

105 CMR: DEPARTMENT OF PUBLIC HEALTH

105 CMR 420.000: HOUSING AND SANITATION STANDARDS FOR FARM LABOR CAMPS
(STATE SANITARY CODE, CHAPTER III)

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420.001: Purpose

105 CMR 420.000 is intended to protect the health, safety and well-being of occupants of farm labor camps and to promote the general welfare.

420.002: Authority

105 CMR 420.000 is adopted under authority of M.G.L. c. 111, § 3 and 127A.

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420.003: Citation

105 CMR 420.000 shall be known and may be cited as, 105 CMR 420.000: *Housing and Sanitation Standards for Farm Labor Camps (State Sanitary Code, Chapter III)*.

420.010: Scope

(A) A farm labor camp shall not be located or operated unless such camp complies with the standards contained in 105 CMR 420.000.

(B) The minimum standards of fitness for human habitation established by 105 CMR 410.000: *Minimum Standards of Fitness for Human Habitation (State Sanitary Code, Chapter II)*, shall not apply to any structure which is required to conform to the standards contained in 105 CMR 420.000.

420.020: Definitions

For purposes of 105 CMR 420.000 words, terms or phrases set forth in 105 CMR 420.020 shall be interpreted in the manner printed.

Board of health means the appropriate and legally designated health authority of the city, town, or other legally constituted governmental unit within the Commonwealth having the usual powers and duties of the board of health of a city or town or his or its authorized agent or representative.

Drinking water means water provided or used for human consumption or for culinary purposes.

Farm Labor Camp 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.

Farm Activities means those activities carried on in connection with, including but not limited to, the care and training of farm and sporting animals, the production or processing of agricultural or horticultural products such as fitting, planting, cultivating, harvesting, vining, sorting, grading; packing, storing, canning, freezing, dehydrating, bottling and preserving or treating by any method.

Garbage means the animal, vegetable, or other organic waste resulting from the handling, preparing, cooking, or consumption of food.

Habitation means that portion inside a building or other structure which is used for living, sleeping, cooking, or eating purposes.

Operator means any person who alone or jointly or severally with others owns a farm labor camp, or has care, charge, or control of a farm labor camp as agent or lessee of the owner or as an independent contractor.

Person means every individual, partnership, corporation, firm, association, or group, including a city, town, county, or other governmental unit owning property or carrying on an activity regulated by 105 CMR 420.000.

Provide means to supply and pay for.

Rubbish means combustible and noncombustible waste material, except garbage, and includes but is not limited to such material as paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, grass clippings, tin cans, metals, mineral matter, glass, crockery, dust, and the residue from the burning of wood, coal, coke, and other combustible material.

420.100: Location of Housing Facilities

The operator shall locate housing facilities only

- (A) Where an approved water supply is available;
- (B) Where approved sewage disposal facilities are provided;
- (C) Where drainage conditions will not create a health or safety hazard;
- (D) Where traffic conditions will not create a safety hazard;
- (E) In buildings other than those used to house livestock or poultry; and
- (F) Where farm or other activities do not create excessive noise which would endanger health.

420.101: Maintenance of Grounds

Ground within the housing site should be free from debris, hazards, noxious plants such as poison ivy and poison sumac and uncontrolled weeds or brush.

420.130: Safety, Size, Cleanability, Watertight

The operator shall not use or permit the use of any building or shelter in a farm labor camp as a place of human habitation unless it is structurally safe, adequate in size for its use, easy to keep clean, and has a roof and sides which are watertight.

420.131: Floors

The operator shall maintain the floors in all buildings used for habitation tight, smooth, and free from chronic dampness. Except if a cellar exists, wooden floors in buildings used for human habitation shall be elevated no less than 12 inches above ground level. The operator shall keep the space beneath the floor clean and free from every obstruction.

420.132: Floor-to-Ceiling Height

Every room for human habitation shall have a minimum floor-to-ceiling height of seven feet for at least ¼ of its floor area.

420.133: Mobile Homes

Mobile homes or trailers may be used where permitted by local zoning or other regulations; provided, that the mobile homes or trailers also comply with the regulations in 105 CMR 420.000.

