

## **MINIMUM STANDARDS OF FITNESS FOR HUMAN HABITATION**

In accordance with the provisions of Section 128C of Chapter 111 of the General Laws as amended by Chapters 209 and 447 of the Acts of 1954.

### **SECTION 1. DEFINITIONS**

1.1 Dwelling shall mean a building or structure used in whole or in part for human habitation, including all dormitories, dwelling units and lodging units therein and the premises thereof.

1.2 Dwelling Unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

1.3 Garbage shall mean the animal and vegetable or other organic waste resulting from the handling, preparation, cooking and consumption of food.

1.4 Habitable Room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets and storage spaces.

1.5 Infestation shall mean the presence, within or around a dwelling of any insects, rodents, or other pests.

1.6 Lodging House shall mean any dwelling, or that part of any dwelling containing one or more lodging units, in which space is let by the owner or operator to five or more persons who are not within the second degree of kinship.

1.7 Lodging Unit shall mean a rented room or group of rooms, containing no cooking facilities, used for living purposes by a separate family or group of persons living together or by a person living alone, within a dwelling.

1.8 Occupant shall mean any person living, sleeping or cooking in a dwelling.

1.9 Owner shall mean any person who, alone or jointly or severally with others:

(a) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(b) Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as operator, executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner.

Any such person thus representing the actual owner shall be bound to comply with the provisions of these minimum standards to the same extent as if he were the owner.

1.10 Plumbing shall mean and include all of the following supplied facilities and equipment; gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catchbasins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

1.11 Rubbish shall mean combustible and non-combustible waste material, except garbage; and the term shall include such material as the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, grass clippings, tin cans, metals, mineral matter, glass, crockery, and dust.

1.12 Temporary Housing shall mean any tent, mobile dwelling place or other structure used for human habitation which is located on a lot or tract of land for less than 30 consecutive days.

1.13 Meaning of Certain words. Whenever the words "dwelling," "dwelling unit," "lodging unit," "premises," are used in these minimum standards, they shall be construed as though they were followed by the words "or any part thereof".

## **SECTION 2. RIGHT OF ENTRY**

2.1 The owner or occupant of every dwelling, dwelling unit and lodging unit, or the person in charge thereof, shall give the Board of Health or its authorized agent free access to such dwelling or dwelling unit, at all reasonable times for the purpose of inspection, examination or survey, if there is reasonable belief that the minimum standards for human habitation are inadequate.

2.2 Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of these minimum standards or with an order issued pursuant to the provisions of these minimum standards.

## **SECTION 3 PLUMBING**

3.1 A safe and adequate supply of water from a source approved by the Board of Health shall be piped into each dwelling.

3.2 Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to water and sewer systems approved by the Board of Health.

3.3 Every dwelling shall be provided with such number of water closets, lavatories, bathtubs or showers as the Board of Health may require but in no case less than one water closet, lavatory, bathtub or shower for each dwelling unit. In lodging houses and dormitories there shall be provided a minimum of one water closet, lavatory and bathtub or shower for every eight persons or part thereof.. All plumbing fixtures shall be properly connected to water and sewer systems approved by the Board of Health.

3.4 Every kitchen sink, lavatory and bathtub or shower required by these minimum standards shall be properly connected to both hot and cold lines.

3.5 Every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working order required under the provisions of Subsection 3.4 of Section 3 of these minimum standards, and are capable of heating water to such a temperature and in sufficient quantity to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit.

3.6 The water closet and bathtub or shower compartment for each dwelling unit or lodging house shall be accessible from within the building without passing through any part of any other dwelling unit or

lodging unit; and such water closet or bathtub or shower compartment shall be separated from all other rooms by walls or partitions that afford privacy.

3.7 No privy shall be constructed or continued in use except by written permission from the Board of Health. No privy shall be located less than 30 feet from any building used for sleeping or eating, or from any lot line or street. No privy shall be a source of pollution of any water supply or stream.

3.8 Where connection to a public sewer is not practicable, a dwelling shall be served by cesspool, septic tanks or other means of subsurface disposal of sewage, which shall be approved by the Board of Health and maintained by the owner to the satisfaction of the Board of Health.

3.9 All plumbing shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstruction.

3.10 Every sink, tub, shower, toilet, or other plumbing fixture in a building used for habitation shall be provided with a proper and unobstructed drain which discharges into a sewerage system outside the building, and said fixtures and drains shall be maintained by the owner in a sanitary working condition at all times.

