

LODGING HOUSE REGULATIONS - CITY OF FITCHBURG

1. Authority and Scope: The Board of Health for the City of Fitchburg enacts the following regulations which apply to all lodging houses required to be licensed under Chapter 140, § 22, *et seq.* of the General Laws, and all other statutes pertaining to lodging houses. The board promulgates these regulations to protect the health, safety and welfare of all residents of lodging houses and the health, safety and general welfare of the public pursuant to G.L.c.111, §§ 31, 122-125 and 127A and pursuant the Home Rule Amendment to the Constitution of the Commonwealth.

2. Effective Date: These Regulations shall take effect on August 1, 2011

3. Definitions:

Lodging House: For the purposes of these regulations the term “lodging house” means a house or apartment where lodgings are let to more than three persons not within the second degree of kindred to the person conducting it and shall include fraternity houses and dormitories of educational institutions. The term includes student housing owned by non-governmental persons or persons or entities. The definition does not include inns, bed and breakfast establishments, or any hospital, sanatorium, convalescent or nursing home, infirmary or boarding home for the aged licensed by the Department of Public Health or any dwelling licensed, authorized or regulated by the Department of Mental Health or any other agency of the Commonwealth or United States.

Lodger: A lodger is any person residing in a rooming unit or lodging house.

Rooming Unit: The room or group of rooms let to an individual or household for use as living and sleeping quarters.

Licensee: The person(s) or entity that owns the lodging house. The term also includes the person listed on the lodging house license and any other person who manages, or exercises authority or control over the lodging house.

4. Responsibilities of Licensee: The licensee is responsible for the proper supervision, operation, and maintenance of the lodging house in accordance with these regulations and the applicable statutes of the Commonwealth. The appointment of an agent does not relieve the licensee from responsibility for compliance with these regulations. These regulations and the penalties imposed by them shall apply with equal force to the licensee and any agent of the licensee of any lodging house which is required to be licensed.

The Licensee shall be required to post the Lodging House permit issued by the Board of Health in a conspicuous place in the common areas or in an area where house rules are posted per these regulations.

5. Agent(s): If the licensee because of health, other employment, non-residence on the premises, frequent or extended absences from the premises or other reason, is unable to exercise proper supervision of the premises, he/she must designate one or more agent(s) to carry out all or part of his/her responsibilities. The licensee must submit the name(s) address(es) and telephone number(s) of the agents and the schedule of times they will be physically on the lodging house premises to the Board of Health for its approval before the agent(s) assume any responsibilities. Based on the qualifications of the agent(s) designated and the extent of their responsibilities, the board may require that more than one agent be provided. If, for any reason, an agent ceases to exercise his/her responsibilities, the licensee shall at once notify the Board of Health and take immediate steps to provide proper interim supervision and obtain a suitable replacement.

The agent(s) shall be available on a 24-hour basis, seven days a week and must post his/her telephone or beeper number in a conspicuous place inside the Lodging House. The agent must also notify the City Clerk, Police Department, Health Department, Fire Department and Building Department of his/ her beeper or telephone number.

Each educational institution shall submit to the Board of Health the name of the Dean of Residences or other school official having jurisdiction over each dormitory, specifying the location thereof.

Each fraternity shall submit to the Board of Health the names of the officers or other members living on the premises who are responsible for the operation of the fraternity house, the university with which the fraternity is affiliated, and the Dean of Residence or other university official having jurisdiction over the fraternity.

The foregoing requirements for approval of agents shall not apply to those lodging houses that are dormitories of educational institutions or fraternities.

