



TOWN OF BELMONT

RESIDENTIAL HEALTH AND SAFETY INSPECTION PROGRAM FOR RENTAL, HOTEL AND MOTEL PROPERTIES

- I. **SHORT TITLE.** THIS CHAPTER SHALL BE CITED AS THE “RESIDENTIAL HEALTH AND SAFETY INSPECTION PROGRAM FOR RENTAL PROPERTIES”.
- II. **DECLARATION OF PURPOSE.** THE BOARD OF SELECTMEN FINDS THAT THE ESTABLISHMENT OF A PERIODIC RENTAL HOUSING INSPECTION PROGRAM IS PARAMOUNT TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE BY ENSURING THE PROPER MAINTENANCE OF SUCH HOUSING, BY IDENTIFYING AND REQUIRING CORRECTION OF SUBSTANDARD HOUSING CONDITIONS, AND BY PREVENTING CONDITIONS OF DETERIORATION AND BLIGHT THAT COULD ADVERSELY AFFECT ECONOMIC CONDITIONS AND THE QUALITY OF LIFE IN THE TOWN.
- III. **DEFINITIONS.** THE FOLLOWING WORDS AND PHRASES, WHENEVER USED IN THIS CHAPTER WILL BE CONSTRUED AS DEFINED IN THIS SECTION:
 - A. “APPLICABLE LAWS” INCLUDES, BUT IS NOT LIMITED TO, THE STATE OF NEW HAMPSHIRE’S “MINIMUM STANDARDS FOR RENTAL HOUSING, RSA 48-A:14, THE TOWN OF BELMONT ZONING ORDINANCES, NATIONAL FIRE PROTECTION AGENCY, LIFE SAFETY 101, 2006, NATIONAL ELECTRICAL CODE 70, 2008, OTHER APPLICABLE TOWN ORDINANCES, AND OTHER LAWS OR REGULATIONS RELATING TO THE HEALTH AND SAFETY OF RESIDENTS, LANDOWNERS, OR THE PUBLIC.
 - B. “CODE ENFORCEMENT OFFICER” MEANS THE TOWN OF BELMONT’S CODE ENFORCEMENT OFFICER.
 - C. “CERTIFICATE OF COMPLIANCE” MEANS THE CERTIFICATES ISSUED EVIDENCING COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER.
 - D. “TOWN” MEANS THE TOWN OF BELMONT.
 - E. “DEFICIENCY” MEANS ANY FAILURE OF A UNIT SUBJECT TO THIS CHAPTER TO COMPLY WITH APPLICABLE LAWS.
 - F. “OCCUPANT” MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR AGENT OF THEM LAWFULLY RESIDING IN THE UNIT
 - G. “UNIT” MEANS A DWELLING UNIT WITHIN THE TOWN, INCLUDING SINGLE-FAMILY HOMES, DUPLEXES, AND MULTI-FAMILY DWELLINGS, MOTELS, HOTELS AND SIMILAR LIVING ACCOMODATIONS.
 - H. “OWNER” MEANS THE OWNER OF RECORD AS SHOWN ON THE MOST RECENT ASSESMENT ROLL OR SUCH OWNER’S AUTHORIZED AGENT.
 - I. “RENTAL UNIT” MEANS A UNIT OCCUPIED BY OR INTENDED FOR OCCUPANCY BY OTHER THAN THE OWNER OF THE UNIT REGARDLESS OF WHETHER COMPENSATION IS RECEIVED FOR THE RENTAL.
 - J. “UNIT UNAVAILABLE FOR RENT” MEANS A UNIT WHOSE OWNER HAS FILED WITH THE DIRECTOR OF CODE ENFORCEMENT A STATEMENT SIGNED UNDER PENALTY OF PERJURY IN ACCORDANCE WITH ADMINISTRATIVE REGULATIONS ADOPTED PURSUANT TO THIS CHAPTER WHICH STATEMENT PROVIDES THAT SUCH UNIT IS NOT OFFERED FOR RENT AS A RENTAL UNIT, THE OWNER WILL APPLY FOR A “CERTIFICATE OF COMPLIANCE” FOR EVERY OTHER UNIT THAT IS AVAILIABLE FOR RENT, PURSUANT TO THIS CHAPTER AND ANY APPLICABLE ADMINISTRATIVE REGULATIONS ADOPTED PURSUANT TO THIS CHAPTER.

