

STUDENT HOUSING REGULATIONS – CITY OF FITCHBURG

1. Authority and Scope: The licensing authority for the City of Fitchburg, the Board of License Commissioners, enacts the following regulations which apply to all Student Housing Facilities required to be licensed as a “Lodging house” under Chapter 140, Section 22, *et seq.* of the General Laws. The Board promulgates these regulations to protect the health, safety and welfare of all residents of Student Housing and the health, safety and general welfare of the public.

2. Effective Date: These Regulations shall take effect on _____ 2012. These regulations replace the Student Housing Regulations that took effect on 18 April 2012.

3. Definitions:

Student: An individual of any age who currently is registered to attend - or is enrolled in - a program of education taught by an educational or vocational institution.

Student Housing: Every dwelling or part thereof which contains one or more rooming units in which space is let or sublet for compensation by the licensee, owner or operator to four or more students not within the second degree of kindred to the person compensated. The term includes student housing owned by non-governmental persons or entities. The definition does not include inns, bed and breakfast establishments, dormitories of publicly owned entities, fraternity houses or any hospital, sanatorium, convalescent or nursing home, infirmary or board 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 student housing facility.

Rooming Unit: The room or group of rooms let to a student or group of students for use as living and sleeping quarters.

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

4. Responsibilities of Licensee: The licensee is responsible for the proper supervision, operation and maintenance of the student housing facility 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 keeper of a student housing facility required to be licensed, regardless of whether licensed.

The licensee shall notify the Board of License Commissioner’s Office, Police Department, Health Department, Fire Department and Building Department of his/her/its mobile and land line telephone numbers.

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 names(s) address(es) and telephone number(s) of the agents and the schedule of times they will be physically on the student housing premises to the Fitchburg Board of License Commissioners 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 License Commissioners 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 and must post his/her mobile and land line telephone numbers in a conspicuous place inside the Student Housing facility. The agent must also notify the Board of License Commissioner's Office, Police Department, Health Department, Fire Department and Building Department of his/her mobile and land line telephone numbers. The foregoing requirement for approval of agents shall not apply to dormitories of educational institutions or fraternities.

6. Mandatory CORI reports of Licensees and Agents:

A. Every owner of a student housing facility, if an individual, and, if the student housing facility is owned by a legal entity, the principal officer of the legal entity, shall authorize the Fitchburg Board of License Commissioners to obtain a CORI report on the individual or principal officer as part of the application process for a student housing license, and at any time while a license remains in effect if requested by the Fitchburg Board of License Commissioners, but not more frequently than once a year for a particular person.

B. Every agent of a licensee as defined in above Section 5 shall authorize the Fitchburg Board of License Commissioners to obtain a CORI report on the agent as part of the process for obtaining the Board's approval of the agent and at any time while the agent remains an agent as defined in Section 5 if requested by the Fitchburg Board of License Commissioners, but not more frequently than once a year for a particular person.

7. Registers: Every Student Housing facility, except dormitories of educational institutions and fraternities, shall deliver to the Fitchburg Police Department and the Fitchburg Fire Department monthly a confidential report, which may be a printout of a computer record, of the name and the home residence of every student occupying the Student Housing facility, the room occupied, the student's mobile and land line telephone numbers, and the name and telephone numbers of the persons to be notified in the event of an emergency involving the student. The licensee shall verify the identity of every student applying for housing. No space may be let until registration is completed. In addition, each licensee must keep a record, which may be a paper or an electronic record, of the full name, date and time of registration, room number, home address, place of employment - if employed, vehicle registration number, state of registration, and make of the student's automobile, and the name and telephone number of the person to be notified in case of an emergency. The licensee must keep the record for a minimum of one year after departure of the student. The record required by this section shall be available for inspection during normal business hours by any City official.

