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Mayor Menino proposes holding Boston landlords more accountable by bolstering inspection process

Posted by Matt Rocheleau September 8, 2012 06:00 AM

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By Matt Rocheleau, Town Correspondent

Mayor Thomas M. Menino is proposing a rewrite of city rules to hold landlords more accountable for providing suitable living conditions, largely by bolstering how rental properties are inspected.

The city ordinance would apply to an estimated 141,581 rental units, which represents 80 percent of all rental units in Boston and about half of the city's housing stock.

“This ordinance will create a proactive rental inspection process that is fair and ensures that people have a safe and healthy place to live in the City of Boston,” Menino said. “Landlords have a responsibility to their tenants.”

Each applicable rental unit would be required to register annually and pay the

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city a fee of \$15 per unit. Currently, rental units are not registered with the city.

Rental property would be subject to city inspection every three years. The existing city ordinance relies on landlords to voluntarily report when tenants turnover and then request inspections, which the city charges landlords to conduct, within 45 days of the turnover.

As a result, 98 percent of city housing inspections are conducted in response to complaints.

“The current ordinance lacks a proactive trigger to ensure that long-term tenants have safe, healthy housing,” the city said in a statement. “This revised ordinance is a pro-active tool which allows the Inspectional Services Department to work with property owners to meet code requirements and ensure safe, healthy rental units for Boston’s residents.”

The proposed ordinance also calls for establishing a system to track landlords who regularly fail to meet standards or correct problems.** The “Chronic Offender Registry” would be publicly accessible online and landlords on the list would be subject to \$300 fines and possible court prosecution.

Absentee landlords would be required to publicly display their contact information and landlords who live outside of Massachusetts would be required to hire an in-state agent and publicly display contact information for that agent.

The ordinance would fine landlords who violate unit occupancy limits. Property owners would also receive educational material each year reminding them that housing discrimination is illegal.

The city charges landlords between \$50 and \$75 to conduct an inspection, based on a property’s size. The cost landlords pay the city for an inspection would not change under the proposed ordinance.

Landlords are allowed to hire a private, city-approved inspector instead. The city currently charges a filing fee of \$25 per private inspection. That cost would drop to \$15 under the new ordinance.

The rental inspection ordinance would apply to all city rentals, except for owner-occupied residences with three or fewer units. The city’s current



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owner-occupied residences with three or fewer units. The city's current ordinance exempts an owner-occupied property with six units or less. Public property is exempt under the existing and proposed rules.

Additionally, landlords who demonstrate that their units exceed standards, provide an acceptable management plan and have a good history of compliance could be granted an exemption from having their rental units inspected every three years. Currently, the city allows such landlords to receive five-year inspection exemptions.

New rental property owners would be allowed to request a grace period for compliance if they submit acceptable plans to bring units into compliance.

The new ordinance would "provide a fair, predictable and proactive system of ensuring the health, safety and maintenance of Boston's rental units by inspecting, registering, educating and assisting Boston's landlords," the city's statement said.

Menino's ordinance will soon be filed with the City Council, according to a spokesman from his office. If passed by that legislative body, it would go back to the mayor's desk for final approval.

Over a four-day span during Boston's busy move-in period, city inspectors issued more than 2,800 fines for sanitary code violations along with more than 100 abatement orders and 20 fines for housing code infractions and scheduled condemnation hearings for three properties.

Still, [city officials said](#) those figures appear to be lower than in prior years.

**Landlords who own 50 or fewer rental units would be put on the offender registry if they incur six violations within 12 months or 10 violations within 16 months. Landlords who own between 51 and 500 units would be put on the registry for incurring 10 violations within 12 months or 16 violations in 16 months. And, landlords with 501 or more units who incur 14 violations in 12 months or 24 violations in 16 months would be put on the registry.

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