

**ORDINANCE # 42**  
**TOWN OF HANOVER**  
**ORDINANCE OF THE SELECTBOARD**  
**ESTABLISHING RENTAL HOUSING ORDINANCE**

The Selectboard of the Town of Hanover ordains as follows:

- I. **DECLARATION OF PURPOSE:** The Purpose of this Ordinance is:
  - 1) to establish the minimum standards governing the condition and maintenance of dwelling units offered for rent with the goal of ensuring that they are safe, sanitary, and fit for human habitation,
  - 2) to authorize the inspection of such dwellings and if necessary, the condemnation of dwellings unfit for human habitation and citing penalties for violations, and
  - 3) to define certain responsibilities and duties of owners and occupants of such dwellings.
- II. **TITLE:** This Ordinance shall be known and shall be cited as the "**Rental Housing Ordinance of Hanover, New Hampshire.**"
- III. **AUTHORITY:** RSA 48-A:1-13
- IV. **DEFINITIONS:** Any term not specifically defined in this Ordinance shall have the meaning implied by its context in the Ordinance or the ordinarily accepted meaning.

**Responsible Party:** an individual identified as the primary contact for the safe operation of a Unit. The Responsible Party will either be the owner or an individual authorized to act on behalf of the owner.

**Unit:** The following are considered Units for the purposes of this ordinance:

- 1) a "Dwelling Unit(s)" as defined by the Town of Hanover Zoning Ordinance Chapter III:

A single room or group of connected rooms constituting a separate and independent housekeeping establishment for occupancy by an individual or a family, physically separated from any other rooms or dwelling units that may be in the same structure and containing independent and dedicated cooking, sanitary, and sleeping facilities, including prefabricated and modular units that meet all pertinent building code standards and excluding housing for transient occupancy such as a motel, hotel, or rooming house.

OR

- 2) An owner-occupied dwelling which is renting a room(s) "without separate cooking facilities..." as regulated by Town of Hanover Zoning Ordinance Chapter V. Section 519.

**V. APPLICABILITY: The "Rental Housing Ordinance of Hanover, New Hampshire."**

shall apply to any rented Unit within the Town.

**VI. OTHER ORDINANCES:** This Ordinance shall not interfere with or annul any ordinance, rule, regulation, permit, or any other more restrictive code. All rental units shall comply with all applicable state, federal, and local ordinances, and regulations, including but not limited to the Hanover Zoning Ordinance, the Hanover Site Plan Review Regulations, RSA 48-a, 153-a, and RSA 155-A, which includes but is not limited to compliance with the State Fire Code.

**VII. CERTIFICATES OF COMPLIANCE:** It shall be unlawful for anyone to rent, or offer for rent, any Unit without a Certificate of Compliance ("COC"), Interim COC, or Transfer Permit.

A. The Hanover Planning, Zoning & Codes Department (the "Department") will use its best efforts to notify all known owners of Units of the COC requirements as set forth in this Ordinance, including the requirement to complete an application for an Interim COC within 30 days of receipt of the notice. An Interim COC will be automatically issued by the Department and be valid until there is a transfer of property or a COC is issued.

The failure of the Department to notify an owner of an applicable property of the COC requirements shall not excuse the owner from complying with this Ordinance.

B. Following the issuance of an Interim COC or receipt of a renewal application, the Department will inspect the Unit, including all areas that impact egress and common areas where applicable. Inspections will be based on the following to determine compliance with the provisions of this Ordinance:

1. 2018 NFPA 101, Life Safety Code as amended by Saf-FMO 300
2. 2016 NFPA 211, Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances
3. 2015 NFPA 720, Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment
4. 2018 International Building Code (IBC) with NH Amendments (IRC Ex)
5. NH RSA 48-A

C. Following the inspections, the Department shall:

1. Issue a COC if the Unit complies with all provisions of this Ordinance; or
2. Issue a violation notice if the Unit does not comply with all provisions of this Ordinance. The notice shall list all violations, order their correction, and establish re-inspection requirements and a date for re-inspection.

