

## CHAPTER XI

Board of Health, Natick Massachusetts

### MINIMUM STANDARDS OF FITNESS FOR HUMAN HABITATION

#### SECTION 1 DEFINITIONS

- 1.1 **DWELLING** means a building or structure used in whole or in part for human habitation, including all dormitories, dwelling units and lodging units therein and the premises thereof.
- 1.2 **DWELLING UNIT** means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- 1.3 **GARBAGE** means the animal and vegetable or other organic waste resulting from the handling, preparation, cooking and consumption of food.
- 1.4 **HABITABLE ROOM** means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets and storage spaces.
- 1.5 **INFESTATION** means the presence, within or around a dwelling of any insects, rodents, or other pests.
- 1.6 **LODGING HOUSE** means any dwelling, or that part of any dwelling containing one or more lodging units, in which space is let by the owner or operator to five or more persons who are not within the second degree of kinship.
- 1.7 **LODGING UNIT** means a rented room or group or rooms, containing no cooking facilities, used for living purposes by a

separate family or group of persons living together or by a person living alone, within a dwelling.

- 1.8 **OCCUPANT** means any person living, sleeping or cooking in a dwelling.
- 1.9 **ORDINARY MINIMUM WINTER CONDITIONS** means 15 degree Fahrenheit above the lowest temperature recorded for the city or town during the preceding ten year period.
- 1.10 **OWNER** means any person who, alone or jointly or severally with others:(a) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or (b) Shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner, or as operator, executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of these minimum standards to the same extent as if he were the owner.
- 1.11 **PLUMBING** means and includes all of the following supplied facilities and equipment; gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.
- 1.12 **RUBBISH** means combustible and noncombustible waste material, except garbage; and the term shall include such material as the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, grass clippings, tin cans, metals, mineral matter, glass crockery, and dust.
- 1.13 **TEMPORARY HOUSING** means any tent, mobile dwelling place or other structure used for human habitation which is

located on a lot or tract of land for less than 30 consecutive days.

- 1.14 **MEANING OF CERTAIN WORDS.** Whenever the words, "dwelling, "dwelling unit", "lodging house", "lodging unit," "premises", are used in these minimum standards, they shall be construed as though they were followed by the words "or any part thereof."

## **SECTION 2 RIGHT OF ENTRY**

- 2.1 The owner or occupant of every dwelling, dwelling unit and lodging unit, or the person in charge thereof, shall give the Board of Health or its authorized agent free access to such dwelling, dwelling unit, or lodging unit, at all reasonable time for the purpose of inspection, examination or survey.
- 2.2 Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling, dwelling unit at all reasonable times for the purpose of making such repairs or alterations as are necessary to affect compliance with the provisions of these minimum standards or with an order issued pursuant to the provisions of these minimum standards.

## **SECTION 3 PLUMBING**

The owner shall be responsible for compliance with the provisions of all Subsections of Section 3, of these minimum standards.

- 3.1 A safe and adequate supply of water from a source approved by the Board of Health shall be piped into each dwelling.
- 3.2 Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to water and sewer systems approved by the Board of Health.
- 3.3 Every dwelling shall be provided with such number of water closets, lavatories, bathtubs or showers as the Board of Health

may require but in no case less than one water closet, lavatory bathtub or shower for each dwelling unit. In lodging houses and dormitories there shall be provided a minimum of one water closet, lavatory and bathtub or shower for every eight persons or part thereof. All plumbing fixtures shall be properly connected to water and sewer systems approved by the Board of Health.

- 3.4 Every kitchen sink, lavatory and bathtub or shower required by these minimum standards shall be properly connected to both hot and cold water lines.
- 3.5 Every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working conditions, are properly connected with the hot water lines required under the provisions of Subsection 3.4 Section 3 of these minimum standards, and are capable of heating water to such a temperature and in sufficient quantity to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit.
- 3.6 The water closet and bathtub or shower compartment for each dwelling unit or lodging house shall be accessible from within the building without passing through any part of any other dwelling or lodging unit; and such water closet or bathtub or shower compartment shall be separated from all other rooms by walls or partitions that afford privacy.
- 3.7 No privy shall be constructed or continued in use except by written permission from the Board of Health. No privy shall be located less than 30 feet from any building used for sleeping or eating, or from any lot line or street. No privy shall be a source of pollution of any water supply or stream.
- 3.8 Where connection to a public sewer is not practicable, a dwelling shall be served by cesspools, septic tanks or other means of sub-surface disposal of sewage, which shall be approved by the Board of Health and maintained by the owner to the satisfaction of the Board of Health.

- 3.9 All plumbing shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstruction.
- 3.10 Every sink, bathtub shower, water closet, or other plumbing fixture in a building used for habitation shall be provided with a proper and unobstructed drain which discharges into a sewerage system outside the building, and said fixtures and drains shall be maintained by the owner in a sanitary working condition at all times.

