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To: Local Boards of Health and Health Departments

From: Steven Hughes, Director, Community Sanitation Program

Date: 1/10/2022

Re: Local Health Authority to Inspect and Enforce at Manufactured Housing Communities

The Massachusetts Department of Public Health (MDPH) Community Sanitation Program provides this guidance to clarify the authority of local boards of health and health departments (LBOH) to enforce 105 CMR 410.000: *Minimum Standards of Fitness for Human Habitation (State Sanitary Code, Chapter II)*, (the "Housing Code"), in manufactured housing communities in Massachusetts. Although manufactured housing communities are also regulated by the Office of the Attorney General under 940 CMR 10.00: *Manufactured Housing Community Regulations*, those regulations do not impact LBOH authority to enforce the Housing Code.

Manufactured housing communities are defined in M.G.L. c. 140, §32F. The Attorney General regulations broadly establish the operational requirements for manufactured housing communities and do not address requirements for human habitation of the housing units, except for the reference to 105 CMR 410.000 found at 940 CMR 10.03:

***"(3) General Terms and Conditions. Any violation of any applicable local, state or federal statute, regulation or ordinance governing landlord-tenant relations (including, but not limited to, M.G.L. c. 186, §§ 12 through 21, M.G.L. c. 111, § 127A, 105 CMR.410.000, local ordinances and rent control laws) with regard to manufactured housing shall constitute a violation of M.G.L. c. 93A."***

Authority to enforce minimum standards for human habitation are established at 105 CMR 410.010, Scope:

***"(A) No person shall occupy as owner-occupant or let to another for occupancy any dwelling, dwelling unit, mobile dwelling unit, or rooming unit for the purpose of living, sleeping, cooking or eating therein, which does not comply with the requirements of 105 CMR 410.000. "***

The Attorney General's regulations define a violation of the Housing Code as a violation of M.G.L. c. 93A (the consumer protection law). In addition, there is nothing in the Attorney General's regulations, the Housing Code, or other state laws or regulations that would exempt manufactured housing communities from the requirements of the Housing Code. Therefore, local boards of health and health departments have the authority to enforce the provisions of 105 CMR 410.000 at manufactured housing communities in Massachusetts.