- D. On or before the date specified in a violation notice, the Responsible Party shall correct all violations. If the Unit complies with all provisions of this Ordinance on re-inspection, a COC shall be issued. If the Unit does not comply with all provisions of this Ordinance on re-inspection, the Department may schedule a subsequent inspection or initiate enforcement action, pursuant to RSA 48-A:4.
- E. The initial and renewal COC will be issued for a period of three (3) years from the date of inspection.
- F. Nine months prior to the expiration of a COC, the Department will notify the Responsible Party of the requirement to submit an application to renew their COC. Such application is required to be submitted six months prior to the expiration of a COC.
- G. If the Department does not complete the required compliance inspection prior to the termination date of the existing COC, the existing COC will be extended by the Department by issuing an Interim COC until the required inspection has been completed.
- H. In the case of newly constructed rental property for which a Certificate of Occupancy has been issued, the Certificate of Occupancy will serve as the COC and will be good for three (3) years from the date of issuance.
- I. Upon conveyance of a property, an application for a Transfer Permit shall be made to the Department and shall be signed by all sellers and buyers. A Transfer Permit will be issued by the Department and require no additional inspections.
- J. On the request of the Responsible Party, prospective purchasers, real estate brokers, financial institutions, housing agencies, or others with a legitimate interest, the Department will inspect the Unit.
- K. The following fees shall be charged:
  - 1. Application: \$50 per Unit\*
  - 2. Inspection: \$250 per Unit.
  - 3. Reinspection: \$75 per Unit
  - 4. Transfer Permit: \$25 per Unit.\*
  - 5. Replacement of COC \$25.

\*a single application and transfer permit is permissible for each multiple unit site.

## **VIII. ADMINISTRATION AND ENFORCEMENT**

- A. Staff from the Department or their designees are hereby authorized to enter and inspect the Unit for compliance. Such inspection shall be made at reasonable times with no less than a 24-hour notice to the Responsible Party, who then shall notify the occupant.
- B. In the event that such entry is denied or resisted, the Town of Hanover may seek an Administrative Inspection Warrant or other order from a court of competent jurisdiction for the purpose of making such entry.
- C. The Department and its designees shall exercise the powers necessary or convenient to carry out the provisions of this Ordinance, including but not limited to the following:
  1. To inspect the Unit in order to determine if the Unit is unfit for human habitation.
  2. To administer affirmations, examine witnesses, and receive evidence.
- D. The Department may determine that a Unit is unfit for human habitation if it finds that conditions exist in the Unit which are unreasonably dangerous or injurious to the health or safety of the occupants of the Unit, the occupants of neighboring dwellings or other residents of Hanover.

Such conditions may include the following:

1. Defects which increase beyond normal the hazards of fire, accident, or other calamities.
2. Lack of adequate ventilation, light, or sanitary facilities.
3. Dilapidation, disrepair, or dangerous structural defects.
4. Uncleanliness.
5. Overcrowding.
6. Inadequate ingress and egress.
7. Inadequate drainage.
8. Any violation of other health, fire, or safety regulations.  
(RSA 48-A:7)

- E. If the Department determines that a Unit is unfit for human habitation, it shall state in writing its findings of fact in support of such determination and shall issue and cause to be served upon the owner and Responsible Party thereof an order which requires the owner, within the time specified in the order, to repair, alter, or improve

such Unit to render it fit for human habitation and/or to vacate the Unit. If the owner fails to comply with such an order, the Town may file a petition in Superior Court pursuant RSA 48-A:4.