- IV. APPLICABILITY.** THE PROVISIONS OF THIS CHAPTER SHALL APPLY TO ALL RENTAL UNITS, EXCEPT, HOWEVER, THAT THE PROVISIONS OF THIS CHAPTER SHALL NOT APPLY TO:
- A.** UNITS THAT ARE OWNED, OPERATED OR MANAGED IN ACCORDANCE WITH NEW HAMPSHIRE HOUSING AUTHORITY, USDA/RURAL DEVELOPMENT, SECTION 8 AND TAX CREDIT REQUIREMENTS ARE EXEMPT FROM THE FEES PORTION OF THIS ORDINANCE **ONLY**, AND ONLY FOR SO LONG AS SUCH GOVERNMENT OWNERSHIP, OPERATION, MANAGEMENT OR EXEMPTION FROM MUNICIPAL REGULATION CONTINUES IN EFFECT. THEY ARE REQUIRED TO SUBMIT THEIR ANNUAL INSPECTION REPORTS ISSUED BY ANY OF THE ABOVE ORGANIZATIONS. BUT ONLY SO LONG AS SUCH GOVERNMENT OWNERSHIP, OPERATION OR MANAGEMENT OR EXEMPTION FROM MUNICIPAL REGULATION CONTINUES IN EFFECT.
 - B.** UNITS ARE CERTIFIED BY THE CODE ENFORCEMENT OFFICER OR HIS/HER AGENT AS UNAVAILABLE FOR RENT.
 - C.** RENTAL STRUCTURES THAT MET THE THEN CURRENT BUILDING, FIRE AND LIFE SAFETY CODES AND ORDINANCES IN EFFECT AT THE TIME OF CONSTRUCTION, UNLESS OTHERWISE REQUIRED BY OTHER LAWS AND ORDINANCES, ONLY THOSE PORTIONS OF THE CURRENT CODES AND ORDINANCES NECESSARY TO PROTECT LIFE, LIMB, HEALTH, PROPERTY, SAFETY OR WELFARE OF SUCH BUILDING, STRUCTURE, OCCUPANTS, OR MEMBERS OF THE PUBLIC SHALL BE APPLIED.
- V. CERTIFICATE OF COMPLIANCE.** OWNERS OF UNITS, INCLUDING RENTAL UNITS, SUBJECT TO THIS CHAPTER MUST FILE A WRITTEN APPLICATION WITH THE CODE ENFORCEMENT OFFICE AND OBTAIN A VALID "CERTIFICATE OF COMPLIANCE" FOR EACH RENTAL UNIT. APPLICATIONS FOR CERTIFICATES OF COMPLIANCE MAY BE OBTAINED IN THE LAND USE OFFICE OR ON-LINE AT WWW.BELMONTNH.ORG. TO BE CONSIDERED FOR APPROVAL APPLICATIONS MUST BE COMPLETE IN ACCORDANCE WITH THIS CHAPTER AND ANY APPLICABLE REGULATIONS ADOPTED PURSUANT TO THIS CHAPTER, INCLUDING PAYMENT OF THE CURRENT FEE SPECIFIED IN THIS CHAPTER.
- VI. INITIAL INSPECTION.** WITHIN 30 BUSINESS DAYS OF THE TIME A COMPLETED APPLICATION FOR A CERTIFICATE OF COMPLIANCE IS SUBMITTED TO THE CODE ENFORCEMENT OFFICE, THE CODE ENFORCEMENT OFFICER SHALL CAUSE THE UNIT OR UNITS TO BE INSPECTED. THE CODE ENFORCEMENT OFFICER SHALL ISSUE A "CERTIFICATE OF COMPLIANCE" FOR ALL UNITS THAT COMPLY WITH APPLICABLE LAWS.
- VII. COMPLAINT-BASED INSPECTIONS.** NOTHING CONTAINED HEREIN SHALL PREVENT OR RESTRICT THE AUTHORITY OF THE TOWN'S CODE ENFORCEMENT OFFICIALS TO INSPECT ANY APARTMENT, HOUSE, AND HOTEL, OR THE PREMISES THEREOF, IN RESPONSE TO A CITIZEN COMPLAINT ALLEGING CODE VIOLATIONS OR OTHER VIOLATIONS OF LAW AT SUCH AN APARTMENT, HOUSE, OR HOTEL AND TO PURSUE ALL CODE ENFORCEMENT REMEDIES PERMISSIBLE UNDER THIS CODE OR OTHER LAWS FOLLOWING SUCH A COMPLAINT-BASED INSPECTION.
- VIII. PERIODIC HOUSING INSPECTIONS.** EVERY OWNER OF A RENTAL UNIT LOCATED IN THE TOWN SHALL PERMIT THE TOWN'S PERIODIC INSPECTION OF THE APARTMENT, HOUSE, AND HOTEL, AND THE PROPERTY ON WHICH SUCH UNIT IS LOCATED, FOLLOWING THE RECEIPT OF A NOTICE OF INSPECTION. THE CODE ENFORCEMENT OFFICER OR HIS/HER DESIGNEE, SHALL CAUSE EACH UNIT TO BE INSPECTED ONCE EVERY THREE (3) YEARS TO ENSURE COMPLIANCE.

