

## **Chapter 72. Housing Standards**

**72-1. Authority.** NH RSA Chapter 48-A:1 through 48-A:12 was adopted 3/9/1965 by the Annual Town Meeting (article 4), to establish Housing Standards for the Town of Conway

**72-2. Purpose.** The purpose of this chapter is to

- A. Outline basic standards for all housing in the Town of Conway
- B. Provide a system by which the Town will institute a required Certificate of Rental Compliance for all rental properties in town.

**72-3. Applicability.** The requirements of this Chapter apply to all housing in the Town of Conway, however inspection for compliance will only occur for those properties that are either:

- A. Under construction for which a building permit has been applied for, approved and issued.
- B. Rented for any duration (including short term, long term, and seasonal rental properties) and any building configuration (single family homes, duplexes, multifamily homes, group homes, or any other type of structure that is used for overnight accommodations.

**72-4. Regulations.** Pursuant to Section 48-A:8, the Town of Conway establishes the following housing standards.

A. **1- and 2- Family Home Standards**

- 1) Address visibility: The address number shall be legible and visible from the street or road frontage of the property. Address number shall contrast with the background. Numbers shall not be spelled out. Each character shall be no less than 4 inches in height with a stroke width of not less than 0.5 inches
- 2) Smoke Alarms: Smoke alarms must be compliant with the NH Department of Safety Office of the State Fire Marshal Bulletin # 2020-05 “Smoke Alarm Device Requirements in Dwellings” or any superseding bulletins or code updates.
- 3) Carbon Monoxide Detectors: Must be present on each level.
- 4) Means of Egress: All occupiable areas of the home must have at least one means of egress and one means of escape that must be compliant with the NH Department of Safety Office of the State Fire Marshal Bulletin # 2020-03 “Secondary Means of Escape – Egress Windows & Doors” or any superseding bulletins, or code updates and HUD standards for manufactured homes.

- 5) Heating Appliance Maintenance: Have gas and oil heating appliances been serviced within the last 24 months?
- 6) Wood Stoves and Chimneys: Must be compliant with checklist in Appendix 3
- 7) Electrical System: Must be compliant with checklist in Appendix 4
- 8) Fire Extinguishers: At least one 1A:5BC fire extinguisher available.
  - a) Fire extinguisher must have pressure gauge present and in green range
  - b) Fire extinguisher tank must be hydro compliant
  - c) Fire extinguisher must have no visible damage
  - d) Fire extinguisher shall be mounted near the exit
- 9) Fire Pits: Must be installed and utilized according to RSA 227-L “Woodland Fire Control Permits, Prohibitions, and Penalties” and require a burn permit applied for by the occupant who is utilizing the fire pit and issued by the local forest fire warden or fire department.
- 10) Grills: If present, charcoal grills, gas grills, and wood pellet cookers are compliant with the NH Department of Safety Office of the State Fire Marshal Bulletin # 2020-08 “Grilling Safety at Multi-Unit Dwellings and One- and Two-Family Dwellings” or any superseding bulletins or code updates and they may not be placed on any combustible surfaces (for example but not limited to wood decking, composite decking, etc.) The grill must be at least 3 feet from the structure.

B. Multifamily Housing Standards.

- 1) Multifamily Housing in the Town of Conway shall comply with the current edition of the Life Safety Code, NFPA 101 as adopted by the State of New Hampshire and the multifamily section of any applicable NH Department of Safety Office of the State Fire Marshal Bulletins or any superseding bulletins or code updates.

C. Mixed-Use Occupancy Standards

- 1) Reserved

**72-5. Applying for a Certificate of Rental Compliance (CRC).**

A. Rental property owners shall apply for a Certificate of Rental Compliance (CRC) for all rental properties using the form in Appendix 1. This application and the CRC is specific to the owner and property together.

