

Rental Registry Ordinance (Draft – Revised 06/30/26)

1. **PURPOSE:** This ordinance establishes a rental registry in the City of Greenfield in order to:

1. Ensure safe and sanitary conditions in Greenfield's rental housing stock;
2. Promote and protect the health, safety and well-being of rental tenants and other Greenfield residents;
3. Meet health regulations for tenants and landlords;
4. Provide clear and accessible operating guidelines and safety conditions for the operations of rental properties in Greenfield under the authority granted to the Health Department by 105 CMR 410.000 Minimum Standards of Fitness for Human Habitation (state Sanitary Code, Chapter II);
5. Increase awareness of health regulations related to operating rental properties; and
6. Maintain inspection schedules that are predictable for landlords and tenants.

2. DEFINITIONS:

1. **Bed and Breakfast:** Means a private owner-occupied house where rooms are rented and a breakfast is included in the rent, and all accommodations are reserved in advance.
2. **Health Department/Board of Health:** The Greenfield Health Department, Board of Health, or its authorized agent(s) or representative(s) under M.G.L. c. 111 s. 30-. In the absence of a formal designation, the Health Director is assumed to be such an agent. For the purpose of this ordinance the Board of Health and the Health Department shall be considered synonymous. .
3. **Condominium:** Means the land or the lessee's interest in any lease of such land, the building or buildings, all other improvements, and structures thereon, and all easements, rights and appurtenances belonging thereto, which have been submitted pursuant to M.G.L. c. 183A.
4. **Dwelling Unit:** A room or group of rooms within a residence used or intended for use by an individual, family, or household for living, sleeping, cooking, and eating, and other areas of which the tenant has exclusive use.
5. **Homeless Shelter:** Means a residence operated by a service agency which provides temporary, overnight sleeping accommodations and offers transitional assistance to homeless individuals and families in need of permanent housing.

6. **Manufactured Home:** means a structure, built in conformance to the National Manufactured Home Construction and Safety Standards which is transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein.
7. **Manufactured Housing Community:** means any lot or tract of land upon which three or more manufactured homes occupied for dwelling purposes are located, including any buildings, structures, fixtures, and equipment used in connection with the manufactured homes and licensed under M.G.L. c. 140 s. 32B.
8. **Occupant:** means any person living or sleeping in a residence.
9. **Owner:** An individual who alone or severally with others including through legal instruments like limited liability corporations or trusts:
1. Has legal title to any residence or parcel of land, vacant or otherwise, including a manufactured housing community;
 2. Has care, charge or control of any residence or parcel of land, vacant or otherwise, including a manufactured housing community, in any capacity. This includes but is not limited to a personal representative, agent, executor, administrator, trustee or guardian of the estate of the holder of legal title;
 3. Is a mortgagee in possession of any such property;
 4. Is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; and/or
 5. Is an officer or trustee of the association of unit owners of a condominium.
10. **Person-in-charge:** Any adult person designated and duly authorized to act on the owner's behalf to effectuate compliance, or any person who has charge, care, control, or management of a residential rental property. Except where the person-in-charge is also the property owner, the person-in-charge shall be a qualified responsible adult.
11. **Rental Registry Permit:** Annual certificate issued when the rental registry application submitted by the owner is reviewed and approved by an agent of the Health Department.

12. **Residence:** means every building or structure used for or intended for, human habitation and every other structure or condition located within the physical boundaries of the same lot. Residences include, but are not limited to, single or multi-unit structures, manufactured homes, homeless shelters, temporary housing, alternative housing, and condominiums.
13. **Rooming houses:** Boarding houses, hotels, motels, inns, lodging houses, dormitories, fraternity and sorority houses, hostels, bed and breakfast operations or any other unit permitted for temporary habitation.
14. **Short-term Rental:** transient lodging space with stay not exceeding 28 consecutive days.
15. **Subsidized Housing:** is owned by a private landlord or corporation that has received government subsidies to provide affordable housing.
16. **Temporary Housing:** means any tent, mobile dwelling unit, or other structure used for human shelter which is designed to be transportable, and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than 28 days.

