

A TRUE COPY:
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ATTEST: _____
TOWN CLERK
ADAMS, MA

**TOWN OF ADAMS
RENTAL PROPERTY REGULATION**

PURPOSE

The purpose of these regulations is to protect the health, safety, and well-being of the occupants of rental housing.

AUTHORITY

These regulations are enacted by the Town of Adams Board of Health under the authority of §§31 and 127A of Chapter 111 of the General Laws of Massachusetts and any other power thereto enabling.

SCOPE

These regulations apply to all owners, manager, or persons in charge of rental dwelling units or rooming units in Adams whether or not a written rental or lease agreement is signed.

DEFINITIONS

In these regulations the following terms have the meanings indicated:

Board – The Adams Board of Health or its designated agent.

Dwelling unit – A unit defined in 105 CMR 410.025 as it now exists or may hereafter be amended, that is rented or intended for rental.

Chapter II – Chapter II of the State Sanitary Code, 105 CMR 410.000.

Rooming Unit – A unit defined in 105 CMR 410.040, as it now exists or may hereafter be amended, that is rented or intended for rental.

CERTIFICATION OF DWELLING AND ROOMING UNITS

No dwelling unit or rooming unit shall be occupied without a valid Certificate of Compliance, except as provided under Temporary Certificate of Compliance and Exclusion of Certain Dwelling and Rooming Units.

A. Dwelling Units:

- (1) Whenever a dwelling unit is vacated by the occupant or occupants thereof, the Board shall certify, prior to re-occupation that the unit meets the applicable standards set forth in Chapter II.
- (2) Application for Certificate of Compliance.

- (a) The owner, manager, or person in charge of a dwelling unit shall apply in writing to the Board for the Certificate of Compliance as soon as the unit is vacated. Notice must be given as to provide adequate time for the unit's inspection and repair, if required, and to reasonably assure compliance with the standards of Chapter II prior to its reoccupancy.
- (b) The owner, manger, or person in charge of a new unit or a previously uncertified unit shall apply for certification not more than thirty (30) days after the completion of a unit.
- (3) The property owner will ensure, by providing proof upon request, that the heating system for the dwelling unit has undergone service and/or maintenance by a licensed heating system professional within the previous 12 months.

B. Rooming Units:

- (1) The Board shall inspect and certify annually each rooming unit to insure that it meets the applicable standards of Chapter II.
- (2) Application for certificate of compliance.
 - (a) The owner, manager, or person in charge of a rooming unit shall apply to the Board for the Certificate of Compliance at least thirty (30) days in advance of the expiration date of the previous Certificate of Compliance.
 - (b) The owner, manger or person in charge of a new unit or a newly vacated unit shall apply for the certification not more than thirty (30) days after completion of the unit or from the effective date of these regulations.
- (3) If the rooming unit meets the applicable standards, the Board shall issue a Certificate of Compliance, certifying that it meets those standards.
- (4) The property owner will ensure, by providing proof upon request, that the heating system for the dwelling unit has undergone service and/or maintenance by a licensed heating system professional within the previous 12 months.

INSPECTION OF DWELLING AND ROOMING UNITS

The Board shall conduct all inspections of dwelling and rooming units within seven (7) working days after the receipt of the application and required fee for the Certificate of Compliance is received by the Board.

A. Failure of the Board to perform inspections. If the Board fails to perform the inspection within the required time period, a dwelling unit or rooming unit may be reoccupied without the certification required by this regulation.

B. Subsequent inspection not precluded. Failure by the Board to inspect in a timely manner does not preclude the inspection of the dwelling unit or rooming unit at a later date for compliance and enforcement of these regulations and the standards in Chapter II.

C. The property owner will abate all violations and non conformances of 105 CMR 410.000 listed in enforcement orders and inspection notes, by the scheduled date of reinspection.

