

CITY OF SOMERVILLE

ORDINANCE NO. _____

IN CITY COUNCIL _____

RENTAL REGISTRATION AND ENERGY DISCLOSURE ORDINANCE

Be it ordained by the City Council of the City of Somerville, in session assembled, that the Code of Ordinances of the City of Somerville is hereby amended by adding the following new provisions to Chapter 7 Housing:

ARTICLE _____. RENTAL REGISTRATION AND ENERGY DISCLOSURE ORDINANCE

Section A. Purpose.

The City Council finds that requiring Owners to register a Rental Unit with the City and requiring Owners to post an Energy Disclosure are necessary to

- a. promote public health, welfare, and safety;
- b. prevent nuisances, deterioration and blight conditions resulting from neglected Rental Units;
- c. increase efficiency and effectiveness of city management functions;
- d. increase awareness and knowledge of Somerville Owners and Rental Unit occupants about energy efficiency;
- e. improve knowledge of total cost of living for Rental Unit occupants living in Somerville; and
- f. reduce the community's contribution to climate change.

Section B. Definitions.

"Owner" means a person, persons, corporation, partnership, limited liability company, or any other entity holding the title to real property.

"Rental Energy Disclosure" or "Energy Disclosure" means a form prescribed by the City which reflects the information related to energy usage, features, and efficiency in the Rental Unit.

"Rental Registration" means a document evidencing a Rental Unit has been properly listed with the City.

"Rental Unit" means a non-owner-occupied room or group of related rooms within a dwelling used or intended for use by one family or household for living, sleeping, cooking and eating. A Rental Unit shall also mean a non-owner-occupied condominium unit.

"Representative" means, for purposes of this Ordinance, any other person or entity other than the Owner that manages or controls the property on behalf of the Owner.

Section C. Rental Registration.

- a. No Owner shall rent a Rental Unit without obtaining and holding current Rental Registration unless an exemption or exception applies in this Ordinance. All Owners shall register their Rental Units by November 15, 2022 and annually before November 15 thereafter.
- b. An Owner of any Rental Unit subject to this Ordinance shall register all Rental Units on a Rental Registration Form prescribed and made available by the City, to be completed and filed with the Office of Strategic Planning and Community Development-Housing Division or Designee.
- c. An Owner of a purchased or transferred Rental Unit shall have 30 days after closing to complete the Rental Registration Form.
- d. All Owners shall update their Rental Registration Form information as needed within 30 days of information change(s).
- e. If an Owner does not reside in Somerville, they must appoint a Representative that either works or lives in Somerville or lives within a 25-mile radius.
- f. An Owner of a Rental Unit shall post and maintain, or cause proof of Rental Registration in the method made available and manner prescribed by the City, to be posted and maintained on such dwelling adjacent to the mailboxes for such Rental Unit or elsewhere in the interior of such Rental Unit in a location visible to the Rental Unit occupants.
- g. An Owner, Representative, or real estate broker or real estate agent, who advertises the Rental Unit must include in such listing information about the Somerville Rental Registration in the

method made available and manner prescribed by the Office of Strategic Planning and Community Development-Housing Division or Designee.

Section D. Rental Energy Disclosure.

- a. No Owner shall rent a Rental Unit without providing an Energy Disclosure to a prospective Rental Unit occupant unless an exemption or exception applies in this Ordinance.
- b. All Owners or Representatives of Rental Units shall provide an Energy Disclosure, prescribed and made available by the City, to prospective Rental Unit occupants prior to, or upon agreement to lease, including a lease renewal, regardless of whether the agreement is oral or written, in the manner prescribed by the City.
- c. Owners or Representatives shall post and maintain or cause the Energy Disclosure, in the method made available and manner prescribed by the City, to be posted and maintained on such dwelling adjacent to the mailboxes for such Rental Unit or elsewhere in the interior of such Rental Unit in a location visible to the Rental Unit occupants.
- d. The Rental Energy Disclosure must be updated with each change of Rental Unit occupancy after November 15, 2022.

Section E. Exemptions and Exceptions.

