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MEMORANDUM

SUMMARY OF HOARDING-RELATED CODE REGULATIONS

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Below is a brief explanation of the different codes/regulations that affect housing in Massachusetts. There is no hierarchy regarding the different codes to determine which code trumps another, mainly because each code addresses different aspects of housing. There are times when conflicts between codes occur and they are addressed individually without a general state policy. It can be confusing with the numerous overlapping codes. The housing inspector is normally the local official that will refer to or call in other department inspectors to enforce all codes.

105 CMR 410.000: MINIMUM STANDARDS OF FITNESS FOR HUMAN HABITATION
(STATE SANITARY CODE, CHAPTER II)

This document is commonly referred to as the "Housing Code" or "Chapter II". This regulation is promulgated by DPH and enforced by the local boards of health (BOH). This reg. includes references to the Building, Plumbing, Electrical, and Fire codes. Some violations of the housing code that are based in the other codes will be referred to the appropriate office. For

example, housing code requires smoke detectors in accordance the fire code, the boh inspector will refer the violation to fire dept. BOH has the authority to adopt bylaws that are stricter than this code, for example, a requirement for an inspection prior to occupancy. Each community must enforce Ch. II, does not have to individually adopt into local laws, and any additional bylaws they adopt. A residential property must be in compliance with Ch. II at all times. There are no grandfathering provisions.

780 CMR: MASSACHUSETTS STATE BUILDING CODE

Promulgated by the Dept. of Public Safety (DPS) and enforced by local building inspectors. Normally a local building department will not add additional requirements; however larger communities may. Building code has a grandfathering provision, which means which ever version of the code was in effect at the time the structure was built, those requirements are in effect until renovation occurs, requiring the structure to conform to the latest version. Presently, the building code is in the sixth edition for all structures except 1 & 2 family dwellings, which is in the seventh edition. I'm not sure of the time table for release of the seventh edition for all other structures.

527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

Promulgated by the Department of Fire Services (DFS) and enforced by local fire departments. This reg. is closely tied to building code for residential structures and will defer to build code for locations of smoke & carbon monoxide detectors in new construction.

248 CMR 10.00: UNIFORM STATE PLUMBING CODE

Promulgated by the Board of State Examiners of Plumbers and Gas Fitters and enforced by local plumbing inspectors. There is overlap with housing and building code as well.

527 CMR 12.00: MASSACHUSETTS ELECTRICAL CODE

Promulgated by DFS, this section is a series of amendments to the National Electrical Code, adopted by Massachusetts. These amendments describe the adaptation of the national code to the state. Enforced by the local electrical/wiring inspectors.