

Amherst Massachusetts

OFFICE OF THE TOWN MANAGER

John P. Musante, Town Manager
Town Hall
4 Boltwood Avenue
Amherst, MA 01002-2351

Phone: (413) 259-3002
Fax: (413) 259-2405
townmanager@amherstma.gov
www.amherstma.gov

April 25, 2013

TO: Town Meeting Members
FROM: John P. Musante, Town Manager
CC: Safe & Healthy Neighborhoods Work Group
SUBJECT: Article 29 – Residential Rental Property Bylaw

For the past several months a Safe & Healthy Neighborhoods Work Group of stakeholders named by me have worked to develop recommendations to preserve and enhance existing residential neighborhoods as they evolve over time in response to changing housing needs, including the acceleration over the past few years of conversions of owner-occupied housing to rental properties. The Select Board and I have reviewed and support enactment of their recommendations by Town Meeting. They are contained in Article 29 – Residential Rental Property Bylaw for your consideration.

This packet contains several pieces of background information on the proposed Residential Rental Property Bylaw:

- Overview of Residential Rental Property Bylaw
- Draft Rental Property Registration & Permit Application
- Residential Rental Property Bylaw – Frequently Asked Questions
- Draft Residential Rental Property Self-Certification Checklist
- Tenant Information Sheet
- Registration, Certification, and Enforcement Framework to Ensure Rental Properties Comply with Local and State Laws to Sustain Safe & Healthy Neighborhoods in the Town of Amherst

I urge you to approve Article 29 for the following primary reasons:

- A deliberate and inclusive public process produced a recommended new General Bylaw for rental regulations and permitting;
- The proposed bylaw is responsive to issues identified including the need to establish baseline compliance with life safety and sanitary codes, increase awareness by tenants and landlords of Town noise, alcohol, and nuisance house bylaws and health regulations, establish parking plans appropriate to each property, and establish penalties for egregious non-compliance; and
- The proposed rental regulations system is complaint-based with a self-inspection focus and as a result is not overly bureaucratic or expensive.

OVERVIEW OF RESIDENTIAL RENTAL PROPERTY BYLAW

The Safe and Healthy Neighborhoods Working Group began its work by identifying the reasons for rental regulations and the desired outcomes for such a system, which were as follows:

- 1) **To benefit all stakeholders:** To have clear guidelines and reasonable expectations for property owners/managers, tenants and neighbors; to protect housing stock and encourage healthy multi-generational neighborhoods; and to facilitate code enforcement.
- 2) **To establish baseline compliance with life-safety & sanitary code:** To protect tenants and property owners/managers; to give peace of mind to student tenants and their parents, and to prevent degradation of housing stock
- 3) **To establish baseline awareness of Town bylaws & health regulations for property exteriors** regarding trash management, snow shoveling, upholstered furniture, and general and safety-related upkeep
- 4) **To establish parking plans appropriate to each property:** To prevent unsightly and access-hindering parking; and to provide clear understanding for property owner/managers, tenants neighbors and enforcement officers
- 5) **To establish clarity on occupancy limits:** To have mutual understanding of the “four unrelated” limit by property owners/managers, tenants, neighbors and inspectors
- 6) **To establish contact person to handle non-compliance:** To handle concerns of tenants, enforcement officials and neighbors
- 7) **To establish penalties for non-compliance**
- 8) **To establish baseline awareness of Town bylaws re: noise, alcohol & nuisance behaviors:** To help tenants be responsible neighbors and avoid getting in trouble; to help property owners/managers avoid getting in trouble and to help them inform tenants; to help protect neighbors and neighborhoods; to reinforce or correct info received from other sources; to create “paper trail” of “should have known” to assist any follow-up actions by other agencies or entities
- 9) **To codify these regulations appropriately in order to make them take effect immediately,** if passed by Town Meeting, with any necessary grace periods
- 10) **To have these regulations be consistent, scalable, repeatable and sustainable**
- 11) **To encourage providing timely access to properties for code enforcement officers investigate complaints**
- 12) **To have a comprehensive list of rental properties:** To make the property owner/manager contact information and approved parking plans available to assist tenants, neighbors, the general public and code enforcement officers

After many weeks of considering how best to address these goals, the working group recommends a new General Bylaw for rental regulations and permitting. The intent is to make compliance standards clear and reasonable. Application for a permit would entail filling out a registration form and self-inspection checklist, and submitting and receiving approval for a parking plan (all detailed on next page.) Permits would be renewed annually. The process for enforcement procedures to address complaints and violations is outlined in the regulations, with penalties of fines for non-compliance, and the potential for permit suspension in egregious cases of non-compliance and failure to make good-faith efforts to comply. A Rental Appeals Board would hear appeals of permit suspensions.

