



Massachusetts Department of Public Health

105 CMR 410.000: Minimum Standards Of Fitness For Human Habitation (State Sanitary Code, Chapter II)

Regulatory Revisions

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DPH Mission

“To prevent illness, injury, and premature death, to assure access to high quality public health and health care services, and to promote wellness and health equity for all people in the Commonwealth. We also develop, implement, promote, and enforce policies to assure that the conditions under which people live are most conducive to health and enable people to make healthy choices for themselves and their families.”

These regulations establish the minimum housing standards which are set forth to protect the health and safety and well-being of occupants and the general public.

Regulation Overview

The Housing Code (105 CMR 410.000) sets forth minimum state-wide housing standards within the State Sanitary Code, established by M.G.L. c. 111, § 127A.

- The Code is promulgated by the Department and enforced by Local Boards of Health
- Initial amendments went to public comment in 2017; received nearly 350 comments through two public comment periods (2017 and 2019)
- Commenters included local boards of health, landlord associations, tenant associations, homeless shelter operators, and advocacy organizations
- Public Health Council approved the regulations on October 12, 2022

Purpose of Revisions

- Significantly re-ordered and added clarifying language for ease of interpretation
- Align with and incorporate standards from existing state codes
- Address emergent issues
 - Tiny homes and other types of “alternative housing”
 - Climate change flexibilities
 - Tech updates
- Provide enforcement guidance, flexibility and clarity for BOH
- Significant changes are in red font throughout presentation

The Revisions-Reorganize

- The regulations have been reorganized to group similar subject matter
 - General Administration
 - Definitions
 - Building and Plumbing
 - Electrical and Fire
 - Health and Safety
 - Enforcement Procedures

The Revisions-General Administration

- **General Administration:**

- **Purpose (410.001)**

- To provide minimum standards to protect the health, safety, and well being of occupants

- **Scope (410.002)**

- Applies to all residences defined in 105 CMR 410.000
- Residences must also adhere to the State Building Code and all specialized codes

- **General Provisions (410.003)**

- Owner is responsible to provide and maintain all necessary equipment except where noted
- Owner may only remove optional equipment when residence is vacant or prior to a new tenancy
- Occupant is responsible to keep their residence in a sanitary condition

The Revisions-Definitions Updated

410.010 Housing Type Definitions

Generally:

- All properties are either Residences or Temporary Housing
 - Residences include single and multi-family homes, rooming houses, homeless shelters, and alternative housing
 - Temporary Housing includes seasonal properties generally not intended for permanent occupancy and mobile housing, including tents

Changes:

- Amendments expand the specific housing types permissible and tailor the requirements to allow for flexibility while maintaining LBOH oversight
 - Revisions will permit some types of housing that do not meet all housing code standards, as long as they meet certain requirements and are approved by the local board of health. E.g. Seasonal cabins, tiny homes and properties owned by individuals wanting to ‘live off the grid’
 - Requirements and exemptions specific to homeless shelter operations.

The Revisions-Building and Plumbing

- **410.100 Kitchen Facilities**

- Adds minimum size of oven and refrigerators provided by owner
- Clarifies backsplash is not required but wall must be watertight
- Restructures wording for shared facilities to simplify

- **410.120 Approved Toilets**

- Listing of approved toilets
 - Flush
 - Humus/Composting
 - Incinerating
 - Privy*

- * Establishes location restriction and BOH authority to approve

The Revisions-Building and Plumbing, continued

- **410.150 Hot Water**

- Sinks: between 110⁰F and 130⁰F
- Bathtubs/Shower: revised from 110⁰F and 130⁰F to 110⁰F and 120⁰F
- Examine during normal use

- **410.160 Heating Systems**

- Explicitly outlines what is prohibited
 - Parlor heaters with fuel within 42”
 - Portable wick-type space heaters
 - Unvented propane/gas not approved by the Fire Code

The Revisions-Building and Plumbing, continued

- **410.170 Venting**

- All devices combusting fuel must be vented to the outdoors
 - Except unvented propane/gas approved by Fire Code
- Electric/Gas dryers must be vented to the outdoors
 - Except electric dryers listed and labelled as “ventless” by manufacturer
- Electric range hoods must be vented to the outdoors
 - Except electric hoods listed and labelled as “ventless” by manufacturer

The Revisions-Building and Plumbing, continued

- **410.180 Temperature Requirements**

- The previous heating season dates have been revised from **September 15th - June 15th** to **September 15th - May 31st**
- New, simplified process for boards of health to vary the beginning and/or end of the heating season based on weather forecasts, eliminating the need for an individual property variance process or a hearing.

