

Town of Amherst, Massachusetts

TENANT INFORMATION SHEET

This information sheet summarizes the more important existing local and state regulations impacting residential rental properties in the Town of Amherst, Massachusetts.

Town of Amherst Zoning Bylaw

Residential Occupancy Limit – Under Amherst’s Zoning, a single dwelling unit can be occupied by no more than four (4) unrelated persons. Violations can involve \$100 fines for every day a violation continues.

Parking – Parking is permitted only on paved surfaces. No parking is permitted on lawns or dirt, or blocking sidewalks. On any driveway, a clear path into a property from the road must be maintained for fire and emergency medical vehicles. Violations can involve \$100 fines for every day a violation continues.

Behavioral Regulations

Nuisance House – Throwing out-of-control parties where minors are served alcohol can result in arrests, fines of up to \$300/person per incident, and eviction.

Unlawful Noise – It is illegal to make excessive noise that disturbs others, whether it’s loud music, or shouting and yelling during times when other residents are trying to sleep. Doing so can result in arrests, fines of up to \$300/person per incident, and eviction.

Keg Permits – It is illegal to have possession of a keg without a permit in Amherst. Permits can be obtained from the Amherst Police Department. Fines can be up to \$300 per incident.

Open Containers of Alcohol in Public – It is illegal to carry or consume an open container of alcohol on any “town street, sidewalk, way, and public property, including but not limited to parking lots, parks, school playgrounds, recreation areas, or conservation areas.” Violators can be arrested without warrant and fined up to \$300.

Minor Possession/Transporting Alcohol - It is illegal for any person under the age of 21 to knowingly possess, transport or carry alcohol on their person in the absence of a parent or guardian. Violators can be arrested without warrant.

Building, Fire and Health Codes

Fire Safety – Massachusetts health, building and fire codes require that doorways, windows, hallways, stairs and fire escapes which provide egress (a way out of) a residential building must be kept unobstructed and maintained so they can be opened and used in an emergency. Similarly, all smoke and CO detectors and fire alarms must be maintained in operating condition. Storage of flammable materials, especially flammable liquids, must be in accordance with the requirements of the Amherst Fire Chief. Violations of fire safety regulations can involve fines of from \$50 to \$1,000, depending on the offense.

Rental Housing and Property Maintenance - Rental housing in Amherst is required to be registered with the Town and have a rental permit, and its operation is governed by local regulations and Massachusetts health, building and fire codes. State codes require the property owner to maintain the structure in a safe and sanitary condition. Residents are required to maintain the areas they occupy in a clean and sanitary condition. Failure to maintain the property can result in citations and fines. Health code violations may involve fines of up to \$500.

Open Burning – All open burning requires obtaining a permit in advance from the Amherst Fire Chief. Violations can involve fines from \$300 up to \$500.

General Bylaws or other Regulations

Snow & Ice Removal – Property owners are required to keep shared exterior stairways, fire escapes, and egress balconies free from ice and snow. Tenants may be responsible for clearing snow and ice from private (unshared) stairways or egress balconies, if their leases so require. Property owners must remove snow and ice from adjacent sidewalks in the public ways within 24 hours of “the end of precipitation which caused the accumulation.” Failure to clear property may involve fines of up to \$500, or, for clearing of public sidewalks, the Town may contract the work and bill the property owner.

Trash/Recycling – Under Amherst Board of Health regulations and the state health code, facilities for the storage of trash and recyclable materials must exist and be used in a responsible fashion, waste streams must be separated into refuse and recyclable materials, and arrangements for the regular removal of trash and recyclable materials must exist. Occupants are responsible for the use of such facilities. For rental properties containing three or more units, arrangements for the regular removal of trash and recyclable materials are required. Penalties for failure to provide facilities or for their misuse can range from \$50 up to \$500.

Grounds Upkeep – The state health code requires minimum standards of upkeep of the grounds of a rental property so that garbage, rubbish, and trash do not accumulate, and dangerous circumstances associated with the property are not allowed to persist. Penalties can range up to \$500.

Junked Cars – State law and Amherst’s local regulations prohibit the keeping of junked, abandoned, disassembled or inoperable motor vehicles on any property. Violation can involve fines of \$50 per offense.

Pets/Dependent Animals – State law and Amherst’s General By-Laws require that pets and other dependent animals (livestock, poultry, etc.) be kept in a manner that ensures both human health and the welfare of the animals involved. Dogs must be licensed. Violations can incur fines which range from \$15 to \$300.

Rental Housing Permit Suspension - Rental housing that persistently violates local ordinances and state laws may be subject to suspension of the local rental housing permit. Questions regarding the permit suspension process may be directed to the Amherst Inspections Services Department at 413-259-3030 or [email].

Questions/Information

- **Occupancy, Parking, Building Issues:** Amherst Inspections Services Dept., 413-259-3030 or inspections@amherstma.gov
- **Health/Sanitation, Trash & Recycling:** Amherst Inspection Services., 413-259-3030 or inspections@amherstma.gov
- **Fire Safety, Burning Permits:** Amherst Fire Dept., 413-250-3082 or fire@amherstma.gov
- **Behavioral Regulations, Keg Permits, Snow Removal Junked Cars, Pets/Dependent Animals:** Amherst Police Dept., 413-250-3000 or police@amherstma.gov
- **A Guide to Landlord/Tenant Rights and Responsibilities can be found at:** <http://www.mass.gov/ocabr/consumer/housing/tenant-and-landlord/landlord-rights.html>.