



The City of  
Worcester

2024

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**ASSOCIATION**  
*of Central Massachusetts*



# Massachusetts Department of Public Health

## Healthy Homes, Healthy Communities: Landlords Guide for Environmental Health

2024 Worcester Landlord Summit  
Saturday, March 9, 2024

Presented by the Bureau of Climate  
and Environmental Health



# Massachusetts Department of Public Health

## Part 1

# Health and Safety Requirements and the State Sanitary Code

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Community Sanitation Program

# 105 CMR 410.000 Minimum Standards of Fitness for Human Habitation (State Sanitary Code, Chapter II)

## Purpose (410.001)

- Provides minimum standards to protect the health, safety, and well-being of occupants
- Provides enforcement procedures for boards of health to ensure compliance
- Facilitates the use of legal remedies available to occupants of substandard housing

## Scope (410.002)

- Applies to all residences defined in 105 CMR 410.000
- Residences must also adhere to the State Building Code and all specialized codes
- Duty of local health to identify violations and order correction of violations
- Regulations do not restrict the right of a person to seek relief in court

# General Provisions (410.003)

- No owner shall allow occupancy, rent, or occupy as owner-occupant a non-compliant residence
- Owner responsible to provide and maintain all necessary equipment except where noted
- No owner or occupant shall remove or shutoff any service or equipment except for repair
- Owner may only remove owner installed optional equipment when the residence is vacant or prior to a new tenancy
- Occupant is responsible to keep their residence in a sanitary condition

## **Access:**

- Owner is required to provide at least 48 hours' written notice
  - ❖ Except for emergency repairs for which no written notice is required
- Occupant is required to allow access upon reasonable notice
- Access shall be at a reasonable time and shall include cooperation required for:
  - ❖ Repairs, alterations, pest elimination, and servicing of utilities

# Asthma and the Home Environment

- People tend to spend
  - 90% of their time indoors and
  - 65% of their time at home
- An estimated 24 million housing units in the U.S. have 4 or more allergens associated with symptoms of allergic asthma <sup>1</sup>
- An estimated 40% of asthma episodes are caused by housing-based triggers <sup>2</sup>
- Black and Hispanic individuals are more likely to be renters than white individuals <sup>3</sup>
- Rates of asthma associated hospitalization and emergency department visits for Black non-Hispanic and Hispanic residents are three to four times higher than those of White non-Hispanic residents.<sup>4</sup>

<sup>1</sup> Department of Housing and Urban Development (HUD)

<sup>2</sup> Robert Wood Johnson Foundation

<sup>3</sup> American Housing Survey

<sup>4</sup> CY 2019 Massachusetts Hospitalizations Discharge Database

# Asthma in Worcester

	Worcester	Statewide
Pediatric Asthma Prevalence <sup>1</sup>	14.6	11.8
Asthma Related Emergency Department Visits <sup>2</sup>	95.8	53.7
Asthma Related Hospitalizations <sup>3</sup>	13.6	7.1

**Data Source: Bureau of Climate and Environmental Health Massachusetts Department of Public Health, Environmental Public Health Tracking**

<sup>1</sup> Pediatric Asthma Prevalence per 100 Students for Males and Females for School Year 2017-2018

<sup>2</sup> Age Adjusted Rates of Emergency Department Visits for Asthma per 10,000 people, for Males and Females combined by community for 2019

<sup>3</sup> Age Adjusted Rates of Hospital Admission for Asthma per 10,000 people, for Males and Females combined by community for 2019

# Common In-Home Asthma Triggers



- Mold
- Dust and dust mites
- Mice and rats
- Cockroaches
- Pets with fur or feathers
- Cigarette and other smoke
- Strong odors and fumes
- Nitrogen Dioxide



## Owner's Responsibility:

- The owner is responsible for extermination
  - **Except** in a residence containing one dwelling unit, where the owner has maintained the exterior of the residence

