

ARTICLE # \_\_\_\_  
AMENDMENT # \_\_\_\_

**Hampton Zoning Ordinance Amendment**

Article XII – Certificates of Occupancy

Amend Section 12.2 – Criteria (add New Section 12.2.5). Amend Section 12.3 – Application.  
Delete and Replace Existing Language in Section 12.5 – Fees.

~~Strikethrough~~ = Proposed Deletion

Underline = Proposed Addition

**Highlighting** = All Proposed Changes

**ARTICLE XII - CERTIFICATES OF OCCUPANCY**

(Amended March 1998)

**Section 12. New Construction**

All residential and commercial units will require a Certificate of Occupancy to be issued by the Building Department prior to any person occupying a new structure.

**Section 12.1 Existing Units**

No home, apartment, tenement, dwelling unit, hotel/motel unit, or other residential premises shall be let, rented, leased or otherwise occupied for residential purposes unless a Certificate of Rental Occupancy per 12.1.1 has been issued by the Hampton Building Department to the owner of record of that property. All residential units without a year round Certificate of Rental Occupancy may be used on a year round basis only by the owner of record, meaning to be that person or entity who is the title holder as recorded by the Rockingham County Registry of Deeds.

**12.1.1** Certificate of Rental Occupancy, Year Round or Seasonal: The Certificate of Rental Occupancy will be designated “Year Round” or “Seasonal”. All residential units leased between the dates of October 15 and May 15 will be designated “Year Round” and subject to all requirements of the State of New Hampshire Energy Code. All structures leased only between the dates of May 15 to October 15 will be designated “Seasonal” and not subject to the New Hampshire Energy Code.

**Section 12.2 Criteria**

In considering and approving applications for Certificates of Rental Occupancy by the Building Department and the Fire Department, the primary concern of the Town of Hampton is to preserve the public health, safety and welfare of the owner and occupants. To this end, the approval of any application shall include appropriate conditions and safeguards with regard to the following:

12.2.1 Adequate construction to provide a safe structure and protection from the elements.

12.2.2 Adequate habitable living area to meet minimum Housing Standards.

12.2.3 Safe and adequate ingress and egress.

12.2.4 Proper installation and operation of the heating, plumbing, mechanical and electrical systems in accordance with the New Hampshire Energy Code and in accordance with the Town of Hampton's Building and Life Safety Codes.

**12.2.5 Rental Occupancies shall comply with all State of New Hampshire Revised Statutes, to include RSA 130-A:5-D - Sale and Rental of Property.**

### **Section 12.3 Application**

The owner of record of a property may request a Certificate of Rental Occupancy by filing applications on a joint form provided by the Building Department.

After an on-site inspection by the Building Department and the Fire Department, to insure that the premises conform to the required standards, the Certificate will be issued. This Certificate will have a life of **ten five** years. To continue the Certificate of Rental Occupancy for a subsequent **ten five**-year term, a new inspection must be performed and new Certificate issued. Certificates in force on the date of enactment of this ordinance will expire **ten five** years from the date the Certificate was issued. In order to continue the Certificate of Rental Occupancy, an inspection must be performed and a new Certificate issued by the Building Department.

### **Section 12.4 Revocation**

The Building Department may revoke any Certificate of Rental Occupancy should the premises no longer conform to the requirements of the Ordinance, or to any State or Town health regulations. The notice of revocation must be mailed to the owner of record of the property by Certified Mail and posted at the front entrance of the premises. When the violation is abated the applicable Certificate will be reissued, to expire on its original expiration date.

### **Section 12.5 Fees**

**No fees will be levied to obtain the aforementioned Certificates unless more than three (3) visits are necessitated. If a fourth or further visit is necessary, then a \$50.00 fee per visit will be charged. Any fee levied to obtain the aforementioned Certificate shall be enumerated in the Town of Hampton Building Department Fee Schedule.**