

BOARD OF HEALTH REGULATIONS
CITY OF FITCHBURG

The Board of Health of the City of Fitchburg, acting under the authority of G.L. c. 111, Section 127A and G.L. c. 111, Section 31 and in the interest of and for the preservation of the public health and safety hereby adopts the following regulations and repeals regulations previously adopted known as the "Rental Permit Regulation" adopted by the Board of Health effective March 31, 1988.

SECTION ONE:

This regulation shall be known as the landlord registration regulation.

SECTION TWO:

The rental permit regulation promulgated by the Board of Health effective March 31, 1988 is hereby repealed and these regulations promulgated today shall supersede it and take effect on March 1, 1992. The appeal of the regulation dated March 31, 1988 shall not revive any prior regulations promulgated by the Board of Health regulating or controlling occupancy or rental permits.

SECTION THREE:

- a. No person shall lease or rent or permit any other person to occupy any rental dwelling unit within the City of Fitchburg without first registering with the Board of Health.
- b. Registration shall be on forms designated by the Board of Health or its agent the Director of Public Health and shall provide at a minimum the following information.
 1. The name(s), residential address(es), business address(es), and telephone number of the person or persons who have legal title to the premises. If the person having legal title to the premises is a corporation or trust the owner shall provide the residential and business names and addresses of all of the Trustees and the names and addresses of the current president and treasurer and clerk of the corporation. If the owner employs a manager or agent who whether such manager or agent lives in the premises or not, he shall supply the full name, residential and business address and telephone of the agent.
 2. The address of all units intended to be let for occupancy.
 3. If the owner does not reside in the City of Fitchburg, the owner shall provide the name and address of an individual person residing within the City of Fitchburg designated as the true and lawful attorney in fact for the owner upon whom all lawful process and orders of

the Board of Health may be served.

4. Whether the utilities are paid by the owner or by the occupants of the premises.
 5. A description of any fire prevention or detection devices located at the premises.
 6. A designation or description of which utilities and/or fuels are supplied by the owner or by the occupant.
 7. Such other information as in the discretion of the Director of Public Health may be necessary or helpful for the public health and safety and/or for effective enforcement of the State Sanitary Code.
- c. The registration for any rental unit shall be valid for the entire duration of any tenancy or occupancy. A re-registration shall be required every time a new occupant takes possession of the premises.

SECTION FOUR:

Any person who owns any house or building or part thereof which is rented, leased, let or hired out to be occupied or is occupied or is intended, arranged or designed to be occupied as the home or residence of two or more families living independently of each other who fail to designate an agent for service of process as described in Section Three, Number 3, shall be deemed to have appointed the Clerk of the City of Fitchburg as his agent upon whom all lawful process and any or proceeding against him may be served. Such service shall have the same force and effect as service upon the persons duly constituted appointee in accordance with G.L. c. 144, Section 95A-95B.

SECTION FIVE:

The Board of Health does not impose any inspection requirement for the purpose of registration of rental dwelling units. The Board of Health and its agents shall inspect all premises within the City of Fitchburg in a manner consistent with and subject to all of the requirements of the State Sanitary Code.

SECTION SIX:

If upon inspection of any vacant dwelling unit or multiple dwelling conditions are found within the premises which are deemed under 105 CMR Section 410.750 to endanger or impair the health, safety or well-being of future occupants, the Board of Health may order all utility companies servicing said vacant premises to turn off any services provided by such companies until such dwelling is certified in compliance with the State Sanitary Code.

Before any order is issued to a utility company pursuant to this Section, the Board shall cause a written notice to be sent to the owner of the affected dwelling. The notice shall state the reasons for the order and shall advise the owner of the right to appeal pursuant to 105 CMR Section 410.850. The Notice shall be delivered or mailed to the owner at least 48 hours before any order is issued pursuant to this section.

SECTION SEVEN:

Nothing contained in this regulation shall be construed as any manner of warranty or guaranty by the Board of Health or its agents that any particular property at any particular time fully complies with the provisions of the State Sanitary Code or the rules and regulations adopted by the Board of Health pursuant to it or that any violations found to exist upon inspection of the premises and cited in the inspection report are necessarily the only violations existing in the premises at a particular time, or that any corrections of violations are necessarily full and complete corrections such that no other violations exist in or upon any particular property at any time.

SECTION EIGHT:

- a. Any person aggrieved by any decision, action or inaction of the Board may appeal from such decision, action or inaction in the manner provided in the State Sanitary Code 105 CMR Section 410.850 et seq.
- b. The provisions of this Regulation shall be subject to and interpreted in a manner consistent with the State Sanitary Code.
- c. Any violations of this Regulation shall be deemed to be a violation of the State Sanitary Code and all the remedies, penalties and procedures set forth therein and in G.L. Chapter 111, Section 127A - 127L shall apply to violations of this Regulation.

SECTION NINE:

Any official conducting inspections pursuant to this Regulation shall seek permission from the owner or other person having the right to give access to such official in order to enter any dwelling unit or multiple dwelling. If such official is denied access to the premises for the purpose of inspecting, the official shall advise the owner or person having the right of control over the premises that such person has the right to refuse entry to an official without a warrant under circumstances within the protection of the Fourth Amendment of the United States Constitution.

If the owner or person having the right of control over the dwelling unit or multiple dwelling refuses entry after being so

advised, no official or agent of the Board of Health shall enter the dwelling to inspect without first obtaining a search warrant from a court of competent jurisdiction.

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The Board of Health of the City of Fitchburg, acting under the authority of G.L.c. 111, §127A and G.L.c.111, §31, and in the interest of and for the preservation of the public health and safety, hereby adopts the following regulations and repeals any regulations previously adopted which are inconsistent herewith. These regulations amend the regulation of the Board of Health referred to as the landlord registration regulation and adopted on February 3, 1992 and which became effective on March 1, 1992.

1. Section Five of the registration regulation is deleted in it's entirety to be replaced by the following new Section Five:

Section Five:

Whenever any dwelling unit is rented or to be rented to an occupant whose funds for the rent are derived from a third party source which pays the landlord directly, these third party sources frequently require certification that the unit is fit for human occupation.

The Board will issue a Rental Permit for any rental unit occupied or to be occupied by any person whose rent is paid to a landlord by a third party source such as the Massachusetts Department of Public Welfare or a public housing agency or housing authority administering a rental subsidy or assistance program.

The Permit will be issued to the landlord and signed by the Director of Public Health or Sanitary Code inspector employed by the Board of Health after an inspection requested by either the landlord or the third party source.

If the premises are not in violation of the Sanitary Code, the permit will be issued within a reasonable time after the inspection. If the premises are in violation of the Sanitary Code, the landlord will receive the inspector's report listing the violations and a time within which the violations must be corrected. The permit will be issued when the violations are corrected to the inspector's satisfaction.

The provisions of this regulation and the issuance of the Rental Permit are subject to Section 120-20 through and inclusive of Section 120-25 of the Code of the City of Fitchburg.

The Director of Public Health shall charge a fee to the landlord for the issuance of the rental permit in the amount of \$25.00. This fee shall be paid before the permit is issued.

The new Section Five will take effect on February 13, 1995.

Fitchburg Board of Health
January 25, 1995