Details of the permit application would be as follows:

Registration Form & Self Inspection Checklist

1. Contact information
2. *Health and Safety*: Attest to property's compliance with key requirements of building and sanitary code
3. *Upkeep*: Attest to:
 - a. understanding that property must be compliant with local regulations about clearing sidewalks of snow and ice, managing trash and recycling, prohibiting upholstered furniture and mattresses outside, preventing yards from becoming overgrown
 - b. having provided info on same to tenants, as supplied by the Town
4. *Behavior*: Attest to:
 - a. understanding that residents must be compliant with local bylaws prohibiting excessive noise, unregistered kegs, and activities that would constitute Nuisance House findings
 - b. having provided info on same to tenants, as supplied by the Town
5. *Access*: Attest to:
 - a. recognizing the importance of securing permission for timely access to property for code officials to investigate complaints, and willingness to make good-faith effort to arrange
 - b. inclusion of language in lease agreements, where those are used, requiring tenants to agree to provide timely access to the owner/management company. Where leases are not used, attest that tenants have been made aware of reasonable access requirement.
6. *Occupancy*: Attest to:
 - a. understanding of and compliance with legal limit of four unrelated persons
 - b. making that limit clearly known to tenants

Parking Plan

1. Requires either:
 - a. ***For use of existing driveway/prepared surface***: Submitting for approval any of the following:
 - i. Printout from GIS system
 - ii. Scale drawing
 - iii. Copy of plan approved via Planning Board/ZBA permitting
 - b. ***For the creation of new or expanded parking area***: Submitting for approval a plan that conforms to the Zoning Bylaw regulations for parking design standards
2. Key provision is that new or expanded parking at any property cannot be on dirt or grass
3. Key provision is there will NOT be a minimum number of parking spaces required: a property might have adequate parking for fewer vehicles than tenants

The Working Group's recommendation to forward the bylaw language to the Town Manager for consideration by Town Meeting was strong but not unanimous. The two members of the group who are property managers did not support including the concept of a permit that could be suspended, and preferred just a strong registration system.

Details of the permit application would be as follows:

Registration Form & Self Inspection Checklist

1. Contact information
2. *Health and Safety*: Attest to property's compliance with key requirements of building and sanitary code
3. *Upkeep*: Attest to:
 - a. understanding that property must be compliant with local regulations about clearing sidewalks of snow and ice, managing trash and recycling, prohibiting upholstered furniture and mattresses outside, preventing yards from becoming overgrown
 - b. having provided info on same to tenants, as supplied by the Town
4. *Behavior*: Attest to:
 - a. understanding that residents must be compliant with local bylaws prohibiting excessive noise, unregistered kegs, and activities that would constitute Nuisance House findings
 - b. having provided info on same to tenants, as supplied by the Town
5. *Access*: Attest to:
 - a. recognizing the importance of securing permission for timely access to property for code officials to investigate complaints, and willingness to make good-faith effort to arrange
 - b. inclusion of language in lease agreements, where those are used, requiring tenants to agree to provide timely access to the owner/management company. Where leases are not used, attest that tenants have been made aware of reasonable access requirement.
6. *Occupancy*: Attest to:
 - a. understanding of and compliance with legal limit of four unrelated persons
 - b. making that limit clearly known to tenants

Parking Plan

1. Requires either:
 - a. ***For use of existing driveway/prepared surface***: Submitting for approval any of the following:
 - i. Printout from GIS system
 - ii. Scale drawing
 - iii. Copy of plan approved via Planning Board/ZBA permitting
 - b. ***For the creation of new or expanded parking area***: Submitting for approval a plan that conforms to the Zoning Bylaw regulations for parking design standards
2. Key provision is that new or expanded parking at any property cannot be on dirt or grass
3. Key provision is there will NOT be a minimum number of parking spaces required: a property might have adequate parking for fewer vehicles than tenants

The Working Group's recommendation to forward the bylaw language to the Town Manager for consideration by Town Meeting was strong but not unanimous. The two members of the group who are property managers did not support including the concept of a permit that could be suspended, and preferred just a strong registration system.



