



# City of Gloucester **Board of Health** Regulations

For

## **Certificate of Rental Dwelling**

Adopted  
January 3, 1991



**Public Health**  
Prevent. Promote. Protect.

Gloucester Health Department

---

The Board of Health of the City of Gloucester acting under the authority of General Laws Chapter 111 s 31 and Chapter 111 s 127A and in accordance therewith and in the interest of and for the preservation of the public health, hereby adopts the following regulations governing Certificate of Rental Dwelling.

### **SECTION ONE**

The regulation may be cited as the Certificate of Rental Dwelling Regulation #4 of the Board of Health, City of Gloucester.

### **SECTION TWO**

Regulation #4 promulgated by the Board of Health on April 1, 1980 which governed the change of Occupancy Permit is hereby repealed and this regulation shall supersede it and take effect on January 22, 1991.

### **SECTION THREE: DEFINITIONS**

The following words shall have the following meaning when used in the this regulation:

**A.** “Board of Health” or “Board” shall mean and include the Board of Health of the City of Gloucester and any of its authorized agents.

**B.** “Rental Dwelling Unit” means the room or group of rooms within a building or shelter used or intended for use by a person or persons paying rent for living, sleeping, cooking and eating. (Other than a hotel, motel, or rooming house.)

**C.** “Multiple Dwelling” Shall mean any building or structure and the land appurtenant thereto and any portion thereof in which 2 or more rental dwelling units are occupied or intended to be occupied as and for residential purposes.

**D.** “Minor Violations” Shall mean any deviation from the State Sanitary Code 105 CMR 410:00 et seq., having no significant impact on the health, safety or wellbeing of the occupants of a dwelling unit which can be corrected or repaired while the occupants remain residing therein within thirty (30) days of the receipt of the notice of violation.

**E.** “Person” Shall mean and include natural persons, trustees of realty trusts, corporations, partnerships and any other entity. The owner or person having the control over the dwelling.

**F.** “State Sanitary Code” Shall mean and include the regulations promulgated by the Massachusetts Department of Public Health Title 105 of the Code of Massachusetts Regulations Section 400 through 410 as the same may from time to time be amended.

**G.** “Certificate of Rental Dwelling” [C.R.D.] A certificate issued if the inspection reveals **NO VIOLATIONS** of the “State Sanitary Code.” (Continued Page Three)

**H.** “Temporary Certificate of Rental Dwelling” [T.C.R.D.] A certificate issued if the inspection reveals **MINOR VIOLATIONS** of the “State Sanitary Code.” This certificate is issued for a maximum time period of thirty (30) days, and becomes void after the expiration of this time period.

**I.** Unless otherwise defined herein words shall have their usual meaning or the meaning as set forth in the State Sanitary Code.

#### **SECTION FOUR**

**A.** No person shall lease or rent any rental dwelling within the City of Gloucester without first obtaining a Certificate of Rental Dwelling or a Temporary Certificate of Rental Dwelling from the Board of Health. Failure to obtain a Certificate of Rental Dwelling or a Temporary Certificate of Rental Dwelling constitutes a violation of the State Sanitary Code and of this regulation.

**1. FEES:** All applicants and renewals shall be accompanied by the appropriate fee indicated on the application in the form of a check or money order payable to the City of Gloucester. Cash may be used only when the application is made in person.

**2.** A certificate of rental dwelling shall not be issued unless all water, sewer, and tax bills have been paid, and all violations have been corrected.

**B.** It is the legal duty of any rental property owner, or his agent, upon the vacating of any dwelling unit, to notify the Code Enforcement Inspector of the Board of Health, in writing (forms can be obtained at the B.O.H. office), that such unit is vacant. If, within ten (10) working days after the receipt of the notice, the Code Enforcement Inspector fails to inspect the vacant unit, a Temporary Certificate of Rental Dwelling, permitting the unit to be occupied, shall be used.

**C.** Upon inspection of the dwelling unit a Certificate of Rental Dwelling will be issued if the inspector finds no violations of the State Sanitary Code. No Certificate of Rental Dwelling shall be issued if upon inspection the inspector finds conditions which violate the State Sanitary Code or which materially endanger or impair the health, safety or well-being of the occupants or of any prospective occupants.

**D.** Upon inspection of only minor violations of the State Sanitary Code are found, a Temporary Certificate of Rental Dwelling shall be issued. The Temporary Certificate of Rental Dwelling shall be valid for a period of thirty (30) days. If the minor violations have not been corrected no Certificate of Rental Dwelling shall be issued. If the minor violations have been corrected, within the thirty-day period, a certificate of Rental Dwelling shall be issued.

**E.** A Certificate of Rental Dwelling does not have to be recertified for a period of 24 months, regardless of the number of times the unit is occupied and vacated in that period. For long term tenancy, (See # 1, Page Four).

1. Regardless of any vacancy, every apartment unit shall be inspected and receive a Certificate of Rental Dwelling at least once every six (6) years.

F. The Board of Health may at any time revoke a Certificate of Rental Dwelling or Temporary Certificate of Rental Dwelling if during an inspection it finds violations of the State Sanitary Code or other conditions materially impairing or endangering the health, safety or well-being of the occupants and such violations are not corrected within the time ordered by the Board.

#### **SECTION FIVE**

A. Any person who sells or conveys any rental dwelling unit or who sells or conveys any multiple dwelling located within the City of Gloucester, shall provide the purchase and sale agreement or at the time of the conveyance or transfer with a copy of the existing Certificate of Rental Dwelling or Temporary Certificate of Rental Dwelling if its premises are occupied, and a copy of any Outstanding Notice or Order issued by the Board of Health concerning violations of the State Sanitary Code.

#### **SECTION SIX**

A. 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 the 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 such that no other violations exist in or upon any particular property at any time.

B. If any provision of these regulations or the application thereof is held to be invalid by a court of competent jurisdiction the invalidity shall be limited to said provision, and the remainder of these regulations shall remain valid and effective. Any part of these regulations subsequently invalidated by a new state law or modification of an existing state law shall automatically be brought into conformity with the new or amended law and shall be deemed to be effective immediately, without recourse to a public hearing and the customary procedures for amendment or repeal of such regulation.

#### **SECTION SEVEN**

A. Any person aggrieved by any decision, action or inaction of the Board may appeal 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 interrupted 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 s 127A-127L shall apply to violations of this regulation. (Continued Page Five)

**D.** Failure to comply with the provisions of this regulation shall render the owner of a dwelling unit liable for a fine of up to Five Hundred (\$500.00) dollars per day, each day of occupancy of non-complying premises constituting a separate violation of this regulation.

**E.** No provision of this regulation shall be interpreted as limiting the power or duties of the Board of Health under general law, ordinance, rule or regulation, including but not limited to the Board of Health's power to enforce all provisions of the State Sanitary Code, 105 CMR 400.001 et seq. and 410.001, et seq.

## **SECTION EIGHT**

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 the 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.

These regulations were adopted by unanimous vote of the Board of Health, City of Gloucester, at a regular meeting held **January 3, 1991**.