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Massachusetts Department of Public Health

COMMUNITY SANITATION UPDATES

MHOA Annual Conference

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Topics for Discussion

- New Tenancy
- Glamping & TentRR
- Alternative Housing
- Tiny Houses
- Housing Code Update
- Other Housing Questions

New Tenancy

- What is a new tenancy?
 - Owner must formally end tenancy
 - Not a lease/rental agreement renewal
 - Housing Court does not have notice format available
 - Owner & Occupant should be referred to an attorney if you are asked for clarification
 - Where might you run into this?

Glamping & TentRR

- Glamping is where stunning nature meets modern luxury. It's a way to experience the untamed and completely unique parts of the world without having to sacrifice creature comforts. (glamping.com)
- Airstreams & Trailers
- Barns & Farmhouses
- Cabins, Huts & Cottages
- Cubes & Pods, Domes
- Luxury Lodges
- Tents, Tipi & Tepee, Yurts
- Tree Houses
- Wagons & Shepherd Huts

Glamping & TentRR

- TentRR is your private camping experience. We connect adventurers like you with private landowners who want to share their land so you can experience new places. (tentrr.com)
- TentRR Signature no equipment required
- TentRR Backcountry if you prefer to pitch your own tent
- TentRR Partners curated glamping sites
- State Park sites offer unique sites on state land

Glamping & TentRR

- What are your options?
 - It depends
 - What type of structure
 - How many sites
 - How many occupants
- **Housing** - No person shall occupy as owner-occupant or let to another for occupancy any dwelling, dwelling unit, mobile dwelling unit, or rooming unit for the purpose of living, sleeping, cooking or eating therein, which does not comply with the requirements of 105 CMR 410.000. [410.010(A), Scope]

Glamping & TentRR

- **Temporary Housing** - means any tent, mobile dwelling unit, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than 30 days. (410.020, Definitions)
- **Rooming House** - every dwelling or part thereof which contains one or more rooming units in which space is let or sublet for compensation by the owner or operator to four or more persons not within the second degree of kindred to the person compensated. Boarding houses, hotels, inns, lodging houses, dormitories and other similar dwelling places are included, ... (410.020, Definitions)

Glamping & TentRR

- **Family-Type Campground** - a tract or parcel of land, either privately or publicly owned, (a) which is used wholly or in part for recreational camping or group activity purposes, or for accommodation for overnight or longer periods, and (b) which accommodates for profit or under philanthropic or charitable auspices three or more families or camping groups. Without limiting the generality of the foregoing, the family type camp ground may accommodate tents, motor homes, expandable camping units, and such other devices as may be developed and marketed for the camping trade. The term family type camp ground does not include a children's day camp, recreational camp for children, mobile home park or picnic area. (410.020, Definitions)

Proposed Amendment: Alternative Housing

- **Alternative Housing** - a single family, owner-occupied dwelling residence, whether mobile or permanent, that is approved by a local board of health pursuant to 105 CMR 410.710 to alter standards set forth in 105 CMR 410.000 for heating, plumbing, electrical, and sanitary facilities and minimum square footage requirements in order to reduce energy use or environmental impact. (Proposed)
 - Board of Health Approval
 - Approval from other local departments
 - New owner must re-apply for alternative status

Alternative Housing Would Include Tiny Houses



What's With The Housing Code

- Held Second Round of 3 Public Hearings
- # Comments Received
- Proposing Revisions, Where Appropriate
- Approval to Promulgate

Proposed Housing Code Revisions: Structure

- **Structure**
 - Grouping & Consolidation
 - Building & Plumbing .100-.270
 - Electrical & Fire .300-.330
 - Health & Safety .400-.570
 - Enforcement Procedures .600-.950
 - Expanded paragraphs into bulleted lists
 - Easier to follow

Proposed Housing Code Revisions: Definitions

- **Alternative Housing**

- Single family, owner-occupied residence, whether mobile or permanent, that is approved by a local board of health pursuant to 105 CMR 410.710 to alter standards set forth in 105 CMR 410.000 for heating, plumbing, electrical, and sanitary facilities and minimum square footage requirements in order to reduce energy use or environmental impact.