- F. If, during the term of a COC, a petition is filed with the Department by at least ten residents of Hanover charging that any Unit is unfit for human habitation or if the Department has reason to believe that the Unit is unfit for human habitation, the owner and Responsible Party will be notified of the requirement for a new inspection. Such notice will be delivered by certified mail at least ten days prior to the date of inspection.
- G. If a Responsible Party is aggrieved by any order of the Department made pursuant to this Ordinance, they may appeal to the Selectboard. The Selectboard shall hold a public hearing upon the appeal, due notice of the hearing having first been given to the Department and to the Responsible Party.

The Selectboard may affirm or revoke the order of the Department, or it may modify it in accordance with its findings. If it shall affirm or modify the order, the Department shall proceed to enforce the order as affirmed or so modified. If the Selectboard revokes said order, the proceedings shall be terminated.

Within thirty (30) days after the Selectboard has given the appellant notice of its decision, as provided by this Ordinance, such appellant or any person aggrieved by such decisions may appeal by petition to the superior court.

- H. Where the Department determines that extreme danger or menace to the occupants or the public health exists, the Department may order immediate correction of such condition to be made or, if the circumstances warrant, may order the occupants to vacate the Unit. If any person so notified, neglects or refuses to comply with an order of the Department, the Department may then declare the Unit unfit for human habitation by issuing to the occupants and the Responsible Party a written order to vacate the Unit within such time as the Department may deem reasonable, and a placard prohibiting continued occupancy or re-occupancy may be conspicuously posted on the Unit.

## **IX. RESPONSIBILITIES OF RESPONSIBLE PARTY AND OCCUPANTS**

- A. All Units must be registered with the Department and have a valid and current COC or Temporary COC as required in this Rental Housing Code in order to be occupied.
- B. No Responsible Party or occupant shall cause any heating, electrical, hot water equipment or utility to be removed, shut off, or discontinued for any occupied Unit except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.

C. No Responsible Party or occupant shall cause or let a Unit become a Public Nuisance. For purposes of this Ordinance, "public nuisance" shall mean the following:

1. The physical condition or use of any Unit regarded as a public nuisance at common law.
2. Any physical condition, use, or occupancy of any Unit or its appurtenances considered an accessible nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, unsafe fences, structures, or improperly secured buildings.
3. Any Unit which has unsanitary sewerage or plumbing facilities.
4. Any Unit designated as unsafe for human habitation or use.
5. Any Unit which is manifestly capable of being a fire hazard or is manifestly unsafe or unsecure as to endanger life, limb, or property.
6. The interior or exterior of any unit which is unsanitary or is littered with rubbish, garbage, tires, or appliances.
7. Any Unit that is in a state of dilapidation, deterioration, or decay is in danger of collapse or failure or is dangerous to anyone in or near the Unit.
8. Any Unit with occupancy exceeding limits for the approved use class as established in the State adopted National Fire Protection Association (NFPA) 101, Life Safety Code. The Responsible Party shall advise the occupant in writing by insertion in the lease between the parties, or otherwise, of the maximum number of occupants permitted in the leased Unit.

D. It will be the responsibility of the Responsible Party to abide by the requirements of the New Hampshire Lead Paint Poisoning Prevention and Control Act (**R.S.A. 130-A et seq.**)

E. It shall be the duty of every Responsible Party to keep the Unit in good and safe condition and in compliance with all applicable codes and provisions of all applicable state laws, regulations, and local ordinances.

F. It shall be the responsibility of every Responsible Party to display a copy of the issued COC in the Unit, along with the following information:

1. The name, mailing address, and telephone number of the Responsible Party, who must be available to be reached twenty-four (24) hours per day, seven (7) days per week.
2. Solid waste and recycling protocol.
3. The telephone number to call to register complaints regarding the physical condition of the dwelling unit.

4. Maximum occupancy limit
- G. Any person, firm, or corporation who violates any provision of this ordinance for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$1,000.00 per RSA 31:39-d. Each day a violation occurs or continues shall constitute a separate offense.

Ordinance #42 – Ordinance of the Selectboard Establishing Rental Housing Ordinance was approved at Town Meeting on May 9, 2023.