Rental Property Registration & Permit Application

For Office Use:

Application #: _____

Date Received: _____ (14 days from date filed): _____

Received by: _____

Fee Paid: \$ _____

APPLICANT INFORMATION:

Applicant: _____

Address: _____

Telephone: _____

Fax: _____

Email: _____

Responsible Persons/Local Agent: _____

Address: _____

Telephone: _____

Fax: _____

Email: _____

Responsible Persons/Local Agent: _____

Address: _____

Telephone: _____

Fax: _____

Email: _____

PROPERTY INFORMATION:

Property Address/Description: _____

Property Owner: _____
(if different from applicant)

Address: _____

Telephone: _____

Deed of Property Recorded in:

Book: _____ Page: _____

Map/Parcel: _____

Zoning District: _____

This application represents:

- An application for an unregistered rental property.
 Annual renewal of a previously granted permit.
 Other: (describe) _____

Town of Amherst, Massachusetts

RENTAL PROPERTY REGISTRATION & PERMIT APPLICATION:

- Self-Inspection submitted _____ Certified as complete
- Parking Site Plan submitted _____ Certified as complete
- Tenant Information Sheet _____ Confirmed as provided

I hereby attest to:

- The accuracy of all information provided herein, to the best of my ability. _____ (initial)
- Receipt of the information provided with this application form. _____ (initial)
- Compliance with all applicable codes, laws, and regulations applicable to the subject property under a Town of Amherst rental property permit. _____ (initial)

Permit Fee:

To be established by Select Board

Incomplete applications will not be accepted. Providing false information shall constitute a violation of the Residential Rental Property Bylaw and may be grounds for fines and other penalties.

Signature(s) of property owner(s)

Signature(s) of Local Agent(s)

Date

Date

Permit Issued: _____ (date)

Permit Sent to Applicant: _____ (date)

ARTICLE 29. RESIDENTIAL RENTAL PROPERTY BYLAW

Frequently Asked Questions

Q: Why is the Town pursuing this Bylaw?

A: For years, Amherst residents have asked the Town to exert more control over rental housing. The increasing conversion of single family homes to rentals and associated changes in Amherst's residential neighborhoods made the creation of new regulations an imperative.

Q: How was this Bylaw developed?

A: The Town Manager appointed a Safe & Healthy Neighborhoods Working Group (SHNWG) which met from November 2012 to March 2013 to develop and recommend draft regulations for rental housing in Amherst. The working group's charge can be seen via this link: <http://www.amherstma.gov/DocumentCenter/View/19866>. Information on the Safe & Healthy Neighborhoods initiative can be found in the Living section of the Town of Amherst website (<http://www.amherstma.gov>), and includes SHNWG agendas, materials, and meeting notes.

Q: What will this new Bylaw do?

A: Four important things:

- 1) It will require registration of all rental properties, so the Town knows where they are and who owns/manages them. This makes it easier to follow-up on complaints and concerns.
- 2) It will clarify for landlords and tenants what the Town requires for compliance with existing health and safety codes, occupancy limits, and noise and nuisance bylaws. This will help make sure everyone is on the same page and understands the expectations.
- 3) It will require an approved parking plan for each rental property. This will make crystal clear what is and is not legal parking, making it easier for tenants to comply and easier for code officials to enforce.
- 4) It will allow for the potential to suspend a landlord's ability to rent a property due to egregious non-compliance. This gives the Town a new tool of last resort, and should have a deterrent effect.

Q: Won't this Bylaw create a lot of additional bureaucracy?

A: No. It is written to minimize the amount of work for all involved. Registration and rental permit applications will be available for submission online. Property owners will self-inspect and certify the condition of their own properties. As currently, Town inspections will occur only in response to complaints. Two new staff would be added: a code enforcement official will help ensure increased compliance and an administrative person will process registrations, keep information current and make it all publicly-accessible on the Town's web site.

Q: Won't this mean a lot of red tape for tenants and landlords?

