

Sec. 2-705. - Certificate of fitness of rented dwelling unit, apartment or tenement.

(a) ~~Owner/lessor responsibility. Whenever a~~ Purpose. To ensure that all rental units within the city are fit for human habitation and meet the requirements of the sanitary code, all rented dwelling unit, apartment, or tenement, units, apartments, or tenements, other than one those in a hotel or motel, is or otherwise exempted from this ordinance, shall be required to obtain a certificate of fitness at least every three years and every time a new tenant occupies a rental unit. vacated by the occupant thereof or prior to such vacancy, the owner or lessor of such residential property shall be responsible for notifying the board of health of such vacancy and for scheduling an inspection required by this section.

(1) Three-year inspection requirement. Every three years, each rental unit, excluding those in owner occupied two- and three-family homes, shall be inspected to ensure compliance with the state sanitary code and city ordinances. Any dwelling unit, apartment, or tenement which has not been found in violation of any sanitary or building code provisions and has not received any disorderly house citations in the three-year period since last inspected will be subject to inspection every five years, provided there has been no change of ownership or tenancy.

(2) Inspection upon change of tenancy. Each rented dwelling unit, apartment, or tenement, including those in owner occupied two- and three- family homes, shall be subject to inspection whenever they are vacated by the occupant thereof or prior to such vacancy. The, the owner or lessor of such residential property shall be responsible for notifying the board of health of such vacancy and for scheduling an inspection required by this section.

(3) Short-term rentals. A certificate of fitness shall also be required for any owner of residential property who rents or leases a dwelling or any portion of a dwelling to tourists on a short-term basis. "Short-term" shall be defined as fewer than fourteen days. Owners who intend to offer such short-term rentals to tourists must notify the board of health to register the property as such and schedule an inspection to receive a certificate of fitness. This registration and certificate must be renewed every three years or upon a change in ownership, but not upon any change in the short-term tenancy.

(4) Problem property. Any rental dwelling unit, apartment, or tenement located at an address to which the police department has been called to not fewer than four (4) times within the preceding twelve (12) month period for any incident involving any arrestable offense including but not limited to disturbing the peace, trespassing, underage drinking or assault; or where the inspectional services department and/or the board of health have received no fewer than four

(4) sustained complaints within the preceding twelve (12) month period may be deemed a “problem property” and subject to annual inspection at the discretion of the director of inspectional services.

(b) *Certification required; fee.* Such unit must be inspected and certified by the board of health or its agents as meeting 105 CMR 410.000, State Sanitary Code, Chapter II, Minimum Standards of Fitness for Human Habitation, as promulgated and from time to time amended by the state department of public health ~~prior to being reoccupied by a new occupant~~. The fee for such an inspectiona certificate shall be \$50.00.

(c) *Refusal of certification.* If, after any inspection by the board of health or its agents pursuant to this section, an inspector refuses to issue a certificate of fitness, such inspector shall issue a written order or copy of the inspection form setting forth the violations of chapter ~~II+I~~ of the state sanitary code existing in the unit, which must be corrected before a certificate of fitness may be issued. It shall be the responsibility of the owner or lessor receiving such order to notify the board of health when such violations have been corrected. The initial inspection fee shall cover the cost of the initial inspection and one re-inspection of the unit. An additional fee of \$50.00 shall be imposed for the third and any subsequent inspections.

(d) *Time ~~limitations on of~~ inspections.* The board of health shall make such an inspection within ~~five-fifteen~~ working days of notification from the owner as to a change of tenancy or the intent to establish a short-term rental. If the inspection shall not have been made within ~~five-fifteen~~ working days, the owner or lessor may rent the unit. The health agent, in consultation with the director of inspectional services, shall establish a schedule for the three-year inspections required under this provision.

(e) *Posting of certificate.* Upon issuance of such certificate, it shall be posted in a conspicuous place in which the unit is located or a copy of it shall be given to any person occupying the unit.

(f) *Appeal procedure.* The appeal procedure from any decision of the board of health shall be same as that set forth in chapter 11 of the state sanitary code.

(g) *Records.* Owners shall keep a register listing the names of tenants and dates of tenancy for the previous five years, including any short-term tenants, and make such record available for to the board of health inspector upon request. The owner’s register shall not be a public record under the law. Whether or not a certificate of fitness has been issued by the board of health for a particular unit shall be a matter of public record.

(h) *Penalties.* Any owner or lessor of such property used for dwelling purposes failing to comply with this section shall ~~pay a fine of up to \$20.00~~ be subject to a fine of \$50.00 each and every day that he allows any person to live, occupy, or inhabit the premises without having received a certificate of fitness from the board of health for a particular unit upon a change in tenancy or upon failure to comply with the three-year inspection requirement.

(i) ~~Reinspections. Certification requirement limited.~~ Absent a change in tenancy or ownership, ~~no~~ No-rented dwelling unit, apartment, or tenement shall be required to be certified for occupancy more than once in any consecutive ~~12-month period~~ three-year period, unless the property has been determined by the director of inspectional services to meet the criteria for designation as a problem property so as to be subject to annual inspection.

(j) *Exemptions.* Exemptions from this section shall include property owned and managed by the city housing authority ~~and any new construction completed less than five years prior to date on which the rented dwelling unit, apartment, or tenement becomes vacant.~~ Also exempted from this section is property consisting of 100 or more rental units that is subject to periodic inspections by the state housing finance agency, the Metropolitan Housing Assistance Program, the Department of Housing and Urban Development, and/or the city housing authority. Any new construction completed less than five years prior to date on which the rented dwelling unit, apartment, or tenement becomes vacant shall not be required to be inspected under this section unless it has been designated as a problem property as provided above.

(k) *Right to inspect.* Notwithstanding the foregoing, the ~~The~~ board of health reserves the right to inspect any dwelling unit, apartment, or tenement at any time.

(l) *Other remedies.* This section shall not be construed to impair any common law or statutory cause of action or legal remedy therefrom of any person for injury or damage arising from any violation of this section or from other law.

(Code 1973, § 2-344; Ord. of 7-17-2008, § 1)