420.150: Natural Lighting

The operator shall provide for each room used for human habitation

- (A) transparent or translucent glass or other equivalent material which admits light from the outdoors and which is equal in area to no less than 8% of the floor area of that room, and
- (B) windows, doors, skylights, or transoms in the exterior walls or roofs that can be easily opened to a minimum of 4% of the floor area of that room; provided, that a skylight which, if open exposes the interior of the dwelling to direct rainfall shall not qualify.

420.151: Artificial Lighting

The operator shall provide the electric service and shall provide at least one electric light fixture in each room used for sleeping, in each kitchen, dining room, mess hall, and toilet room and in addition, at least one wall-type electrical convenience outlet in each of those places, except the toilet and shower rooms. Adequate lighting shall also be provided for the safe and reasonable use of the yard area and pathways to common use facilities. The operator shall also provide the bulbs necessary for illumination. No less than one 60-watt bulb per 100 square feet of the floor area in rooms used for sleeping, and in kitchens, dining rooms, mess halls, and toilet rooms, will satisfy the requirements of this chapter; provided, that if a source of electricity is not available from power lines within 1000 feet, the operator shall provide safety lanterns in such numbers as the Massachusetts Department of Public Health determines will meet the reasonable safety needs of the farm labor camps. All wiring and lighting fixtures shall be installed in accordance with applicable State and local codes and maintained in a safe condition.

420.200: Beds

The operator shall furnish a separate bed for each person; provided, that a double bed shall satisfy this requirement with respect to any married couple. Beds shall be set no less than three feet apart if single-decked, and 4½ feet apart if double-decked. Triple-decked beds are not allowed.

420.201: Minimum Sleeping Area Per Person

The operator shall so arrange sleeping facilities that no less than 50 square feet of floor space is provided for each person over the age of two years sleeping in a room. There shall be a clear space of at least 27 inches above the sleeping surface of a bed, bunk, or cot.

420.202: Quarters for Laborers and Families

The operator shall house males and females in separate buildings or in areas of the same building so partitioned as to require separate entrances; *provided*, that families may be housed in the same building if they are furnished sleeping quarters which are separated by a partition of sound construction from the sleeping quarters of other males, females, and other families.

420.203: Storage of Personal Effects

The operator shall provide separate lockers or storage space suitable for storing the reasonably expected amount of personal effects of each person accommodated at the farm labor camp. Such equipment shall be provided with adequate locking devices.

420.230: Equipment

The operator shall provide for each person accommodated at a farm labor camp comfortable beds, cots or bunks and at least one clean mattress, pillow, pillow case, blanket, towel, and two sheets.

420.231: Maintenance

The operator shall maintain in good condition every bed cot, bunk, and bed spring. He shall also maintain in a clean and sanitary condition every sheet, pillowcase, blanket or other bed cover, and mattress bag which he provides. Sheets, towels, and pillowcases shall be laundered at least once a week. Blankets or other bed covering shall be washed or otherwise cleaned at least every three months. Mattress bags shall be washed and filling changed at least every six months.

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420.232: Cleaning Before Issue

Notwithstanding any other provisions of 105 CMR 420.000, the operator shall not make any item referred to in 105 CMR 420.231 available to any person without first having caused it to be washed or otherwise cleaned.

420.250: Minimum Number of Exits for Each Floor

The operator shall provide in each building used for human habitation at least two acceptable exits from each floor on which there exist sleeping or eating quarters.

420.251: Provision for Window Exit

An easily openable window may be used as one of the two exits as required in 105 CMR 420.250. Such window shall have an openable portion not less than 28 inches in width and 32 inches in height nor shall the lower edge of the opening be more than three feet above the interior floor level. Equivalent-sized opening in the exterior walls may also qualify.

420.252: Exits for Large Sleeping Quarters

Where sleeping quarters are provided for ten or more individuals in a room above the first floor, both egresses required under 105 CMR 420.250 shall lead directly to the outside.

420.253: Ladder or Stairway for Window Exit

Where a window or other opening is used as the second means of egress and lower the edge of the opening is more than six feet above the outside ground level, such egress shall be equipped with a ladder or stairway securely attached to the exterior of the building.

420.254: Exits to be Kept Unobstructed

All egresses shall be kept unobstructed at all times. Screens on exit windows shall be easily openable at all times.