## Occupant's Responsibility:

- The occupant is responsible for extermination of residences containing one dwelling unit
  - **Except** when the owner has failed to maintain the exterior of the building
- Allow access to all areas

## Applicator's Responsibility:

333 CMR 13.00: Standard for Application

- ✓ 48 hour's written notice
- ✓ Application date
- ✓ Names, EPS registration numbers, active ingredients
- ✓ Location to be treated
- ✓ Name and number of company applying pesticides



410.550 Elimination of Pests

Excess  
Moisture:  
Chronic or  
Acute



## 410.220 Natural and Mechanical Ventilation

- Habitable Rooms/Bathrooms
  - ✓ Boards of Health may require mechanical ventilation if natural ventilation is insufficient
    - Example – A window in a bathroom may not be sufficient ventilation in winter months and mechanical ventilation may be required to prevent excess moisture.
  - ✓ Shutoff unless designed to run constantly or barometrically controlled

- Flood or leak cleaned and dried w/in 48 hours





## Excess Moisture Inspections

- If an inspector discovers excess moisture or appearance of mold, they shall inspect potential sources such as:
  - Plumbing leaks
  - Structural defects
  - Improperly maintained mechanical or natural ventilation
  - Improperly maintained heating, air conditioning or ventilation ductwork
- Environmental testing **shall not** be required to determine the existence of excess moisture or mold
- When testing is conducted the results **shall not** be used as the sole determination of excess moisture or mold

# How to Respond to Excessive Moisture

## Clean and Dry Impacted Areas:

- Ventilate and dry the area by:
  - Using fans, dehumidifiers and by opening doors and windows, if possible
  - If you can visually see the mold, do not use fans because they may further spread mold spores
  - If the job is too difficult or dangerous, seek help from an experienced and qualified specialist

## Remember:

1. The key to mold control is moisture control
2. Dry all impacted areas within **24-48** hours to prevent mold growth
3. Investigate, locate, and repair the source of the excessive moisture
4. Remove the mold and clean all impacted surfaces
5. Restore all impacted surfaces to their original condition
6. Monitor the area to ensure the source was properly repaired and does not become a repeat concern
7. Download DPH's guidance entitled [Mold Cleanup, Repairs, and Excessive Moisture Control: a Step-by-Step Guide for Homeowners.](#)

# What Else Can you do as a Landlord?

## Best Practices:

- Remove old carpeting
- Integrated Pest Management (IPM)
- Smokefree housing policies
- Green cleaning in common areas

## Encourage tenants to:

- Follow IPM practices
  - proper disposal of garbage and food storage, etc.
- Follow smokefree policies
- Report mold, leaks or excess moisture concerns

# Owner and Occupant Responsibilities: Signage

Properties that are not owner-occupied shall post signage with the owner's name and if applicable:

- ✓ **Corporation** - Name, address, and telephone number of the president of the corporation
- ✓ **Realty Trust** - Name, address, and telephone number of the president of a corporation if owner is a realty trust or partnership
- ✓ **Property Manager** - Name, address, and telephone number of a property manager if they do not live within the residence



410.400: Owner/Manager Contact Information and Notice of Occupants' Legal Rights and Responsibilities

410.410: Building Identification

# Heating & Heating Season

## 410.160 Heating Systems

- Heating system that includes a distribution system capable of heating every habitable room and bathroom
- Temperatures in accordance with 410.180
  - At least 68°F (20°C) between 7:00 A.M. and 11:00 P.M.; and
  - At least 64°F (17°C) between 11:01 P.M. and 6:59 A.M.