The Revisions-Building and Plumbing, continued

- **410.200 Provision and Metering of Electricity or Gas**
 - Owner provides access to occupant's electrical distribution panel when the occupant pays for electricity consistent with MA Electrical Code
 - If electricity or gas does not meet the needs of occupants, the BOH shall notify plumbing and electrical inspectors, since permits will likely be needed to conduct repairs
- **410.220 Natural and Mechanical Ventilation**
 - Habitable Rooms/Bathrooms –
 - Natural - windows minimum 4% floor area
 - Mechanical – vent to exterior in accordance with 780 CMR
 - The BOH may require mechanical ventilation if natural ventilation is insufficient
 - Shutoff unless designed to run constantly or barometrically controlled

The Revisions-Building and Plumbing, continued

- **410.230 Owner's Laundering Requirements**

- If the owner of a residence provides linens, towels, pillows, or mattresses to the occupant:
 - Bed linens and towels shall be laundered at least weekly and between occupants
 - Blankets shall be laundered at least every 3 months and between occupants
 - Pillow/Mattress covers shall be laundered at least every 3 months
 - Mattresses are clean, in good condition, and replaced when soiled or damaged

The Revisions-Building and Plumbing, continued

- **410.235 Owner's Installation, Maintenance and Repair**
 - Added a bulleted list of required and optional equipment
 - Conventional cooktop and oven and refrigerator w/freezer required unless rental agreement specifies
 - Following any repairs, the owner ensures:
 - All debris properly disposed and area is clean
 - Surfaces exposed to moisture have been dried
- **410.240 Occupant's Installation and Maintenance**
 - Facilities where occupants have exclusive access:
 - Shall be kept clean
 - Shall exercise reasonable care in the proper use and operation of all facilities and appliances
 - Bulleted list of equipment inserted into regulations

The Revisions-Building and Plumbing, continued

- **410.260 Means of Egress**

- All residences shall have a minimum of 2 means of egress
- Kept free from obstruction:
 - Owner is responsible in multi-unit residence to maintain and keep free of obstruction; occupant is responsible for means of egress within their unit
 - Occupant is responsible in single-unit residence
 - Occupant is responsible for maintaining egresses free from snow and ice where they have exclusive access in multi-unit residence provided rental agreement clearly states responsibility

The Revisions-Building and Plumbing, continued

- **410.270 Locks**

- Owner installs and maintains locks in entry doors of all units
- Owner provides a key, except in homeless shelters, for:
 - The main entry door
 - The occupant's unit
 - Areas common to the occupant

The Revisions-Electrical and Fire, continued

- **410.300 Electrical Supply and Illumination**
 - **Kitchen:** 2 wall receptacle outlets, in addition to outlets used for refrigerators and cooktop/ovens
 - **Spaces other than the Kitchen, Habitable Rooms and Bathrooms:**
 - Electric Light switches, or sensors, and fixtures if light from adjacent area does not provide sufficient illumination for:
 - Laundry, Pantry, Foyer, Hallway, Stairway, Closet, Storage, and Cellar
 - Electric light switches, or sensors, must be installed and maintained for:
 - Porches, Decks, Passageways, Exterior Stairways, and Fire Escapes
 - **Residences with more than 1 unit:**
 - Light fixtures that are motion sensors, on timers, or always on for common area including:
 - Foyers, Hallways, Stairways, Porches, Decks, Passageways, Exterior Stairways, and Fire Escapes

