

SECTION V: RENTAL OF PREMISES TO BE USED FOR HUMAN HABITATION¹⁸

In order to protect the health, safety and well being of the occupants of the housing and the general public the Eastham Board of Health adopts the following regulations.

A. No person shall rent or lease, or offer to rent or lease, any building or any portion of a building to be used for human habitation without first registering with the Board of Health, which shall determine the number of persons such building or portion of a building may lawfully accommodate under the provisions of the Massachusetts State Sanitary Code, and without first also conspicuously posting within such building or portion of a building a Certificate of Registration provided by the Board of Health specifying the number of persons such building or portion of a building may lawfully accommodate.

B. No tenant shall lease, rent or occupy any building or any portion of a building subject to the provision of this chapter if, at the time of such lease, rental or occupancy, the number of persons occupying such building or portion of a building exceeds the number of persons authorized to occupy such building or portion of a building, by a Certificate of Registration if issued and posted, or, if no Certificate of Registration is issued or posted, the number of persons that may be lawfully accommodated as determined by the Board of Health, under the Massachusetts State Sanitary Code.

C. There shall be a fee to be set by Board of Selectmen to procure a Certificate of Registration which shall be valid until December 31st of each year. The landlord may apply annually for a Certificate of Registration conditional on Board of Health receipt of acceptable, current potable water test results tested by certified laboratory.

D. Any Certificate of Registration issued under this Chapter shall be revoked if, at any time, the granting authorities are satisfied that the building or portion of the building does not meet the requirements of 105 CMR 410.000: State Sanitary Code, Chapter II, Minimum Standards of Fitness for Human Habitation, and relevant Town of Eastham By-Laws and Regulations as to the building structure itself and those persons residing therein or staying overnight. The granting authority may suspend and make inoperative, for such period of time as they may deem proper, the Certificate mentioned herein for any cause deemed satisfactory to them. The revocation and suspension shall not be made until after investigation and a hearing or after giving the Certificate holder an opportunity to be heard. Notice of the hearing shall be delivered to the holder not less than three (3) days before the time of said hearing.

E. Any violation of any provision of this regulation shall be punishable by a fine consisting of no more than three hundred (\$300.00) dollars for each day existing.

F. This regulation shall not apply to boarding and lodging houses or motels licensed under Chapter 140, Section 23 of the General Laws or establishments licensed under Chapter 140, Section 2 of the General Laws.

G. This may be enforced by Eastham Police Officer, Health Agent, or other designee.

¹⁸ Adopted April 6, 1988
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