

SECTION 9.40

RENTAL UNITS - INSPECTION REQUIRED

. 1 IN GENERAL

Except as provided in this section, no owner, lessor or person in control or in charge of a rental unit shall commence any new tenancy or occupancy in an existing rental unit without having obtained a Rental Unit Inspection Certificate from the Board of Health; provided that any unit may be occupied prior to inspection after five business days have elapsed from the submission of a completed application for inspection; and provided further that any unit occupied under this exception shall be subject to inspection subsequent to the commencement of a tenancy or occupancy.

The following properties shall be exempt from the provisions of this section:

- .1 property or units owned or managed by the Malden Housing Authority;
- .2 hotels, motels and mobile homes that have been otherwise permitted by the Board of Health;
- .3 owner occupied premises containing three or fewer units, provided that a homeowner may elect to participate in the program;
- .4 property which contains 20 or more units and is providing housing exclusively for elderly or low and moderate income persons under federal or state subsidy programs;
- .5 licensed rooming house units, provided that each licensed rooming house shall be subject to inspection in its entirety in January and June of each year for a fee of \$125 per inspection.

.2 APPLICATION FOR INSPECTION

The owner, lessor or person in control or in charge of a rental unit shall submit a completed application for dwelling unit certification to the Board of Health Office for each unit requiring inspection. Application shall be in a form determined by the Director of Public Health and shall be accompanied by a non-refundable fee of \$50.00.

The Director of Public Health shall deny, without inspection, an application which:

- .1 fails to provide the required information;
- .2 provides false information;
- .3 is not accompanied by the required fee;
- .4 pertains to property that is in violation of the zoning ordinance;
- .5 pertains to property or property owners who have outstanding taxes, fees, fines or charges due the city;
or

.6 the owner, lessor or person in control or in charge of the rental unit has failed, in the judgment of the Director of Public Health, to provide reasonable access to the unit for purposes of inspection.

.3 INSPECTION - STANDARDS FOR CERTIFICATION; ORDER TO CORRECT DEFICIENCIES

The Director of Public Health or his agents and employees shall inspect each rental unit to assure compliance with Minimum Standards of Fitness for Human Habitation, as set forth in the State Sanitary Code, and Housing Standards, as adopted by the Malden Board of Health.

The Director of Public Health shall issue a Rental Unit Inspection Certificate for each unit found to be in compliance or, if a rental unit fails to meet the minimum standards set forth above, shall issue Housing Inspection Report and an Order to Correct Deficiencies. Said order shall establish the date by which corrections must be completed and shall provide notice that proper permits must be obtained for any work done under the order.

The owner of a unit for which an Order to Correct Deficiencies has been issued may request re-inspection at any time and shall pay a \$20.00 re-inspection fee. Upon completion of the required corrections and verification that proper permits have been obtained, a Rental Unit Inspection Certificate shall be issued.

.4 DENIAL OF CERTIFICATE - RIGHT TO APPEAL

An applicant may, within seven days of receipt of an Order to Correct, file an appeal, in writing, with the Board of Health, detailing the alleged grounds for modification, or withdrawal of the Order to Correct.

The Board of Health shall, within 30 days of receipt of a notice of appeal, hold a public hearing, notice of the time and place of which shall be provided to all parties in interest. Failure to hold a hearing within the time specified herein shall not effect the validity of an Order to Correct.

The applicant or any other interested party may present documentary evidence and witnesses at the hearing. Within 7 days of the public hearing, the Board of Health shall issue a decision sustaining, modifying or vacating the Order to Correct and, if the Order is sustained, shall stipulate the time within which corrections shall be made.

.5 PENALTY FOR VIOLATION

Violations of any provision of this ordinance may be punished in the manner provided in Massachusetts General Laws Chapter 40,

Section 21D by a fine of \$100.00 per incident. Each 24 hours during which a violation exists shall constitute a separate offense for which an additional fine may be imposed.