

## **CHAPTER 113**

### **HOUSING STANDARDS**

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#### **S113-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

PREMISES - Any home used as a summer residence and converted or to be converted to year-round occupancy, any apartment, tenement, dwelling unit or other structure designed or used for habitation.

RECORD OWNER - That person or entity who, from records of the Plymouth County Registry of Deeds, is the title holder of the premises. Record owner shall also include an agent or property manager of the owner of records, a mortgagee or lien holder or a person or entity acting in control and/or management of the property. The Director of Public Health may require such evidence of authorization from the owner as he or she deems necessary, which evidence shall be provided within seven (7) days of said request.

#### **S113-2. Occupancy permits and change of occupancy permits required.**

- A. No rental dwelling unit, apartment or tenement shall be occupied unless an occupancy or change of occupancy permit has been issued by the Board of Health.
- B. Whenever a rented dwelling unit, apartment or tenement, other than a hotel, motel or rooming house, is vacated by an occupant of occupants thereof, or within ten (10) days before the expiration date of the anticipated vacancy, it must be certified by the Board of Health or its agents prior to being reoccupied by a new occupant as meeting the standards as set forth in the Sanitary

Code, Article Ii, Minimum Standards of Fitness for Human Habitation, as promulgated and from time to time amended by the Department of Public Health of the Commonwealth of Massachusetts, under the authority of the MGL C 111, s 127A and applicable local bylaws. However, regardless of the number of occupancy changes during any twelve-month period, one (1) such certificate shall be sufficient for such twelve-month period. A record owner shall be required to obtain a renewal of the Certificate of Occupancy at least annually.

- C. No electric service shall be restored nor billing transferred, except those deemed necessary by the Board of Health or its agents to prevent damage to the dwelling unit, apartment or tenement, until such time that the Hull Electric Light Plant is notified by the Board of Health or its agents, after an inspection of the dwelling unit, apartment or tenement, that it is certified as being fit for human habitation.
- D. If within seventy-two (72) hours, excluding Saturdays, Sundays and holidays, after receipt of written notification, in the form of an application for a change of occupancy permit, from the owner, managing agent or person in possession, the Board of Health or its agents fail to make an inspection, then the rented dwelling unit, apartment or tenement may be reoccupied without such a permit, and the Board of Health or its agents will notify the Hull Electric Light Plant that the electric service can be restored or billing transferred. However, the Board of Health or its agents, may inspect said premises after the seventy-two-hour period, whether the premises have been occupied or not, for the purposes of determining eligibility for an occupancy or change of occupancy permit, as provided for under this chapter, and may issue said permit.
- E. A record owner desiring a change of occupancy permit shall make application therefor to the Board of Health on the forms provided for that purpose but no action need be taken by the Board of Health in the event that the information requested on the application is incomplete in any regard. Such application shall contain thereon, among other things, the written authorization of the owner permitting the Board of Health and its duly authorized agents to inspect the premises for which a certificate is sought.
- F. Upon receipt of an application for a change of occupancy permit, the Board of Health and/or its duly appointed agents shall inspect the premises described in the application. If said premises conform to the

requirements of the Sanitary code of the Commonwealth of Massachusetts, Article II Minimum Standards of Fitness for Human Habitation and applicable local bylaws, if any, a change of occupancy permit shall be issued by the Board of Health

- G. The Board of Health and/or the Building Inspector may revoke, after a hearing, any occupancy permit. Notice of a hearing on a proposed revocation shall be mailed to the record owner of the premises at his last known address, at least seven (7) days prior to the hearing.
- H. Whenever an emergency exists in which the interests of protecting the public health requires that the ordinary procedures be dispensed with, the Board of Health may, without notice or hearing, issue an order, citing the existence of the emergency and requiring that such action be taken as the board of Health deems necessary, to meet the emergency. Upon compliance with the order, and within seven (7) days after the day the order was served, the owner may file a written petition in the office of the Board of Health, requesting a hearing.
- I. The time limits specified regarding the hearing may be modified by mutual agreement of the Board of Health and the owner.

### **S113.3 Conversion permits.**

- 1. Premises which have been previously used for summer occupancy only, and which are to be or are being converted for winter occupancy, shall be subject to the provisions of the Massachusetts Sanitary Code, article II, Minimum Standards of Fitness for Human Habitation, regardless of whether the same are or may be occupied by the record owner, members of his family or other.
- 2. Upon receipt of an application for a conversion permit, the Board of Health and or its duly appointed agents shall inspect the premises described in the application. If said premises conform to the requirements of the Sanitary Code of the Commonwealth of Massachusetts and any other applicable law(s), a conversion permit shall be issued by the Board of Health.
- 3. A conversion permit shall be obtained by the record owner from the Board of Health prior to winter occupancy of a dwelling previously occupied during the summer months.
- 4. This section shall not be applicable to premises

occupied by the record owner thereof, or members of his family, on or before September 4, 1969, if said premises were occupied for year-round habitation.

**S113-4. Hearing upon denial of permit.**

Any record owner aggrieved by the denial to him of a change of occupancy permit or a conversion permit may request a hearing by written petition therefor to the Board of Health. The filing of such a petition shall not be construed to stay any of the provisions of this chapter. A hearing shall be established and conducted and, decisions rendered so as to most nearly conform to the procedure established in Regulation 34 of Article II of the Sanitary code, or any amendment thereof. Any person aggrieved by the decision of the Board of Health may seek relief therefrom in any court of competent jurisdiction as provided the laws of the commonwealth

**S113-5. Violations and penalties.**

Any person of such property used for dwelling purposes ailing to comply with these regulations shall, upon conviction, pay a fine of one hundred dollars (\$100) each and every day he allows any person or persons to live, occupy or inhabit said premises without having received an occupancy permit or a conversion permit from the Board of Health.

**S113.6. Administration**

Except for those provisions of this bylaw requiring a hearing first by the Board of Health, the provisions of this bylaw may be enforced by the Public Health Director or his or her designees. Nothing contained herein shall be construed to interfere with any right to a hearing before the Board of Health.