

By Mr. Weinberg of Boston, petition of Norman S. Weinberg relative to the licensing of dwelling units which are in compliance with the provisions of the State Sanitary Code. Social Welfare.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy-One.

AN ACT RELATIVE TO THE LICENSING OF DWELLING UNITS WHICH ARE IN COMPLIANCE WITH THE PROVISIONS OF THE STATE SANITARY CODE.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 The General Laws of the commonwealth are hereby  
2 amended by inserting after chapter 145, the following new  
3 chapter:

4 CHAPTER 145A.

5 LICENSING OF DWELLING UNITS.

6 *Section 1. Definitions.*—The following words as used in this  
7 chapter shall have the following meanings:

8 “Board”, a local board of health or agency having like  
9 powers of inspection relative to the fitness of premises for  
10 human habitation or relative to conditions which may en-  
11 danger or materially impair the health or safety of persons  
12 occupying premises for dwelling purposes, or, in the city of  
13 Boston, the commissioner of housing inspection.

14 “Dwelling”, every building or shelter used or intended for  
15 human habitation and every other structure or condition  
16 located within the same lot line whose existence causes or is  
17 likely to effect noncompliance with the provisions of the  
18 State Sanitary Code, Article II, “Minimum Standards Of  
19 Fitness For Human Habitation”.

20 "Dwelling Unit", a room or group of rooms within a  
21 dwelling for which rent or charges for use and occupancy are  
22 separately incurred or collected and which is occupied or  
23 intended for occupancy as an habitable dwelling place by a  
24 family or household for living, sleeping, cooking and  
25 eating.

26 "Owner", means every person who alone or jointly or  
27 severally with others (a) has legal title to any dwelling or  
28 dwelling unit; or

29 (b) has care, charge, or control of any dwelling or dwelling  
30 unit as agent, executor, executrix, administrator, administra-  
31 trix, trustee, or conservator or guardian, of the estate of the  
32 holder of legal title.

33 *Section 2.* No owner shall lease, let or rent to another  
34 person nor shall an owner permit the occupancy of any  
35 dwelling unit within a dwelling unless an occupancy license  
36 for such dwelling unit has been issued by the board. Provided,  
37 that if the board of any city or town determines that the  
38 requirements of this chapter would create an undue hardship  
39 in that city or town, it may, prior to the effective date of this  
40 chapter, file a written notice thereof with the commissioner of  
41 public health of the commonwealth requesting a grace period  
42 which in the case of a town shall be no longer than one year  
43 and in case of a city shall be no longer than two years, from  
44 the effective date of this chapter, during which extended  
45 period, the board shall use all possible efforts to obtain  
46 compliance with the provisions of this chapter.

47 *Section 3.* Each application for an occupancy license or for  
48 a renewal thereof shall be made upon a form furnished by the  
49 board and each shall be accompanied by an inspection fee of  
50 five dollars. All applications shall be acted upon by the board  
51 within fourteen days of receipt; provided, however, that if  
52 the board shall have requested extension pursuant to section  
53 two of this chapter, then during said period of extension the  
54 board shall act upon applications in the order in which they  
55 are received, with promptness. No application for renewal of  
56 an issued license need be acted upon by the board prior to  
57 thirty days before the expiration of an issued license.

58 *Section 4.* No occupancy license shall be issued or renewed

59 for any dwelling unit if such dwelling unit or the dwelling in  
60 which it is located are found, upon inspection, to be in  
61 violation of the minimum standards of fitness for human  
62 habitation established under Article II of the state sanitary  
63 code or any ordinance, by-law, rule or regulation and if such  
64 violation may endanger or materially impair the health,  
65 safety or well being of persons occupying the premises.

66 *Section 5.* In any case where the board has refused to issue  
67 an occupancy license or to renew an issued license, it may  
68 proceed in accordance with the applicable provisions of the  
69 state sanitary code and, in addition, shall inform the appli-  
70 cant of its action by sending to him, at the address shown on  
71 the application, a written statement of the violations found  
72 to exist. Such notice shall be sent within five days of the  
73 inspection made pursuant to the application.

74 The notice shall also inform the applicant of his right to a  
75 hearing, of his responsibility to request a hearing, and to  
76 whom the request shall be made. The person or persons to  
77 whom such notice was sent may request a hearing before the  
78 board by filing, within three days after the day on which he  
79 received such notice, a written petition requesting a hearing  
80 on the matter with the board. Upon receipt of such petition  
81 the board shall set a time and place for such hearing and shall  
82 inform the applicant thereof in writing. The hearing shall be  
83 commenced not later than ten days after the day on which  
84 the petition was filed; provided, that upon application of the  
85 petitioner the board may postpone the date of the hearing for  
86 a reasonable time beyond such ten day period if in the  
87 judgment of the board the petitioner has submitted a good  
88 and sufficient reason for such postponement.

89 At the hearing the petitioner shall be given an opportunity  
90 to be heard and to show why the occupancy license should  
91 issue. Where appropriate, the board may consolidate hearings  
92 involving different dwelling units owned by the same person  
93 or persons.