**Does not meet** the definition of **heating system**:

- Fireplace
- Wood/Pellet Stove
- Portable Electric Space Heaters

**Prohibited:**

- Parlor heaters with a fuel source within 42"
- Portable wick-type space heaters
- Unvented propane/gas not approved by Fire Code

410.180: Temperature Requirements and the Heating Season



# Owner and Occupant Responsibilities: Resources

## For Assistance Communicating Occupants Responsibilities:

**Pest Control Guidance for Renters**


### Do You Rent Your Home? Look Out for Pests!

Pests like cockroaches, bedbugs, and rodents can carry diseases that can make people sick. Owners and renters need to work together to prevent pests, or, if you already have pests, to get rid of them and keep them away. Sometimes pesticides or other kinds of extermination are used to kill pests. You must be given at least 48 hours' notice before any kind of extermination is done.


**Help, I have pests in my home!**

- o Tell the owner right away if you see pests like cockroaches or rodents.
- o Just like people, pests need food and water to live. Don't make it easy for them!
  - o Keep a tight lid on trash cans. Compost carefully and cover food scraps.
  - o Clean up left over food and crumbs immediately.
  - o Wash dirty dishes right away; don't leave them on the counter or in the sink. When you are done, dry them and drain the sink.
  - o Store food like pasta, rice, flour, and cereal in tightly covered containers.
  - o Always clean up standing water right away and tell the owner if there is a leaky faucet or pipe in your home.
  - o Don't let water sit in, or leak out of, flowerpots or plants.
- o Pests also like places to hide:
  - o Keep your home clean and free from clutter. Don't store piles of paper bags, newspapers, or cardboard boxes.
  - o Check bags and boxes before you bring them into your home.
  - o If you see pests in certain places, show your landlord and ask them to seal up cracks, holes, and hiding places.

Pest control takes TEAMWORK.  
If you are doing your part, but the owner hasn't helped, call your local health authority and ask for a housing inspection.



**The EPA says the best way to control pests is to:  
Dry them out, Starve them out, and Keep them out!**



**The Commonwealth of Massachusetts  
Department of Public Health**

**Notice of Occupants' Legal Rights and Responsibilities**

This document summarizes some of the legal options that you may have when the owner of a property you live in has not fixed certain problems in your home, as required by the state Housing Code (105 CMR 410.000). **This is not legal advice.** Talk to an attorney before you decide to withhold your rent or take other action described here.

**Safe and Healthy Rental Housing:**

Rental housing in Massachusetts must meet minimum standards to protect the health, safety, and well-being of occupants. The Housing Code, [105 CMR 410.000, Minimum Standards of Fitness for Human Habitation \(State Sanitary Code, Chapter II\)](#), is the state regulation that sets these minimum standards. The Massachusetts Department of Public Health, Bureau of Climate and Environmental Health's [Community Sanitation Program \(CSP\)](#) issues this regulation, but the standards are enforced by local health departments. <sup>1</sup> CSP works with local health departments and the public to provide training and technical assistance about the Housing Code. For more information, please see [mass.gov/lists/housing-community-sanitation](http://mass.gov/lists/housing-community-sanitation).

**Your Responsibility to Keep Your House Safe and Healthy**

The Housing Code also has requirements that people living in rented homes or apartments need to meet. There are some problems like pests, mold, and keeping exits clear, that might need the owners and occupants to work together to fix the problem. For example, occupants need to make sure there is no food or garbage left out that could attract pests or keep their belongings out of exit hallways. If the local health department is doing an inspection, either by your request or for another issue, the local health department may tell you there is something that you need to fix. The local health department may issue you an order to correct and give you a certain amount of time to fix the problem.

**Your Right to Safe and Healthy Housing and Protection from Retaliation**

If you think that conditions in your home are unsafe or unsanitary and may violate the Housing Code, you should inform your landlord first. If your landlord does not adequately address these concerns, you should then contact your local health department. They will conduct free inspections of your home and will order your landlord to fix any violations of the Housing Code. You can find contact information for your local health department by calling your city or town hall or visiting their website. City/town websites are listed at: [mass.gov/lists/massachusetts-city-and-town-websites](http://mass.gov/lists/massachusetts-city-and-town-websites).

