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Rental Housing Codes and Inspections

We looked into the rental housing inspection laws of nearby states, with a focus on practices in the states of Maine and Rhode Island, and multiple municipalities in and around New England. In addition, we looked at the rental housing inspection laws of New Jersey, which appears to be unique among the states for the comprehensiveness of its state-level rental housing inspection program.

Entities Responsible for Code Enforcement

With the exception of New Jersey, inspection and enforcement in the states we looked at are generally left to town code and health officers, when such positions exist. Many municipalities set their own rental housing codes, and may require and conduct their own inspections.

Rhode Island law asserts that rental housing must be in a “fit and habitable condition,”¹ and Maine law states that rental housing includes an “implied warranty and covenant of habitability,”² meaning that the home must be suitable for living in. However, neither Rhode Island nor Maine requires comprehensive rental housing inspections. This is generally true of the other states of New England.

In New Jersey, the state is responsible for conducting inspections and enforcing state housing codes in multiple-family buildings of three or more dwelling units, which includes rental housing. This responsibility is carried out by the Bureau of Housing Inspection.³ The Bureau has the authority to enforce code by issuing citations for violations. In addition, the law grants the Bureau the authority to enforce Subchapter 4 of the New Jersey Uniform Fire Code.⁴ Municipal enforcement offices may conduct inspections on behalf of the state if authorized to do so by the Commissioner of the Bureau.⁵

¹ State of Rhode Island, "Chapter 34-18: Residential Landlord and Tenant Act," Rhode Island Statutes, accessed 13 Feb 2008, <http://www.rilin.state.ri.us/Statutes/TITLE34/34-18/34-18-22.HTM>.

² State of Maine, "Title 14 – 6021, Implied warranty and covenant of habitability," Maine State Legislature, accessed 13 Feb 2008, <http://janus.state.me.us/legis/statutes/14/title14sec6021.html>.

³ New Jersey Bureau of Housing Inspection, "Bureau of Housing Inspection," accessed 13 Feb 2008 <http://www.nj.gov/dca/codes/bhi/index.shtml>.

⁴ New Jersey Bureau of Housing Inspection, "Bureau of Housing Inspection."

⁵ New Jersey Bureau of Housing Inspection, "Regulations for Maintenance of Hotels and Multiple Dwellings," 10 May 2007, accessed 13 Feb 2008, http://www.nj.gov/dca/codes/bhi/pdf/regs_h_mdwel_may10_07.pdf.

Code Enforcement Standards Used

Rental units (and all other dwellings) in Rhode Island are required to meet the standards set by Rhode Island General Law 45-24.3, the Housing Maintenance and Occupancy Code.⁶ The state of Maine is less exacting, and as the Maine Attorney General's office advises in its *Maine Consumer Law* publication, "currently there are few specific laws dealing with remedying many landlord-tenant issues such as mold, indoor air complaints, poor water quality, and sewage disposal problems."⁷

Standards for rental housing inspection in New Jersey are set by the New Jersey Hotel and Multiple Dwelling Code.⁸ The code is comprehensive—setting specific and detailed rules for locks, window screens, ventilation, pests, plumbing, painting, garbage, living space, and other housing safety and comfort elements.⁹ The Code (91 pages) may be accessed from the website of the Bureau of Housing Inspection, at http://www.nj.gov/dca/codes/bhi/pdf/regs_h_mdwel_may10_07.pdf.

Frequency and Costs of Inspection

In Table 1 we present data on the frequency and costs of inspections collected from a number of cities and towns in New England as well as the data on the state program in New Jersey. None of the New England states require comprehensive rental housing inspections.

The New Jersey Bureau of Housing Inspection inspects each multiple dwelling of three or more units once every five years.¹⁰ Owners of multiple-dwellings are responsible for registering their building(s) with the Housing Bureau by filing a Certificate of Ownership, and are responsible for updating their registrations when there is a change to the information required by the certificate.¹¹

The state of New Jersey charges fees in association with rental housing inspections, and because the inspections are carried out by the state Bureau of Housing Inspection, some of their funding may be supported by state appropriation, as well.

⁶ Rhode Island Office of Housing and Community Development, "The Rhode Island Landlord-Tenant Handbook," State of Rhode Island Housing Resources Commission, 2007, accessed 13 Feb 2008, http://www.hrc.ri.gov/documents/2007%20Revision%20of%20L_T_Handbook2.pdf.

⁷ Office of the Maine Attorney General, Consumer Protection Division, "Consumer Law Guide: Consumer Rights When You Rent An Apartment," accessed 13 Feb 2008, http://www.maine.gov/tools/whatsnew/index.php?topic=AGOffice_Consumer_Law_Guide&id=27933&v=article.

⁸ New Jersey Bureau of Housing Inspection, "Regulations for Maintenance of Hotels and Multiple Dwellings," 10 May 2007, accessed 13 Feb 2008, http://www.nj.gov/dca/codes/bhi/pdf/regs_h_mdwel_may10_07.pdf.

