

ORDINANCE #37

TOWN OF HANOVER ORDINANCE OF THE BOARD OF SELECTMEN

The Board of Selectmen of Hanover, New Hampshire, ordain as follows:

RENTAL HOUSING ORDINANCE

1. **Declaration of Purpose:** The purpose of the adoption of this Ordinance is to ensure rental housing complies with RSA 48-A:14, all applicable building and life safety codes, and the Hanover Zoning Ordinance.
2. **Title:** This Ordinance shall be known and may be cited as the “Rental Housing Ordinance of the *Town of Hanover*.”
3. **Authority:** RSA 48-A:14, 15

WHEREAS over 20% of the Town of Hanover’s housing stock consists of rental housing, a large proportion of which is occupied by students;

WHEREAS renters in general and students in particular are often unaware of their rights as tenants and/or unable to enforce those rights against landlords;

WHEREAS RSA 48-A:14 sets forth minimum standards for renting or leasing a residential dwelling; and

WHEREAS RSA 48-A:15 makes it a violation to violate the minimum standards set forth in RSA 48-A:14;

NOW THEREFORE, the Town of Hanover adopts the following rental housing registration and inspection ordinance to enable it to enforce the minimum standards set forth in RSA 48-A:14 fairly and consistently:

1. All owners of any rental property in the Town of Hanover must register those properties with the Town Manager by September 1, 2013. Such registrations will be made on a form provided by the Town. There shall be no fee associated with the registration of rental properties. New rental housing units which become available after September 1, 2013 must be registered no later than ten (10) days prior to tenant occupancy.
2. Rental properties shall include any property which includes a suite of one or more rooms located within a single building rented by the owner to one or more individuals living in common for non-transient (more than 30 days) residential purposes.

3. Rental properties shall not include dormitories at the Dartmouth College or hotels, hostels, inns or bed and breakfasts, continuing care retirement communities, or fraternity or sorority houses.
4. Failure to register accurately a rental property shall result in a \$500 fine and automatic registration by the town. The Town Manager may waive or modify this fine for good cause, such as a good faith error or omission by the property owner.
5. Upon receipt of a written complaint regarding any rental property, the town may, in its discretion, inspect the property to determine whether there are any health and safety violations at the property, but shall not be obligated to do so. The town may also inspect a rental property upon belief that there are health and safety violations at the property.
6. Notice of the inspection of any property shall be provided to the owner and the tenants via mail at least 24 hours prior to the inspection. Should the owner refuse entry to the Town, the Town may seek an administrative search warrant to authorize the inspection.
7. The purpose of said inspections shall be to determine compliance with RSA 48-A:14; however, should violations of other codes or ordinances be discovered during the course of such investigations, those violations may be prosecuted by the Town. Any administrative decision regarding violations of the zoning ordinance may be appealed to the zoning board of adjustment pursuant to RSA 676:5.
8. Written notice of any violation discovered during any inspection shall be provided to the owner and the tenant(s). The Town shall allow 30 days for the owner to remedy any violations and thereafter shall re-inspect the property. Should the violations remain upon re-inspection of the property, the matter may be referred to town counsel for legal action.
9. Should an inspection reveal a health/safety or other violation at the rental property, the property shall be re-inspected annually for three years to ensure ongoing compliance with applicable statutes and codes. If after three years of inspections no further violations are discovered, the property shall thereafter be inspected only upon a further complaint.
10. Inspection Fees:
 - a. Initial inspection with no resulting violation (paragraph 5)—no charge
 - b. Initial inspection with a verified violation (paragraph 5)--\$200
 - c. Follow up inspection (paragraph 8)--\$200
 - d. Annual re-inspections (paragraph 9)--\$200

EFFECTIVE DATE

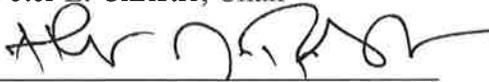
Having held two public hearings on June 17, 2013 and July 1, 2013, this Ordinance shall be effective on **August 1, 2013**.

IN WITNESS WHEREOF, a majority of the Board of Selectmen have hereunder set their hands.

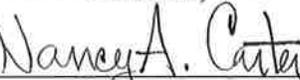
TOWN OF HANOVER
BOARD OF SELECTMEN



Peter L. Christie, Chair

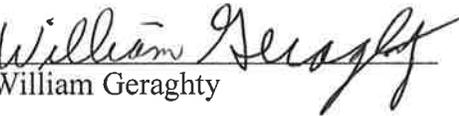


Athos J. Rassias, Vice Chair



Nancy A. Carter, Secretary

Jay C. Buckey, Jr.



William Geraghty

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Date of Notice as to Posting and Publication: June 7, 2013 / June 21, 2013

Date of Public Hearing: June 17, 2013 / July 1, 2013

Date of Adoption: July 1, 2013

Date of Notice of Adoption and Effective Date: July 19, 2013 / August 1, 2013

Date of Recording in the Town Records: August 12, 2013


Elizabeth A. McClain, Town Clerk