The Revisions-Electrical and Fire, continued

- **410.300 Electrical Supply and Illumination, continued**
 - Owner provides light bulbs for all fixtures in common areas
 - Payment of electrical service for residences with 2 or 3 units
 - Light fixtures to illuminate common hallway, passageway, foyer and/or stairway may be wired to the unit adjacent to these areas
 - A written rental agreement clearly states occupant is responsible
 - Requirement may only be implemented upon a new tenancy
- **410.310 Auxiliary Service**
 - Owner of every residence containing 10 or more units shall provide and maintain an emergency lighting system and exit signs required by M.G.L. c. 143, § 21D

The Revisions-Health and Safety

- **410.400 Owner/Manager Contact Information and Notice of Occupants' Legal Rights and Remedies**
 - Owners that do not live within the residence shall post a sign containing:
 - Owner's name, address, and telephone number
 - Name, address, and telephone number of the president of a corporation if the owner is a realty trust or partnership
 - Name address, and telephone number of a property manager if they do not live within the residence
 - Telephone number provided must be checked regularly, at least every 12 hours, unless an alternative number has been provided if they are temporarily unavailable
 - Owner shall provide, or post, the Notice of Occupants' Legal Rights and Remedies

The Revisions-Health and Safety, continued

- **410.420 Habitability Requirements**

- No room or area may be considered habitable if it is subject to excess moisture
- No room or area may be considered habitable where $\frac{3}{4}$ of the room's ceiling height is less than 7 feet

- **Minimum Square Footage**

- Every dwelling unit shall have 150 square feet for the first occupant and 100 square feet for each additional occupant
- Every rooming unit shall contain a minimum of 100 square feet when:
 - The unit contains a single room
 - The unit is occupied by only 1 person
- In a residence, every room used for sleeping shall have a minimum of:
 - 70 square feet for one occupant
 - 50 square feet for each occupant when used by more than one occupant
- **Homeless shelters exempt from this section**

The Revisions-Health and Safety, continued

- **410.460 Homeless Shelters**

- Exempt from:

- Providing a bathroom door capable of being secured for privacy
- Toilet and bathroom ratios
- Supplying a lock with a striker mechanism of main entry door
- Minimum square footage requirements for sleeping areas
 - Should configure bed spacing to allow for 6 feet of separation head-to-head where feasible
- Installation of screens
- Pre-occupancy inspection for pests found at 410.540(C), provided they establish a pest management policy which provides for periodic inspections

The Revisions-Health and Safety, continued

- **410.500 Owners Responsibility to Maintain Building and Structural Elements**
 - The owner of a residence shall maintain all buildings and structural elements in good repair and every way fit for their intended use including:
 - Protected from wind, rain and snow, and are watertight and free from excess moisture, and pest resistant
 - Free from holes, cracks, loose plaster or defects that render the area difficult to keep clean, create an injury risk, or provide an entry or harborage for pests
 - In the event of leaks and/or flooding, the owner shall ensure all surfaces are dried within 48 hours from the time they are notified or the end of the event, whichever is sooner.

The Revisions-Health and Safety, continued

- **410.550 Elimination of Pests**

Owners and Occupants are responsible for control and elimination of pests

- **Residence with 1 unit**

- Occupant is responsible for keeping the unit free from pest infestation and elimination
- Owner held responsible for elimination if an inspection reveals that the owner has not maintained building or structural elements

- **Residence with more than 1 unit**

- Owner is responsible to maintain and keep free from pest infestation and for pest elimination
- Applies to Homeless Shelters as well

The Revisions-Health and Safety, continued

- **410.550 Elimination of Pests, continued**
 - **All Residences**
 - Owners/Occupants must:
 - Provide access to common areas and interior areas of dwelling/rooming units
 - Follow pesticide applicator's instructions
 - Occupants are required to maintain their dwelling/rooming unit in a sanitary manner
 - Owners must:
 - Conduct pre-occupancy inspection to determine the presence of pests
 - Homeless Shelters not required to conduct pre-occupancy inspections, but must establish policies to include periodic inspections
 - Document inspection results
 - Monitoring presence of pests
 - Eliminating entry points
 - Documenting results/actions taken, including repairs, application locations, follow up inspections