420.300: Provision Required for Cooking and Eating

When workers or their families are permitted or required to cook in their individual unit, or cook and eat in a common facility or when central mess facilities are provided, the operator shall provide space, equipment, and facilities in accordance with the requirements of 105 CMR 420.000.

420.301: Walls, Floors and Ceilings in Food Areas

Walls, floors, and ceilings of cooking and eating areas shall be constructed of easily cleanable materials. The operator shall keep them clean and maintain them in good repair. He shall paint or paper the walls and ceiling of such areas in a light color. The wall surface adjacent to cooking areas shall be of fire resistant material.

420.302: Refrigeration

The operator shall provide equipment for mechanical refrigeration of food at a temperature of 45°F or below.

420.303: Shelves and Counters for Food Preparation

The operator shall provide adequate food storage shelves and a counter for food preparation. Food shall not be stored less than 18 inches above the floor. Such shelves and counters shall be constructed of easily cleanable material.

420.304: Lighting and Ventilation

The operator shall provide adequate lighting and ventilation for every cooking and eating area.

420.305: Utensils

Every dish, glass, or other utensil used in the handling, preparing, cooking, or consumption of food or drink shall be of durable easily cleaned material, and maintained in good condition. Cracked or chipped dishes, glassware or other utensils are not considered to be in good condition.

420.306: Storage of Cooking and Eating Utensils

The operator shall provide a place for the storage of cooking and eating utensils which will afford protection from flies, vermin and dust.

420.307: Stoves and Worktables for Food Preparation

The operator shall provide as many stoves and worktables as are necessary to meet the reasonably anticipated need of the persons accommodated. The recommended ratio is one two-burner stove for each ten people or two families. All stoves shall be installed in accordance with applicable local and state codes.

420.308: Seating and Eating Arrangements

The operator shall provide tables and chairs or equivalent seating and eating arrangements, all commensurate with the capacity of the eating or dining area. The top of each table shall be of solid, non-absorbent material which can be easily cleaned.

420.309: Minimum Area Per Person in Cooking and Eating Areas

The operator shall provide an area of at least 15 square feet per person for use as a cooking and eating space. Such space shall be separated from sleeping quarters and not lead directly into a toilet room.

420.310: Dishwashing Facilities and Cleaning

The operator shall provide adequate sinks with hot and cold water sufficient in quantity and pressure for washing and disinfecting dishes. When the dishwashing facility is to be used by other than a single family group, it is recommended that the operator provide a two-compartment sink. Every glass, cup, knife, fork, spoon and dish shall be washed thoroughly after each use with a suitable detergent and hot water and should be sanitized by one of the following methods:

- (A) immersion for at least 30 seconds in clean hot water at a temperature of at least 170°F, or
- (B) immersion for a period of at least one minute in a sanitizing solution containing
 - (1) not less than 50 parts per million of available chlorine at a temperature not less than 75°F, or
 - (2) any other chemical sanitizing agent which is effective and nontoxic under use conditions and for which a suitable field test is available. Such sanitizing agents, in use solutions, shall provide the equivalent bactericidal effect of a solution containing not less than 50 parts per million of available chlorine at a temperature not less than 75°F.

Every other utensil used in the handling, preparing, or consumption of food and drink should be cleaned immediately after use.

420.311: Sleeping Prohibited in Food Areas

Sleeping shall not be permitted in areas used for the preparation, storage or service of food.

420.312: Maintenance of Equipment

All equipment used in the preparation, storage or service of food shall be kept in good working order.

420.313: Animals Prohibited

Animals shall not be allowed in areas used for the preparation storage or service of food.

420.350: Observation of Sanitary Practices Required

Whenever milk, cream, food, or meals are furnished or offered for sale in a farm labor camp, the operator shall make adequate provision for the sanitary storing, handling, and protection of food and milk supplies until served or used.

420.351: Fitness of Food for Human Consumption

All food shall be wholesome and suitable for human consumption.

420.352: Handling of Food

The operator should inform every person who handles food or drink to wash his hands with soap and water immediately after each use of the toilet or urinal.

Every cook and every other person who aids in the preparation of any meal at a mess hall or other community feeding facility at a farm labor camp shall wash his hands thoroughly with soap and water before beginning to prepare each meal.