6. Registers, Card Files and Rosters: The licensee of every lodging house, except dormitories of educational institutions and fraternities, keep a register in permanent form, which must contain the true name or name in ordinary use and the last residence of every person occupying any part of a lodging house, a true and accurate designation of the room assigned to the person and the date and hour of both check-in and check-out or eviction. The licensee shall verify the identity of the person applying for lodging. No space may be let until this registration is completed. In addition, each licensee must keep a card file containing current information on each lodger including full name, date and time of registration, room number, former address, place of employment, the vehicle registration number, state of registration, and make of the lodger's automobile, and the name and telephone number of the person to be notified in case of emergency. The licensee must keep these cards for a minimum of one year after departure of the lodger. The register and card file required in this section shall be available for inspection at all times by any City official. The register and card file shall be stored in a fireproof depository at all times.

7. Minors: No room shall be let to any person under eighteen (18) years of age, except one who is a full-time university or college student, or married, or gainfully employed and emancipated or has the written consent of his/her parent or guardian. In cases where the licensee or agent is unable to determine whether the lodger is a minor, he/she shall notify the Police Department.

8. Minimum Standards:

These regulations are minimum standards intended for the proper maintenance of lodging houses for the health and safety of the occupants and the public. If there is any conflict with state or local law the stricter provision shall apply. All lodging houses shall comply with the requirements of Article II of the State Sanitary Code, Minimum Standards of Fitness for Human Habitation, which is incorporated herein by reference, and these regulations. All lodging houses in which meals are served to lodgers shall comply with the requirements of the U.S. Health Service Food Code which is incorporated herein by reference. If food or drink is served to the occupants the lodging house must apply for and obtain an Eating and Drinking Permit from the Board of Health.

9. Bathroom Facilities: Bathroom facilities, as required by the Sanitary Code, shall be located on the same floor as the individuals who are to use them. Bathroom facilities shall be cleaned according to 105CMR 410.151 Shared Facilities unless stricter standards are required by the Board of Health.

10. Lighting and Electrical Facilities:

The electrical service to the building shall conform with the rules and regulations issued by the Commonwealth of Massachusetts, Department of Public Safety, Board of Fire Prevention Regulations and the State Building Code.

11. Space and Use: Every room occupied for sleeping purposes must contain at least 80 square feet of floor area and shall have a minimum width of 8 feet except for those licensed lodging houses which exist at the time of adoption of these regulations a minimum width of less than 8 feet but not less than 6 feet. No licensee holding a currently valid license may reduce the width of sleeping quarters less than 8 feet. Interior closet areas shall not be counted in computing this space requirement.

Every room occupied for sleeping purposes by more than one person shall contain at least 60 square feet of floor area for each lodger.

12. Room Furnishings:

I. Every room occupied for sleeping purposes shall contain:

- (a) A bed, in good repair, with a firm and even mattress both provided by the owner. The mattress must be clean with no visible stains. The mattress and box spring shall have an encasement made of a durable material that is designed to

prevent bed bugs from getting into or getting out of the mattress. This encasement must meet the approval of the Board of Health.

It is the owner's duty to examine the mattress at the time it is placed in the room and at every change of occupancy to determine if the mattress is infested with bedbugs or any other pest. Any mattress which the owner suspects may be so infested must report the condition to the Board of Health immediately. The Board of Health or an inspector employed by the Board of Health has authority to order a replacement mattress and cover as described herein if in its/his judgment it is not compliant with this section. The mattress must be inspected by the owner or his agent as part of the periodic inspection as described in Section 13 House Rules & Supervision.

(b) A dresser with at least 16 cubic feet of storage space;

(c) At least 6 cubic feet of closet space per lodger including at least 3 feet of hanging rod.

If freestanding wardrobes within the room provide the required closet space, the floor area occupied by such wardrobes shall not be included in the computation of required room size under Space and Use, Section 11, above; and

(d) At least one covered, foot operated waste receptacle per room and one in each bathroom. The receptacles shall be emptied every 24 hours, unless stricter standards are deemed necessary.

(e) An individual towel rack;

(f) A suitable floor covering.

