



BOH Forms: #19a Movable Housing Guide

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

This **Checklist** highlights many of the requirements for regulated Housing as defined in 105 CMR 410

The checklist is designed to be used in tandem with the **MA Housing Code**. **Remember: BOH always has the final say on requirements.**

<p>Description</p> <p><i>This Job Aid supports BOH in making housing decisions in ways that don't create more public health issues for residents as well as helping to ensure safe and healthy housing for everyone. Safe and healthy housing is a core duty of the Board of Health (BOH). The Alliance recognizes that the lack of safe and affordable housing is a primary public health concern in Berkshire County. BOH are facing increasingly hard choices when presented with housing that doesn't meet the health and safety requirements of the Housing Code or the financial needs of the occupants. When the BOH condemns housing units as required by the Housing Code, they run the risk of making the occupants homeless or forcing them into even less safe or stable housing. People are living in tents in the woods, on the streets or in vehicles without basic sanitation because they can't afford or find available housing. The new Housing Code provides several new housing options, but the Title 5, Building and local Zoning Codes may not provide as much flexibility to provide immediate, emergency housing or longer-term housing options.</i></p>
<p><input type="checkbox"/> Definitions</p> <ul style="list-style-type: none"> • ADU (Accessory Dwelling Unit): Size smaller of 900 sf or half the main house size and meet Housing Code/local regulations. • 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. • Dwelling Unit: Room or group of rooms intended for use by an individual, family, household for living, sleeping, cooking, eating • Farm Worker Housing: Farm Labor Camps as per 105 CMR 420. means any tract of land, including all buildings, vehicles, and other structures located thereon, any part of which contains sleeping facilities made available in connection with the employment of laborers in farm activities and living apart from the operator's household and which are occupied or intended for occupancy by two or more such laborers or members of their families. • Housing: Homes, Retreats, Hotels, Conference Centers, Camps, Dormitories, Shelters, and the like intended for human habitation • Housing Minimum Size: 150 sf + 100 sf/additional person. • Rental: A dwelling unit rented for compensation to someone over 18 for sleeping and living purposes with or without a written lease. . May or may not include family members who pay rent on a regular basis. • 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. • Temporary Housing 30: 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 90: 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 groups providing occasional short-term shelter. • Public Property: Owned or controlled by a government entity. Note: housing is not allowed without permission on public property. <p><i>Note: All Dwelling Units should be approved by the BOH prior to initial occupancy. At the BOH's discretion this may include Temporary Housing and must include Alternative Housing. The BOH has the discretion to grant waivers or variances that do not endanger the public health based on local conditions and needs and Codes. Temporary/Alternative Housing should not be rented.</i></p>
<p><input type="checkbox"/> Types of Movable/Transitional Housing: Require BOH approval. May require Building/Zoning approvals.</p> <ul style="list-style-type: none"> • Mobile Homes on wheels (complete houses) • Travel Trailers, Tiny Houses, RVs (with sleeping, kitchens, bathrooms) • Miniature Trailers, Camper Trailers, Tents, Yurts, Tarps (without bathrooms) • Cars, Vans, Trucks (improvised sleeping space with no access to utilities) • Existing Movable or Permanent Seasonal Use Structure for living (with services) • Alternative Housing requires a BOH permit as per 105 CMR 410.710
<p><input type="checkbox"/> Movable Housing Time Frames with permission of the BOH:</p> <ul style="list-style-type: none"> • Alternative Housing: permit/dead restriction; provides all basic services; sometimes in approved, innovative ways.

- Temporary Housing 90: some services, limited to 90 days. May be renewed.
- Temporary Housing 30: no power, heat, kitchens, toilets: limited to 30 days per year.
- Temporary Housing 30: no sleeping space or services. Emergencies only
- Seasonal Housing: limited to 6 months per year, may use an approved tight tank instead of a complete onsite septic system under 310 CMR 15.260:

Movable Housing Issues Investigation Steps:

- Stabilize any emergency situations.
- Investigate the details of the issue: who lives there, how often, owner/tenant, etc.
- Contact the Building Inspector to determine any building, fire, or zoning issues.
- Bring alternatives to the BOH for review.
- Hold Hearings if warranted.
 - **Permit or Deny** the type of housing requested
 - **Issue Orders** to Correct violations.
 - **Condemn** housing that is a threat to the Public Health and safety

Priority Housing Issues

- **Imminent Public Health Threat** to Children, Older Adults, Disabled, Unsafe/Unsanitary Living Conditions, Toxic Materials, Environmental Contamination, Surface Wastewater, Contaminated Drinking Water, Leaking Vehicles, Rats
- **Public Nuisances:** Junk, Trash, Harborage, Smells, Noise, Abandoned vehicles.
- **Housing and Title 5 Code Violations** that threaten occupants and the public.

