

Draft Rental Registry and Lead Pipe Ordinance Updates –

November 18, 2025 Amendments

9.16 RENTAL UNITS; REGISTRY AND INSPECTION REQUIRED

9.16.010 GENERAL PROVISIONS

- A. All owners or agents of a rental unit shall register their unit each year with the Department of Inspectional Services, as specified in this section. B. Rental units shall be regularly inspected to ensure they comply with all applicable laws regarding building and fire codes, sanitation, and other requirements, as specified in this section.
- C. Owners of a rental unit may designate a resident agent, who is authorized to act on the owner's behalf. This agent must have authority to oversee leasing, building repairs, and other functions necessary to operate the rental unit.
- D. Any owner whose primary address is greater than 25 miles away from the rental unit designate a resident agent who has an address located in the Commonwealth of Massachusetts and no more than 25 miles from the rental unit.
- E. The following information shall be clearly posted in dwellings consisting of three (3) or more units, near mailboxes when possible: the name, address and telephone and email contact information of the owner, and of any resident agent. If the property is owned by a realty trust or partnership, such information for the managing trustee or partner shall be posted.
- F. P.O. Boxes do not satisfy the address requirement of this section.

9.16.012 RENTAL REGISTRY

- A. The Department of Inspectional Services shall maintain a rental registry, which makes publicly available the history of rental inspections for each unit.
- B. All owners or agents shall register their unit each year. The registration shall include the name and contact information for the owner, the resident agent if applicable, the term of tenancy, and any other information requested by the Director of Inspectional Services. The registration fee shall be \$25 per year.
- C. If any information provided as part of the registration changes, the registration shall be updated within thirty (30) days.
- D. The following properties shall be exempt from the registration requirement:
 - 1. property or units owned or managed by the Malden Housing Authority;hotels, motels or other lodging that have been otherwise permitted by the Board of Health. No individual units which are owner-occupied shall be considered rental units for

the purpose of this requirement. Each unit within a building that is not owner-occupied is subject to the requirements of this section.

The City of Malden may provide owners, agents or tenants with information on how to access city services and resources.

9.16.020 RENTAL INSPECTIONS AND APPLICATIONS

- A. Except as provided in this section, no owner or agent of a rental unit shall commence any new tenancy or occupancy in an existing rental unit without having obtained a Rental Unit Inspection Certificate authorized by the Board of Health. The Board of Health may issue a provisional Rental Unit Inspection Certificate if the inspection has been scheduled but not yet completed; the inspection must be completed within 90 days of the start of the new tenancy in order to finalize the certificate.
- B. The following properties shall be exempt from the provisions of this section:
 - a. property or units owned or managed by the Malden Housing Authority; or
 - b. hotels, motels or other lodging, or mobile homes that are permitted by the Board of Health.
 - c.
- C. The owner or agent of a rental unit shall submit a completed application for rental unit certification to the Board of Health Office for each unit requiring inspection.
- D. The Director of Director of Inspectional Services shall deny, without inspection, an application which is incomplete, or for any property or property owners who have outstanding taxes, fees, fines or charges due the city, or any other outstanding violation.

9.16.030 INSPECTION - STANDARDS FOR CERTIFICATION; ORDER TO CORRECT DEFICIENCIES

- A. The Director of Inspectional Services or their designee 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, compliance with the requirements under MCC 9.24.030 Regulation of Lead Pipes in Residential Properties, and to conduct any other compliance assessment as designated by the Director.
- B. The Director of Inspectional Services 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 Director of Inspectional Services may waive the requirement for a Rental Unit Inspection Certificate if the unit has passed an inspection for the same or a substantially similar purpose within the last year. If the rental unit fails to comply with MCC 9.24.030 regarding the presence of lead service lines, the Director of Inspectional Services may issue the permit at their discretion, provided that the property owner or manager can demonstrate a plan to remedy the deficiency within one year.

- C. 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 \$50.00 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.
- D. The Director of Inspectional Services or their designee may inspect any registered rental unit at their discretion.
- E. Following the submission of a completed application, the Director of Inspectional Services may waive an inspection and issue a Rental Unit Inspection Certificate if the property owner or manager can demonstrate a similar or comparable inspection has been conducted in the past year, and there are no other compliance concerns related to the property.

9.16.040 DENIAL OF CERTIFICATE - RIGHT TO APPEAL

- A. 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.
- B. 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. C. Failure to hold a hearing within the time specified herein shall not affect the validity of an Order to Correct.
- C. 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.

9.16.050 PENALTY FOR VIOLATION

Violations of any provision of this ordinance may be punished in the manner provided in Mass. Gen. Laws ch 40 § 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.

9.24.010 REGULATION OF LEAD PIPES SUPPLYING RESIDENTIAL PROPERTIES

- A. Prior to the sale of, addition of an accessory dwelling unit to, or rehabilitation of residential property in excess of Thirty Thousand Dollars (\$30,000.00) within the City of Malden, it shall be the obligation of the property owner to obtain a certificate issued by the Department of Engineering stating that the water is supplied to the property by a lead free water line from the city valve to the water meter. The cost of said certificate shall be (\$25.00) Twenty-Five Dollars.
- B. Prior to the issuance of a certificate of rental inspection under MCC 9.16.030 and the rental of residential property, the property owner shall obtain a certificate from the Department of Engineering confirming that water is supplied to the property by means of lead-free water lines from the city valve to the water meter, . The cost of certification shall be (\$25.00) Twenty-Five Dollars.

Residents and property owners shall be provided with a free lead test of their water from the Engineering Department, upon request.