⁹ Legal Services of New Jersey, "Tenants Rights in New Jersey: Chapter 6: Your Right to Safe and Decent Housing," September 2007, <http://www.lsnjlaw.org/english/placeilive/irentmyhome/tenantsrights/chaptersix/index.cfm> accessed 13 February 2008.

¹⁰ New Jersey Bureau of Housing Inspection, "Bureau of Housing Inspection."

¹¹ New Jersey Bureau of Housing Inspection, "Instructions: Applying for a Certificate of Registration," http://www.nj.gov/dca/codes/bhi/pdf/bhi_reg_instr.pdf accessed 13 Feb 2008.

Table 1: Housing Inspection Regulations by Municipality

		Minimum Frequency of Inspections	Registration/ Compliance Fee – Due (Number of Included Inspections Vary)	Additional Inspection Fees
Vermont	Burlington	Complaint/ Request	\$75.00 per Unit – Annually	\$60-200.00
	Barre	Complaint/ Request	Varies Each Year	N/A
New Hampshire	Manchester	Every 3 years	\$25.00 – Expires Every 3 Years	\$35.00
	Concord	Complaint/ Request	None**	\$69.00
Massachusetts	Boston	Turnover*	\$50-75.00 per Unit – Turnover*	\$50-75.00
	Springfield	Every 5 years	\$125.00 – Expires Every 5 Years	\$75.00
Maine	Portland	Complaint/ Request	\$75.00 – Once Upon Initial Registration	N/A
	Bangor	Turnover	\$35.00 per Unit – Annually	N/A
Connecticut	Hartford	Complaint/ Request	N/A**	N/A
	New Haven	Every 2 years	\$75.00-\$375.00 per Dwelling – Expires Every 2 Years	\$25.00
New Jersey	Entire State	Every 5 years	\$43-16.00 per Unit*** – Expires After 5 Years	\$52.00
New York	Syracuse	Every 5 Years	\$55.00 per Dwelling	N/A
	Geneva	Every 2 Years	\$30.00 per Unit- Expires After 2 Years	\$20.00

*Landlord can choose to exempt themselves from turnover inspections by paying a comprehensive fee that expires after 5 years. They are also exempt from a turnover inspection if they have passed an inspection in the last 12 months.

**Required inspections only due at completion of a Building Permit, fee varies.

*** In addition to the inspection fees, an annual fee will be required for 20% of the current inspection fee.

Sources: Compiled from the authors of the municipal codes and ordinances from the following municipalities: Burlington, VT, <http://www.ci.burlington.vt.us>; Barre, VT, <http://www.ci.barre.vt.us>; Manchester, NH, <http://www.manchesternh.gov>; Concord, NH, <http://www.ci.concord.nh.us>; Boston, MA, <http://www.cityofboston.gov>; Springfield, MA, <http://www.springfieldcityhall.com>; Portland, ME, <http://www.portlandmaine.com>; Bangor, ME, <http://www.bangormaine.gov>; Hartford, CT, <http://www.hartford.gov>; New Haven, CT, <http://www.cityofnewhaven.com>; Syracuse, NY, <http://www.syracuse.ny.us>; Geneva, NY, <http://www.geneva.ny.us>; New Jersey, <http://www.nj.gov/dca/codes>;

In New Jersey, within 90 days after an inspection, owners must file an application for a certificate of inspection. The application includes a fee of \$43 per unit of dwelling space for the first 7 units in a building, \$27 each for the 8th through 24th units, \$23 each for the 25th through

48th units, and \$16 each for every unit after the 48th. Lesser fees are required of three- and four-unit owner occupied buildings.¹²

When looking at rental housing inspection codes and ordinances of the states listed above, all are ultimately dictated by their own statewide standards and regulations but also include a dominating municipal code system; excluding the state of New Jersey.

The frequencies of inspections vary in every state but can always occur when a tenant places a complaint and requests an inspection from the town. The required inspection frequency yields a pattern in some cities where an inspection is necessary when registration or a compliance fee needs to be renewed or granted. Other cities, such as Bangor or Boston, require an inspection every time there is a turnover of occupancy. The cities of Burlington, Barre, Concord, and Portland all leave inspections up to tenant's complaints and requests.

Inspection fees are required and determined by municipalities during registration and when they deem inspections necessary to occur for maintenance and safety reasons. State laws do not interfere in regulating inspection fee amounts, and grant municipalities the jurisdiction to deem the amount and frequency of additional fee payments as they feel appropriate, except for the state of New Jersey. Fees were typically handled by municipal code enforcement or finance departments. The payment fees, if specified to a particular entity, were always under the responsibility of the owner.

Produced at the request of Representative Helen Head by Libby Hedding, Travis Morrison, and Sarah Palma under the Supervision of Professor Anthony Gierzynski on February 20, 2008.

Disclaimer: This report has been prepared by the undergraduate students at the University of Vermont under the supervision of Professor Anthony Gierzynski. The material contained in the reports does not reflect official policy of the University of Vermont.

¹² New Jersey Bureau of Housing Inspection, "Regulations for Maintenance of Hotels and Multiple Dwellings."