



# 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

**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

### Housing that must meet the Housing Code and any stricter Local Board of Health Regulations

**Dwelling:** Every Building or Shelter intended for human habitation: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIX/Chapter64G/Section1>

- **Owner Occupied Housing/Dwelling Units**
- **Rental Housing/Dwelling Units**, both short and long-term. Short-term Rental (STR) is defined as less than 32 continuous days.
- **Temporary and Mobile Housing/Dwelling** such as tents, trailers, vans, campers and the like occupied 30 days or more per year in one location. (Note: during emergencies, temporary housing use may be expanded or not allowed, depending on the situation.)
- **Retreats, Conference Centers, Camps and the like intended for human habitation.**

### BOH Housing Permitting\*

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

- **Rooming House:** Hotels, Motels, Inns, Dormitories, B&Bs and other Short-Term Rentals (STR) or Casual Rentals with space for 4 or more persons rented 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 Shelters**

### BOH Permitting only with 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 unless they are Short-Term Rentals (STR)
- **Single-Family House/Apartment Rentals for 32 days or longer.** If permitted, usually a pre-rental or annual inspection is 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 - <b>Owner Occupied</b> or rented less than 14 days in yr.	Entire Single-Family Dwelling <b>Rental</b> for 32+ continuous days	Owner Occupied <b>B &amp; B:</b> 1-3 BRs Reserved in Advance	<b>Rooming Houses &amp; Hotels:</b> space for 4+ unrelated persons rented less than 32 continuous days.	Owner Occupied <b>Large B &amp; B:</b> 6+ BRs	<b>STR:</b> Seasonal or Causal Lodging. Rooms or whole house rented 15+ days/yr.
<b>Permits</b>	No	Only if Local Regs	No	Yes	Yes	Only if local Regs.
<b>Fees</b>	No	Only if Local Regs	No	Yes	Yes	Only if local Regs.
<b>Inspections**</b>	Complaints or Local Regulation	For complaints or Local Regulation	Complaints or Local Regulation	Yes	Yes	Complaints or Local Regulation
<b>STR: State-Local Registration &amp; Excise Tax</b>	No	No	Probably Not	Yes	Yes	Yes, pay tax (14 days or less must still register)
<b>Food Permit***</b>	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 PIC 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:** As of 03.31.2020 until at least May 4, the State has restricted all short-term rentals of any size to uses directly related to the COVID-19 response. <https://www.mass.gov/doc/march-31-2020-hotel-motel-guidance/download> This order may be extended, expanded or modified at any time. Boards of Health may pass local regulations that are stricter than this to meet local conditions.