II. Lodging houses used as student or educational institutional purposes only shall have included with the room furnishings or provided in the common area the following:

(a) all items listed above (a)-(f); and

(b) a lounge chair;

(c) a desk or table, at least 19 inches wide with a top of not less than 6 square feet and a straight back chair;

13. House Rules & Supervision: Licensees and their agent(s) must:

(a) Exercise due care in the selection of lodgers.

(b) Inspect all common areas at least daily and all occupied rooms on a schedule which shall be posted in advance or included in an occupancy agreement and at every change of lodger to insure that all such areas are in a sanitary, clean and

orderly condition, not in violation of the State Sanitary Code or these regulations and that means of egress are not obstructed, whether occupants are cooking in rooms, and whether there exists any other health and safety hazards. A schedule of inspections of occupants' private rooms must be posted at least forty-eight hours prior to said inspection. The owner may inspect at any time in the case of an emergency.

(c) Institute and enforce house rules which regulate the conduct of the occupants and their guests, prohibit smoking, regulates noise, use of alcohol, prohibits unlawful use of drugs to prevent the lodging house from being a cause of complaint to the Police Department or a cause of nuisance or annoyance to the neighborhood.

(d) Ensure that House Rules are in writing and **at a minimum** contain rules adequate to address the following matters:

- 1) all the requirements of section 14c above and noise control including use of audio, televisions, computers or other equipment which may disturb the peace;
- 2) Disorderly behavior;
- 3) Adherence to the City's Lodging House Regulations and the consequences for repeated violations;
- 4) Proper storage, collection and disposal of waste refuse and recycling disposal; and
- 5) Cleanliness of rooming units and common areas.

(e) File a copy of the house rules with the Board of Health as part of the Licensee's license application or renewal thereof.

(f) Post a copy of the House Rules in a common area of the lodging house.

(g) Provide every lodger with a copy of the house rules.

(h) Meet with the lodgers on an annual basis to discuss house rules.

(i) Take whatever steps necessary to stop Lodger(s) from repeatedly violating house rules or the requirements of these regulations up to and including eviction.

(j) Schedule a bi-annual inspection with the Board of Health, Fire Department, and Building Commissioner.

14. Housekeeping: It is the duty of the licensee and/or his/her agent to provide:

(a) Daily cleaning and sanitizing of all common bathroom facilities, community kitchens, and laundry facilities.

(b) Cleaning of all occupied rooms and private bathroom facilities at the change of each lodger or as otherwise necessary for sanitary purposes.

(c) Cleaning, as necessary, of all other common areas. If a room is let for thirty (30) consecutive days or more, and the lodger has his own private bathroom facilities, the Licensee may modify the requirements in paragraphs (a) above. These modifications must be in the House Rules and pre-approved by the Board of Health.

(d) Provide a new mattress with an approved mattress cover with each change of occupancy.

15. Storage, Collection & Disposal of Waste: The Licensee and his/her agent(s) shall comply with the City of Fitchburg Rules and Regulations Relative to the Storage, Collection and Disposal of Refuse which became effective January 1, 1976 and shall include all other state or local laws pertaining to the proper storage, collection and disposal of waste and refuse.

Responsibilities of the Licensee and Agent(s) include supplying private collection of garbage and rubbish and the following:

(a) Storing garbage in watertight, rodent-proof receptacles with tight fitting covers.

(b) Providing as many receptacles with tight fitting covers as are sufficient to contain accumulation of all garbage before final collection.

(c) Locating garbage containers in an area where objectionable odors will not enter any dwelling.

(d) Informing all lodgers of the rules regarding proper storage, collection and disposal of waste, refuse and recycling.

(e) Removing all empty garbage and refuse containers of any kind from the area of collection no later than midnight of the collection day.

(f) Must provide proper facilities for the accumulation, storage and removal of recycling materials.

16. Egress Facilities: There must be at least two separate and adequate ways of egress from each occupied story of a lodging house. The number and location of such ways of egress shall allow every lodger to reach the outside at ground level by a second way of egress if the principal or customary egress is blocked by fire or smoke, or is otherwise obstructed.

