



BOH Forms: #18 Housing Permit Checklist

Board of Health and Local Health Department Standard Operating Procedures (SOP)

This **Checklist** highlights many of the permitting requirements for owner-occupied housing and short and long-term rentals. The checklist is designed to be used in tandem with the **MA Housing Code**. **Remember: BOH always has the final say on requirements.**

State Sanitary Code, Chapter II – 105 CMR 410 – Updated May 12,2023

Note: all housing is BOH health/safety regulated, including owner/tenant occupied; temporary/permanent; short/long term. Except:

- State and Federal Facilities
- Institutional housing such as nursing homes and hospitals licensed/inspected by the State under stricter regulations.
- Farm Camps regulated under State Sanitary Code Chapter III - 105 CMR 420
- Recreational Camps for Children regulated under State Sanitary Code Chapter IV - 105 CMR 430

Definitions

- **Dwelling Unit:** Room or group of rooms intended for use by an individual, family, household for living, sleeping, cooking, eating
- **Residence:** Any structure used for or intended for human habitation and all other structures on the same lot.
- **Rooming House:** Residence with 1+ rented units to 4+ unrelated persons. Includes, hotels, dormitories, boarding houses, etc.
- **Short-term Rental (STR):** Residence rented for 15+ days in a year for less than 31 continuous days to one renter. Doesn't include month-to-month rentals.
- **Alternative Housing:** Single-family, owner-occupied residence approved by the BOH to reduce energy or environmental impact.
- **Temporary Housing 1:** A mobile structure on premises for less than 30 calendar days in a year. Includes tents, trailers, vans, etc
- **Temporary Housing 2:** A mobile or permanent structure providing shelter with living, sleeping, eating, cooking, sanitation for one household for less than 90 consecutive days.
- **Temporary Emergency Shelter:** Space owned by Federally qualified religious organizations providing occasional shortterm shelter

Structure intended for human habitation that must meet the Housing Code and any stricter Local Regulations

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- **Residence:** Any structure used for or intended for human habitation and all other structures on the same lot.
- **Rooming House:** Residence with 1+ rented units to 4+ unrelated persons. Includes, hotels, dormitories, boarding houses, etc.
- **Short-term Rental (STR):** Residence rented for 15+ days in a year for less than 31 continuous days to one renter. Doesn't include month-to-month rentals. STRs must be registered with the State and locals and pay lodging taxes.
- **Alternative Housing:** Single-family, owner-occupied mobile or permanent residence approved by the BOH to reduce energy or environmental impact. This unit may not be rented out.
- **Temporary Housing 1:** A mobile structure on premises for less than 30 calendar days in a year that does not create a public health nuisance. Includes tents, trailers, vans, etc. Longer than 30 days requires a variance from the BOH. This Unit may not be rented.
- **Temporary Housing 2:** A mobile or permanent structure providing shelter with living, sleeping, eating, cooking, sanitation for one household intermittent periods of time in a calendar year not to exceed 90 consecutive days without a variance from the BOH.
- **Temporary Emergency Shelter:** Space owned by Federally qualified religious organizations providing occasional shortterm shelter
- **Retreats, Conference Centers, Camps, Dormitories, Homeless Shelters, and the like intended for human habitation.**

BOH Housing Permitting* Permits under MGL. Ch 140, s.23 and new Housing Code May 12 2023

Note: BOH routinely permit/inspect the following and charge a fee:

- **Rooming House:** Hotels, Motels, Inns, Dormitories, B&Bs and other short or long-term rentals with space for 4 or more persons rented for less than a continuous 32 days to one or more individuals.
- **B & Bs with 6 or more BRs** which also require a Food Permit.
- **Temporary Housing 2 – New. Should have a Permit and may set a Fee and other requirements.**
- **Alternative Housing – New. Requires Permit Application. May set Fees, other requirements. Variances must be in writing.**

BOH Permitting using Local Regulations

Note: Unless required by Local Regulations, BOH do not routinely issue permits but may inspect the following:

- **Tents, Trailers & Camp Sites used less than 30 days per year** in a single location. Should not be Short-Term Rentals (STR)
- **Rentals of Single-Family House/Apartment for 32+ days.** With local regulations, pre-rental or annual inspections can be done
- **Owner Occupied Housing.** (This is not common to permit or inspect unless there is a complaint.)
- **Emergency Shelters** (Civil Defense/Emergency Shelters are usually not permitted but are inspected regularly by the BOH.)

Mass Rental Housing Checklist: BOH may pass reasonable, more stringent requirements at any time.

