipt of the hearing request until such time that the hearing is held and a decision issued.

4.) Decision.

Within seven days after the conclusion of the hearing, the Agent or designee shall sustain, modify, or withdraw the notice of violation and shall inform the person upon whom the notice of violation has been served, in writing, of its decision and the reasons therefor. If the Agent sustains or modifies the notice of violation, said violation shall be remedied within the time period allotted as issued, or as ordered in the modification. If a written request for hearing has not been filed within the required 14 days after notice of violation has been served, or if, after hearing, the notice of violation has been sustained in any part, each day's failure to comply with the notice of violation within the time allotted as issued or modified shall constitute a separate violation.