B. Each site with a single owner, regardless of the number of units, will receive a single CRC.

1. Owners who own multiple separate properties will need a CRC for each property.
2. Mobile home parks or condominium associations with a single owner of all units shall have a single CRC.

C. Any property that has received a Certificate of Occupancy (CO) due to the recent completion of construction will automatically receive a CRC dated with the same date as the issuance of the CO and lasting for 3 years.

D. Any property who received a CO within 3 years of April 09, 2024 can receive a CRC without further inspection or fees that will be good for 3 years from the date of the Certificate of Occupancy.

#### **72-6. Application and Inspection Process:**

A. Application and Inspection Scheduling: An owner or authorized owner's representative of a rental property applies for a CRC by submitting the form in Appendix 1 to the Conway Town Hall code compliance Department. A completed application and fees received will render the property in compliance. The code compliance Department will review the written application and will respond within 10 business days with any questions or concerns regarding the application if they exist. If there are no questions or concerns, or after any questions or concerns are clarified, the Town will reach out to the owner and appropriate Fire Chief to schedule an inspection. Inspections shall be scheduled at least 2 weeks in advance and shall be done with respect to tenant and landlord schedule limitations. The inspection should be scheduled within 2 months' time.

B. Inspection Process: At the time of the inspection, the landlord or an owner's representative shall be present. The checklist included in Appendix 2 shall be used to assess the property for compliance with the housing standard regulations included in this chapter. If the landlord or owner's representative is present for the inspection, then they will be made aware verbally of anything that does not pass inspection at the time of inspection.

C. Post-Inspection Report and Issuance of CRC: After the inspection is complete, the inspecting fire department will create a written report within 10 business days indicating the property has passed inspection or indicating the property has failed inspection. If a property fails inspection, the written report shall itemize each violation that was identified and what was seen that caused them to determine that the property was in violation of the regulations. This report will be placed in the property's file at the Town of Conway and the written report will be provided by either mail or e-mail to the property owner.

1) A property that does not pass inspection can either make improvements in order to pass a follow-up inspection, or they can reply to the Town of Conway staff to indicate they believe there has been either a misunderstanding of the regulations as they apply to the property, that they intend to apply for a waiver due to the historic nature of the property, or that they plan to appeal directly to the Appeal Board.

i. Owners that elect to make improvements needed to pass inspection shall schedule a re-inspection within 3 months or submit documentation to the town demonstrating that the repair cannot be done within that timeframe but is scheduled for completion. This documentation should include the name of the contractor or tradesperson who is scheduled to complete the work and the approximate timeframe.

#### **72-7. Fees.**

A. A fee will be paid at the time of registration. This fee is to cover the administrative and inspection costs of the program and not to create revenue for the Town of Conway.

- 1) 1- and 2- family home inspection for a single structure on one lot- \$375 with issuance of the CRC
- 2) Mobile home parks and PUD/condominiums with single unit structures- \$500 with issuance of the CRC
- 3) Multi-family homes with 3-11 units- \$500 with issuance of the CRC
- 4) Multi-family homes with 12+ units- \$375 annually
- 5) Mixed use structure inspections- RESERVED

B. The fee shall be waived for any property who is receiving their CRC at the same time as a CO, as the inspection fees have been paid for by the building permit fee. This shall also apply to buildings that receive a CRC under a prior CO that was received within 3 years of April 09, 2024.

#### **72-8. Waiver Process.**

A. Pursuant to Section 48-A:12, an owner of a property that is deemed historic by listing on the National Register of Historic Places, the State Register of Historic Places, is a contributing building to an existing or eligible historic district, or a building which is more than 50 years old and the preservation of which is in the public interest, can ask the appeals board for a waiver from a standard in this chapter which the board agrees is necessary to preserve the historic appearance or function of the building and which does not significantly impact the safety of building residents.