#### **SECTION 4 GARBAGE AND RUBBISH**

- 4.1 The occupant of any dwelling or dwelling unit shall store his garbage or other organic waste in watertight receptacles of metal or other approved material provided with tight-fitting covers. Mechanical disposal or incineration of garbage may be permitted, provided that such mechanical disposal or incineration methods are specifically approved by the Board of Health. Receptacles for garbage shall be provided in accordance with Subsection 8.8 of Section 8 of these standards.
- 4.2 The occupant of any dwelling or dwelling unit shall store his rubbish or other inorganic waste in receptacles of metal or other approved material. Receptacles for rubbish shall be provided in accordance with Subsection 8.8 Section 8 of these standards.

#### **SECTION 5 LIGHT, VENTILATION, HEATING AND EGRESS**

The owner shall be responsible for compliance with the provisions of all Subsection of Section 5 of these standards.

- 5.1 Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window or skylight area measured between stops, for every habitable room shall be 10 per cent of the floor area of such room. Whenever walls or other portions of structures face a

window of any such room and such light-obstruction structures are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area.

- 5.2 Every habitable room shall have at least one window or skylight which can be easily opened. The total openable window area in every habitable room shall be equal to at least 45 per cent of the minimum window area or minimum skylight area, as required in Subsection 5.1 of Section 5 of these minimum standards except where there is supplied some other device affording adequate ventilation and approved by the Board of Health.
- 5.3 Every bathroom and water closet compartment shall be well lighted and ventilated. Three foot candles of light (three lumens per square foot) shall be provided by either natural or artificial means and shall be available at all times. Such light shall be measured 36 inches from the floor at the center of the room. Every bathroom and water closet compartment shall have at least one window or skylight which can be easily opened. The total openable window area shall be equal to at least forty-five per cent of the minimum window area or minimum skylight area as required in Subsection 5.1 of Section 5 of these minimum standards. Such window area requirements of this section may be waived provided that there is an installed mechanical ventilation system approved by the Board of Health.
- 5.4 Where there is electric service available from power lines which are not more than 300 feet away from a dwelling, every habitable room shall contain at least two separate wall type electric convenience outlets, or one such convenience outlet and one ceiling or wall type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner. No temporary wiring shall be used except extension cords which

run directly from portable electrical fixtures to convenience outlets, and which do not lie under rugs or other floor coverings, nor extend through doorways, transoms or other openings through structural elements.

- 5.5 Every portion of any interior passageway or staircase common to two or more families in a building used for human habitation shall be illuminated naturally or artificially at all times with an illumination of at least two lumens per square foot (2 foot candles) in the darkest portion of the normally traveled stairs and passageways. Such means of illumination in dwellings occupied by three families or less may be controlled by switches that may be turned on as needed.
- 5.6 Every means of egress from a dwelling unit or a lodging unit shall be safe and unobstructed.
- 5.7 Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartment located therein to a temperature of at least 70 degrees Fahrenheit under ordinary minimum winter conditions. The temperature shall be read at a height of three feet above floor level at the center of the room. Such heating equipment shall be installed and maintained in accordance with the applicable regulations of the Board of Fire Prevention Regulations of the Massachusetts Department of Public Safety.
- 5.8 Space heaters, except electrical, shall be properly vented to a chimney or duct leading to outdoors.

## **SECTION 6 MAINTENANCE**

The owner shall be responsible for compliance with the provisions of Subsections 6.1, 6.2, 6.3, 6.4, 6.5, and 6.9 of Section 6 of these minimum standards.

- 6.1 Every foundation, floor, wall, ceiling, door, window, roof or other part of a dwelling shall be kept in good repair and capable of the use intended by its design.
- 6.2 Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair. Every stairway having three or more steps shall be properly bannistered and safely balustraded.
- 6.3 Railings or parapets shall be provided around porches that are higher than thirty inches above ground level, balconies, roofs used for egress or tenancy purposes and/or similar places. Such protective railings or parapets shall be properly balustered and be not less than three feet in height.
- 6.4 Every roof, wall, window, exterior door and hatchway shall be free from holes or leaks that would permit the entrance of water within a dwelling and be a cause of dampness.
- 6.5 Every foundation, floor and wall shall be free from chronic dampness.
- 6.6 Every dwelling shall be free from rodents or vermin. Rodent or vermin extermination and rodent proofing and vermin proofing may be required by the Board of Health. Rodent and vermin extermination and the responsibility therefor shall be carried out in accordance with Subsection 8.9 of Section 8 of these minimum standards.
- 6.7 Every dwelling shall be clean and free from garbage or rubbish. When a dwelling or dwelling unit is not reasonably clean or free from, garbage or rubbish, the Board of Health may cause the responsible person in accordance with the provisions of Subsection 8.3 through 8.9 inclusive of Section 8 of these minimum standards to put the dwelling or dwelling unit in a cleanly condition.