3. EXEMPTIONS

1. Dwelling units exempt from registrations and the requirement to submit a self-inspection form under this ordinance include:
 1. Dwelling unit(s) not currently being rented. An affidavit attesting to this would need to be submitted to the Board of Health. Once the occupancy status of the dwelling(s) has changed, the owner must submit the rental registry application within 30 days.
 2. Dwelling units owned or operated by a housing authority.
 3. Residential facilities authorized and operated under state and federal law, congregate or similar group housing for the elderly or disabled, housing for persons with substance abuse problems, congregate living arrangements for persons with disabilities, or other similar housing facilities operated under a license by the Commonwealth of Massachusetts. Notwithstanding, such facilities, where required, shall comply with subsidized housing requirements. Rooming houses, with stays of a maximum twenty-eight (28) consecutive days. Units in rooming houses with stays longer than twenty-eight (28) days shall be treated as normal dwelling units and required to be registered.

4. Condominiums, mobile homes and other dwelling units in which the occupant owns the dwelling unit even if the underlying land is not their possession.
2. Dwelling units exempt from the requirement to fill out and submit a self-inspection form.
 1. Newly constructed dwelling units for the first ten years after their first certificate of occupancy is issued.
 2. Dwelling units under a Section 8 of the Housing Act of 1937 program as long as said dwelling units remain in that program.

4. REGISTRATION & PERMITTING:

1. Application Process

1. All owners of dwelling units in Greenfield that are not exempted, including units owned through LLCs or other legal entities, shall register for rental registry permits with the Health Department.
2. Registration permits must be renewed annually for a fee of thirty dollars (\$30) per unit and shall be considered valid until the issuance of the annual third quarter tax bill, February 1st. Renewal fees will be assessed as part of an owner's quarter three property tax bill and payment shall constitute an automatic renewal of the permit. Fees can be paid early by check, cash or credit card for registration in the rental registry at the city clerk's office or online if available.
3. When a new owner pays taxes on a recently acquired property, the assessor's office will inform the Health Department. The Health Department will then send a rental registry permit form to the new owner.
4. Owners have thirty-five days (35 days) from the date the Health Department mails the new owner the registration form to return it completed. The thirty-five days shall begin on the day the form is sent and postmarked. The postmark of the returned form shall count as the day it is returned.
5. All components of the permit application must be completed by the owner and reviewed by the Health Department before a rental registry permit is issued.

2. Required Information

1. To obtain a rental registry permit, an owner must submit an application containing the following information:
 1. The address of the residential rental property.

2. The name, contact mailing address, valid telephone number(s), and valid email address for each owner. If the owner is not an individual, the application must list the names, addresses, valid telephone numbers, and valid email addresses of each member or partner of the owner.
3. The name(s), contact mailing address(es), valid telephone number(s), and valid email address(es) for the person(s)-in-charge.

3. Persons in Charge

1. Notices given to person(s)-in-charge shall be sufficient to satisfy any requirement of notice to an owner.
2. Owners shall notify the Health Department in writing or by email of any change of person(s)-in-charge, or any contact information for the person-in-charge within 30 days of the change.
3. If owners fail to notify the Health Department of a change in the person(s) in charge, their permit will be considered incomplete.

4. Enforcement

1. Failure to register a dwelling unit for a permit or to comply with any provisions of this section shall be considered a violation of this ordinance subject to a fine as per section I with each day of violation constituting a separate offense. This section may be enforced by civil, criminal process or non-criminal process, including injunctive relief.
2. An incomplete registration shall be considered a violation of this ordinance.
3. If the Health Department wishes to create a digital form, nothing in this section shall prevent that and no postmark will be needed. However, the timelines outlined above will remain the same.