A: No. Property owners will need to register their properties and apply for rental permits online or in person, submitting the following: 1) a completed application form, 2) a Self-Certification Checklist (single sheet), and 3) a Parking Site Plan, using the Town's GIS or other simple property map. Permits will be renewed annually, with another checklist and any changes in parking noted. All information will be online.

Q: Why does the Bylaw require owner-occupied rental properties to register and get a permit when they are not usually a source of problems?

A: Because this isn't just about preventing too many occupants or messy properties – it's about keeping tenants safe. The registration and self-certification process will help ensure that those who rent out space in their homes are aware of and complying with health and safety codes, which is critical for protecting tenants.

Q: Won't this cause some landlords to lose their livelihoods?

A: No. Not unless their livelihood is dependent on managing rental properties that flout state and local regulations. The Bylaw emphasizes bringing properties into compliance with existing codes and laws and keeping them there. Only under extreme circumstances of egregious non-compliance with codes or laws, and egregious lack of cooperation with code officials to achieve compliance, would the Town consider suspending a rental permit. There is no provision to permanently revoke rental permits.

Q: Are tenants at risk of being kicked out if a landlord's permit is suspended?

A: No. Suspensions would take effect at the conclusion of the then-current lease period.

Q: Won't this cost landlords more, with that increased cost being passed on to tenants?

A: Having a rental Bylaw will cost more than having no rental regulations. The cost for responsible landlords will be small, and the costs that tenants, neighborhoods, and the community are spared will more than balance out that increase. Registration and permit application fees will be established by the Select Board (currently proposed at \$100/property) and state law limits such fees to only covering the cost of administering the system. Landlords who violate codes and local regulations will have to pay more in fines than they do now, as they should.

Q: Why is the permit application fee charged per property, rather than by the rental unit? Don't properties with more rental units mean more work for code officials?

A: The rental application review process is the same and involves about the same amount of work whether the property has one unit or many.

Q: Won't these regulations involve inspections that invade the privacy of tenants?

A: No. There are no Town inspections as part of the permit application – the Bylaw requires landlords to self-inspect and certify the condition of their units. Inspections by Town code officials would occur as they do now—in response to complaints by tenants or others. No local regulation can override state laws protecting tenants' rights, including privacy. Tenants can always refuse entry to landlords and inspectors. Where there are long-term tenants in residence, the proposed regulations reduce the frequency of self-inspections by property owners.

Q: Could a landlord have his or her permit suspended because of tenants being noisy or having parties?

A: No. Well, not exactly. Tenant behavior would not itself trigger permit suspension – it's all about what actions the landlord does or does not take to deal with the problem. Landlords who make good-faith efforts to try to solve the problem and gain compliance with the laws wouldn't be penalized, even if the tenant behavior continues. But landlords who make no such efforts, or who contribute to the problem, would face penalties including potential permit suspension.

Q: Won't this generate lawsuits?

A: Maybe. Lawsuits are one way to assert interests and test what's legal. These regulations have been developed carefully, in consultation with Town Counsel, and are believed to be fair, defensible and serving a legitimate public purpose. Very little in the Bylaw creates new requirements. A step-wise procedure for enforcement is built in. Even for proposed rental permit suspensions, there is a local appeal process before

anything goes to court. This Bylaw looks out for everyone's interests in allowing reasonable use of private property, addressing tenant safety, and helping to achieve safe and healthy neighborhoods for all.

DRAFT

Town of Amherst Residential Rental Property

Self-Certification Checklist

This checklist is established in accordance with the Town of Amherst Rental Regulations and constitutes affirmation by the property owner of the condition of their rental property and unit(s) as of the inspection date.

Date of Inspection _____ Owner _____ Inspector _____

Property address _____

If single family dwelling: # Bedrooms _____ If multiple units: No. of Units Certified _____

Property Owner _____ Responsible Contact Person or
Manager (if different) _____

Zoning: I hereby affirm that the property is in compliance with all current requirements of the Amherst Zoning Bylaw with regard to the residential rental use and any required site or parking plans.

Maximum Residential Occupancy _____ Maximum Number of Vehicles _____

No changes have been made to previously approved parking plan, including exterior lighting

I hereby affirm that the following aspects of the building(s) and site are in compliance with the Mass. Sanitary, Building and Fire Codes, and the Town of Amherst's Residential Rental Regulations.