420.400: Employment Safeguards to Protect Against Disease

The operator shall not hire any person known to possess an active communicable disease, nor should he allow any person to handle food who is not in apparent good health and free from open sores and lesions. He should refer all persons known or suspected of possessing a communicable disease to a physician, the board of health or the Massachusetts Department of Public Health.

420.401: Reporting Outbreaks of Communicable Disease

Whenever there shall occur in any farm labor camp a case of suspected food poisoning or an unusual prevalence of any other illness in which fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom the operator shall report the outbreak immediately to the board of health or Massachusetts Department of Public Health in person or by telegraph or telephone.

420.430: Effective Measures Required Against Insects and Rodents

The operator shall take effective measures to prevent the breeding and to protect the premises from the entrance of rodents, flies, roaches and other vermin.

420.431: Screening

The operator shall provide the exterior openings in every building of the farm labor camp used for human habitation with screens containing not less than 16 meshes per inch. All screen doors shall be tight fitting, in good repair and equipped with self-closing devices.

420.450: Quantity and Quality of Water

The operator shall supply a safe potable water supply sufficient in quantity and pressure to meet the needs of the occupants. The water supply shall be obtained only from a public water supply, if available, or some other source approved by the Massachusetts Department of Public Health.

420.451: Installation and Maintenance of Plumbing and Fixtures

All pipes, pumps, and appurtenances delivering drinking water shall be installed in accordance with all applicable State or local codes and the operator shall maintain them in good working order. The area surrounding a pump or other fixtures used for water supply shall be properly drained and maintained in a sanitary condition.

420.452: Water From Unapproved Sources Allowed Only for Toilet Flushing

The operator shall not permit the use of water from any source not approved in accordance with 105 CMR 420.450, except for toilet flushing. No taps shall be provided on such sources.

420.453: Cross Connections Prohibited

The operator shall not permit any cross connection to exist between any pipe carrying water from a source approved in accordance with 105 CMR 420.450 and any pipe carrying water from any other source.

420.454: Drinking Water Samples

The Massachusetts Department of Public Health shall require sampling and sanitary analysis of drinking water from private sources. Such samples and analyses should be made at least once prior to seasonal occupancy or at such other times and as frequently as the Massachusetts Department of Public Health considers appropriate.

420.455: Drinking Fountains and Utensils

The operator shall not make available or permit the use of any common drinking utensil. Every drinking fountain he supplies shall be of sanitary design and construction.

420.456: Water for Shed and Field Workers

Where running water from an approved source is not available, the operator shall make drinking water in covered containers readily available to both shed and field workers. Water containers shall be disinfected at the start of each season and whenever else necessary, and shall be maintained in a clean and sanitary condition. The filling hole plug shall be kept securely in place except during filling time.

420.457: Filling Water Barrels

Only overhead hoses shall be used to fill water barrels. No overhead hose used to fill a water barrel shall be long enough to come in contact with the ground surface. The hose shall be provided with controls preventing its entering more than four inches into the water barrel.

420.500: Operator Required to Establish and Maintain Handwashing, Bathing, and Laundry Facilities

The operator shall provide handwashing, bathing, and laundry facilities, supplied with hot and cold water sufficient in quantity and pressure, for the use of all occupants. These facilities shall be kept clean and in good repair.

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420.501: Handwashing Facilities

The operator shall provide wash basins or equivalent units in a ratio of one per 12 persons. He shall provide soap at each wash basin or equivalent unit. It is recommended that the operator so locate the wash basins to facilitate compliance with the handwashing requirements of 105 CMR 420.352 as well as to encourage good general hygienic practice.

420.502: Bathing Facilities

- (A) The operator shall provide showers or bathtubs in a ratio of one showerhead or bathtub for the first 12 persons, and an additional showerhead or bathtub for each 15 additional persons.
- (B) Showerheads should be spaced at least three feet apart, with a minimum of nine square feet of floor space per unit.
- (C) The operator shall provide separate bathing facilities for each sex, except in individual family units.
- (D) Shower floors shall be constructed of nonabsorbent, nonskid materials and sloped toward properly installed floor drains.
- (E) The operator shall cause every shower room floor to be washed daily with a suitable detergent and hot water. Use of a 5% solution of available chlorine is recommended as a disinfectant.
- (F) The operator shall not permit the use of duckboards in a shower room.