TEMPORARY CERTIFICATE OF COMPLIANCE

If after inspection of a dwelling unit or rooming units, the Board determines that: (a) a period of time should be granted in which to make repairs necessary for compliance with the regulations to qualify the unit for certification and (b) delay will not produce a conditions which may endanger, as defined in 105 CMR 410.023 the Board may issue a temporary Certificate of Compliance whose terms shall not exceed 45 days.

EXCLUSION OF CERTAIN DWELLING AND ROOMING UNITS

A. Recently certified units. No dwelling unit need be certified for occupancy more than once in any consecutive 12 month period.

B. Exclusion of certain rooming units. The certification required herein does not apply to inns, hotels, bed & breakfasts, or motels. Dormitory rooms operated exclusively by an educational institution are also excluded, except that such institutional housing in a facility containing not more than twelve (12) beds where rooms are let and occupants have free access to complete kitchen facilities shall be inspected annually using the same criteria that apply to dwelling units. Nothing in this exclusion shall exempt these rooming units from complying with all applicable regulations and standards set forth in Chapter II.

VARIANCES

A. Applicant. The owner, manager, or person in charge of a dwelling or rooming unit may make written application to the Board of Health for a variance from these regulations. Each request for a variance shall state the specific variance sought and the reason therefore.

B. Public hearing. Every variance is subject to a public hearing. Notice of a hearing upon an original application for a variance shall be posted as part of the public notice of the Board of Health meeting at which the Board of Health will consider the application. The notice shall be posted not less than one week before the meeting. Notice also shall be given to all affected occupants.

C. Procedure.

(1) By vote of a majority of its full authorized membership, the Board of Health may vary the application of any provision of these regulations with respect to any particular case in which, in the Board of Health's opinion, all of the following requirements are fulfilled.

(a) The enforcement of the regulation would do manifest injustice.

(b) The applicant has proved that the same degree of protection of the public health, safety, and welfare can be achieved without strict application of the particular provision. Where required, an alternative means of protection shall be detailed and documented by the applicant to the satisfaction of the Board of Health.

(c) The variance would not conflict with the spirit of the minimum standards prescribed by Chapter II.

(2) A variance may be granted subject to appropriate conditions including, but not limited to duration.

D. Variance in Writing. Any variance granted by the Board of Health shall be in writing. Any denial of a variance shall also be in writing and shall contain a brief statement of reasons therefore. A variance is not effective until it is filed by the owner in the registry of deeds for the county.

FEEES

The Board of Health shall establish a schedule of fees for inspection and variances.

ENFORCEMENT

Compliance with the provisions of these regulations shall be enforced by the Board, which may institute appropriate legal proceedings to enforce these regulations, restrain by injunction, or both.

FINES

Whoever, himself or by his agent, employee or servant, or as the agent, employee or servant of any person, firm or corporation, violates any of the provisions of these regulations is subject to a fine in the amount of \$50.00 and prosecution under the Town of Adams Code, §§1-10 and MGL, Chapter 40, § 21D providing for non-criminal disposition of such violation. Each day of violation, after written notice, shall constitute a separate violation.

AMENDMENTS

These regulations or any portion of them may be amended, supplemented, or repealed from time to time by the Board of Health, with notice, as provide for by MGL Chapter 111, § 31. A proposal to amend these regulations may be initiated by the Board or by petition.

REPEALER

As of the effective date of these regulations, all prior Adams Board of Health Regulations Governing Certification of Dwelling and Rooming Units in Adams are repealed.

SERVERABILITY

If any provision of these regulations is declared invalid or unenforceable the other provisions shall not be affected thereby, but shall continue in full force and effect.

DENIAL, REVOCATION OR SUSPENSION

The Board may deny, revoke or suspend a Certificate of Compliance of any person, corporation or business enterprise that has neglected or refused to pay any local tax, fees, assessments, betterments, or other municipal charge, pursuant to MGL, Chapter 40, § 57.

EFFECTIVE DATE

This Regulation was adopted by the Board of Health on June 15, 2005. The effective date of these regulations is August 1, 2005.

Amended October 5, 2011 by vote of the Board of Health.