

ARTICLE 37

OCCUPANCY OF BUILDINGS

SECTION 1. Definitions.

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

PERSON- The owner of any building and the owner's agent and employees and includes an individual, partnership, corporation, trust or association.

TENANT – Tenants, lessee, holder of a lease and any licensee or invitee of such tenant, and includes an individual, partnership, corporation, trust or association.

SECTION 2. Certificate of Registration Required; Posting.

No person shall rent or lease, offer to rent or lease, or make or have available for rent or lease any building or any portion of a building to be used for human habitation without first registering with the Board of Health, which shall determine the number of persons such building or portion of a building may lawfully accommodate under the provisions of the Massachusetts State Sanitary Code and applicable Board of Health Regulations, and without first also conspicuously posting within such building or portion of a building a Certificate of Registration provided by the Board of Health specifying the number of persons such building or portion of a building may lawfully accommodate. This provision shall not apply to units or portions of buildings which are occupied by the record owner thereof.

SECTION 3. Number of Persons Restricted.

No tenant shall lease, rent, or occupy any building or any portion of a building subject to the provisions of this chapter if, at the time of such lease, rental or occupancy, the number of persons occupying such building or portion of a building exceeds the number of persons authorized to occupy such building or portion of a building by a certificate of registration, if issued and posted, the number of persons that may be lawfully accommodated as determined by the Board of Health under the Massachusetts State Sanitary Code.

SECTION 4. Fee.

There shall be a fee of Fifty (\$50) Dollars to procure a Certificate of Registration for each unit which shall be valid for one year of the date of issue. Thereafter the Certificate of Registration shall annually be renewed at a fee of fifteen (\$15) per year. Failure to obtain and pay for an initial Certificate of Registration within thirty (30) days of notice from the Board of Health of the obligation to obtain such a certificate for a unit, or failure to renew within thirty (30) days of the expiration date of a certificate for a unit, shall require the payment of an additional Fifty (\$50) Dollars per unit as a late fee.

SECTION 5. Revocation or Suspension of Permit.

A permit issued under this chapter may be suspended or revoked, if, at any time, the licensing authorities are satisfied that the licensee is operating, or permitting his premises to be operated, in violation of this Article. Such revocation and/or suspension shall not be undertaken until after investigation and a hearing providing the licensee with an opportunity to be heard. Notice of such hearing shall be delivered to the licensee not less than three (3) days before the time of said hearing.

SECTION 6. Penalty.

Any person or tenant violating any provision of this chapter shall be punished by a fine of not more than three hundred dollars (\$300.00). Each day's violation constitutes a separate offense.

SECTION 7. Non-applicability.

This chapter shall not apply to boarding and lodging houses licensed under Chapter 140, Section 23, of the General Laws; motels licensed under Chapter 140, Section 23 of the General Laws; establishments licenses under Chapter 140, Section 2, of the General Laws, or to facilities owned and operated by the Milford Housing Authority.

SECTION 8. Smoke Detectors.

The owners of all rental units, as defined in Section 2, shall be required to certify annually that operating smoke detectors have been placed in the rental unit. The smoke detectors and locations thereof shall be satisfactory to the Milford Fire Department.

NOTE: Adopted STM October 24, 2005, Article 42. Approved by Attorney General February 9, 2006. Amended ATM June 12, 2006, Article 22. Approved by Attorney General September 11, 2006. Amended STM October 7, 2007, Article 7, 8 and 9. Approved by Attorney General Dec. 4, 2007. Amended STM March 16, 2009, Article 7. Approved by Attorney General June 18, 2009.