



# The Commonwealth of Massachusetts Department of Public Health

## Guidance on Housing Code Temperature Requirements

### (105 CMR 410.180)

This guidance is to clarify regulatory requirements for temperature control in all Massachusetts residential dwellings under 105 CMR 410.000: *Minimum Standards of Fitness for Human Habitation*, State Sanitary Code, Chapter II ("Housing Code"). 105 CMR 410.180 specifies that the residential heating season runs from September 15 through May 31, and establishes temperature requirements, as described below, that must be maintained in all housing units during that time period. The term "heating season" does not define when heating systems must be used or limit use of air conditioning, but rather prescribes the time period during which certain temperatures must be maintained.

#### Minimum Temperature Requirements During the Heating Season

- 105 CMR 410.180(A) requires a minimum temperature of 68 degrees F be maintained in each habitable room and bathroom from 7:00 a.m. to 11:00 p.m. and 64 degrees F from 11:01 p.m. to 6:59 a.m.
- The regulation does not prevent property owners from turning off the heat or turning on air conditioning units in properties during the heating season, as long as the required minimum temperatures within each dwelling unit are maintained.

#### Maximum Temperature Requirements During the Heating Season

- 105 CMR 410.180(B) states that the heating system used during the heating season shall not cause the temperature to exceed 78 degrees F in any room.
- This restriction ensures that some rooms or units are not excessively heated in order to heat other rooms or units. It also prohibits owners from allowing heating systems to contribute to excessive temperatures during unseasonably warm weather during the heating season.
- The Housing Code does not require owners to provide air conditioning or to cool a dwelling unit during warm weather in any season.

#### Local Authority May Alter the Dates for the Heating Season based on Predicted Temperatures

105 CMR 410.180(D) allows a local Board of Health (LBOH) to alter the heating season for all residences within the municipality based on predicted temperature forecasts. The LBOH may only change the heating season by a maximum of 15 days, either by:

1. Ending the heating season earlier than May 31, but not earlier than May 15

**and/or**

2. Postponing the beginning of the heating season from September 15, but not later than September 30.

## **Procedures for LBOH to Vary the Heating Season under 105 CMR 410.180**

The LBOH may decide to alter the heating season and such decision is not required to conform to the provisions of 105 CMR 410.700 *VariANCES*. The LBOH should use expected weather forecasts to determine if strict adherence to the temperature requirements within 105 CMR 410.180 during the two weeks prior to the start or end of the heating season is necessary to maintain safe and habitable environments for occupants. The decision to shorten the heating season should be made in accordance with established LBOH procedures. When an altered heating season is approved, a notice shall be posted on the municipality's website to identify the altered dates of the heating season.

### **For More Information**

If you would like a copy of the state regulations or additional information concerning the state housing code, please visit: <https://www.mass.gov/lists/housing-community-sanitation> or call the Massachusetts Department of Public Health, Bureau for Environmental Health's Community Sanitation Program at 617-624-5757 | Fax: 617-624-5777 | TTY: 617-624-5286