The Revisions-Health and Safety, continued

- **410.550 Elimination of Pests, continued**
 - Extermination is accomplished by:
 - Eliminating harborage places for insects and rodents
 - Removing/making inaccessible materials that serve as food or breeding ground
 - Poisoning, spraying, fumigating, trapping or any other recognized methods
 - Pesticide use within a residence requires compliance with Mass. Dept. Agricultural Resources, including 333 CMR 13.00: Standards for Application

The Revisions-Health and Safety, continued

410.550 Elimination of Pests, continued

- Pesticide Applicators must provide:
 - 48 hours notice prior to application
 - pre-notification documentation
 - Name and address of company
 - Proposed date of application
 - Location of areas to be treated
 - Pesticide names, ingredients, EPA registration numbers

The Revisions-Health and Safety, continued

- **410.560 Refuse**

- **Collection - Owner**

- Provides a sufficient number of receptacles to store rubbish and recyclables
- If providing a dumpster it must be located convenient to occupants and so no objectionable odors enter the residence and in accordance with 527 CMR 1.00 Mass Fire Safety Code
- Dumpsters shall be placed on impervious surface, covered and protected from leaking

- **Collection- Occupant**

- Responsible for proper placement of refuse in owner provided receptacles, in the dumpster, or suitable container if provided by the owner, or according to municipality's requirements
- Responsible for fees in municipalities where there is a Pay as You Throw Program
- Put out for collection in accordance with municipality's requirements but no earlier than the day before collection
- Plastic bags used for collection unless the BOH or municipality prohibits

The Revisions-Health and Safety, continued

- **410.570 Maintenance of Areas in a Sanitary and Safe Condition**

- Land

- Owner responsible to maintain land in a clean, safe and free from:

- Refuse
- Pests
- Potential injury
- Conditions contributing to standing water
- Any other condition affecting the health and safety of occupants and general public

- Common Areas

- Owner responsible to keep common areas in a clean and sanitary manner
- Occupants responsible to keep common stairway landing, porch or deck adjacent to their dwelling unit in a sanitary condition and free from obstructions and potential injury hazards

The Revisions-Enforcement Procedures

- **410.600 Inspection Upon Request**

- The BOH shall inspect a residence and common areas upon receiving a request orally, in writing, by telephone or electronic message regardless of whether:
 - The occupant has previously notified the owner of the alleged conditions
 - There is an eviction, litigation, or other dispute between the occupant and the owner
 - The occupant is requesting to be anonymous or asks their name be kept confidential

The Revisions-Enforcement Procedures, continued

- **410.600 Inspection Upon Request, continued**

- BOH shall keep a record of all requests and include:

- The name of person requesting
- The time and date of request
- The location of residence
- The nature of the request
- The date of inspection
- Any decision not to conduct an inspection requested by a person who is not the occupant

The Revisions-Enforcement Procedures, continued

• 410.610 Inspection Report

- The BOH shall adopt an inspection report form, provided it includes:
 - The name of the Inspector
 - The date and time of inspection
 - The location of residence
 - The need for an additional inspection by a specialized inspector
 - A description of the violations
 - A listing of specific code citations
 - A determination that any of the violations may endanger the health, safety or well-being of the occupants
 - Signature of inspector with statement, “This inspection report is signed and certified under the pains and penalties of perjury”
- Include a copy of the Tenant's Legal Rights and Responsibilities

The Revisions-Enforcement Procedures, continued

- **410.620 Conduct of Inspections**

- Inspector shall record all violations
- The occupant shall be informed of their right to a comprehensive inspection at the onset
- If the complaint is lack of heat and falls between September 15 to May 31 inclusive, then the comprehensive inspection will not be required but shall be conducted:
 - Within 1 business day when violations observed are listed in 410.630(A)
 - Within 5 business days for all other violations
- Where an inspection reveals conditions that present an imminent threat to health and safety and an immediate action is required, the remainder of the inspection may be delayed, but shall be completed in a timely manner
- A verbal summary of the inspection shall be given to the occupant or their representative and a written summary provided if requested