420.503: Shower and Bathroom Ventilation

The operator shall provide for the ventilation of each shower room and bathroom to the outdoors and shall screen each window or other exterior opening with screens containing not less than 16 meshes per inch.

420.504: Common Towels Prohibited

The use of common towels shall not be permitted.

420.505: Laundry Facilities

- (A) Tubs and Washers. The operator shall provide laundry tubs or mechanical washers in the ratio of one for each 20 persons.
- (B) Clothes Drying. The operator shall provide adequate clothes drying facilities.

420.530: Minimum Facilities

- (A) The operator shall provide at least the following toilet facilities:
 - (1) one water closet (or seat) for each ten women,
 - (2) one water closet (or seat) for each ten men. One urinal or 30 lineal feet of urinal trough may be substituted on a one for one basis, for up to one-third of the number of water closets (or seats) required:
- (B) Provided, that in determining the number of facilities required, those family groups having separate toilet facilities shall not be counted.

420.531: Chemical Toilet and Privy

(A) No chemical toilet or privy shall be permitted without the written permission of the local board of health.

(B) Any chemical toilet or privy permitted shall be so located and constructed that it

- (1) will not by leakage or seepage be a source of pollution of a water supply, surface water, or the adjacent ground surface;
- (2) will not permit access of flies to the privy vault;
- (3) will not be difficult to clean;
- (4) will not create unduly offensive odors; and
- (5) will not be within 100 feet of any sleeping room, dining room, mess hall, or kitchen.

420.532: Toilet Location

The operator shall locate the toilets so that they are no more than 200 feet from the door of the sleeping room of those people who are expected to use them. Toilet facilities shall be located so that they are accessible to every person without having to pass through any sleeping room other than the one or ones occupied by the person or his family.

420.533: Separate Toilet Facilities

The operator shall provide separate toilet facilities for each sex, except those to be used by not more than two family groups. Each facility shall be clearly marked for the intended sex in English and in the native language of the persons expected to use the facilities.

420.534: Field Sanitation Facilities

The operator shall provide additional toilet facilities when farm activities require the workers to be more than 750 feet from the main toilet facilities of the camp unless transportation is readily available. At least one water closet, privy, or chemical toilet shall be provided for each 100 workers. These facilities shall be separate for each sex and shall be located not more than 750 feet from the work area.

420.535: Ventilation and Screening of Toilet Facilities

The operator shall provide for the ventilation of each toilet room to the outdoors and shall screen each window or other exterior opening of each toilet room, privy or chemical toilet room with screens containing no less than 16 meshes per inch.

420.536: Maintenance of Toilet Facilities

The operator shall maintain all toilet facilities in a clean and sanitary condition, and he shall keep them in good repair. Toilets shall be supplied with a sufficient amount of toilet tissue.

420.550: Sewage Disposal

The operator shall provide a sanitary drainage system connected to the public sewerage system; provided, that if because of distance or ground conditions connection to a public sewerage system is not practicable, the operator may provide a subsurface sewage disposal system which in compliance with 310 CMR 15.00.

420.600: Number of Receptacles and Location

The operator shall provide as many receptacles for the storage of garbage and rubbish as are sufficient to contain the accumulation before final collection or ultimate disposal, and shall so locate them that no objectionable odors enter any dwelling place.

420.601: Refuse Storage

Garbage shall be stored in fly-tight, covered, and watertight receptacles of metal or other durable material. Rubbish shall be stored in receptacles of metal or other durable material.

420.602: Refuse Disposal

The operator shall provide for the ultimate disposal of garbage and rubbish no less often than twice a week. Disposal shall be by disposal in a solid waste facility approved by the Massachusetts Department of Environmental Protection.

420.603: Cleaning of Garbage Cans

The operator shall cause each garbage can to be thoroughly cleaned each time it is emptied.

420.630: Heating Facilities; Maintenance of Adequate Temperature

The operator of every farm labor camp shall provide heating facilities and shall also supply heat in every room used for human habitation and in every bathroom of at least 68°F; provided, that the requirement for heating facilities and heat shall apply only during the period from September 15 to May 15, both inclusive.

420.631: Kerosene Heaters Prohibited

Kerosene space heaters are prohibited.

