

## **SECTION 13: Rental Properties**

- 1. Purpose:** The purpose of this chapter is to protect the safety, health and environment of both the occupant(s) of rental housing units and the general public and to maintain the quality of life in residential neighborhoods. It will assist the Board of Health in the enforcement of state and local health and safety regulations and provide a baseline for compliance with Chapter II of the State Sanitary Code.
- 2. Definitions:** As used in this chapter, the following terms shall have the meanings indicated:
  - A. Board of Health - The Board of Health of the Town of Wareham.
  - B. Dwelling - Any building or area in a building used or intended for use for human habitation, including, but not limited to, apartments, condominiums, cottages, guesthouses and rooming houses.
  - C. State Sanitary Code (Chapter II) - Minimum Standards of Fitness for Human Habitation. (CMR III. Section 31.)
  - D. Occupant - Anyone residing overnight in a dwelling.
  - E. Owner - Any person who alone or severally with others has legal title to any dwelling, dwelling unit, rooming unit or parcel of land, vacant or otherwise; mortgagee in possession; or agent, trustee or other person appointed by the courts.
  - F. Person - Any individual, partnership, corporation firm, association, or group including a governmental unit other than the Town of Wareham or any of its agencies.
- 3. Responsibility of Notification:** No landlord shall allow occupancy of any dwelling without first providing a copy of said regulation.
- 4. Certificate of Registration:**
  - A. No person shall rent or lease, or offer to rent or lease, any dwelling or any portion of a dwelling to be used for human habitation without first registering with the Board of Health.
  - B. The Board of Health shall, pursuant to the above subsection, issue a Certificate of Registration, which shall be renewed each year (see #8). The Certificate of Registration is not transferable. A change in ownership requires a new registration.
- 5. Posting of Certificate of Registration:** No person shall rent or lease, or offer to rent or lease, any dwelling or any portion of a dwelling to be used for human habitation without posting a Certificate of Registration provided by the Board of Health.
- 6. Keeping of Register:** The owner(s) shall be responsible for keeping a register containing the names of the renters in the dwelling. If necessary, the register shall be made available to the Board of Health, a police officer, or the Town's building inspector.

- 7. Provision of names, addresses and telephone numbers of owners or agent:** An owner of a dwelling which is rented for residential use shall provide the Board of Health with his/her current residential address and telephone number. If the owner is a corporation, the name, address, and telephone number of the president and legal representative of the corporation shall be provided. If the owner is a realty trust or partnership, the name, address, and telephone number of the managing trustee or partner shall be provided. In the event that the owner does not reside within the Commonwealth of Massachusetts, the owner shall designate a resident agent to represent him within the Commonwealth and shall provide the Board of Health with written notification of the name, address and telephone number of the resident agent so designated.
- 8. Fee for Registration:** There shall be an annual fee of \$100.00 to procure a certificate of registration. The fee for any additional units owned by the same owner at the same address shall be \$25.00 per unit.
- 9. Smoke Detectors and Carbon Monoxide Alarms:** Every owner shall test or have tested and perform maintenance on every smoke detector and carbon monoxide alarm upon renewal of any lease term for any dwelling unit or on an annual basis, whichever is more frequent. Any detector or alarm found to be defective shall be repaired or replaced forthwith. The occupant(s) must report faulty or inoperative smoke detector unit(s) to, first, the owner of the dwelling and, second, if necessary, the local Fire Department.
- 10. Storage and Removal of Rubbish, Garbage, and other Refuse:**
- A. Owner's responsibilities. The owner of any dwelling shall be responsible for providing receptacles with tight-fitting lids to be utilized for the proper storage of rubbish, garbage, and other refuse. Said receptacles shall be located in such a manner that no objectionable odor enters any dwelling and so as to provide maximum screening from the street. The owner of any dwelling that contains three or more units and the owner of any dwelling which contains one or two units which is rented or leased for a period of six months or less, shall be responsible for the final collection and disposal of rubbish, garbage, and other refuse at a permitted transfer station or disposal facility.
  - B. Occupant's responsibilities. The occupants of any dwelling shall be responsible for the proper storage of rubbish, garbage, and other refuse within receptacles with tight-fitting covers. Said occupant(s) shall also ensure that all tight-fitting covers are kept so that all rubbish, garbage, and other refuse which is stored outside the dwelling unit is properly covered. Said occupant shall be responsible for the proper use and cleaning of the receptacles and keeping the premises free of rubbish, garbage, and other refuse.
- 11. Inspections:** Dwelling units covered by this section shall be scheduled for a State Sanitary Code Inspection upon registration. The rental unit must be equipped with operable carbon monoxide and smoke detectors properly installed and in good working condition.

**12. Written Notice of Violation; Time Limits for Correction:**

- A. Written notice of any violations of this regulation shall be given by the Board of Health or its agent specifying the nature of the violation to the occupant and owner and the time within which compliance must be achieved. The requirements of this subsection shall be satisfied by mailing, through the United States Postal Service, or by delivering in hand as memorialized by an affidavit of any Town employee or officer authorized to serve any form of process notice to the owner or legal representative named on the registration.
- B. Violations of an unoccupied dwelling shall be corrected prior to occupancy. State Sanitary Code violations found in an occupied dwelling shall be corrected within the time specified as determined by the Board of Health if the rental unit is vacant at the time of inspection the unit shall be deemed unfit for human habitation.

**13. Violations and penalties.**

- A. Any person who violates any requirements of this chapter shall be subject to a fine of \$100.00.
- B. This chapter may be enforced under the provisions of MGL c. 40 S 21D. the fine for any violation under the provisions of MGL c. 40, S 21D shall be \$100.00. Each day of continued violation may be deemed to be a separate offense.

**14. Authority:** This regulation is promulgated under the Authority vested in Massachusetts M.G.L. 111, Section 31, and in accordance with the State Sanitary Code, Chapter II.