At least one of the required means of egress shall be a protected interior egress and additional required ways of egress shall be either protected interior egresses or approved fire escapes that lead to a place of safety.

17. Protected Interior Egress: A protected interior egress shall be:

(1) an interior stairway, including all halls or corridors connecting the flights of stairs or leading to an exterior door at ground level, or providing access from any room, group of rooms, or apartment, which interior stairway is provided with an automatic sprinkler installation approved by the Building Commissioner and the Fire Chief or their respective designees.

18. Approved Fire Escape: An approved fire escape shall be an exterior stairway with balconies or landings at each floor, and having clear egress to a street, way or place of safety at ground level. Stairs, balconies and landings shall be constructed of non-combustible materials and landings shall be 2 feet in width of passage. Balconies and landings shall be not more than 9 inches below the top of exterior doorsills or windowsills with which they connect.

A. Access to Approved Fire Escapes: Access from any occupied story to an approved fire escape shall be through a door with approved hardware, T turn knob, and lever or push bar which by one operation will release the door from the inside. Doors shall be a minimum of 5 feet in height and 2 inches in width or as otherwise approved by the Building Commissioner, and shall open in direction of egress so as to allow clear easy passage. The Fire escapes have to meet the standards enforced by the Fire Chief and be approved by him or his designee.

If the top of the doorsill is more than 18 inches above the floor, approved steps permanently attached to the structure shall be provided. No storm or screen door shall be used in such locations. No devices that require unlocking from inside shall be used. Access to fire escapes shall be from a common hall or corridor, or otherwise accessible room, not a toilet or bathroom. Such common or accessible room shall lead directly to the aforementioned common hall or corridor having a door with hardware allowing release by one operation with no locking device, permitting opening at all times in direction of egress.

B. No private room shall be used as access to a required fire escape unless the door to the room is equipped with an emergency exit lock of a type and model specially approved by the Building Department. No obstruction shall be permitted in the path of egress to a fire escape.

C. Fire escapes are to be used for emergency purposes only. Use of fire escapes for general access to rooms is strictly prohibited.

19. Exit Signs: Continuously illuminated red signs bearing the word "EXIT" in plain block letters at least 5 inches high shall be provided over doors opening into required

stairways or leading to fire escapes, and at every change of direction of a corridor or hallway leading to such egress doors or as may be approved by the Fire Chief and the Building Commissioner or their respective designees

20. Emergency Lighting: Emergency lighting, approved by the Fire Chief and the Building Commissioner or their respective designees, shall be provided along ways of egress.

21. Basements and Basement Stairs: Basements or cellars shall be protected by automatic sprinklers. An automatic sprinkler shall protect interior stairs leading from a basement or cellar to the floor above.

22. Portable Fire Extinguishers: Portable fire extinguishers of a type and capacity approved by the Chief of the Fire Department, shall be provided for each story and basement, one for each 3000 square feet of the floor area, or portion thereof, and maintained in a fully charged and operable condition at all times and kept in their designated places when not being used.

Such fire extinguishers shall be inspected and serviced annually and after each use in accordance the applicable standards enforced by the Fire Chief. Fire extinguishers shall be conspicuously located where they will be readily accessible and immediately available in the event of fire. Preferably they shall be located along normal paths of travel, including exits from areas. Fire Extinguishers shall not be obstructed or obscured from view. Portable fire extinguishers other than wheeled types shall be securely installed on the hanger or in the bracket supplied, placed in cabinets or wall recesses. The hanger or bracket shall be securely and properly anchored to the mounting surface in accordance with the manufacturer's instructions. Fire extinguishers installed under conditions where they may be subject to dislodging shall be installed in brackets specifically designed to cope with this problem.