Waste Disposal Plan Information:

- Toilets –
 - Composting toilet (not designed for greywater flows)
 - Incinerating toilet (not designed for greywater flows)
 - New Privies are not allowed in Title 5. Existing ones must show they are not in groundwater (ESHG)_
- Greywater – Options – Must be in compliance with 310 CMR 15:00. Title 5
 - Public Sewer
 - Private Sewer if there is adequate capacity for increased flow. May need extra pumping and monitoring. A recent Title 5 Inspection is recommended.
 - Subsurface Greywater System
 - Designed in compliance with Title 5
 - Alternative Innovative Design approved by DEP
 - Holding Tanks are not approved for new construction except for seasonal use (6 months) or for existing failed septic systems.
- Solid Wastes – trash & recycling plan

Composting Toilets and Septic System Design Flows

- 15.262: Greywater Systems Septic Systems may be 50% smaller than standard septic systems that contain toilet (black) water as allowed for new and upgrades to existing systems.
- 15.289: Humus/Composting Toilets are allowed as specified for new and existing systems
- Existing systems that replace all their toilets with composting toilets should in theory gain up to 50% increased flow to existing systems that are in full compliance with 310 CMR 15.-00

Alliance Temporary/Alternative Housing Permit Application

The Board of Health must approve prior to occupancy all housing intended for human habitation (where people live and sleep.). BOH may decide to regulate tents and trailers that are not causing a public health nuisance and are occupied less than 30 days/year.

New Application
 Renewal Application
 Late Application
 Revised /Updated Application

BUSINESS CONTACT INFORMATION

*Note: Any change in ownership or operations requires a new permit application and filing fee. *Required Information*

*Applicant/Requester	*Property Owner
*Business Name	*Site Address
*Mailing Address	Assessor Map/Lot #
*Phone Fax	*Contact Name
*E-mail	*Phone

FACILITY INFORMATION

Note: Any changes to previous approvals require an updated Application & Permit.

*# Occupants	<input type="checkbox"/> Small 1- 3 <input type="checkbox"/> Medium 4 - 6 <input type="checkbox"/> Large 7+	*Size in Sq. Ft.	*# Bedrooms
*Drinking Water	<input type="checkbox"/> Public <input type="checkbox"/> Private Well/Spring (water test attached) <input type="checkbox"/> Alternative Supply (Attach written plans)	*Occupancy	<input type="checkbox"/> Owner <input type="checkbox"/> Family <input type="checkbox"/> Employee <input type="checkbox"/> Other (Note: Temporary/Alternative Housing requires variance to rent dwelling units)
*Sewage Disposal	<input type="checkbox"/> Public <input type="checkbox"/> Private (requires permit) <input type="checkbox"/> Alternative (requires a plan and written variance)	*Garbage/Trash	<input type="checkbox"/> Contractor _____ <input type="checkbox"/> Transfer Station
*Smoke/CO Detect.	<input type="checkbox"/> None <input type="checkbox"/> Hardwired <input type="checkbox"/> Battery	*Heat	<input type="checkbox"/> None <input type="checkbox"/> Partial <input type="checkbox"/> Yes, total
*Power/electrical	<input type="checkbox"/> None <input type="checkbox"/> Partial <input type="checkbox"/> Yes, total	*Back-up Power	<input type="checkbox"/> None <input type="checkbox"/> Partial <input type="checkbox"/> Yes, total

OPERATIONS INFORMATION

Note: Temporary and Alternative Housing are at the discretion of the Board of Health based on local conditions.