The Revisions-Enforcement Procedures, continued

- **410.620 Conduct of Inspections, continued**

Pests Insects and Arachnids	Rodents and Other
Interior of residence	Interior of residence
Common areas adjacent to the residence	Common areas adjacent to the residence
All units adjacent to the residence if bed bugs are found	Accessible attics, basements and crawl spaces
Exterior perimeter of the residence	Exterior perimeter of the residence

The Revisions-Enforcement Procedures, continued

- **410.620 Conduct of Inspections, continued**
 - **Excess Moisture**
 - If an inspector discovers excess moisture or appearance of mold, they shall inspect potential sources:
 - Plumbing leaks
 - Structural defects
 - Improperly maintained mechanical or natural ventilation
 - Improperly maintained heating, air conditioning, or ventilation ductwork
 - Environmental testing shall not be required to determine the existence of excess moisture or mold
 - When testing is conducted the results shall not be used as the sole determination of excess moisture or mold

The Revisions-Enforcement Procedures, continued

- **410.630 Conditions Deemed to Endanger or Materially Impair Health or Safety**
 - Review a list of conditions that when found shall always be deemed to endanger or materially impair health or safety
 - The inspector may determine that any condition which violates the regulation is a condition that may endanger or materially impair health or safety
 - Conditions identified as conditions that may endanger or materially impair health or safety, shall be noted as such on the correction order and inspection report

The Revisions-Enforcement Procedures, continued

- **410.640 Timeframes for Correction of Violations**

When violations are noted, the BOH shall order correction:

- Within 12 hours after the inspection, order the owner or occupant to make a good faith effort to correct within 24 hours of service any violations found in 410.630(A)
- Within 7 calendar days, order correction within 30 calendar days any violations found in 410.630(A)
- No order shall exceed 30 calendar days for correction, no dates be extended beyond the original date, unless a hearing in accordance with 410.800-410.860 has been conducted

The Revisions-Enforcement Procedures, continued

- **410.650 Unfit for Human Habitation; Hearing; Condemnation; Order to Vacate; Demolition**
 - Finding a residence, or portion thereof, unfit for human habitation
 - If inspection finds an occupied residence is unfit for habitation, BOH shall, subject to 410.650 (B), (C), and/or (D) issue a written finding, including material facts and conditions on which the finding is based
 - Prior notification to the occupants and owner
 - If the residence is occupied, prior to the finding, the BOH shall provide written notice to the occupants and owner which shall include:
 - Address of residence including the unit number
 - Copy of the inspection report
 - A statement the BOH is considering issuing a finding the residence is unfit for human habitation
 - A statement that this finding may result in an order of condemnation requiring the owner to secure and the occupants to vacate
 - A statement of the time and location of hearing

The Revisions-Enforcement Procedures, continued

- **410.650 Unfit for Human Habitation; Hearing; Condemnation; Order to Vacate; Demolition, continued**
 - Service of Notice
 - Notice shall be served in accordance with 410.680
 - Hearing if a residence is occupied
 - Prior to issuing a finding, conduct a hearing at least 5 calendar days after service of the notice
 - Occupants, owners, and any other affected persons, shall be given the opportunity to be heard
 - Exception to notification and hearing
 - If the BOH determines in writing the danger to life or health is so imminent, the BOH may issue a finding without notice of a hearing
 - Emergency determination must include a written explanation of conditions, sent to occupant and owner, and include a statement of their right to a hearing

The Revisions-Enforcement Procedures, continued

- **410.650 Unfit for Human Habitation; Hearing; Condemnation; Order to Vacate; Demolition, continued**
 - Condemnation, Order to Vacate, Order to Secure
 - At the same time of issuing the finding, or any time after, the BOH may issue an order condemning the residence, an order to vacate the residence, and an order to secure the residence
 - If the residence that is ordered secured is unoccupied, so no hearing was conducted, then the owner or any affected party shall have a right to a hearing
 - No residence that has been ordered vacated may be occupied without the written permission of the BOH
 - Demolition
 - If after 1 year an order to secure has been issued, compliance has not been achieved, the BOH may demolish, provided the affected parties were provided a right to a hearing