B. Any long term rental property that has a lease that is active as of 1/1/2024 may receive a waiver for non-compliance for work that cannot be completed while the structure is occupied. Once the current tenant no longer occupies the structure, the unit cannot be rented until it is brought into compliance. A CRC can be issued based on this waiver process for the specific tenant listed on the lease as of 1/1/2024.

C. Other waivers may be granted by the Appeals Board if necessary.

#### **72-9. Certificate of Rental Compliance (CRC) Renewal.**

A. An initial CRC is good for three years and expires based on the address number of the property in the month listed in 72-9.C following the third year.

B. A second CRC issued to the same property and owner that receives a fully compliant inspection will be good for 7 years and will be re-approved on a 7-year basis as long as no violations are noted at subsequent inspections. Properties with a documented failed inspection will be given a 3-year renewal rather than a 7-year renewal.

C. Renewal month based on the last digit in the address number: January-1, February-2, March-3, April-4, May-5, June-6, July-7, August-8, September-9, October-0

### **72-10. Fines.**

Fine for operating a rental without a Certificate of Rental Compliance- Fines will be issued in accordance with state statute.

**72-11. Appeals.** A Housing Appeals Board will be formed by an appointment of the Board of Selectmen.

A. The Housing Appeals Board shall be composed of 5 members, including:

1. A general contractor with not fewer than 10 years of experience, 5 of which have been in responsible charge of work
2. A mechanical contractor with not fewer than 10 years of experience, 5 of which have been in responsible charge of work
3. An electrical contractor with not fewer than 10 years of experience, 5 of which have been in responsible charge of work
4. A plumbing or fire protection contractor with not fewer than 10 years of experience, 5 of which have been in responsible charge of work
5. A landlord who owns property in the Town of Conway

B. This board shall meet once on odd numbered months or monthly upon receipt of application to review appeals to the violations of the TOC Housing Standards that cannot be mediated or resolved with Town Staff and the Fire Chief(s) directly.

C. Appeals board decisions can be appealed to the Carroll County Superior Court.

### **72-12. Definitions.**

Housing unit- Overnight accommodation for a family or group of people that may be a single room, multiple rooms, and may or may not include a kitchen or food preparation area.

Rental housing- A housing unit that is occupied by someone other than the property owner in exchange for a fee.

Short term rental- Any occupancy of a residential structure such as but not limited to single-family homes, duplexes, multifamily (three or more individual units), group homes, or any type of structure that is used for overnight accommodations for a time period up to thirty days.

Long term rental- Any occupancy of a residential structure such as but not limited to single-family homes, duplexes, multifamily (three or more individual units), group homes, or any type of structure that is used for overnight accommodations for a time period greater than thirty days.

Single family (1- family) home- A residentially occupied structure that provides living, sleeping, individual cooking and restroom facilities, usually occupied by an individual or group of individuals occupying the structure as an individual or as a family.

Duplex (2- family) home- A residentially occupied structure that provides two (separate) living, sleeping, cooking and restroom facilities, usually occupied by an individual or group of individuals occupying the structure or either of the separate facilities as an individual or as a family.

Multifamily housing- A residentially occupied structure that provides three or more (separate) living, sleeping, cooking and restroom facilities with the individual (separate) facilities occupied by an individual or group of individuals occupying the facility as an individual or as a family.

Mixed occupancy housing- Any building that contains single-family, duplex and multifamily housing in addition to one or more non-residential occupancies.

Certificate of Occupancy (CO)- The written approval issued by the Town of Conway to occupy a structure or building.

Certificate of Rental Compliance (CRC)- The written approval issued by the Town of Conway to occupy rental housing within a structure or building, indicating that a rental property has been inspected by the fire chief and meets the Town of Conway Housing Standards according to Chapter 72

## **Chapter 72 Appendix 1.**

Application Form for a Certificate of Rental Compliance

**Chapter 72 Appendix 2.**

Inspection Checklist

**Chapter 72 Appendix 3.**

Wood Stove Inspection Checklist

**Appendix 4**

Electrical System Checklist