Exterior Conditions:

- | | |
|--------------------------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> Adequate snow/ice removal arrangements | <input type="checkbox"/> Sufficient site & building lighting |
| <input type="checkbox"/> Trash/recycling management | <input type="checkbox"/> Abandoned vehicles |
| <input type="checkbox"/> Building envelopes secure & weather-tight | <input type="checkbox"/> Grounds upkeep |
| <input type="checkbox"/> Building exteriors in good repair | <input type="checkbox"/> Upholstered furniture |

Life Safety Systems: The following are present and properly functioning:

- | | |
|---------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> Means of egress | <input type="checkbox"/> Emergency lighting (if required) |
| <input type="checkbox"/> Smoke/CO detectors | <input type="checkbox"/> All other required building systems |
| <input type="checkbox"/> Fire extinguishers | |

Healthy Living Conditions:

- | | | |
|---------------------------------------------------|-------------------------------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> Secure building & rooms | <input type="checkbox"/> Sufficient natural light | <input type="checkbox"/> Sound buffered |
| <input type="checkbox"/> General cleanliness | <input type="checkbox"/> All fixtures present & in good repair | <input type="checkbox"/> Pest/vermin-free |
| <input type="checkbox"/> Ventilation/air exchange | <input type="checkbox"/> Non-porous surface finishes intact | <input type="checkbox"/> No active hazards |
| <input type="checkbox"/> Accessibility-compliant | <input type="checkbox"/> No visual evidence of excessive moisture | |

In signing this Checklist, I hereby affirm under penalty of perjury that the assertions of fact contained herein represent the condition of the property/unit(s) as of the date of inspection.

Signature:

_____ Title _____ Date _____

Town of Amherst, Massachusetts

TENANT INFORMATION SHEET

This information sheet summarizes important existing local and state regulations impacting residential rental properties in the Town of Amherst, Massachusetts.

Residential Occupancy Limit – Under Amherst’s Zoning, a single dwelling unit can be occupied by no more than four (4) unrelated persons. Violations can involve \$100 fines for every day a violation continues.

Parking – Parking is permitted only on paved surfaces. No parking is permitted on lawns or dirt, or blocking sidewalks. On any driveway, a clear path into a property from the road must be maintained for fire and emergency medical vehicles. Violations can involve \$100 fines for every day a violation continues.

Snow & Ice Removal – Property owners are required to keep shared exterior stairways, fire escapes, and egress balconies free from ice and snow. Tenants may be responsible for clearing snow and ice from private (unshared) stairways or egress balconies, if their leases so require. Property owners must remove snow and ice from adjacent sidewalks in the public ways within 24 hours of “the end of precipitation which caused the accumulation.” Failure to clear property may involve fines of up to \$500, or, for clearing of public sidewalks, the Town may contract the work and bill the property owner.

Rental Housing and Property Maintenance - Rental housing in Amherst is required to be registered with the Town and have a rental permit, and its operation is governed by local regulations and Massachusetts health, building and fire codes. State codes require the property owner to maintain the structure in a safe and sanitary condition. Residents are required to maintain the areas they occupy in a clean and sanitary condition. Failure to maintain the property can result in citations and fines. Health code violations may involve fines of up to \$500.

Rental Housing Permit Suspension - Rental housing that persistently violates local ordinances and state laws may be subject to suspension of the local rental housing permit. Questions regarding the permit suspension process may be directed to the Amherst Inspections Services Department at 413-259-3030 or [email].

Fire Safety – Massachusetts health, building and fire codes require that doorways, windows, hallways, stairs and fire escapes which provide egress (a way out of) a residential building must be kept unobstructed and maintained so they can be opened and used in an emergency. Similarly, all smoke and CO detectors and fire alarms must be maintained in operating condition. Storage of flammable materials, especially flammable liquids, must be in accordance with the requirements of the Amherst Fire Chief. Violations of fire safety regulations can involve fines of from \$50 to \$1,000, depending on the offense.