The Revisions-Enforcement Procedures, continued

- **410.660 Reinspections**

- A reinspection to determine compliance shall be conducted within:
 - 24 hours after the date for compliance of violations specified in 410.640(A)
 - 7 calendar days after the date for compliance of violations specified in 410.640(B)
- New violations found during the reinspection shall be addressed in a new order to correct
- The inspector shall identify in writing all violations corrected and those that remain uncorrected
- A verbal summary of the reinspection shall be given to the occupant and a written summary provided, if requested

The Revisions-Enforcement Procedures, continued

- **410.670 Order to Correct Violations**

- Every order authorized by 105 CMR 410.000 shall:
 - Be in writing
 - Include a copy of the inspection report
 - Include a copy of the Tenant's Legal Rights and Responsibilities issued by the Department
- Except as otherwise specified under the emergency provisions of 105 CMR 400.200(B), any order issued under the provisions of 105 CMR 410.000 shall:
 - Include a statement of violations indicating if a condition may endanger or materially impair health or safety
 - Contain a notice of the right to a hearing
 - Include a timeframe for compliance
 - Include a statement to have translated
 - Include a statement explaining that existing conditions may permit occupants to exercise legal remedies
- If an inspection reveals no violations are found, the inspector shall forward a copy of the inspection report and letter stating no violations found within 7 calendar days

The Revisions-Enforcement Procedures, continued

- **410.680 Service of Orders and Notices**

- Service of orders and notices shall be served:
 - By posting a copy in a conspicuous place on or about the residence affected and advertising it for at least 3 out of 5 days consecutive days in one or more newspapers of general circulation within the affected residence's municipality
 - By a parcel delivery service that documents service with an electronic copy of a signature
- A copy of every order shall be delivered personally or sent by first class mail to each affected persons, except if a common area violation affects more than 3 units, and the owner is the responsible party, then the notification may be satisfied by posting a copy of every order in a conspicuous location within the residence

The Revisions-Enforcement Procedures, continued

- **410.700 Variances**

- The BOH may NOT issue a variance for:
 - Conditions deemed to endanger or materially impair health and safety
 - Alternative Housing requirements specified in 105 CMR 410.710
 - Enforcement procedures specified in 410.600-410.930
 - Submetering of water and sewer
 - Any regulatory provision governed by another agency
 - Any regulatory provision required by law

The Revisions-Enforcement Procedures, continued

- **410.700 Variances, continued**

- The BOH may issue a variance when:

- Enforcement would do manifest injustice
- The applicant has proved the same degree of protection can be achieved without strict application of the existing provision
- When insurance is utilized, written confirmation from the insurance carrier confirming continuation of full coverage
- The BOH decision does not conflict with the spirit of the regulations
- All affected parties are notified of the date, location, and time of the hearing
- All affected parties are given time to be heard
- The petitioner is notified within 3 calendar days of the decision

The Revisions-Enforcement Procedures, continued

- **410.700 Variances, continued**

- Any variance granted by the BOH must be in writing and include:
 - The factors determining that enforcement would be a manifest injustice
 - The same degree of protection
 - The date of expiration of the variance
- The variance shall be:
 - Made available to the Director of the Community Sanitation Program by request
 - Available to the public at all reasonable hours in the office of the clerk or BOH
 - Provided to all occupants and attached to new rental agreements
 - Filed by the owner in the registry of deeds for the county in which the residence is located

The Revisions-Enforcement Procedures, continued

- **410.710 Permit Requirements for Alternative Housing**

- The BOH may approve alternative housing that does not meet one or more of the following requirements of 105 CMR 410.000 in a single family residence or owner-occupied dwelling unit:
 - Electrical service
 - Plumbing system for hot and cold water
 - Heating system
 - Minimum square footage
 - Sanitary drainage system, provided the following approved systems are installed:
 - An approved incinerating or composting toilet
 - Grey water system

