

Rental Registry and Lead Pipe Ordinance Updates

Malden City Code

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9.16 RENTAL UNITS; REGISTRATION AND INSPECTION REQUIRED

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9.16.010 GENERAL PROVISIONS

A. All owners, lessors or person in control or in charge of a rental unit shall register their unit each year with the Department of Inspectional Services, as specified in this section. The City of Malden may provide owners and tenants with information on how to access city services and resources.

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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.

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C. The Department of Inspectional Services shall maintain a rental registry, which makes publicly available the history of rental inspections for each unit.

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~~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 Inspectional Services Department; 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.~~

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9.16.012 RENTAL REGISTRY

A. All owners, lessors or person in control or in charge of a rental unit, ~~who do not reside within the subject dwelling, shall submit to the Inspectional Services Department their personal address and telephone contact information.~~ shall register their unit each year with the Department of Inspectional Services. The registration shall be in a format determined by the Director of Inspectional Services, and shall include the name and contact information for the owner, the resident agent if

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applicable, and the expected term of tenancy. The registration fee shall be \$25 per year.

A.B. ~~_____~~ If ~~this the~~ information submitted for registration changes, it must be updated with the Inspectional Services Department within ten (10) days.

B.C. ~~_____~~ All owners, lessors or person in control of a dwelling consisting of there (3) or more units, who do not reside within the subject dwelling, shall ~~post and maintain or cause to be posted and maintained on such dwelling~~ ensure the registration information is posted adjacent to the mailboxes or elsewhere in a location that is visible; ~~a notice constructed of durable material, bearing his/her name, address and telephone contact information.~~

G.D. ~~_____~~ C. If the owner or lessor is a realty trust or partnership, the name, address and telephone number of the managing trustee or partner shall be posted. If the owner is a corporation, the name, address and telephone of the president of the corporation shall be posted. Where the owner employs a manager or agent who does not reside in such dwelling, such manager or agent's name, address and telephone number shall be included in the notice.

D.E. ~~_____~~ P.O. Boxes do not satisfy the address requirement of this section.

E.F. ~~_____~~ Any owner residing outside the Commonwealth of Massachusetts or whose primary address is more than 25 miles from the rental unit must designate an area resident agent authorized to accept service on the owner's behalf, whose primary address must be within 25 miles from the rental unit.

F.G. ~~_____~~ 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 Inspectional Services Department;
- ~~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;~~
- 5.3 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;
- 6.4 properties whose owners have applied for and been granted by the Board of Health on or before June 30, 2025 or from the Department of Inspectional Services on or after July 1, 2025 an exemption, not to exceed a duration of three years, based on demonstrated compliance with the provisions of this ordinance for the two years immediately preceding; provided that any such exemption may be revoked by the Board if one or more violations are found to exist and have not been corrected within the time allotted in a notice from any agent of the board. For purposes of this section, payment of a fine issued

pursuant to MGL Chapter 40 Section 21D or a determination by the Municipal Hearing Officer that a fine was warranted shall be prima facie evidence that a violation exists.

9.16.020 RENTAL INSPECTIONS AND APPLICATIONS FOR INSPECTION

A. 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 Inspectional Services Department; 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.

A.B. 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 Department of Inspectional Services for each unit requiring inspection. ~~Application shall be in a form determined by the Director of Inspectional Services and shall be accompanied by a non-refundable fee of \$50.00.~~

B.C. The Director of Inspectional Services shall deny, without inspection, an application which:

1. Is for a rental property that is not up to date in its registration information and paid its annual fee;
- 1.2. fails to provide the required information;
- 2.3. 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 for any other purpose, 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.

9.16.030 INSPECTION - STANDARDS FOR CERTIFICATION; ORDER TO CORRECT DEFICIENCIES

A. The Director of Inspectional Services or their 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, compliance with the requirements under

MCC 9.24.030 Regulation of Lead Pipes in Residential Properties, and any other required compliance assessments 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. 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 \$~~5~~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.