	Single Family or other Dwelling - Owner Occupied or rented less than 14 days in yr.	Entire Single-Family Dwelling Rental for 32+ continuous days	Owner Occupied B & B: 1-6 BRs Reserved in Advance	Rooming Houses & Hotels: space for 4+ unrelated persons rented less than 32 continuous days.	Owner Occupied Large B & B: 7+ BRs	STR: Seasonal or Causal Lodging. Rooms or whole house rented 15+ days/yr.
Permits	No	Only if Local Regs	No	Yes	Yes	Only if local Regs.

Fees	No	Only if Local Regs	No	Yes	Yes	Only if local Regs.
Alternative Housing****	Requires written BOH permission	Should not be rented.	Requires written BOH permission	Should not be rented.	Requires BOH Permit	Should not be rented
Inspections**	Complaints or Local Regulation	For complaints or Local Regulation	Complaints or Local Regulation	Yes	Yes	Complaints or Local Regulation
STR: State-Local Registration & Excise Tax	No	No	Probably Not	Yes	Yes	Yes, pay tax (14 days or less must still register)
Food Permit***	No	No	No	Yes, if food served.	Yes	Yes, if food served.
Public Health Orders****	The BOH has broad authority to pass local regulations; order mandatory isolation and quarantine, suspend evictions, require special sanitation at the owner's expense or restrict the use of housing or occupancy in emergencies.					
*All Permitted Housing should be on a public water supply or annually provide a complete potable water test as the BOH requires.						
**Inspections: Note that the BOH must have the permission of the occupant or their agent to conduct an inspection.						
***Food Managers Training, Allergen Awareness Training and Consumer Advisories are good practices even if not required by the MA Food Code or the Board of Health whenever food is served to the public. BOH can require additional Food Employee training at any time. Every Food Establishment should have a Knowledgeable Person in Charge (PIC) at all times.						
****Note: Boards of Health may pass local regulations that are stricter than this to meet local conditions and set application and fee requirements.						

Temporary/Alternative Housing Application – Based on the new Housing Code May 12, 2023.

1. Applicant Name:
2. Applicant Phone Number, Email, Mailing Address:
3. Proposed Location/Site Address:
4. Proposed Dates of Use (Winter months require heat):
 - o Temporary Housing less than 30 days - nuisance regulations apply
 - o Temporary Housing 30 – 90 days – housing code regulations apply
5. Proposed Number of Occupants with Ages (may not be suitable for small children):
6. Type of Alternative or Temporary Housing:
 - o Tent, Yurt, etc.
 - o Mobile Structure: Trailer/RV/Tiny House
 - o Permanent Structure (Building/Occupancy Permit)
7. Owner of Property – written permission required:
 - o Permit does not imply permission to locate the Alternative Dwelling anywhere on a property without all local approvals:
 - i. Zoning Officials: Zoning and Residential Use
 - ii. Building Officials: Wood Stove Permits; Tent Permits (Fire Resistant label); maybe occupancy permit
 - iii. Electrical Officials: Electrical Connections: GFIs; Temporary Exterior Extension Cords must be approved
 - iv. Fire: Propane, Smoke Alarms, CO Alarms
 - v. DPW: Driveway Permits
8. Type of Proposed Lodging/Structure
 - o Square Footage
 - o Sleeping Accommodations
 - o Cooking Facility
 - o Weather Tightness
 - o Heat Source, Smoke & CO Detectors
9. Potable Water Plan: Approved Source
10. Power/Electricity Plan – may need an electrical permit
11. Waste Disposal Plan
 - a. Toilets – Best to connect to sewer, new septic system, or existing system with excess capacity.
 - i. Composting toilet (not designed for greywater flows)
 - ii. Incinerating (not designed for greywater flows)
 - iii. Privy's need a perc test to determine ground water and likely not allowed in Title 5.
 - b. Greywater – Options
 - i. Public Sewer

- ii. Private Septic if there is adequate capacity for increased flow. May need extra pumping and monitoring.
- iii. Holding Tank: concrete, plastic, bladder with Pumper Contract – needs a variance.
- iv. Subsurface Greywater System
 - 1. Designed under Title 5
 - 2. Alternative Innovative Design
 - 3. Other – needs variance.
- c. Solid Waste Plan – trash & recycling

Temporary/Alternative Housing Permit Conditions to Consider

Note: *The Zoning Officer, Building Inspector, Fire Inspector, Highway Supervisor, and others may also have jurisdiction.*

Permit Requirements/Conditions

- a. May not cause a nuisance and must cease and desist when ordered to do so.
- b. Must allow the BOH to inspect with 24 hours' notice.
- c. Must remove Alternative/Temporary Dwelling within 10 days if ordered to do so. May request a hearing within those 10 days.
- d. Any changes must be first approved by the BOH
- e. May not be used as rental housing without special permission from the BOH
- f. Must Post Address that meets Code Requirements for size and durability at street and on the structures.
- g. Must comply with all other local regulations and requirements such as police, fire, zoning, building.