The Revisions-Enforcement Procedures, continued

- **410.710 Permit Requirements for Alternative Housing, continued**
 - The owner's application for alternative housing must include:
 - A detailed plan of alternative energy and other provisions that will demonstrate the same degree of protection
 - A draft deed restriction to be filed with the Registry of Deeds
 - A signed statement that the residence will only be used for owner-occupied housing and that the owner is aware the permit will be nullified if used for rental housing
 - Documentation that necessary variances have been obtained from other regulatory agencies
 - Payment for any fees established by the BOH
 - Following the hearing the BOH provides a written decision explaining the rationale for the decision
 - A comprehensive inspection by the BOH is required prior to the variance approval

The Revisions-Enforcement Procedures, continued

- **410.710 Permit Requirements for Alternative Housing, continued**
 - Upon approval
 - The BOH shall submit a copy of the permit to the Director of the Community Sanitation Program
 - The owner records the permit on the deed at the Registry of Deeds
 - The owner provides a copy of the deed registration to the BOH
 - The permit becomes effective once the deed has been recorded
 - The permit will remain valid until modifications are made to the property or there is a change of ownership

The Revisions-Enforcement Procedures, continued

- **410.710 Permit Requirements for Alternative Housing, continued**
 - Modifications require resubmission for a BOH approval. Failure to do so results in revocation
 - The BOH may require an inspection prior to the approval of the modifications
 - A permit may be revoked or modified by the BOH for any alleged violation or other reason in order to protect the safety of the occupants after a notice is sent to the owner and the owner may be heard
 - The BOH shall forward a copy of the revocation or modification to the Director of the Community Sanitation Program

The Revisions-Enforcement Procedures, continued

- **410.800 Right to a Hearing**

- The following people may request a hearing:
 - Any person aggrieved by receiving an order or notice and any affected persons, such petition must be filed within 7 calendar days from the date the order was served
 - Any person aggrieved by the failure of an inspector to:
 - Enforce the provisions of the regulations, provided such petition must be filed within 45 calendar days
 - Follow the provisions of the regulations in the approval of a variance, provided such petition must be filed within 30 calendar days from the date the BOH approves the variance

- **410.820 Time for a Hearing**

- The hearing shall be commenced no later than 14 calendar days from the receipt of the petition
- Failure to hold a hearing within the required timeframe will not affect the validity of any order

The Revisions-Enforcement Procedures, continued

- **410.840 Final Decision after Hearing: Failure to Comply with Final Order**
 - The BOH shall notify the petitioner and affected parties in writing of its decision to sustain, modify, or withdraw the order within 5 calendar days after the conclusion of the hearing
 - If sustained or modified, the order shall be carried out within the time period allotted in the original order
 - If sustained in whole or in part, each day's failure to comply shall constitute an additional offense

The Revisions-Enforcement Procedures, continued

- **410.900 Condemnation, Placarding, and Vacating Residences**
 - Any residence shall be placarded as unfit for human habitation by the BOH when:
 - A written petition for a hearing is not filed within 7 calendar days after an order of condemnation has been issued
 - After a hearing of a condemnation is issued
 - When a residence has been condemned and placarded as unfit for human habitation and the occupant of the residence is not the owner, the owner shall provide comparable, suitable housing for the occupant for the following time period, or whichever is shortest:
 - The remaining term of the lease or rental period
 - Such time as the residence is deemed suitable for habitation by the BOH
 - Such time as the occupant finds alternative permanent housing and voluntarily terminates the tenancy
 - A claim for the expense incurred for demolition of residence by the BOH constitutes a debt due the municipality in accordance with M.G.L., c. 111, § 127B

Regulatory Process

- The Department will file the amended regulation with the Secretary of the Commonwealth for final promulgation
- The regulation becomes effective two weeks after filing
- By April 2023 we anticipate the regulation being promulgated
- The regulation may be viewed at www.mass.gov/amended410