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*Town of Falmouth, MA  
Thursday, October 20, 2011*

## **Chapter 172. RENTAL PROPERTY**

**[HISTORY: Adopted by the Town of Falmouth Special Town Meeting 6-3-1975, Art. 16; amended in its entirety Special Town Meeting 4-5-1994, Art. 10, approved 7-9-1994. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Housing Authority — See Ch. 42.

#### **§ 172-1. Registration to determine occupancy limits.**

Any owner or agent who shall offer for rent or lease any building or portion thereof to be used for habitation, other than duly authorized or licensed premises, shall first register with the Health Agent who shall determine the number of persons said building or portion thereof can legally accommodate. Such registration shall remain effective until December 31st of the calendar year. Occupancy shall be determined by application of the following formula: Two persons shall be allowed for each bedroom over one hundred (100) square feet, provided that additional occupancy, as allowed upon Article II of the State Sanitary Code, 105 CMR 410.400(B), may be allowed upon inspection by the Board of Health.

#### **§ 172-2. Fine for failure to register.**

Any owner or agent who shall offer for rent or lease any building or portion thereof which has not been registered under § 172-1 shall be punished by a fine of not more than three hundred dollars (\$300.).

#### **§ 172-3. Fine for exceeding occupancy limits.**

If it is found that the number of occupants in any building or portion thereof used for habitation exceeds the number of the registered occupancy as required by § 172-1 of this chapter, or if no such registration shall be in effect, then the tenant, lessee or person in control of said building or portion thereof shall be punished by a fine of not more than three hundred dollars (\$300.).

#### **§ 172-4. Posting of certificate of registration.**

Any building or portion thereof registered by the provisions of this chapter shall have conspicuously posted therein a certificate of registration issued by

the Board of Health which shall indicate, at a minimum, the number of occupants that may legally occupy said building or portion thereof, and the name, address and telephone number of the owner and the owner's agent, if applicable.

**§ 172-5. Fees.**

There shall be a fee of fifteen dollars (\$15.) for each owner to provide an initial certificate of registration and fifteen dollars (\$15.) for a certificate of registration for each calendar year thereafter. Inspections to determine increased occupancy beyond two (2) persons per bedroom shall require a fee of twenty-five dollars (\$25.) for an initial certificate of registration and fifteen dollars (\$15.) for each calendar year thereafter.

**§ 172-6. Violations and penalties.**

For penalty, see Chapter 1, General Provisions, Article I, Penalties.

**§ 172-7. Variances.**

The Board of Health on petition of a property owner, may vary any provision of this chapter if, in its opinion, strict application of the chapter would constitute a manifest injustice and would not materially affect the safety or well-being of the occupants.