E. INSPECTIONS

1. Self-Inspections Conducted by Owners

1. Upon unit turnover to new tenants or lessees or when first registering a dwelling unit, property owners or their person(s) in charge shall self-inspect dwelling units utilizing inspections checklist(s) issued by the Health Department.
2. Owners or their persons-in-charge shall sign and submit completed self-inspection checklists within 30 days of unit turnover or with initial registration paperwork or via an online form to both the Health Department and the tenant. The Health Department will determine the method of submitting the checklist to the Health Department and tenants.

3. Any false statements or information provided on the checklist(s) shall constitute a violation of this regulation.
4. Violations noted during self-inspections must be addressed and made to be compliant with acceptable life safety conditions, general health regulations, and this ordinance.
5. Owners shall not be fined on the basis of a self-inspection form alone.
6. If self-reported violations are not addressed by the time the city inspection occurs, owners shall be subject to the fee schedule established by this ordinance.
7. Self-inspections accepted by the Health Department may be used as evidence of the condition of units if that condition is questioned at a date between inspections.

F. RECORDS:

1. Posting

1. Owners shall display their rental registry permits conspicuously on the property.
2. Owners shall display the most recent inspection form next to the rental registry permit.
1. The name, contact mailing address, and a valid telephone number(s) of the person-in-charge and the Health Department shall be displayed on the permit in addition to other information as may be determined by the Health Department.

2. Database

1. The Health Department shall compile and regularly maintain a database of units and inspections.
2. Access to the database will be shared with the police, fire, building, community and economic development and the assessor's offices for their own uses.

G. TENANT HARASSMENT AND RETALITIATION FOR FILING A COMPLAINT

1. Harassment and/or retaliation against a resident or an occupant of a dwelling unit for the filing a complaint under this ordinance is strictly prohibited and may result in the imposition of fines.

H. COMPLAINT PROCESS:

1. Complaints

1. Any resident or adult occupant may file a complaint alleging that a residential unit is in violation of a provision of this ordinance or of any other law, code, or

regulation applicable to dwelling units or rental housing with the Health Department.

2. The complaint must contain the dwelling unit's address, unit number (if applicable), date and nature of the violations alleged, and the name and contact information of the complaining party.

2. Review of Complaint

1. Within 30 calendar days after receipt of the complaint, the Health Department shall investigate any alleged violations within its legal jurisdiction and shall determine whether they find a violation.
2. If the alleged violation is within the purview of another city, state, or federal agency, the Health Department's agents shall refer the complaint to such an agency for further action.
3. Upon finding a violation, the Health Department's agent shall serve notice of such violation upon the owner or person-in-charge of the residential unit at issue.
4. Service of a violation shall be made by certified mail and first-class mail at the address listed in the rental registry or, if not listed in the registry, at the address of the unit at issue.
5. Service shall be considered to have been made as of the date the certified mail is accepted and signed for or, if not signed for, as of five days after the date indicated on the notice served, whichever date is earlier.
6. The Health Department shall keep records of all complaints received and determinations made or referred to another agency.

3. Appeals Process

1. An owner or person-in-charge who has been served with notice of a violation may request a hearing with the Health Department by filing a written request for such a hearing with the Health Department within 14 days of being served the notice of the violation. This request may be by digital form if available.
2. Upon receiving a written request for a hearing, the Health Department shall notify the complainant of the place, date, and time of said hearing.
3. The hearing shall occur no later than 21 days after the date the Health Department receives the request for a hearing.
4. Upon the Health Department's receipt of an appeal hearing request, the time period in which violations must be remedied shall be stayed until such time that the hearing is held and a decision issued.
5. Within seven days after the conclusion of the hearing, the Health Department shall sustain, modify, or withdraw the notice of violation and shall inform the

owner upon whom the notice of violation has been served, in writing, of its decision and the reasons therefor.

