

**TOWN OF NORWOOD
IN-LAW
ACCOMMODATIONS
INCLUDING AFFIDAVIT OF RESTRICTION**



“IN-LAW ACCOMMODATIONS”

The phrase, “mother-in-law” apartment is often followed by the question – “what can I do to have one?” “Can my in-laws move in?” “What’s legal?” “What’s not?” To help answer those questions, we’ve written a brochure where we hope to enlighten people, educate them and minimize errors in judgement.

Clearly, the Zoning Bylaw does not prohibit any relative from living with another relative. However, it is equally clear that any conversion of a single family dwelling to a use not permitted is not allowed.

Using the buzzword –“mother-in-law apartment” can cloud a relatively simple issue. The operative word here is *apartment*. Converting a single-family house to two separate housing units is prohibited unless the proper legal steps are taken to do so.

However, a resident may have any relative (mother, father, mother-in-law, father-in-law, aunt, uncle, etc.) live at the same address under the following conditions:

If desired, a *separate bathroom* may be provided.

Note: A licensed plumber must obtain a permit for his work.

A licensed electrician must obtain a permit for his work.

A building permit is required as well.

If desired, a *separate or additional bedroom* may be provided.

A building permit is required.

Note: A building permit must be obtained for any *floor plan changes*. If you are considering locating a bedroom in the *basement or attic* area: proper ventilation, lighting, insulation, window size and ceiling height must meet minimum State Building Code standards.

If desired, additional *kitchen* facilities may be installed.

Note: However,

[#1] this is ONLY POSSIBLE IF THE INTERIOR OF THE ENTIRE HOUSE IS ACCESSIBLE TO ALL RESIDING THERE.

[#2]should the family member pass away at no time after that date can this area be separated from the main house and rented. To do so would force the Building Department to issue a citation and pursue possible criminal complaints in Dedham District Court.

The fine for violation of the above is \$300 per day, per offense. Each day is counted as a separate offense. It adds up quickly.

Therefore, you may wish to think about the additional kitchen facilities in depth. The substantial cost of providing kitchen facilities would be limited to use by family members only. Also, if any of this construction is contemplated it must be done only after a building permit is issued and the work inspected.

You may now ask yourself what's the difference between this and renting a portion of your single-family house [dwelling unit] to "borders". Under Norwood's Zoning Bylaw, Section 3320-E, Accessory Uses it state, "room and board for not more than 3 persons *not members of the household* (whether regular or transient)". The definition of a dwelling unit states, "a building or portion of a building intended as living quarters for a single family, having a single set of kitchen facilities (a stove plus either or both a refrigerator and sink) not shared with any other unit. Therefore, no additional kitchen facilities can be installed for the "border" under any circumstances. They must use the same kitchen facilities as the family they are bordering with.

Again, both of the living conditions described above continue to limit the use of a property. A SINGLE FAMILY IS A SINGLE FAMILY IS A SINGLE FAMILY!

Mark G. Chubet
Inspector of Buildings
Town of Norwood

3/19/04

**TOWN OF NORWOOD
IN-LAW ACCOMMODATION
AFFIDAVIT RESTRICTION**

I/WE, _____
DO HEREBY DEPOSE AND STATE, UNDER OATH, THAT I/WE ARE THE OWNER-
OCCUPANT(S) OF A CERTAIN PREMISES IN THE TOWN OF NORWOOD, COUNTY OF
NORFOLK, MASSACHUSETTS, KNOWN AS AND
NUMBERED _____

(For title, see deed recorded in BOOK _____ PAGE _____
AND STATE FURTHER THAT THE STRUCTURE AND BUILDINGS PROPOSED TO BE
CONSTRUCTED OR ALTERED ON SAID PREMISES SHALL BE USED ONLY FOR THE
PURPOSE OF A SINGLE FAMILY DWELLING UNTIL SUCH TIME AS THE TOWN OF
NORWOOD, MA THROUGH ITS ZONING BYLAWS ALLOWS FOR THE PREMISES TO BE
USED FOR AND/OR CONVERTED TO OTHER PURPOSES.