**Your landlord is not allowed to raise your rent or try to evict you just because you have made a complaint to them or to the local health department about the violations. This is called retaliation, and you may be able to sue the landlord for damages if this happens and you made your complaint in writing (M.G.L. c.186, s.18 and c.239, s.2A).**

**Your Right to a Hearing**

You may ask for a hearing in front of your local Board of Health. You must do this in writing and within the timeframes below. If you send a written request on time to the local health department, a hearing will be held within 14 calendar days. **If you do not make a written request within the timeframes below, you lose the right to a hearing.** The chart below shows the reasons you may request a hearing, and the timeframe you have to send the request.

Reason You May Request a Hearing	Number of Days to Make the Request in Writing
Your home was not inspected by the local health department	30 days from the day you contacted health department
The inspector did not find violations you think exist	30 days from the last inspection by the health department
The inspector did not issue an order to correct violations	30 days from the last inspection by the health department
The inspector did not enforce the order to correct	45 days from when the owner received the order to correct

Within **five days** after the hearing, the local health department is required to issue a final decision on your complaint (105 CMR 410.840). If you do not agree with the decision, or at any point throughout the process, you can file an appeal in housing court.

<sup>1</sup> Depending on your city or town, this may also be called a Local Board of Health (BOH), Local Health Authority, or Inspectional Services Department. This is the local code enforcement authority responsible for enforcing the regulations.

May 2023 – revised November 2023



# Key Take Aways

## In Summary:

- Know the regulations or know where to find them
- Maintain a schedule for routine maintenance and annual inspections
  - This will help to identify potential concerns or violations BEFORE THEY BECOME ISSUES
  - Document your work
- Check in with occupants routinely and respond to their concerns
- If you receive an Order to Correct from the BOH, ensure repairs are made appropriately
- Pay attention, plan, and act before extreme weather events
- Weatherproof the properties when you can and when conducting routine maintenance and inspections of the property
  - Retain emergency supplies such as dehumidifiers and fans

# Community Sanitation Program – Additional Resources

- The Community Sanitation Program offers many additional resources such as guidance documents and translated materials
- These documents are listed below and may be found at:  
<https://www.mass.gov/lists/housing-community-sanitation>

- Housing Regulations
- Memos
- Model Housing Correction and Inspection Forms
- Guidelines and More
- Occupants' Legal Rights and Responsibilities \*\*
- Guidance to Control Excess Moisture and Mold – Occupant's Fact Sheet \*\*
- Guidance to Control Excess Moisture and Mold – Owner's Fact Sheet
- Pest Control Guidance for Occupants \*\*
- Pest Control Guidance for Owners
- Bed Bugs \*\*
- Owner's Guide to Mold Clean-Up

**\*\* Reflects documents that are available in multiple languages**

# Resources & Contact Info

## [Massachusetts Integrated Pest Management \(IPM\) toolkit](#)

- Self assessment checklist and resources for procurement staff, managers and owners of affordable housing

## Northeastern IPM Center – [Stop Pests in housing](#)

- Training, resources and technical assistance

## [Smoke Free Housing Resources](#)

- Sample lease addendum, tenant resources and technical assistance

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[Michelle.warner@mass.gov](mailto:Michelle.warner@mass.gov) <https://www.mass.gov/asthma-prevention-and-control>