8. Lock Box: If the Fitchburg Fire Department requests a lock box, so called, be installed on the exterior of a student housing facility at a place designated by the Fire Department that contains a key or other access device that will unlock the exterior door of the student housing facility, the licensee will install the requested lock box.

9. Minors: No room shall be rented to any person under eighteen (18) years of age, except one who is a full-time university or college student, or married, or has the written consent of his/her parent or guardian.

10. Minimum Standards: All Student 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. All Student Housing in which meals are served to lodgers shall comply with the requirements of Article X of the State Sanitary code, Minimum Sanitation Standards for Food Establishments, which is incorporated herein by reference. If food or drink is served to the occupants, the Student House must apply for and obtain proper permits from the Board of Health. If there is any conflict with state or local law the stricter provision shall apply.

Every student housing facility must comply will all applicable rules and regulations enforced by the Fitchburg Building Department, the Fitchburg Fire Department and the Fitchburg Board of Health. Every applicant for a lodging house license for a student residence must present to the Fitchburg Board of License Commissioners a statement issued by the Fitchburg Building Department, by the Fitchburg Fire Department (directly or by assenting to the issuance of an Occupancy Permit) and the Fitchburg Board of Health that each has inspected the facility and determined the facility is in compliance with the rules and regulations enforce be each. If the Board of License Commissioners receives a notice from the Fitchburg Building Department, or the Fitchburg Fire Department, or the Fitchburg Board of Health that the facility is not in compliance with the rules and regulations enforced by each, or if the Fitchburg Police Department or any one else notifies the Board that unlawful activities are occurring at the facility, the Board may, pursuant to Chapter 40, Section 30 of the General Laws, suspend or revoke the lodging house license issued to the student housing facility.

11. House Rules and 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 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 also to determine if the means of egress are obstructed, or if occupants are cooking in rooms, and if 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 within the Student Housing facility, regulates noise, use of alcohol, prohibits unlawful use of drugs to prevent the Student 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) Noise Control including use of audio or other equipment which may disturb the peace
- (2) Disorderly behavior
- (3) Adherence to the City's Student Housing Regulations and the consequences for repeated violations
- (4) Proper garbage and refuse disposal
- (5) Cleanliness of rooming units and common areas
- (6) Hazing
- (7) Visitors and overnight guests
- (8) Building security and room security

(9) Procedures to be followed in the event of various emergencies

E: File a copy of the house rules with the Police Department and Board of License Commissioners 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 Student House

G: Provide every lodger with a copy of the House Rules and attach a copy to the lease with the lodger.

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.

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

A: Clean and sanitary room to each lodgers at each change of lodger and when otherwise reasonably necessary.

B: A clean mattress pad and/or mattress cover at each change of lodger and when otherwise necessary.

C: Daily cleaning and sanitizing of all common bathroom facilities and of community kitchen or laundry facilities. Common facilities does not include bathrooms and kitchens in a private residential suite.

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

E: Cleaning, as necessary, of all other common areas. If a room is let for thirty (30) consecutive days or more, the Licensee may modify the requirements in paragraphs (a) through (c) above. These modifications must be in the House Rules and pre-approved by the Board of License Commissioners.

13. Storage, Collection & Disposal of Waste: The Licensee and his/her agent(s) shall comply with the City of Fitchburg's Regulations Governing the Handling, Storage, Collection and Disposal of Waste adopted on June 26, 1998, by the Director of Public Health, as thereafter amended, and all other state or local laws pertaining to the proper storage, collection and disposal of waste. Responsibilities of the Licensee and Agent(s) include but are not limited to 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.

14. Cooking in Rooms: The use of electric hot plates, gas plates, stoves using sterno or other flammable fuel, electric percolators, grills, toaster, or other means of cooking is prohibited in any room other than a kitchen area approved by the Building Commissioner. Lodgers may use microwave ovens in their rooming units with the approval of the Licensee.