- 6.8 When a wall or ceiling within a dwelling has deteriorated so as to provide a harborage for rodents or vermin, or such wall or ceiling has become seriously stained or soiled, the Board of Health may order the owner to clean, repair, paint, whitewash, or paper such walls or ceilings. Nothing in this standard shall be so construed as to place upon the non-resident owner responsibilities for cleanliness contained in Subsection 8.5 of Section 8 of these minimum standards.
- 6.9 Every water closet compartment floor and bathroom floor shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be kept in a clean and sanitary condition.

## **SECTION 7 SPACE USE AND OCCUPANCY**

- 7.1 Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.
- 7.2 In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof. Notwithstanding the foregoing, in every lodging unit every room occupied for sleeping purposes by one occupant shall contain at least 80 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 60 square feet of floor space for each occupant thereof.
- 7.3 At least one-half of the floor area of every habitable room shall have a ceiling height of at least 7 feet and the floor area of that part of any room where the ceiling height is less than 5 feet shall not be considered as part of the floor area in computing

the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

- 7.4 No room in a dwelling may be used for sleeping if the floor level of the room is lower than three and one-half feet below the average grade of the ground adjacent to and within 15 feet of the exterior walls of the room.
- 7.5 A room located below the level of the ground but with the floor level less than three and one-half feet below the average grade of the ground adjacent to and within 15 feet of the exterior walls of the room may be used for sleeping upon the written permission of the Board of Health and provided that the walls and floor thereof in contact with the earth have been dam-proofed in accordance with a method approved by the Board of Health; and provided that the windows thereof are at least 15 feet from the nearest building or wall.
- 7.6 No temporary housing shall be used without the written permission of the Board of Health.

## **SECTION 8 RESPONSIBILITIES OF OWNERS AND OCCUPANTS**

- 8.1 No owner, or occupant shall cause any service, facility, equipment or utility which is required under these minimum standards to be removed from or shut off from or discontinued from any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies when discontinuance of service is approved by the Board of Health. In the event that any service or utility which the owner has agreed to supply is discontinued the owner shall take immediate steps to cause the restoration of such service or utility.
- 8.2 The owner of a dwelling located in an area found by the Board of Health to be infested by rats, insects or other vermin shall carry out such rat stoppage, vermin proofing or other means of

preventing or remedying such infestations of said dwelling as may be required by the Board of Health.

- 8.3 No owner shall occupy or let to an occupant any vacant dwelling unit or lodging unit unless it is clean and sanitary.
- 8.4 Every owner of a dwelling containing two or more dwelling or lodging units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwellings and premises thereof.
- 8.5 Every occupant of a dwelling shall keep in a clean and sanitary condition the part of the dwelling which he occupies and controls.
- 8.6 Every occupant of a dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by Subsection 4.2 of Section 4 of these minimum standards.
- 8.7 Every occupant of a dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents, by placing it in the garbage disposal facilities or garbage storage receptacles required by Sub-section 4.1 of Section 4, of these minimum standards.
- 8.8 It shall be the responsibility of an occupant of a dwelling unit to furnish such garbage and rubbish storage receptacles as are necessary within the dwelling unit. In dwellings containing no more than two dwelling units, it shall be the responsibility of the occupant of a dwelling unit to furnish such additional storage receptacles outside of the dwelling unit as are needed for the storage of garbage and rubbish until removal from the premises. In dwellings containing three or more dwelling units, it shall be the responsibility of the owner to furnish such receptacles outside of the dwelling units as are needed for the storage of garbage and rubbish until removal from the premises.

- 8.9 Every occupant of dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this Subsection, whenever infestation is caused by the failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exist in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
- 8.10 Every occupant of a dwelling unit shall keep all plumbing fixtures there in in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Board of Health  
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## **SECTION 9 PENALTY.**

- (a) Criminal Complaint - Whoever violates any provision of these rules and regulations may be penalized by indictment or on complaint brought in the District Court. Except as may otherwise be provided by law, and as the District Court may

see fit to impose, the maximum penalty for any violation of these provisions shall be \$300.00 for each offense.

- (b) Non-Criminal Disposition - Whoever violates any provision of these rules and regulations may, in the discretion of the Health Agent, be penalized by a non-criminal complaint in the District Court pursuant to the provisions of the Massachusetts General Laws, Chapter 40, Section 21D. For the purpose of this provision the penalty to apply in the event of a violation shall be as follows: \$50.00 for the first offense; \$100.00 for the second offense; \$200.00 for the third offense; and \$300.00 for the fourth and each subsequent offense. Each day on which a violation exists shall be deemed to be a separate offense.

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BOARD OF HEALTH  
Natick, Mass.

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