Trash/Recycling – Under Amherst Board of Health regulations and the state health code, facilities for the storage of trash and recyclable materials must exist and be used in a responsible fashion, waste streams must be separated into refuse and recyclable materials, and arrangements for the regular removal of trash and recyclable materials must exist. Occupants are responsible for the use of such facilities. For rental properties containing three or more units, arrangements for the regular removal of trash and recyclable materials are required. Penalties for failure to provide facilities or for their misuse can range from \$50 up to \$500.

Grounds Upkeep – The state health code requires minimum standards of upkeep of the grounds of a rental property so that garbage, rubbish, and trash do not accumulate, and dangerous circumstances associated with the property are not allowed to persist. Penalties can range up to \$500.

Junked Cars – State law and Amherst’s local regulations prohibit the keeping of junked, abandoned, disassembled or inoperable motor vehicles on any property. Violation can involve fines of \$50 per offense.

Pets/Dependent Animals – State law and Amherst’s General By-Laws require that pets and other dependent animals (livestock, poultry, etc.) be kept in a manner that ensures both human health and the welfare of the animals involved. Dogs must be licensed. Violations can incur fines which range from \$15 to \$300.

Open Burning – All open burning requires obtaining a permit in advance from the Amherst Fire Chief. Violations can involve fines from \$300 up to \$500.

Behavioral Regulations

Nuisance House – Throwing out-of-control parties where minors are served alcohol can result in arrests, fines of up to \$300/person per incident, and eviction.

Unlawful Noise – It is illegal to make excessive noise that disturbs others, whether it’s loud music, or shouting and yelling during times when other residents are trying to sleep. Doing so can result in arrests, fines of up to \$300/person per incident, and eviction.

Keg Permits – It is illegal to have possession of a keg without a permit in Amherst. Permits can be obtained from the Amherst Police Department. Fines can be up to \$300 per incident.

Open Containers of Alcohol in Public – It is illegal to carry or consume an open container of alcohol on any “town street, sidewalk, way, and public property, including but not limited to parking lots, parks, school playgrounds, recreation areas, or conservation areas.” Violators can be arrested without warrant and fined up to \$300.

Minor Possession/Transporting Alcohol - It is illegal for any person under the age of 21 to knowingly possess, transport or carry alcohol on their person in the absence of a parent or guardian. Violators can be arrested without warrant.

Questions/Information

- **Occupancy, Parking, Building Issues:** Amherst Inspections Services Dept., 413-259-3030 or inspections@amherstma.gov
- **Health/Sanitation, Trash & Recycling:** Amherst Health Dept., 413-259-3077 or health@amherstma.gov
- **Fire Safety, Burning Permits:** Amherst Fire Dept., 413-250-3082 or fire@amherstma.gov
- **Behavioral Regulations, Keg Permits, Snow Removal Junked Cars, Pets/Dependent Animals:** Amherst Police Dept., 413-250-3000 or police@amherstma.gov

• **A Guide to Landlord/Tenant Rights and Responsibilities can be found at:**
<http://www.mass.gov/ocabr/consumer/housing/tenant-and-landlord/landlord-rights.html>.

Town of Amherst, Massachusetts

TENANT INFORMATION SHEET

This information sheet summarizes important existing local and state regulations impacting residential rental properties in the Town of Amherst, Massachusetts.

Residential Occupancy Limit – Under Amherst’s Zoning, a single dwelling unit can be occupied by no more than four (4) unrelated persons. Violations can involve \$100 fines for every day a violation continues.

Parking – Parking is permitted only on paved surfaces. No parking is permitted on lawns or dirt, or blocking sidewalks. On any driveway, a clear path into a property from the road must be maintained for fire and emergency medical vehicles. Violations can involve \$100 fines for every day a violation continues.

Snow & Ice Removal – Property owners are required to keep shared exterior stairways, fire escapes, and egress balconies free from ice and snow. Tenants may be responsible for clearing snow and ice from private (unshared) stairways or egress balconies, if their leases so require. Property owners must remove snow and ice from adjacent sidewalks in the public ways within 24 hours of “the end of precipitation which caused the accumulation.” Failure to clear property may involve fines of up to \$500, or, for clearing of public sidewalks, the Town may contract the work and bill the property owner.

Rental Housing and Property Maintenance - Rental housing in Amherst is required to be registered with the Town and have a rental permit, and its operation is governed by local regulations and Massachusetts health, building and fire codes. State codes require the property owner to maintain the structure in a safe and sanitary condition. Residents are required to maintain the areas they occupy in a clean and sanitary condition. Failure to maintain the property can result in citations and fines. Health code violations may involve fines of up to \$500.