6. If the Health Department sustains or modifies the notice of violation, said violation shall be remedied within the time period allotted as originally issued or as ordered in the modification.
7. Owners may request in writing and receive additional time for repairs if the Health Department determines it to be reasonable.

1. VIOLATIONS & FEES:

1. It shall be the responsibility of the owner, to ensure compliance with all sections of this regulation.
2. Violators shall receive:
 1. In the case of a first violation, a fine of one hundred dollars (\$100.00).
 2. In the case of a second violation, a fine of two hundred dollars (\$200.00).
 3. In the case of three or more violations, a fine of three hundred dollars (\$300.00).
 4. If a written request for a hearing is not filed within the required 14 days after notice of violation is served, or if, after the hearing and a final decision, the notice of violation is sustained in any part, each day's failure to comply with the notice of violation within the time allotted as issued or modified shall constitute a separate violation.
3. Any fines already issued and unpaid by the issuance of the quarter three property tax bill, due February 1st of the year after the issuing of the fine, shall be doubled and the landlord in question will be responsible for paying them as part of their quarter three property tax bill.
4. Fines shall be paid within 30 days of final determination of liability at the city clerks' office or another method as determined by the health department.
 1. The Health Department shall forward all fines not paid within 30 days to the Assessor's Office and who will add them to owners' next third quarter property tax bill for units in violation.

J. PROBLEM PROPERTIES:

1. Properties with dwelling units that meet any of the following criteria will be designated as problem properties:
 1. The Greenfield Police Department has been called to the property four or more times within the preceding 12-month period for any incident involving any alleged criminal offense including, but not limited to, disturbing the peace, trespassing, underage drinking or assault, or drug trafficking on the property where the dwelling unit is located;

2. The Health Department or their designated agent(s) have received four or more sustained and upheld complaints within the preceding 12-month period for noxious, noisome or unsanitary conditions at a dwelling unit or the property where the dwelling unit is located;
 3. A combination of 5a & 5b at the discretion of the Health Department;
 4. Provided, however, that prior to designating a property as a problem property, the Health Department shall give 14 business days' notice in writing to the owner or person-in-charge of the contemplated designation and, within the next 14 business days' afford the owner or person-in-charge a meeting to take into consideration the nature of the complaints, the number of dwelling units at the property, the nature of the use of said property, and any other information that may have bearing on the designation.
2. Problem properties shall be subject to yearly inspections until no longer designated as such.
 3. Problem property addresses will be listed on the Health Department website or other appropriate city website until they no longer hold that designation.
 4. If a property is designated as a problem property, any fines levied for the next calendar year will be doubled. The city will inform the owner of such a property of this designation.
 5. Landlords must inform the residents/occupants, if applicable, of a problem property of its status as such within 30 days of receiving notification. To fail to do so is a violation of this ordinance.
 6. If the designation of problem property is lifted, the obligation to inform tenants is also lifted.

K. NON-CRIMINAL DISPOSITION:

1. Fines and penalties issued under this ordinance are to be made under the authority for the non-criminal method of disposition provided for in Massachusetts General Laws, Chapter 40, Section 21D.
2. This ordinance may be enforced by civil process, criminal process or non-criminal process, including injunctive relief. Noncompliant properties will be available on a public database list as non-certified rental units, and subject to additional penalties including loss of certificate of occupancy for any un-inspected units.

L. IMPLEMENTATION TIMELINE & NOTICE TO LANDLORDS

1. This ordinance shall go into effect immediately upon passage.

2. Notice of the requirements of this ordinance will be sent the first of the month following the passage of the ordinance. In future years, notice will be given at least once a year.
3. In the first year of the program, the health department will send owners of apartments known to the city forms with which to register.
4. No fines will be imposed during the first year of this ordinance's implementation for a failure to register.
5. Upon inspection, a checklist of violations to improve will be provided to owners of inspected properties.

M. SEVERABILITY: If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.