15. Portable Heaters and flames: The use of portable heaters and anything that has a flame (such as candles) is strictly prohibited. The licensee must prohibit portable heaters and objects that use a flame and promptly remove any that are found in the facility.

16. 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. Accumulation of ice and snow shall be removed from such areas, including required ways of egress to provide safe walking surfaces and shall be removed in accordance with state and local law.

17. Automatic Fire Alarm System: All Student Housing Facility shall be equipped with automatic smoke or heat detectors. The design, installation, and performance of required fire warning systems, pursuant to M.G.L. c. 148 § 26C, shall be in accordance with NFPA 72.

18. Sprinkler Systems: Every Student Housing Facility shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code. Fire protection systems shall not be disconnected or otherwise rendered unserviceable without first notifying the fire department. The design, installation, and performance of required fire warning systems, pursuant to M.G.L. c. 148 § 26C, shall be in accordance with NFPA 72.

19. 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. 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.

20. Obstacles to Egress from, and Access to, Buildings: 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 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 department.

21. City of Fitchburg Smoking Ordinance: All Student Housing Facilities must conform to the requirements of Article 8.21 of the City By-Laws regarding Tobacco Control, as may be amended. A copy of the By-Law is available in the City Clerk's Office.

22. City of Fitchburg Noise Ordinance: All Student Housing Facilities must conform to the requirements of Article 8.15 of the City By-Laws regarding Noise Control, as may be amended. A copy of the By-Law is available in the City Clerk's Office.

23. City of Fitchburg Ordinance Pertaining to Disorderly Behavior: All Licensees and/or agent(s) must adopt and enforce house rules in order to conform to the requirements of Article 8.5 of the City By-Laws regarding disorderly behavior. A copy of the By-Law is available in the City Clerk's Office.

24. City of Fitchburg Snow Removal Ordinance: All Student Housing Facilities must comply with the requirements of Article 7.72 of the City By-Laws regarding snow removal. A copy of the By-Law is available in the City Clerk's Office.

25. 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 regulations the more restrictive provision shall apply, unless a contrary intent is clearly stated.

26. Variations in Specific Cases: The Board of License Commissioners may vary any provision of these regulations in a specific case, which appears to them not to have been contemplated by the regulations or in a case where manifest injustice would result. The decision of the Board of License Commissioners in such cases shall not conflict with the spirit of any of the regulations or the purpose thereof. In each case, the Board of License Commissioners shall make its decision only after consideration of any report, which may be filed with it by the appropriate Department(s).

27. Certificates of Inspections: The Board of License Commissioners may, pursuant to Chapter 40, Section 25 of the General Laws, request certificates of inspection from the Fitchburg Building Department, the Fitchburg Fire Department, and/or the Fitchburg Board of Health certifying compliance with all applicable rules and regulations enforced by the Fitchburg Building Department, the Fitchburg Fire Department and the Fitchburg Board of Health.

28. Temporary Conditional License: The Board of License Commissioners may, in its discretion, issue a conditional lodging house license for a student housing facility if a not serious requirement to the issuance of a regular lodging house license remains unsatisfied. The conditional license will become a regular lodging house license when the condition has been satisfied. A conditional license shall expire sixty days after issued if the condition remains unsatisfied at the end of the sixty days unless further extended by the Fitchburg License Board.

29. 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.

30. Penalties and Enforcement: Whoever refuses, neglects or fails to comply with any of these regulations shall be subject to license suspension or revocation in accordance with the procedure specified in General Laws, Chapter 140, Section 30, to a fine for each violation not to exceed \$300.00 for each day the violation continues and to the fines contained in the State Sanitary Code, Fire Code, Building Code, Fitchburg Ordinances and other regulations applicable to the particular violation. These regulations may also be enforced under the non-criminal procedure as provided by M.G.L. c.40, §21D.

X:\WPDOCS\MCB 12 FITCHBURG\License Commission - SHOD\12-4-18 NM Student H Regulations - JBB revise.docx