- IX. NOTICE OF INSPECTION.** OTHER THAN FOR INITIAL INSPECTION. THE DIRECTOR OF CODE ENFORCEMENT OR HIS/HER AGENT SHALL GIVE A MINIMUM OF THIRTY (30) DAYS ADVANCE WRITTEN NOTICE OF THE DATE AND TIME OF THE INSPECTION TO THE OWNER OF THE UNIT (S). SUCH NOTICE SHALL PROVIDE THE ADDRESS AND PHONE NUMBER WHERE ADDITIONAL INFORMATION CONCERNING THE INSPECTION CAN BE OBTAINED. NOTICES TO THE OWNER SHALL BE MAILED BY FIRST CLASS MAIL TO THE OWNER'S LAST KNOWN ADDRESS AS IT APPEARS IN THE TOWN'S ASSESSING RECORDS. NOTICES TO THE SPECIFIC OCCUPANTS SHALL BE MADE BY THE UNIT OWNER.
- X. INSPECTION CONSENT.** OWNERS SHALL MAKE EVERY EFFORT TO MAKE UNITS AVAILIABLE FOR TOWN INSPECTIONS. IF OWNERS OR NON-OWNER OCCUPANTS DO NOT CONSENT TO TOWN ENTRY FOR INSPECTION PUSUANT TO THIS CHAPTER, CODE ENFORCEMENT OFFICIALS MAY NOT FORCE OR OTHERWISE ATTEMPT TO GAIN ENTRY EXCEPT WITH A VALID ADMINISTRATIVE INSPECTION WARRANT IN ACCORDACNE WITH RSA 595-B.
- XI. CERTIFICATE OF COMPLIANCE CONTENTS.** CERTIFICATES OF COMPLIANCE ISSUED PUSUANT TO THIS CHAPTER SHALL SPECIFY: DATE OF ISSUANCE, THE LEGAL USE AND OCCUPANCY OF THE UNIT, THE UNIT ADRESS, THE NAME OF THE UNIT OWNER TO WHOM THE CERTIFICATE IS ISSUED, AND THAT THE UNIT COMPLIES WITH APPLICABLE LAWS SO FAR AS COULD BE DETERMINED BY INSPECTION.
- XII. VALIDITY OF APPLICATIONS AND CERTIFICATES OF COMPLIANCE.** APPLICATIONS FOR CERTIFICATES OF COMPLIANCE ARE VALID FOR NINETY (90) DAYS FROM TIME THE APPLICATION IS COMPLETE. OWNERS THAT FAIL TO COMPLETE APPLICATION DEFICIENCIES WITHIN NINETY (90) DAYS MUST RE-APPLY. CERTIFICATE OF COMPLIANCE SHALL REMAIN VALID FOR THREE (3) YEARS FROM THE DATE OF ISSUANCE. REFERENCE SECTION XVII, FOR CERTIFICATE OF COMPLIANCE RENEWAL PROCESS.
- XIII. DEFICIENCIES.** THE DIRECTOR OF CODE ENFORCEMENT OR HIS/HER AGENT SHALL PROVIDE THE OWNER WITH WRITTEN NOTICE OF EACH DEFICIENCY DISCLOSED BY INSPECTION. CERTIFICATES OF COMPLIANCE SHALL NOT BE ISSUED UNTIL ALL DEFICIENCIES ARE CORRECTED. UNIT OWNERS SHALL BE SUBJECT TO RE-INSPECTIONS.
- XIV. VIOLATIONS.** IF AN INSPECTION OF A UNIT OR ITS PREMESIS, CONDUCTED PURSUANT TO THIS CHAPTER, REVEALS ANY VIOLATIONS OF APPLICABLE TOWN ORDINANCES OR OTHER LAWS RELATING TO SUCH RENTAL UNITS, THE VIOLATION MUST BE CORRECTED WITHIN ONE-HUNDRED TWENTY (120) DAYS OR DEMONSTRATE SIGNIFICANT IMPROVEMENT TOWARDS COMPLIANCE AS OBSERVED AND DOCUMENTED BY THE CODE ENFORCEMENT OFFICER. IF THE VIOLATION REMAINS AND THERE IS NO EVIDENCE OF SIGNIFICANT IMPROVEMENT UPON REINSPECTION, THE CODE ENFORCEMENT OFFICER OR HIS/HER AGENT MAY SEEK ANY REMEDIES PERMITTED BY LAW.
- XV. VOLUNTARY INSPECTION REQUEST.** NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO PROHIBIT AN OWNER OR OCCUPANT FROM VOLUNTARILY REQUESTING AN INSPECTION PURSUANT TO THIS CHAPTER TO DETERMINE WHETHER A UNIT COMPLIES WITH APPLICABLE LAWS. SUCH VOLUNTARY INSPECTION REQUEST SHALL BE SUBJECT TO ALL OF THE PROVISIONS OF THIS CHAPTER, INCLUDING BUT NOT LIMITED TO, APPLICATION AND FEES.

