

# **Dudley Board of Health Local Housing Regulation**

## **Purpose**

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

- (A) Establish local inspection requirements for non-owner-occupied rental units that have had prior violations to protect the health, safety, and well-being of occupants and the public.
- (B) Provide local procedures for the Dudley Board of Health to ensure compliance with this local rental housing unit regulation.
- (C) Ensure that rental units subject to this regulation are inspected semi-annually.

## **Scope**

- (A) 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, and this local regulation. 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 72 hours' notice to the occupant, except for emergency repairs for which no notice is required.
- (D) Any rental property subject to this regulation that maintains compliance with this regulation for twelve (12) months will not require semiannual inspections.

## **Authority**

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

## **Landlords Responsibility**

Any owner of a non-owner occupied residential rental property with a prior history of violations dating back to 2022 shall request an inspection of any vacant rental unit from the Board of Health before the unit may be re-occupied.

### **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 any rental unit that is subject to this regulation.

(2) 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. (State Housing Code)

(3) No rental unit may be occupied without inspection by and obtaining a certificate of fitness from the Board of Health.

(4). Any rental unit that is found to be in violation of the State Housing Code after the effective date of this regulation shall be subject to increased compliance inspections and meet the requirements of this regulation.

### **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.

This regulation shall become effective immediately upon approval by the Board of Health.