*Check the 1 Box that best describes your proposed structure <input type="checkbox"/> Tent <input type="checkbox"/> Yurt <input type="checkbox"/> Trailer <input type="checkbox"/> RV <input type="checkbox"/> Tiny House <input type="checkbox"/> Garage <input type="checkbox"/> Main House <input type="checkbox"/> ADU <input type="checkbox"/> Other, describe	*Check the 1 box that best describes your proposed use: <input type="checkbox"/> Temporary 30 days or less in a year <input type="checkbox"/> Temporary 90 days or less at a time <input type="checkbox"/> Seasonal Use less than 6 months in a year <input type="checkbox"/> Full-time/Annual Use <input type="checkbox"/> Other, Describe:				
*Check the 1 Box that best describes your proposed heat: <input type="checkbox"/> Propane Heaters <input type="checkbox"/> Wood Heaters <input type="checkbox"/> Electric Heaters <input type="checkbox"/> Other - specify	*Check the 1 Box that best describes your proposed power sources: <input type="checkbox"/> Electric Grid <input type="checkbox"/> Solar <input type="checkbox"/> Generator <input type="checkbox"/> None <input type="checkbox"/> Other - specify				
*Check the 1 Box that best describes your Permit request: <input type="checkbox"/> Alternative Housing <input type="checkbox"/> Temporary (30 days or less) <input type="checkbox"/> Temporary (90 days or less) <input type="checkbox"/> Temporary Renewal <input type="checkbox"/> Seasonal (Less than 6 mo./year) <input type="checkbox"/> Other:	<table style="width: 100%;"> <tr> <td style="width: 50%;">*Proposed Occupancy Dates:</td> <td style="width: 50%;">Variance Requests:</td> </tr> <tr> <td></td> <td> <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain </td> </tr> </table>	*Proposed Occupancy Dates:	Variance Requests:		<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain
*Proposed Occupancy Dates:	Variance Requests:				
	<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain				

*REQUIRED APPROVALS – Referrals Checklist

<input type="checkbox"/> Owner of Property, if not applicant	<input type="checkbox"/> Building Inspector – for Building, Electrical, Plumbing,
<input type="checkbox"/> Zoning Officer - for use and location	Wood stoves and possibly tents

<input type="checkbox"/> Board of Health – Housing Code; Public Health Nuisances	<input type="checkbox"/> Conservation Commission – for wetlands/streams
<input type="checkbox"/> DPW – Driveway Permit for driveway exit	<input type="checkbox"/> Fire Inspector – for smoke/CO detector locations
<input type="checkbox"/> 911 Number	<input type="checkbox"/> Other, Specify

***REQUIRED PLANS/PERMITS- Checklist**

<input type="checkbox"/> Septic/Sewerage Plan (may require a separate permit)	<input type="checkbox"/> Building Inspector (may require a separate permit)
<input type="checkbox"/> Potable Water Plan (may require a separate permit)	<input type="checkbox"/> Electrical Inspector (Connections, wiring, GFI)
<input type="checkbox"/> Solid Waste Plan	<input type="checkbox"/> Gas Inspector (if propane or natural gas used inside)
<input type="checkbox"/> Power Source Plan	<input type="checkbox"/> Conservation Commission (may require separate permit)
<input type="checkbox"/> Security Plan	<input type="checkbox"/> 911 Number <input type="checkbox"/> Other: Specify

***HOUSING DETAILS – Checklist**

<input type="checkbox"/> Total Living Sq. Ft.	<input type="checkbox"/> Heat Source
<input type="checkbox"/> Sleeping Space	<input type="checkbox"/> Weather Tightness
<input type="checkbox"/> Kitchen/Cooking	<input type="checkbox"/> Toilet Details
<input type="checkbox"/> Refrigeration Source	<input type="checkbox"/> Shower Details
<input type="checkbox"/> Power Source	<input type="checkbox"/> Other Requirements

Other Details/Variance Requests

Permit Conditions unless Waived by the Board of Health (BOH)

- May not cause a public nuisance and must cease and desist immediately when ordered to do so.
- Must allow the BOH to inspect with 24 hours' notice.
- Must remove Alternative/Temporary Dwelling within 7 days if ordered to do so. May request a hearing within 7 days.
- Any changes must be approved first by the BOH
- May not be used as rental housing without special permission of the BOH
- Must Post Address that meets Code Requirements for size and durability at street and on the structures.
- Must comply with all other local regulations and requirements such as those issued by police, fire, zoning, building, electrical, gas, plumbing, emergency management, and other officials.

***FEES**

- Basic Fee must accompany application and is not refundable or transferrable. **Call for current Fee Schedule.**
- All permits expire December 31 unless otherwise stated; must be renewed 60 days before expiring or operations.
- Applications received less than 60 days before starting operations will be charged a late fee of \$50 for each week late.