94 After the hearing the board shall sustain, modify or with-  
95 draw its previous decision. The board may modify its pre-  
96 vious decision by issuance of a temporary occupancy license  
97 or an extension of an issued license which shall be valid for

98 the period of time set forth therein which, in all events, shall  
99 not be longer than ninety days. In any case in which the  
100 board shall withdraw its previous decision, an occupancy  
101 license shall be issued by the board, forthwith.

102 *Section 6.* Any person aggrieved by a final decision of the  
103 board may seek relief therefrom in any court of competent  
104 jurisdiction. In no event shall any proceeding of the board  
105 pursuant to section five of this chapter or any proceeding by  
106 the applicant in a court of competent jurisdiction operate to  
107 extend the expiration date of any license including a tem-  
108 porary license beyond the date which appears thereon.

109 *Section 7.* The expiration date of each license shall be  
110 stated thereon and shall be determined by the board in  
111 accordance with licensing regulations duly promulgated by  
112 the board. In no event shall any board establish regulations  
113 which provide for expirations later than two years from the  
114 effective date of the original license. In the discretion of the  
115 board it may establish similar expiration dates among dwell-  
116 ing units in the same neighborhoods or areas of the city or  
117 town.

118 *Section 8.* No occupancy license required by this chapter  
119 shall be transferred unless the transferee shall give written  
120 notice to the board within ten days following the transfer of  
121 ownership in fact, and whether or not said transfer is re-  
122 corded in the appropriate registry of deeds. Such notice shall  
123 include the true name and residential address of the trans-  
124 feree, and the giving of a postal box number shall not be  
125 deemed to constitute compliance with this section. If the  
126 transferee shall fail to comply with the provisions of this  
127 section, then as to each dwelling unit the ownership of which  
128 has been transferred, in fact, the transferee shall be deemed  
129 to be unlicensed and the license then outstanding shall be  
130 deemed revoked.

131 *Section 9.* Every licensee shall have each current license  
132 framed under clear glass or plastic lamination and shall cause  
133 each such license to be posted in a conspicuous place in the  
134 dwelling or within the dwelling unit for which such license  
135 has been issued.

136 *Section 10.* Whenever, upon inspection of any dwelling or  
137 dwelling unit the board finds that said premises are in  
138 violation of the standards of fitness for human habitation  
139 established under the state sanitary code or any ordinance,  
140 by-law, rule or regulation, and that such violation may  
141 endanger or materially impair the health, safety or well being  
142 of persons occupying the premises, the board shall forthwith  
143 notify the licensee in writing of the existence of such viola-  
144 tions and shall advise him that unless the violations so found  
145 are corrected within a stated period of time, which period  
146 shall be reasonable and related to the nature of the conditions  
147 found to exist, the license for each such dwelling unit as may  
148 contain said violations or be affected thereby shall be sus-  
149 pended. After the period of time in which corrections are to  
150 be made has elapsed the board shall reinspect said dwelling  
151 unit and if such conditions shall not have been corrected, the  
152 license for each such dwelling unit as may contain or be  
153 affected by said violations shall be suspended, upon sending  
154 of written notice to the licensee. After suspension of any  
155 license, the licensee shall have the right to automatic rein-  
156 statement thereof provided he has fully corrected the condi-  
157 tions which constituted the violations and has done so within  
158 such period of time as the board may prescribe in its notice of  
159 suspension, which period shall be reasonably related to the  
160 nature of the conditions to be corrected but which in no event  
161 shall exceed ninety days.

162 In the event that the licensee shall not have corrected the  
163 conditions which constituted the violations within the period  
164 of suspension, he shall thereafter be deemed to be unlicensed  
165 and the suspended license shall be deemed revoked.

166 *Section 11.* No rent or other payment or payments for use  
167 and occupation of a dwelling or dwelling unit shall be  
168 recovered in any action at law or in any action of summary  
169 process under chapter two hundred and thirty-nine of the  
170 General Laws, for any period of occupancy in said dwelling or  
171 dwelling unit, unless the owner or one of his predecessors was  
172 issued an occupancy license which was unrevoked during the  
173 period of time for which claim is made. And no judgment and

174 execution for possession for the plaintiff shall issue or be  
175 entered under the provisions of chapter two hundred and  
176 thirty-nine, where the tenancy or occupancy has been termi-  
177 nated without fault of the occupant or by a notice to quit for  
178 nonpayment of rent alleged to have accrued during a period  
179 in which the dwelling or dwelling unit was unlicensed, unless  
180 the plaintiff was licensed as required by this chapter at the  
181 time of termination of the tenancy or occupancy and on the  
182 date of the hearing upon the merits in such action.

HOUSE . . . . . No. 370A

Enacted by the Senate and House of Representatives of the State of New York in 1904

*The Department of Education*  
*and the State University*

That the Department of Education be authorized to . . . . .

The Department of Education be authorized to . . . . .

The first part of the report is devoted to a general description of the country and its resources. It is followed by a detailed account of the various industries and occupations of the people. The report then proceeds to a description of the climate and the various seasons of the year. It concludes with a list of the principal towns and cities of the country.