

## Henry H

---

**From:** melindahumphrey@comcast.net  
**Sent:** Thursday, April 14, 2016 12:00 PM  
**To:** Henry H  
**Subject:** for Monday's agenda and packet, Charter and Ordinance Owner-Occupant  
**Attachments:** Owner-Occupant Ordinance Excerpt.pdf

Charter and Ordinance Committee met 4/6/16 at 5:30, adjourned 6:10

In attendance were committee members Dave Allaire, Ed Larson, Sharon Davis and Matt Bloomer, chaired by Melinda Humphrey

Also in attendance were Bob Barrett, John Ruggiero and Aldermen Vanessa Robertson, Chris Etorri and Charles Romeo

### CITY ORDINANCES PERTAINING TO LANDLORD TENANT RESPONSIBILITIES

The issue was sent to committee prompted by a letter of concern emailed to the Board of Aldermen from John Ruggiero in March. Mr. Ruggiero summarized his concerns regarding violations on Certificates of Occupancy, and noted the violations typically penalize the landlord regardless of who caused the damage or violation. He would like a process for the Building/Health Inspector's office to be able to give a citation to either the landlord or the tenant, depending on the cause of violation. Mr. Ruggiero would also like the inspector to ensure that the tenant has followed existing procedure to notice the landlord of violations in writing as required and give the proper time to correct them before circumventing that existing process and immediately reporting to the city or the state. Damaged/removed smoke alarms, and lack of trash removal were given as common examples.

City Attorney Romeo reported that the current City ordinance (excerpts attached) allows that a citation can go to either the owner or the person responsible. Tenants/occupants can get citations, the procedure as Mr. Ruggiero asked for is already in place.

Mr. Ruggiero had met with Building Inspector Bob Barrett earlier in the day and discussed his concerns, they were both satisfied with their discussion and agreed that the City ordinances do not need to be changed, this is a matter of what is in practice, Barrett's office is not regularly writing citations to tenants for violations, though he agreed they can. Going forward, the Building/Health Inspector's office will ticket either landlord or tenant based on responsibility for CO violations. Barrett noted that he thought there would be push back to this change in practice at first but that it should result quickly in a change in culture and expectations. He also agreed that when his office receives calls from tenants citing violation at a property, they would ask that the existing procedure be followed and the tenant notifies the landlord in writing followed by allowing time for action. The inspector can refrain from making a site visit until then, unless in an emergency.

All agreed that the existing City ordinance does not need be changed and that this is an opportunity for continued conversation and participation between property owners, tenants and the Building/Health Inspection office. If a change in procedure comes about, the City Attorney will be notified to ensure any new practices are within the existing ordinance, and the Board of Aldermen will be kept up to speed as well in case they get questions from the public.

This report is for information only.

