

Handful of issues in rental sweep Audit checking for unsafe conditions

By Kyle Alspach, Globe Correspondent | May 24, 2007

An effort to inspect every rental housing unit in Milford for overcrowding and poor conditions is about one-third complete, and only a few problems have been discovered, according to the consulting firm conducting the sweep.

Tony Chiarelli, president of RMX Northeast Inc., said landlords are allowed to set up an appointment for the mandatory inspection, giving them time to deal with unacceptable conditions in advance.

But inspectors have found some problems. During one examination, a basement of a house didn't match the size listed in assessors' records. The inspectors found that the owner had created an unauthorized room by putting up a wall, Chiarelli said.

"The entrance to the room was barricaded with a bookcase," he said. "When the bookcase was pulled away, it turned out there was actually a person in the room at the time."

The inspections began late last month, and are mostly centered near the downtown area. The firm will inspect about 4,000 units as part of Milford's crackdown on substandard housing.

Of the approximately 1,300 units scrutinized so far, only about a dozen have contained significant breaches of local or state regulations, according to Chiarelli.

In fall 2005, Milford residents passed a bylaw at Town Meeting authorizing the inspections. It's the only bylaw of its kind in Massachusetts, according to Paul Mazzuchelli, the town's director of public health.

Mazzuchelli said the idea arose after officials became concerned about tuberculosis cases in town. Complaints had also been streaming in about excessive rubbish, noise, and cars in some neighborhoods, he said. Those signs seemed to point to overcrowding.

"It was definitely a blight to these neighborhoods," Mazzuchelli said. "So we thought, instead of just reacting, let's try to be proactive."

The inspection is fairly simple and takes about 20 minutes, Chiarelli said. The rooms in each housing unit are measured to determine a maximum occupancy, and observations about any poor conditions are also recorded.

The units must meet the state sanitary code requirement of having at least 150 square feet of living space for the first occupant and at least 100 square feet for each additional occupant.

The units must also meet a regulation recently passed by the Milford Board of Health, which requires units with four or fewer rooms to have 150 square feet of common living space, Mazzuchelli said. Larger units are required to have more common space.

Noncompliance with state or town requirements could mean a date in state Housing Court for the landlord and a possible \$300-a-day fine until the issue is resolved, he said.

Landlords also must pay a fee of \$50 per unit per year for an occupancy certificate; the money collected is used to pay the consulting firm for the work. Landlords have complained about the fee.

James Hentz, president of the Greater Milford Landlord Association, said many landlords will struggle with having to pay an annual fee.

"To do it every year for the same building, that doesn't make sense to me," said Hentz, a lawyer who is not a landlord. "It becomes just another extra expense for the landlord."

The Board of Selectmen's chairman, Bill Buckley, said he doesn't think the town should charge the annual fee. Additional inspections should have to be done only if units undergo a major alteration, Buckley said.

"We'd like to remove that burden from the landlords, especially the landlords who are not part of the problem," he said.

One case of overcrowding discovered by town officials in March has gone to Worcester Housing Court. A three-family house on Jefferson Street had been turned into a rooming house, with common living spaces turned into bedrooms, officials said. Locks had also been placed on bedroom doors so the rooms could be rented separately.

A Housing Court judge recently ordered the landlord to remove the locks and discontinue the use of common spaces as bedrooms, according to Milford's town counsel, Gerald Moody. The landlord could face fines or jail time if he doesn't comply with the order, Moody said.