23. Vertical Openings: All vertical openings, including stairs other than the required stairs, dumbwaiters, vent shafts, and laundry chutes, shall be provided with sprinklers as may be required by the Fire Chief, Building Commissioner, or the Board of Health.

24. Hazardous Areas and Combustible Storage: The Building Commissioner or the Fire Chief may require that kitchens, work shops, heater rooms, storerooms containing combustible materials, or other areas constituting a special hazard be protected by automatic sprinklers, fire resistive construction, additional approved portable fire extinguishing equipment, or other means as directed. The Licensee must comply with such directives or orders. Combustible or flammable material shall not be placed, stored or kept in any portion of an exit or elevator car or hoistway or the bottom of a stairway, fire escape or other means of escape.

25. Cooking in Rooms: The use of electric hot plates, gas plates, stoves using sterno or other fuel, electric percolators, grills, toasters and toaster ovens, portable ovens or other means of cooking is prohibited in any room other than a kitchen approved by the

Building Commissioner. Lodgers may use microwaves in their rooming units with the approval of the Licensee.

26. Portable Heaters: The use of portable heaters is strictly prohibited. This includes electric heaters which are not hardwired according to the Massachusetts Electrical Code.

27. Heating Systems: The owner shall provide and maintain in good operating condition the facilities for heating every habitable room and every room containing a toilet, shower or bathtub to such temperature as required by the State Sanitary Code. Central heating systems shall be provided with all the safety devices required for new installations under all applicable laws, ordinances, and regulations of any authority having jurisdiction thereof.

The heater should be located in any area suitably ventilated to ensure the safe operation of the heater or burner.

28. Maintenance:

(A) The building and all parts thereof shall be kept in good general repair and properly maintained. All exterior surfaces shall be kept painted where necessary for the purposes of preservation of structural elements or appearance. Interior walls and ceilings shall be periodically refinished in order to maintain such surfaces free from stains, marks, or visible foreign matter.

(B) All outdoor areas not devoted to walks and drives or otherwise paved shall be landscaped and adequately maintained to prevent overgrowth or unsightly conditions.

(C) Outdoor walks and drives and exterior ways of egress shall be kept unobstructed, free of litter, and clean and free of ice and snow to provide safe walking surfaces from the building to the public way.

(D) A snow and ice removal plan must be submitted to the Board of Health upon licensure. Plans must include snow and ice removal of parking areas, rubbish storage areas, and other areas necessary to allow safe passage of vehicles and foot traffic to the public way.

29. Automatic Fire Alarm System: All lodging houses shall be equipped with automatic smoke or heat detectors as required and approved by the Fire Chief or the Building Commissioner or their respective designees. The design, installation, and performance of required fire warning systems, shall be in accordance with standards imposed by the Fire Chief or the Building Commissioner or their respective designees.

30. Sprinkler Systems: Every lodging house shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state

building code or other state law as required by the Fire Chief or the Building Commissioner or their respective designees. Fire protection systems shall not be disconnected or otherwise rendered unserviceable without first notifying the fire department and the Building Commissioner. The design, installation, and performance of required fire warning systems shall be as required by state law as determined by the Fire Chief and the Building Commissioner.

31. Care and Maintenance of Fire Protection Systems: The Licensee shall be responsible for the care and maintenance of all fire protection systems, including equipment and devices, to insure the safety and welfare of the lodgers by a licensed professional in accordance with 780 CMR 9, NFPA 25, G.L.c. 148, section 27A and 527 CMR 32. or such other superseding standards as may from time to time take effect. If required fire protection systems are temporarily out-of service for maintenance or repair, the Licensee or his/her agent(s) shall immediately advise the fire department and shall diligently restore the system to working order. Installation of, or modification to, any automatic fire protection system shall require a permit from the head of the fire department. Aisles, floors, halls, stairways, fire escapes, doors and windows shall be kept in good repair and ready for use, and shall be kept properly lighted. No person shall shut off, disconnect, obstruct, remove or destroy, or cause or permit to be shut off, disconnected, obstructed, removed or destroyed, any part of any sprinkler system, water main, hydrant or other device used for fire protection in any building owned, leased or occupied by such person or under his control or supervision, without first procuring a written permit to do so from the head of the fire department.