Rental Housing Permit Suspension - Rental housing that persistently violates local ordinances and state laws may be subject to suspension of the local rental housing permit. Questions regarding the permit suspension process may be directed to the Amherst Inspections Services Department at 413-259-3030 or [email].

Fire Safety – Massachusetts health, building and fire codes require that doorways, windows, hallways, stairs and fire escapes which provide egress (a way out of) a residential building must be kept unobstructed and maintained so they can be opened and used in an emergency. Similarly, all smoke and CO detectors and fire alarms must be maintained in operating condition. Storage of flammable materials, especially flammable liquids, must be in accordance with the requirements of the Amherst Fire Chief. Violations of fire safety regulations can involve fines of from \$50 to \$1,000, depending on the offense.

Trash/Recycling – Under Amherst Board of Health regulations and the state health code, facilities for the storage of trash and recyclable materials must exist and be used in a responsible fashion, waste streams must be separated into refuse and recyclable materials, and arrangements for the regular removal of trash and recyclable materials must exist. Occupants are responsible for the use of such facilities. For rental properties containing three or more units, arrangements for the regular removal of trash and recyclable materials are required. Penalties for failure to provide facilities or for their misuse can range from \$50 up to \$500.

Grounds Upkeep – The state health code requires minimum standards of upkeep of the grounds of a rental property so that garbage, rubbish, and trash do not accumulate, and dangerous circumstances associated with the property are not allowed to persist. Penalties can range up to \$500.

Junked Cars – State law and Amherst’s local regulations prohibit the keeping of junked, abandoned, disassembled or inoperable motor vehicles on any property. Violation can involve fines of \$50 per offense.

Pets/Dependent Animals – State law and Amherst’s General By-Laws require that pets and other dependent animals (livestock, poultry, etc.) be kept in a manner that ensures both human health and the welfare of the animals involved. Dogs must be licensed. Violations can incur fines which range from \$15 to \$300.

Open Burning – All open burning requires obtaining a permit in advance from the Amherst Fire Chief. Violations can involve fines from \$300 up to \$500.

Behavioral Regulations

Nuisance House – Throwing out-of-control parties where minors are served alcohol can result in arrests, fines of up to \$300/person per incident, and eviction.

Unlawful Noise – It is illegal to make excessive noise that disturbs others, whether it’s loud music, or shouting and yelling during times when other residents are trying to sleep. Doing so can result in arrests, fines of up to \$300/person per incident, and eviction.

Keg Permits – It is illegal to have possession of a keg without a permit in Amherst. Permits can be obtained from the Amherst Police Department. Fines can be up to \$300 per incident.

Open Containers of Alcohol in Public – It is illegal to carry or consume an open container of alcohol on any “town street, sidewalk, way, and public property, including but not limited to parking lots, parks, school playgrounds, recreation areas, or conservation areas.” Violators can be arrested without warrant and fined up to \$300.

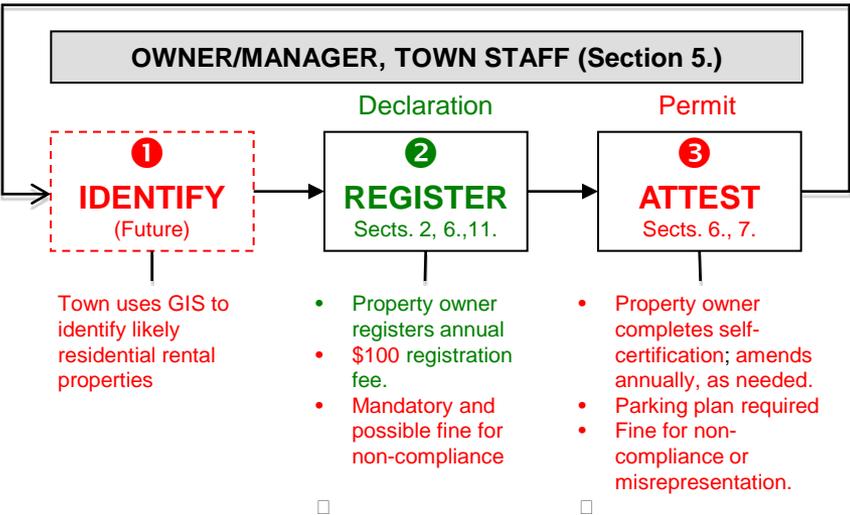
Minor Possession/Transporting Alcohol - It is illegal for any person under the age of 21 to knowingly possess, transport or carry alcohol on their person in the absence of a parent or guardian. Violators can be arrested without warrant.