# Massachusetts Department of Public Health

## Part 2

# Lead Poisoning Prevention and Control

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# What We Do

## Childhood Lead Poisoning Prevention Program (CLPPP)

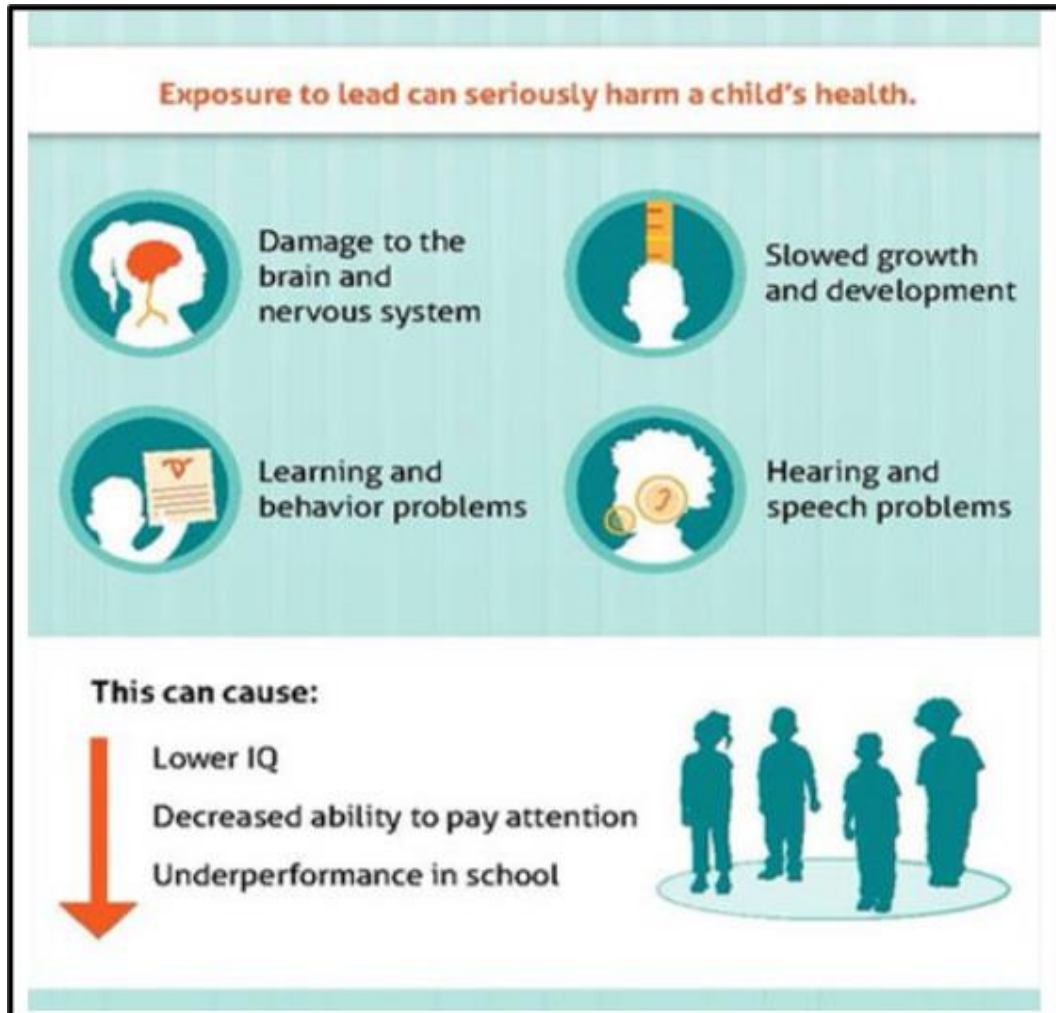


<https://www.mass.gov/orgs/childhood-lead-poisoning-prevention-program>

**We help prevent, screen, diagnose, and treat childhood lead poisoning. We work to eliminate sources of poisoning through research and educational, epidemiological, clinical and environmental activities.**

- Maintain surveillance and case management database
- License private and public lead inspectors
- Provide case management services (clinical, CHW, environmental)
- Investigate complaints
- Outreach/trainings

# How Lead Affects Children



- Lead is a neurotoxin
- There is no safe lead level for children
- Young children are more vulnerable to the effects of lead because their bodies and brains are less developed
- Even low levels of lead can negatively affect a child's development
- There are often no signs or symptoms of lead exposure

# How Children are Exposed to Lead

- Young children are most often exposed to lead from their home environment.
  - Old leaded windows and doors (friction causes dust)
  - Loose and peeling lead paint (interior and/or exterior)
  - Unsafe renovations (causes paint chips and dust)
- Lead dust gets on hands and toys when children play.
- Children put their hands and toys in their mouths.
- Children can also breathe in lead during unsafe renovations.