32. Egress from and Access to Building:

Any obstacle, which may interfere with the means of egress or escape from any building or other premises, or with the access to any part of said building or premises by the fire department in the case of fire, shall be removed from aisles, floors, halls, stairways and fire escapes. Doors and windows designated as exits shall be kept clear at all times. No person shall at any time place an encumbrance of any kind before or upon any fire escape, balcony or ladder intended as a means of escape from fire. The means of egress from each part of the building, including stairways, egress doors, and any panic hardware installed thereon, aisles, corridors, passageways and similar elements of the means of egress, shall at all times be maintained in a safe condition and shall be available for immediate use and free of all obstructions.

All exterior bridges, steel or wooden stairways, fire escapes and egress balconies shall be maintained in accordance with 780 CMR 1028.0 as the same may from time to time be amended and shall be examined and/or tested, and certified for structural adequacy and safety every five (5) years, by a Massachusetts registered professional engineer, or others qualified and acceptable to the Building Commissioner or his designee. The engineer or other party shall after inspection submit an affidavit to the Building Commissioner

33. Smoking

The smoking of tobacco products within any interior portion of a lodging house is prohibited. Smoking is also prohibited in any exterior area which allows smoke to enter any door or window of the premises. The Director of Public Health shall have the final determination whether such exterior area complies with this rule. All lodging houses must conform to the requirements of the Board of Health, Tobacco Control and any other local, state or federal laws as from time to time be amended.

34. City of Fitchburg Ordinance Pertaining to Peace and Good Order:

All Licensees and/or agent(s) must adopt and enforce house rules in order to conform to the requirements of Chapter 132 Peace and Good Order of the City of Fitchburg Ordinances regarding disorderly behavior.

35. City of Fitchburg Snow Removal Ordinance:

All lodging houses must comply with the requirements of the State Sanitary Code, City of Fitchburg Ordinances Chapter 157 Section 33, Section 28 (D) of this regulation and any other applicable Ordinances regarding snow removal as amended.

36. Conflict with Other Laws or Regulations:

Whenever any provision of these regulations is in conflict with a requirement of the City of Fitchburg Code or other law, bylaw or regulation the more restrictive provision shall apply, unless a contrary intent is clearly stated.

37. Variations in Specific Cases:

The Director of Public Health may vary any provision of these regulations in a specific case, which appears to him not to have been contemplated by the regulations or in a case where manifest injustice would result. The decision of the Director in such cases shall not conflict with the spirit of any of the regulations or the purpose thereof. In each case, the Director of Public Health shall make a decision in writing and only after consideration of any report or advice from any other employee of the City Department(s).

38. Certificates of Inspection:

The Director of Public Health may require certificates of inspection certifying compliance with the various sections of the lodging house regulations.

39. Severability of Provisions:

The invalidity, if so declared by a court of competent jurisdiction, of any provision of these regulations shall not affect the validity of the remainder of them.

40. Operation of a lodging housing without a permit or license:

No person(s) shall operate a lodging house without proper lodging house permits and licenses from the city. It is unlawful to operate a non-permitted, non-licensed lodging house and persons operating a lodging house shall be subjected to maximum penalties imposed by these regulations or by General Laws Chapter 140 § 24.

41. Penalty:

Whoever refuses, neglects or fails to comply with any of these regulations shall be subject to license suspension, license revocation or to a fine not to exceed \$300.00 for each violation, and to the penalties imposed by General Laws, Chapter 140 § 22, *et seq.*, where applicable; and/or such other statutes the State Sanitary Code, Fire Code, Building Code or any other applicable law or regulation.