THIS RESTRICTION SHALL RUN WITH AND BE BINDING ON THE PREMISES IN
SUBSEQUENT CONVEYANCES. FULL DISCLOSURE TO FUTURE OWNERS SHALL BE A
PART OF THIS AGREEMENT.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss DATE: _____

THEN PERSONALLY APPEARED THE ABOVE

NAMED _____
AND ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE HIS/THEIR FREE ACT AND
DEED BEFORE ME.

NOTARY PUBLIC

MY COMMISSION EXPIRES: ____/____/____

THIS DOCUMENT SHALL BE RECORDED AT THE NORFOLK REGISTRY OF DEEDS .

NAME(S) OF FAMILY MEMBER(S): _____

4/8/97

EXCERPTED FROM THE BOSTON SUNDAY GLOBE [APRIL 5, 1998] Q&A
WRITTEN BY NENA GROSKIND

RENTING AN ILLEGAL UNIT EXPOSES YOU TO BIG RISKS

Q. *I bought a home that is classified as a legal two-family. The prior owner occupied one of the units, rented one to a tenant, and allowed his mother to occupy a third smaller unit that he created in the basement. My friends tell me I will have trouble obtaining an occupancy permit if I try to rent that their, "secret" unit to tenants. Is that true? - J.C. , Brockton*

A. *This isn't a newly constructed building, so you don't need an occupancy permit. But you still have to be concerned about illegally renting that third unit. In addition to the penalty (probably a fine) that you would face for violating the local zoning requirements, you also might incur significant liability. If local authorities discover the violation (all it would take is a nosy neighbor or an angry tenant), you could be forced to evict the occupant of the illegal unit, who might in turn sue you for damages for violating the terms of the rental agreement.*

Also, the threat that your illegal unit might be discovered could discourage you from dealing with a difficult tenant, or weaken your legal position if you try. You'd be arguing that the tenant should be evicted, while the tenant might contend that you had no right to offer the unit for rent in the first place.

Insurance coverage might pose additional problems. If the occupant of the illegal unit causes a fire, or if a guest (or the occupant) is injured on the premises, an insurer might balk at paying for the damages. It's true that renting illegal units is a common practice, but it's a practice that has substantial risks you would be wise not to ignore.

Norwood is no different than other communities that are exposed to this same situation in that it happens here on occasion, too. Each year a few illegal apartments are exposed. What happens next? Without fail the matter is investigated - if the allegation proves to be true - a cease and desist order is issued and a criminal complaint filed in Dedham District Court if the violation is not abated.

Abatement may occur by the owner being ordered to remove all illegal installations and to return the area in violation back to its original state or the owner may be ordered to have all illegal tenants removed immediately or other action taken as the situation warrants. It is not unheard of for the owner to incur legal fees in the process. A copy of the citation is forwarded to the Fire Prevention Office, Board of Health, Wiring Inspector, P&G Inspector, Safety Officer and Assessors.

Currently, the fines associated with this violation are as follows:

Zoning:

As of this date **\$300 per day for each zoning infraction** noting that each day said violation continues shall be deemed to constitute a separate offense.

[see next page for Building Code information]

State Building Code 6th edition:

Sec. 118.4 - Violation penalties:

Whoever violates any provision of 780 CMR shall be punishable by a fine of not more than **\$1,000 or by imprisonment for not more than one year, or both for each such violation. Each day during which a violation exists shall constitute a separate offense.**

The criminal complaint requires that the owner appear in Dedham District Court before a magistrate. After hearing the presentation of both the owner and the Town of Norwood the magistrate makes a ruling as to how this matter will be adjudicated. Should the owner fail to adhere to the ruling - a trial will be scheduled. In either instance the Town will not hesitate to seek renumeration for legal expenses incurred by them. The fines shall be and have been paid directly to the Town of Norwood.

Obviously, it is not in any homeowners best interest to create a situation which places them in the line of "direct fire". Its just not a smart move. In the past those homeowners who have chosen this path have found that the money that they acquired by renting this illegal apartment was spent ten-fold in making the corrections to abate the violation.