- **Bulk Items**

- Waste items which because of size or weight cannot be collected as part of routine household refuse collection and have been designated by the local community through rules and regulations to require specific disposal procedures. Bulk items shall include, but not be limited to, large appliances, furniture, large auto parts, stumps, and trees, as well as large branches or brush that exceeds local size restrictions for yard waste collection.

Proposed Housing Code Revisions: Definitions

- **Homeless Shelter**

- a residence operated by a service agency which provides temporary, overnight sleeping accommodations and offers transitional assistance to homeless individuals and families in need of permanent housing .

- **Recyclable**

- any type of refuse designated by the local community through rules, regulations, or policies to be separated for recycling.

- **Refuse**

- discarded solid material resulting from household activities and shall include, but not be limited to, garbage, rubbish, recyclable materials, bulk items, or yard waste. Refuse shall not include items designated as household hazardous waste which require separate disposal.

Proposed Housing Code Revisions: Definitions

- **Residence**

- Building or structure including but not limited to single or multi-unit structures used for, or intended for, human habitation and every other structure or condition located within the physical boundaries of the same lot whose existence may cause noncompliance with the provisions of 105 CMR 410.000. Residences include, but are not limited to, rooming houses, manufactured homes, homeless shelters, temporary housing, alternative housing, and condominiums.

- **Shared Facilities**

- Facilities shared by more than one residence and placed so as not to require the passing through any part of another dwelling unit or rooming unit for access.

Proposed Housing Code Revisions: Definitions

- **Temporary Emergency Shelter**

- Any building, facility, or space therein designed and used primarily as a church or house of worship for religious services or instruction or related activities which is owned or operated by a religious organization and qualified for exemption under 26 U.S.C. section 501(c)(3) of the Internal Revenue Code that may, on occasion, provide temporary overnight accommodation to a limited number of individuals for a limited period of time.

- **Yard Waste**

- Grass clippings, leaves, weeds, hedge clippings, garden waste, and twigs, as well as brush or branches that meet size restrictions specified by the local community through rules and regulations relating to yard waste collection.

Proposed Housing Code: Most Commented

1. **Comments on Mold and Chronic dampness**

- One time event will also produce mold
 - Difficult to determine
- Moisture meters to determine dampness
- Positive test results require enforcement
- Add mold/chronic dampness to “Condition Deemed to Endanger”
 - Failure to remediate in accordance with EPA guidelines, following chronic dampness or a water event that resulted in the growth of mold or fungi

Proposed Housing Code: Most Commented

2. Comments on Homeless Shelters

- Exempt from spatial requirements
- Exempt from code

Proposed Exceptions for Homeless Shelters for 105 CMR 410

- (A) Provide a bathroom door, provided entry into the room is designed to block the view from an adjacent room or common area.
- (B) Toilet and bathroom ratios
- (C) Lock with a striker mechanism or provide keys to all occupants
- (D) Exempt from the minimum square footage requirements established in 105 CMR 410.420(D), provided there shall be a minimum of 3 feet separation between beds (4 ½ feet for double bunks) and the space should be configured to provide at least 6 feet head-to-head separation.
- (E) Screens on doorways
- (F) Homeless shelters are not required to comply with the inspection requirement in 105 CMR 550(F), provided they establish pest management policies that include periodic inspection for pest infestation

Proposed Housing Code: Most Commented

3. Comments on Heating Season

- Shorten heating season
- Don't shorten heating season
- Allow BOH to limit number of days in heating season
- Limit number of days through variance/hearing/case by case

Proposed Housing Code: Most Commented

4. Comments Requesting Guidance Documents

- Explain the rationale for adoption of requirements
- Procedures for Mold testing & remediation and Integrated pest management plan
- Determining sufficient hot water
- Determining sufficient amperage

Questions



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Thank You!

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