#### **SECTION 4. GARBAGE AND RUBBISH**

4.1 Garbage or other organic waste shall be stored in watertight receptacles of metal or other approved material and provided with tight-fitting covers. Sufficient receptacles shall be provided for the maximum needs of the occupants of the dwelling. Mechanical disposal or incineration of garbage may be permitted, provided that such mechanical disposal or incineration methods are specifically approved by the Board of Health. Receptacles for garbage shall be provided in accordance with subsection 8.8 of Section 8 of these standards.

4.2 Rubbish or other inorganic waste shall be stored in receptacles of metal or other approved material. Sufficient receptacles shall be provided to take care of the maximum needs of the occupants of the dwelling. Incineration of rubbish may be permitted, provided that such incineration methods are approved by the Board of Health. Receptacles for rubbish shall be provided in accordance with Subsection 8.8 of section 8 of these standards.

#### **Section 5. LIGHT, VENTILATION, HEATING AND EGRESS**

5.1 Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window or skylight area measured between stops, for every habitable room, shall be ten (10) percent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-obstruction structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area.

5.2 Every habitable room shall have at least one window or skylight which can be easily opened. The total openable window area in every habitable room shall be equal to at least forty-five (45) percent of the minimum window area or minimum skylight area, as required in Subsection 5.1 of Section 5 of these minimum standards except where there is supplied some other device affording adequate ventilation and approved by the Board of Health.

5.3 Every bathroom and water closet compartment shall be well lighted and ventilated. Three foot candles of light (three lumens per square foot) shall be provided by either natural or artificial means

and shall be available at all times. Such light shall be measured 36 inches from the floor at the center of the room. Every bathroom and water closet compartment shall have at least one window or skylight which can be easily opened. The total openable window area shall be equal to at least forty-five percent of the minimum window area or minimum skylight area as required in Subsection 5.1 or Section 5 of these minimum standards. Such window area requirements of this section may be waived provided that there is an installed mechanical ventilation system approved by the Board of Health.

5.4 Every portion of any interior passageway or staircase common to two or more families in a building used for human habitation shall be illuminated naturally or artificially at all times with an illumination of at least two lumens per square foot (2 foot candles) in the darkest portion of the normally traveled stairs and passageways. Such means of illumination in dwellings occupied by three families or less may be controlled by switches that may be turned on as needed.

5.5 Every means of egress from a dwelling unit or a lodging unit shall be safe and unobstructed.

5.6 Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments located therein to a temperature of at least 70 degrees Fahrenheit. The temperature shall be read at a height of three feet above floor level at the center of the room. Such heating equipment shall be installed and maintained in accordance with the applicable regulations of the Board of Fire Prevention Regulations of the Massachusetts Department of Public Safety.

5.7 space heaters, except electrical, shall be properly vented to a chimney or duct leading to outdoors.

## **SECTION 6. MAINTAINANCE**

6.1 Every foundation, floor, wall, ceiling door, window, roof or other part of a dwelling shall be kept in good repair and capable of the use intended by its design.

6.2 Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair. Every stairway having three or more steps shall be properly bannistered and safely balustraded.

6.3 Railings or parapets shall be provided around porches that are higher than thirty inches above ground level, balconies, roofs used for egress or tenancy purposes and/or similar places. Such prospective railings or parapets shall be properly balustered and be not less than three feet in height.

6.4 Every roof, wall, window, exterior door and hatchway shall be free from holes or leaks that would permit the entrance of water within a dwelling and be a cause of dampness.

6.5 Every foundation, floor and wall shall be free from chronic dampness.

6.6 Every dwelling shall be free from rodents or vermin. Rodent or vermin extermination and rodent proofing and vermin proofing may be required by the Board of Health. Rodent and vermin extermination shall be carried out in accordance with Subsection 8.9 of Section 8 of these minimum standards.

6.7 Every dwelling shall be clean and free from garbage or rubbish. When a dwelling or dwelling unit is not reasonable clean or free from garbage or rubbish, the Board of Health may cause the responsible

person in accordance with the provisions of Subsection 8.3 through 8.9 inclusive of Section 8 of these minimum standards to put the dwelling or dwelling unit in a clean condition.

6.8 When a wall or ceiling within a dwelling has deteriorated so as to provide a harborage for rodents or vermin, or such wall or ceiling has become seriously stained or soiled the Board of Health may order the owner to clean, repair, paint, whitewash or paper such walls or ceilings. Nothing in this standard shall be so construed as to place upon the non-resident owner responsibilities for cleanliness contained in subsection 8.5 of these minimum standards.