- XVI. FEES.** THE FEE FOR THIS APPLICATION AND INSPECTION IS FORTY DOLLARS (\$40.00) FOR THE FIRST UNIT AND TEN DOLLARS (\$10.00) FOR EACH ADDITIONAL UNIT, PER TAX LOT. THERE WILL BE NO FEE FOR RE -INSPECTION OF VIOLATIONS FOUND ON PREVIOUS INSPECTIONS. FOR VIOLATIONS THAT EXIST BEYOND THE MANDATORY ONE-HUNDRED TWENTY (120) DAYS, PENALTIES CAN AND WILL BE ASSESSED IF THE OWNER DEMONSTRATES A BLATENT DISREGARD TO COMPLY WITH THE APPLICABLE CODE REQUIREMENTS, IN ACCORDANCE WITH RSA 676:17.
- XVII. CERTIFICATE OF COMPLIANCE RENEWAL PROCESS.** UPON THE THIRD ANNIVERSARY OF A "CERTIFICATE OF COMPLIANCE" DATE, THE PROPERTY OWNER WILL BE SENT A SELF CERTIFICATION PACKET, BE REQUIRED TO COMPLETE THE CHECKLIST AND SEND IT TO THE OFFICE OF CODE ENFORCEMENT FOR REVIEW. THERE ARE NO FEES ASSOCIATED WITH THE SELF AUDIT PROCESS. EACH YEAR, A NUMBER OF RENTAL UNITS WILL RANDOMLY BE SELECTED FOR INSPECTION FROM THE SELF AUDITS SUBMITTED. UPON THE SIX YEAR ANNIVERSARY OF THE ORIGINAL "CERTIFICATE OF COMPLIANCE", THE OWNER IS REQUIRED TO SUBMIT AN APPLICATION FOR A "CERTIFICATE OF COMPLIANCE" AND PAY THE FEES AS INDICATED ABOVE. THE SITE WILL BE INSPECTED BY THE OFFICE OF CODE ENFORCEMENT. ALL NEW OR SUBSTANTIALLY RENOVATED UNITS WILL RECEIVE A CERTIFICATE OF OCCUPANCY AND A CERTIFICATE OF COMPLIANCE, THE CERTIFICATE OF COMPLIANCE SHALL BE VALID FOR THREE (3) YEARS FROM ISSUE DATE.
- XVIII. APPEAL.** ANY PERSON AGGRIEVED BY THE DETERMINATION OF A CERTIFICATE OF COMPLIANCE MAY APPEAL TO THE BOARD OF SELECTMEN.
- XIX. IMMEDIATE HEALTH AND SAFETY THREATS.** NOTHING IN THIS ORDINANCE SHALL LIMIT THE TOWN'S ABILITY TO INSPECT PROPERTIES AND ISSUE CITATIONS FOR PROPERTY-RELATED CONDITIONS THAT MAY CONSTITUTE AN IMMEDIATE HEALTH OR SAFETY THREAT.

PER THE BELMONT BOARD OF SELECTMEN,

RONALD CORMIER, CHAIRMAN

JON PIKE, VICE CHAIRMAN

DAVID MORSE

DATE: _____