



AVON BOARD OF HEALTH

Buckley Center / 65 East Main St. / Avon, MA 02322

508-588-0414

IX. REGULATIONS FOR HUMAN HABITATION

(Section 127B, Chapter III M. G.L.)

Chapter II State Sanitary Code)

Section 13, Chapter 79A, M. G.L.)

The Avon Board of Health shall enforce the specifications as outlined in Title II, State Sanitary Code (now 105 CMR 410.000 Chapter II) and titled” Minimum Standards of Fitness for Human Habitation” for the Town of Avon. Under the authority of section 31, Chapter II of the General Laws and Regulation 2, Title I of the State Sanitary Code, the Avon Board of Health shall from time to time amend, or add to, the provisions of Title II (Chapter II) in a stricter sense to meet the health requirements of the Town of Avon and list such amendments in this section.

Amendments to Title II (Chapter II)

B. Additional Regulations for Human Habitation

1. Health Occupancy Certificate

Whenever a rented dwelling unit, apartment or tenement other than a motel, hotel, or rooming house is vacated by occupant or occupants thereof, or within ten(10) days before the expiration date of the anticipated vacancy, it must be certified by the Board of Health or its agents, prior to being re-occupied by a new occupant, as meeting standards set forth in the “Sanitary Code, Title II, Minimum Standards of Fitness for Human Habitation” as promulgated and from time to time amended by the Department of Public Health of the Commonwealth of Massachusetts under the authority of General Laws, Chapter III, Section 127A, and as upgraded by local health regulations. However, regardless of the number of occupancy changes during any 12 month period, one certification shall be sufficient for such 12 month period.

No public utilities shall be restored nor billing transferred, except where deemed necessary by the Board of Health or its agents to prevent damage to the dwelling unit, apartment or tenement, until such time that the Public Utilities Company is notified by the Board of Health or its agents, and after inspection of said unit is certified as being fit for human habitation. If within ninety-six(96) hours, excluding Sundays and Holidays, after receipt of written notice of a vacancy from the owner, managing agent or person in possession, the Board of Health or its agents fail to make an inspection, then said unit may be re-occupied with such certificate.

This regulation shall not apply to a new construction which is in compliance with the General Laws of the Commonwealth of Massachusetts and local by-laws pertaining thereto: nor shall it apply to new construction which is less than five (5) years old prior to the date on which the rented dwellings, apartment or tenement becomes vacant.

Any owner of such property used for dwelling purposes failing to comply with this regulation shall pay a fine of twenty (\$20) each and every day he allows any person or persons to live, occupy or inhabit the said premises without having received an occupancy permit from the Board of Health.

C. Validity

The invalidity of any part of the regulations in this section shall not affect the validity of any other part otherwise valid, and these regulations shall remain in effect as amended from time to time except for those parts which are determined to be invalid.

Amendment to this section

In addition to the requirements of Section 31, Chapter III of the General Laws, adopting new or amending regulations of this section shall require the following action:

1. The unanimous vote of the full Board in favor of such action as recorded in the minutes of a regularly scheduled meeting.
2. A public hearing of the purposes of evaluating pros and cons of each regulation or amendment thereof.
3. Public notice of the effective date for the new or amended regulation.