Questions/Information

- **Occupancy, Parking, Building Issues:** Amherst Inspections Services Dept., 413-259-3030 or inspections@amherstma.gov
- **Health/Sanitation, Trash & Recycling:** Amherst Health Dept., 413-259-3077 or health@amherstma.gov
- **Fire Safety, Burning Permits:** Amherst Fire Dept., 413-250-3082 or fire@amherstma.gov
- **Behavioral Regulations, Keg Permits, Snow Removal Junked Cars, Pets/Dependent Animals:** Amherst Police Dept., 413-250-3000 or police@amherstma.gov

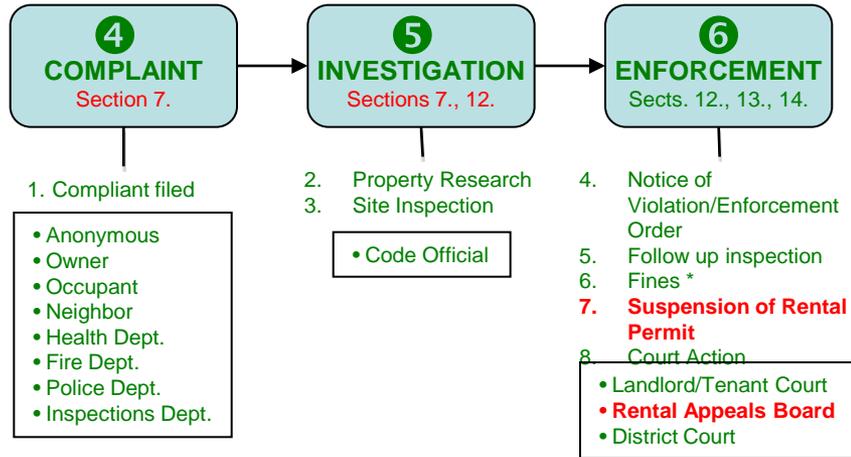
• **A Guide to Landlord/Tenant Rights and Responsibilities can be found at:**
<http://www.mass.gov/ocabr/consumer/housing/tenant-and-landlord/landlord-rights.html>.

Registration, certification and enforcement framework to ensure rental properties comply with local and state laws to promote and sustain safe and healthy neighborhoods in the Town of Amherst. (Section 1.)



COMPLAINT-BASED

CODE OFFICER, OWNER/MANAGER, OCCUPANT (Section 5.)



Existing requirement, regulation, process
Proposed requirement, regulation, process

*Bylaw-specific and existing

| Affected Property/Use Types (Sections 4., 5.) |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> All residential dwelling units leased or rented within the Town of Amherst Rooming units in lodging or boarding houses operated as principal uses Accessory lodging or boarding uses (rooms) and supplemental apartments |
| Exempted Property Types/Uses (Sections 4., 5.) |
| <ul style="list-style-type: none"> Hotels, motels, inns, hostels, bed and breakfasts, or similar Residential facilities authorized and operated under state and federal law |

| Local Regulations (Section 3.) |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> Residential Rental Property Bylaw Town of Amherst General By-Laws, including Nuisance House, Unlawful Noise, and Keg Licensing Amherst Zoning Bylaw Amherst Board of Health Regulations |
| State Laws & Regulations (Section 3.) |
| <ul style="list-style-type: none"> MGL Chapter 40A (Zoning) MGL Chapter 143 (Inspection & Regulation) MGL Chapter 148 (Fire Prevention) 780 CMR (State Building Code) 105 CMR 410 (State Sanitary Code Chapter II: Minimum Standards of Fitness for Human Habitation) 310 CMR 7.10 (Department of Environmental Protection, Air Pollution Control, Noise) 527 CMR (Board of Fire Prevention Regulations) 521 CMR (Architectural Access Board Regulations) |