6.9 Every water closet compartment floor and bathroom floor shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be kept in a clean and sanitary condition.

## **SECTION 7. SPACE, USE AND OCCUPANCY**

7.1 Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

7.2 in Every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof. Notwithstanding the foregoing, in every lodging unit, every room occupied for sleeping purposes by one occupant shall contain at least 80 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 60 square feet of floor space for each occupant thereof.

7.3 At least one-half of the floor area of every habitable room shall have a ceiling height of at least 7 feet; and the floor area of that part of any room where the ceiling height is less than 5 feet shall not be considered as part of the floor area in computing the total floor area of the room for the purposes of determining the maximum permissible occupancy thereof.

7.4 No room in a dwelling may be used for sleeping if the floor level of the room is lower than three and one-half feet below the average grade of the ground adjacent to and within 15 feet of the exterior walls of the room.

7.5 A room located below the level of the ground but with the floor level less than three and a half feet below the average grade of the ground adjacent to and within 15 feet of the exterior walls of the room may be used for sleeping upon the written permission of the Board of Health and provided that the walls and floor thereof in contact with the earth have been damp-proofed in accordance with a method approved by the Board of Health; and provided that the windows thereof are at least 15 feet from the nearest building or wall.

7.6 No temporary housing shall be used without the written permission of the Board of Health.

## **SECTION 8. RESPONSIBILITIES OF OWNERS AND OCCUPANTS**

8.1 No owner, operator, or occupant shall cause any service, facility, equipment or utility which is required under these minimum standards to be removed from or shut off from or discontinued from any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies when discontinuance of service is approved by the Board of Health. In the event that any service or utility

which the owner or operator has agreed to supply is discontinued the owner or operator shall take immediate steps to cause the restoration of such service or utility.

8.2 The owner of a dwelling located in an area found by the Board of Health to be infested by rats, insects or other vermin shall carry out such rat stoppage, vermin proofing or other means of preventing or remedying such infestations of said dwelling as may be required by the Board of Health.

8.3 No owner shall occupy or let an occupant any vacant dwelling unit or lodging unit unless it is clean and sanitary.

8.4 Every owner of a dwelling containing two or more dwelling or lodging units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

8.5 Every occupant of a dwelling shall keep in a clean and sanitary condition that part of the dwelling which he occupies and controls.

8.6 Every occupant of a dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by Subsection 4.2 of Section 4 of these minimum standards.

8.7 Every occupant of a dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents, by placing it in the garbage disposal facilities or garbage storage receptacles required by Subsection 4.1 of Section 4 of these minimum standards.

8.8 It shall be the responsibility of an occupant of a dwelling unit to furnish such garbage and rubbish storage receptacles as are necessary within the dwelling unit. In dwellings containing no more than three dwelling units, it shall be the responsibility of the occupant of a dwelling unit to furnish such additional storage receptacles outside of the dwelling unit as are needed for the storage of garbage and rubbish until removal from the premises. In dwellings containing four or more dwelling units, it shall be the responsibility of the owner to furnish such receptacles outside of the dwelling units as are needed for the storage of garbage and rubbish until removal from the premises.

8.9 Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the one infested. Notwithstanding the foregoing provisions of this Subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonable insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

8.10 Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

8.11 The owner shall be responsible for compliance with the provisions of Subsection 3.9 of Section 3 and the lighting equipment provisions of Subsection 5.4 of Section 5 of these minimum standards.

## **SECTION 9. PENALTY, CONFLICT, PARTIAL INVALIDITY AND VARIANCE**

9.1 The penalty for violation of any provision of these minimum standards shall be in accordance with the provisions of Section 128F of Chapter 111 of the General Laws as amended.

9.2 In any case where a provision of these minimum standards is found to be in conflict with a provision of any zoning, building, fire, safety or health law of the Commonwealth or of this municipality existing at the time of publication of these standards, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

9.3 If any section, paragraph, sentence, clause, phrase or word of these minimum standards should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of these standards, which shall remain in full force and effect; and to this end the provisions of these standards are hereby declared to be severable.

9.4 The Board of Health may vary the application of any provision of these minimum standards to any particular case when in its opinion the enforcement thereof should do manifest injustice, provided that the decision of the Board of Health shall not conflict with the spirit of any provision of these minimum standards. Such variance granted by the Board of Health shall be in writing.