- a. Fees for this Ordinance shall be as established by the Office of Strategic Planning and Community Development-Housing Division or Designee.
- b. The provisions of this Ordinance shall apply to all Owners of Rental Units in the city of Somerville. The following types of units are exempt from the requirements of this Ordinance unless the units are modified to meet the definition of a Rental Unit subject to this Ordinance.
 - (1) Owner-occupied single-family dwellings.
 - (2) Individual, owner-occupied units that are a part of multi-family buildings, including owner-occupied units with one (1) to three (3) renters who are not operating as a single housekeeping unit.
 - (3) Licensed lodging facilities such as rooming houses, Rental Units with four (4) or more non-related individuals, hotels, motels, inns, hostels, bed and breakfasts, including those designated pursuant to the Somerville Zoning Ordinance.
 - (4) Rental Units in any hospital, skilled nursing facility or health facility.
 - (5) Rental Units in a nonprofit facility that have the primary purpose of providing short term treatment, assistance or therapy for alcohol, drug or other substance abuse.
 - (6) Half-way houses or group homes, such as elderly, disabled, substance abuse programs, etc.
 - (7) Short-term Rentals as defined in Ch. 7 Art. X of the Somerville Code of Ordinances.
 - (8) Vacant Rental Units registered under Sec. 11-111 of the Somerville Code of Ordinances.
- c. Annually before the deadline, an Owner of a Rental Unit may apply for an exception of this Ordinance to the Office of Strategic Planning and Community Development-Housing Division or Designee. The Department is authorized to grant an exception under this Ordinance for reasons including but not limited to the following circumstances:
 - (1) A Rental Unit will be demolished within one (1) year of the most recent Rental Registration filed with the City.
 - (2) An Owner is experiencing unusual hardship prior to the express deadline.

Section F. Non-waivability.

The provisions of this Ordinance may not be waived, and any term of any lease, contract or other agreement which purports to waive or limit an occupant's substantive or procedural rights under this Ordinance is contrary to public policy, unenforceable, and void.

Section G. Partial Invalidity.

If any provision of this Ordinance or application thereof is held to be invalid or in conflict with applicable laws, this invalidity or conflict shall not affect other provisions or applications of this Ordinance which

can be given effect without the invalid provisions or applications, and to this end, the provisions and applications of this Ordinance are severable.

Section H. Penalties.

The provisions of this Ordinance shall be enforced by the chief of police, the superintendent of inspectional services, and their duly authorized agents, officers and employees, by a noncriminal disposition pursuant to Massachusetts General Laws Chapter 40 Section 21D. Each failure to comply with the requirements set forth in this Act with respect to an individual occupant shall be deemed a separate offense triggering a separate warning or fine. Unless otherwise provided, a person or entity violating any provisions of this Ordinance shall be punishable by a warning or fine in accordance with the provisions of Somerville Code of Ordinances Section 1-11.

- a. All appeals shall be made to the Hearing Officer pursuant to Chapter 106 of the Acts of 2008.
- b. The City shall provide notice to Owners in accordance with local, state, and federal laws.
- c. Owners are solely responsible for fees, fines, and penalties pursuant to the Ordinance.
- d. Owners and/or Representatives shall not retaliate against occupants who file a complaint for alleged violations of this Ordinance. Any such retaliation may be considered a defense pursuant to M.G.L. c. 186 s. 18.

Section I. Reporting.

Annually beginning in the year 2023, the Office of Strategic Planning and Community Development-Housing Division or Designee shall submit to the City Council a report summarizing efforts and results, including but not limited to the numbers of new and cumulative Rental Units registered, violations, complaints, and appeals.

Section J. Effective Date.

This Ordinance shall take effect on November 15, 2022 after passage by the City Council.

Be it further ordained by the City Council, in session assembled, that Section 1-11 (b) of the Somerville Code of Ordinances is amended by adding the following provision:

Violations	Fines Per Day	Enforcing Personnel
Failure to possess current Rental Registration without a valid exception or exemption.	1 st offense: Warning 2 nd & subsequent offenses: \$10 per unit per day and up to \$300 per building per day, until Rental Unit is registered or renewed.	Inspectional Services Division
Failure to comply with the Ordinance, except for current Registration without a valid exemption or exception.	1st offense: Warning 2nd & subsequent offenses: \$25 per unit per day and up to \$300 per building per day, until remedied.	Inspectional Services Division