420.632: Venting of Permitted Heaters

Space heaters and water heaters, except electrical ones, shall be properly vented to a chimney or duct leading to the outdoors in accordance with applicable local and state codes.

420.633: Installation and Maintenance of Heating Facilities

All heating facilities shall be installed in accordance with applicable state or local codes and shall be maintained in such a manner as to avoid a fire hazard and to prevent a dangerous concentration of fumes.

420.650: Applicable Fire and Safety Laws

All buildings in which farm workers sleep, bathe, toilet or eat shall be maintained and constructed and maintained in accordance with 780 CMR, 527 CMR 12.00 and 248 CMR.

420.651: Fire Prevention and Fire Fighting

The operator shall provide such facilities, equipment, and fire breaks for fire prevention and fire fighting as may be required by the local fire department. He shall instruct the occupants of the camp of the measures to take in case of fire. These instructions, both in English and in the native language of the workers, shall be posted in a conspicuous place.

420.652: Safeguards Applicable to Agricultural Pesticides and Toxic Chemicals

(A) Agricultural pesticides and toxic chemicals shall not be stored in the housing area.

(B) The operator shall not permit workers to handle agricultural pesticides or toxic chemicals unless the workers are instructed as to their proper usage, handling, and necessary safety precautions.

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420.653: Safe Storage of Flammable Materials

Flammable or volatile liquids or materials, except for those needed for current household use, shall not be stored in or adjacent to rooms used for living purposes.

420.654: First-Aid Equipment Required

The operator shall provide a standard 24-unit first-aid kit or its equivalent which he shall keep stocked and available for the emergency treatment of any person in the farm labor camp.

420.655: Availability of First Aid Equipment for Ready Use

The operator should care for or place the first-aid equipment in the care and charge of a responsible person and should make provision for the ready use of that equipment at all times.

420.700: Curtailment

No person shall cause the water, electricity, or other utility, service, facility, or equipment which is required to be made available under these minimum standards to be shut off or removed from any occupied structure except for such temporary period as may be necessary during actual repairs or alterations or during temporary emergencies when curtailment of service is approved by the Massachusetts Department of Public Health.

420.800: General Administration

(A) Applicability of 105 CMR 400.000: State Sanitary Code, Chapter I: General Administrative Procedures. The provisions of 105 CMR 400.000: *State Sanitary Code, Chapter I: General Administrative Procedures*, with respect to administration and enforcement of these minimum standards shall apply, unless otherwise specified, to 105 CMR 420.000.

(B) No Restriction Implied Upon Authority of Local Boards of Health. The provisions of 105 CMR 420.000 shall not be construed to limit or restrict the powers or duties of local boards of health.

420.810: Certificate of Occupancy Required

A farm labor camp shall not be operated by any person or occupied by workers until a current certificate of occupancy has been issued and posted in the headquarters or main building of such camp.

420.811: Procedure for Obtaining Certificate of Occupancy

A certificate of occupancy shall not be issued until an application containing information as required by the Massachusetts Department of Public Health has been submitted to and approved by said Department. Such application shall be obtained from the Massachusetts Department of Public Health, completed by the operator and returned to said Department at least 21 days prior to the expected opening date of the farm labor camp; *provided*, that in the case of an emergency where a farmer is threatened by loss of crop he may apply in writing to the said Department asking for a waiver of the 21 day notice and requesting an immediate inspection of the quarters to be occupied.

420.812: Revocation of Certificate of Occupancy

A certificate of occupancy issued in accordance with the provisions of 105 CMR 420.000 may be revoked for any violation of this code which the Massachusetts Department of Public Health determines exists.

420.813: Expiration of Certificate

The certificate of occupancy shall expire on December 31 following the date of issue and may be revoked for cause at any time by the Massachusetts Department of Public Health.

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420.820: Inspection of Farm Labor Camps

(A) All farm labor camps shall be inspected annually by the Massachusetts Department of Public Health. In lieu thereof, said Department may delegate any such annual inspection to the board of health of the city or town where said camp is located.

(B) If inspection of a farm labor camp is delegated to the board of health as provided in M.G.L. c. 111, § 128G, said board shall make its inspection and file its report to the Massachusetts Department of Public Health on a form prescribed by the Massachusetts Department of Public Health within 30 days of notice of such delegation.