<input type="checkbox"/> *Basic Application Fee	\$ 200	<input type="checkbox"/> Late Fee	\$50
<input type="checkbox"/> Variance Request	\$ 200	<input type="checkbox"/> Total Fee Paid	\$ _

***AGREEMENT**

- *I affirm that I will comply with all state and local codes and allow the Board of Health access for inspections as required by law.
- *By checking this box and signing this application I certify that I comply with M.G.L c. 152, s.25(c), Workman's Comp Laws
- *I affirm that before updating or making changes to my facility, staff or operations; I will obtain permission and inspections from the Health, Building and Fire Departments as required by law.
- *By submitting this application, I certify under pains and penalties of perjury pursuant to MGL Ch. 62, sec. 49A that to the best of my knowledge and belief all state tax returns have been filed and all state taxes paid as required by law.

***SIGNATURE**

*I affirm and certify that the information provided is true, I am 18, the owner of the establishment referenced in this application or an authorized representative/agent with authority to apply for this permit and grant the Board of Health access for inspections as allowed by law.

*Name/Title	*Date of Application:
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Resources

Title 5: Tight Tanks for existing Seasonal Properties

310 CMR 15.260: Tight Tanks (8) The Approving Authority may allow the use of a tight tank at an existing, seasonal-use residential facility as remedial upgrade of the failed system serving such facility. For the purposes of 310 CMR 15.260(8), a seasonal-use residential facility means a residential facility that is used six months or less during the calendar year. This approval may be renewed upon transfer of the property. The tight tank must comply with the provisions of 310 CMR 15.260. Prior to the issuance of the Certificate of Compliance by the Approving Authority the facility owner shall record or register in the chain of title for the property served by the tight tank at the Registry of Deeds or the Land Registration Office, as applicable, a deed restriction limiting the facility to seasonal residential use and to the approved design flow.

15.262: Greywater Systems for systems with Composting toilets

15.289: Humus/Composting Toilets (1) Humus/Composting Toilets are certified for general use subject to the following conditions: (a) There shall be no liquid wastewater discharge from the humus/composting toilet. If the humus/composting toilet produces a liquid by-product that is not recycled through the toilet, the liquid by-product must be either: 1. discharged through a greywater system on the facility that includes a septic tank and leaching system; or 2. removed by a licensed septage hauler and properly disposed. Any other disposal of a liquid by-product requires specific approval by the Department. (b) If there is a greywater discharge designed in accordance with 310 CMR 15.262 or a discharge from a drain equipped with a garbage grinder from the facility, there shall be a septic tank and a soil absorption system designed in accordance with 310 CMR 15.262(1)(a) and 310 CMR 15.240(4). A filter system specifically approved by the Department for that purpose may be used in place of the septic tank, provided that there is no discharge of garbage grinder waste or of liquid by-product from the composting toilet to the greywater system. For publicly used state and federal facilities at which the only sources of greywater are handwashing sinks, janitorial basins and drinking water fountains, the Department may approve a design flow for the greywater system based on water meter readings from the same or similar facilities with a safety factor to assimilate maximum daily flows. An existing cesspool may serve as a leaching pit for these purposes where: 1. the cesspool is pumped and cleaned when the other components of the system are installed; 2. the bottom of the cesspool does not extend below the high groundwater elevation as determined by a Soil Evaluator in accordance with 310 CMR 15.103(3); 3. the cesspool meets the design criteria of 310 CMR 15.253 (pits, chambers, and galleries) with respect to effective depth, separation between units, and inspection access, or the cesspool is replaced by a precast concrete leaching pit meeting those requirements; and 4. the hydraulic loading requirements of 310 CMR 15.242 (effluent loading rates) are satisfied; and (c) The system shall be designed to store compostable and composted solids for at least two years, unless otherwise approved by the Department. Residuals from the system shall be disposed of either: a. by burial on-site or in another manner and location approved by the local Approving Authority, covered with a minimum of six inches of clean compacted earth; or b. by a licensed septage hauler. (2) Humus/Composting Toilets are certified for general use in new construction for residential facilities subject to the conditions set forth at 310 CMR 15.289(1)(a), where a system in full compliance with 310 CMR 15.000 could otherwise be installed on the site. 310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION 15.289: continued (3) For commercial and public facilities or private organizations, humus/composting toilets are certified for general use subject to the conditions at 310 CMR 15.289(1)(a) without the need to demonstrate that a system in full compliance with 310 CMR 15.000 could otherwise be installed

Resources:

[Housing Code effective April 2023 | Mass.gov](#)

[Section 15.262 - Greywater Systems, 310 Mass. Reg. 15.262 | Casetext Search + Citator](#)

<https://mhpcenterforhousingdata.shinyapps.io/DataTown/>

<https://htaindex.cnt.org/map/>