**Dudley Board of Health Local Housing Regulation**

**Purpose**

The purpose of the Town of Dudley local rental housing regulation is to:

(A) Establish local registration and inspection requirements for non-owner-occupied rental units to protect the health, safety, and well-being of occupants and the general public.

(B) Provide local procedures for the Dudley Board of Health to ensure compliance with these local rental housing unit requirements.

(C) Provide protection for tenants that contact the board of health, request inspections or report any deficiencies in a rental property unit from retaliation by the owner for exercising their legal rights.

(D) Protect owners from tenants that violate the provisions of 105 CMR 410.000, and cause damage to property deliberately, in an attempt to file false housing complaints and illegally withhold rent.

**Scope**

1. The provisions of 105 CMR 410.000 apply to all residences as defined in 105 CMR 410.010, unless otherwise specified in 105 CMR 410.000. Applicable requirements of Massachusetts General Law, 780 CMR: Massachusetts State Building Code and other specialized codes included in M.G.L. c. 143, § 96 shall be adhered to in the design, construction, and maintenance of buildings, structures, and equipment.

B. It is the duty of the local health official to identify violations and order correction of such violations pursuant to 105 CMR 410.640 through 410.680 and the legal obligation of the person to whom the order is issued to comply with such order.

C. Every occupant of a rental unit, upon reasonable notice and if possible, by appointment, shall give the owner thereof, or the owner’s representative, access to the residence for the purpose of effecting compliance with the provisions of 105 CMR 410.000. Access shall be at a reasonable time and shall include, but not be limited to, any cooperation required for repairs, alterations, pest elimination, and service of utilities. An owner shall provide at least 48 hours’ notice to the occupant, except for emergency repairs for which no notice is required.

**Authority**

Mass. Gen. Laws. c. 111, § 31 enables local boards of health to enact reasonable local public health regulations.

**Right to Hearing**

Unless otherwise specified in 105 CMR 410.000, the following persons may request a hearing before the board of health by filing a written petition:

(A) Any person or persons upon whom any order or notice has been served and all affected persons, pursuant to 105 CMR 410.000 (except for an order issued after the requirements of 105 CMR 410.650 have been satisfied) provided, such petition must be filed within seven calendar days after the day the order was served.

(B) Any person aggrieved by the failure of any inspector(s) or other personnel of the board of health:

(1) To inspect upon request any premises as required by 105 CMR 410.000; provided, such petition must be filed within 30 calendar days after such inspection was requested.

(2) To issue a report on an inspection as required by 105 CMR 410.000; provided, such petition must be filed within 30 calendar days after the inspection.

(3) To find after an inspection violations of 105 CMR 410.000 when such violations are claimed to exist or to certify that a violation or combination of violations may endanger or materially impair the health or safety, and well-being of the occupants of the premises; provided, such petition must be filed within 30 calendar days after receipt of the inspection report;

(4) To issue an order as required by 105 CMR 410.640; provided that such petition must be filed within 30 calendar days after receipt of the inspection report.

(5) To enforce the provisions of 105 CMR 410.000 pursuant to M.G.L c. 111, §127A; provided such petition must be filed within 45 calendar days after receipt of the order; or

(6) To follow the provisions of 105 CMR 410.700 in the approval of a variance; provided such petition must be filed within 30 calendar days of the board of health’s grant of the variance.

**Hearing Notice**

(A) Upon receipt of a petition, the Board of Health shall inform the petitioner and other affected persons in writing of the date, time and place of the hearing and of their right to inspect and copy the board of health's file concerning the matter to be heard.

(B) If a written petition for a hearing is not filed with the board of health within the appropriate time provided for in 105 CMR 410.800, the right to a hearing is waived.

 **Rights Against Retaliation**

Although the landlord of a tenant at will or under lease can terminate the tenancy or raise the rent without reason, s/he cannot do so in response to a tenant exercising their legal rights. If the landlord tries to raise the rent, terminate, or otherwise change your tenancy within six (6) months of when you contact the Board of Health, the landlord's action will be considered retaliation against you, unless the landlord can prove otherwise. The landlord will have the burden to prove that your tenancy was changed for reasons other than your having exercised your rights.

**Landlords Responsibility**

Any owner of a non-owner occupied residential rental property with two (2) or more units shall file an electronic application for the registration of the rental property with the board of health before any non-owner occupied rental unit may be occupied, no permit for occupancy shall be issued without inspection and may be revoked by the board of health after a public hearing for any non-compliance or violations of this local regulation or 105 CMR 410.000: MINIMUM STANDARDS OF FITNESS FOR HUMAN HABITATION (STATE SANITARY CODE, CHAPTER II)

**Local Requirements**

1. To have the local Board of Health inspect and verify that the building and common spaces meets State Sanitary Code standards prior to renting or re-renting any registered housing unit.

2. To have the local Board of Health inspect and verify that the apartment and common spaces meets State Sanitary Code twice a year for each non-owner-occupied rental unit.

3. No owner shall allow a person to occupy, offer to rent, or occupy any rental unit which does not comply with the requirements of 105 CMR 410.000.

4. No non-owner-occupied rental unit may be occupied without first obtaining a certificate of compliance from the Board of Health.

**Application**

1. File an application for a certificate of compliance for occupancy of each non-owner-occupied rental unit with the Dudley Board of Health.
2. Fill out the entire application, upload all required documents listed on the on-line application.
3. Pay the required fee.

**Owner Fees**

1. Registration fee per building (two (2) units or more); one ($100.00) hundred dollars.

1. Semi - annual inspection fee per unit one ($100.00) hundred dollars.

3. Change in occupancy inspection per unit one ($100.00) hundred dollars.

This regulation shall become effective immediately upon approval by the Board of Health, pre-existing non-owner-occupied rental units shall have until September 15, 2024, to obtain a rental unit certificate of compliance, any vacant rental units, or non-compliant rental units as of the effective date of this regulation shall obtain a certificate of compliance within thirty (30) days of any violation or prior to allowing occupancy.

Any owner-occupied rental property with two (2) or more units is exempt from this local regulation.