420.821: Complaints of Violations

The Massachusetts Department of Public Health shall investigate within 30 days all signed written complaints of violations of 105 CMR 420.000. The board of health shall forward forthwith to the Massachusetts Department of Public Health any such written complaint which may be directed to said board.

420.830: Correction Orders

If an inspection as provided in 105 CMR 400.000 or in 105 CMR 420.000 reveals that a farm labor camp does not comply with the provisions of 105 CMR 420.000, the Massachusetts Department of Public Health may order the person responsible to comply with the violated provisions within a specified time as determined by the Massachusetts Department of Public Health.

420.831: Revocation Orders

If an inspection as provided for in 105 CMR 400.000: *State Sanitary Code Chapter I: General Administrative Procedures* or 105 CMR 420.000 reveals that a building used for human habitation so fails to comply with the provisions of 105 CMR 420.000 as to endanger or materially impair the health or well-being of the occupants of the public, the Massachusetts Department of Public Health may revoke the certificate of occupancy.

420.832: Content of Orders

(A) Every order authorized by 105 CMR 420.000 shall be in writing.

(B) Subject to the emergency provisions of this code any order issued shall:

- (1) include a statement of the violation or defect, and may suggest action, which if taken, will effect compliance with 105 CMR 420.000;
- (2) allot a reasonable time for any action it requires; and
- (3) inform the person to whom it is directed of his right to a hearing, and of his responsibility to request the hearing, and to whom the request shall be made.

420.833: Service of Orders

Service of Orders issued under the provisions of 105 CMR 420.000 shall be served in accordance with 105 CMR 420.400.

420.840: Variances

(A) The designee of the Commissioner of the Massachusetts Department of Public Health may vary the application of any provision of 105 CMR 420.000 with respect to any particular case when, in his/her opinion, the enforcement thereof would do manifest injustice; provided, that the decision of the Massachusetts Department of Public Health shall not conflict with the spirit of 105 CMR 420.000.

(B) A copy of any such variance shall, while it is in effect, be available to the public at all reasonable hours in the office of the Commissioner of Public Health of the Commonwealth.

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420.850: Requesting and Holding Hearing

The person to whom any order has been served pursuant to any regulation of 105 CMR 420.000 may request a hearing before the Commissioner of Public Health by filing within seven days after the day the order was served in the office of the Commissioner of Public Health a written petition requesting a hearing on the matter. Upon receipt of such petition the Commissioner or his/her designee shall set a time and place for such hearing and shall inform the petitioner thereof in writing. The hearing shall be commenced not later than ten days after the day on which the petition was filed; provided, that upon application of the petitioner the Commissioner may postpone the date of the hearing for a reasonable time beyond such ten-day period if in his judgment the petitioner has submitted a good and sufficient reason for such postponement.

420.851: Hearing of Petitioner

At the hearing the petitioner shall be given an opportunity to be heard and to show why the order should be modified or withdrawn.

420.852: Procedure by the Department After Hearing

After the hearing the Massachusetts Department of Public Health shall sustain, modify, or withdraw the order and shall inform the petitioner in writing of its decision. If the Massachusetts Department of Public Health sustains or modifies the order, it shall be carried out within the time period allotted in the original or in the modification.

420.853: Official Hearing Record

Every notice, order, or other record prepared by the Massachusetts Department of Public Health in connection with the hearing shall be entered as a matter of public record in the office of the Commissioner of Public Health of the Commonwealth.

420.854: Hearing Petition Not Submitted or Sustaining of Order

If a written petition for a hearing is not filed in the office of the Commissioner of Public Health of the Commonwealth within seven days after the day an order has been issued, or if after a hearing the order has been sustained in any part, each day's failure to comply with the order as issued or modified shall constitute an additional offense.

420.860: Appeals of Final Decision

Any person aggrieved by the final decision of the Massachusetts Department of Public Health with respect to the denial of plan approval, the denial or revocation, or failure to renew a certificate, or with respect to any order issued under the provisions of 105 CMR 420.000 may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

420.870: Severability

Each provision of 105 CMR 420.000 shall be construed as separate to the end that if any regulation, sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of 105 CMR 420.000 and all other regulations shall continue in full force.

REGULATORY AUTHORITY

105 CMR 420.000: M.G.L. c. 111, §§ 3 and 127A.

NON-TEXT PAGE