# Lead Law in Massachusetts

- Protects a child's right to a lead-safe home
- Requires the removal or control of lead paint hazards in homes built before 1978 with children under 6
- Law applies regardless of ownership and regardless of a child's blood lead level
- Requires CLPPP to enforce the law when child becomes poisoned
- Empowers local health and inspectional service departments to enforce the Law as part of the Housing Code
- Holds owners strictly liable if property's not in compliance and a child is lead poisoned
  - ✓ Even if owner had no knowledge
  - ✓ Even if child not listed on lease
  - ✓ Liability includes medical costs, costs of special education, lost future earnings
- Protects the owner from strict liability if the home is in compliance
- Considers failure to maintain compliance as negligent
- **Makes it illegal to refuse to rent or evict a family to avoid deleading.**



# LeadSafeHomes and Tenant Notification

To comply with both the state and federal Tenant Notification requirements, the owner of a pre-1978 rental property must give the prospective tenant the following documents before entering a rental agreement:

1. Two copies of the Tenant Notification and Tenant Certification Form (one for the owner to keep and one for the tenant to keep)
2. A copy of the most recent lead inspection or risk assessment report for the rental unit, if one exists
3. A copy of any Letter of Compliance or Letter of Interim Control for the rental unit, if it exists

Owners and tenants can check our [Lead Safe Homes](#) database to see if there is prior inspection history.

<https://www.mass.gov/info-details/find-your-homes-lead-history>

<https://www.mass.gov/doc/tenant-lead-law-notification-form/download>

The tenant and owner must each keep a completed and signed Tenant Certification Form, which certifies that the tenant has received the information.



# Some Fun Facts About Inspections and Deleading

## Inspections

- A “Dangerous Level of Lead” is defined as paint or coating that tests 1.0 mg/cm<sup>2</sup> or greater or positive with sodium sulfide.
- Comprehensive initial inspection includes the interior of the unit, the common areas to the unit and the exterior



## Deleading

Abatement and Containment Methods:

- Covering
- Encapsulation
- Component Replacement
- Paint Removal
  - ❖ Scraping (with or without chemicals)
  - ❖ Hand sanding, dipping, low-level heat
- Only approved methods can be used by properly authorized/licensed individuals.

# DIY Deleading – Easier and Less \$

## Low Risk Work – activities like covering

- At home Quiz

## Moderate Risk Work – activities like removing and replacing windows and making small amounts of loose lead Paint intact.

- RRP License to work on rental Property (DLS Licensing Waiver)
- An owner who has carpentry skills can basically do all the deleading needed for their home.

## High Risk Work – Scraping or removing paint, making large amounts of paint intact, chemical stripping, demolition.

- Licensed deleaders

# Financial Help For Deleading

Parents / property owners should not wait for a child to be exposed to lead before deleading.

- State and local funding resources are available:
  - ✓ Get the Lead Out (statewide, loan program)
  - ✓ <https://www.worcesterma.gov/housing-neighborhood-development/lead-healthy-homes>
- Tax credit of **\$3,000** per unit

[www.mass.gov/service-details/learn-about-financial-assistance-for-deleading](http://www.mass.gov/service-details/learn-about-financial-assistance-for-deleading)

# Understand a Unit's Lead Status

## Acceptable Compliance documents:

For past history, check CLPPP's Lead Safe Homes 2.0, then 1.0 databases:

<https://www.mass.gov/info-details/find-your-homes-lead-history>

- Letter of Initial Inspection Compliance
- Letter of Full Deleading Compliance
- Letter of Interim control—valid only ONE year from date of issuance—can be renewed only once (2 yrs max)
- Documentation of Environmental Status letter
- Unauthorized Deleading letter

# Maintaining Compliance

- Once a property owner receives a letter of compliance, they are free from strict liability so long as the property is maintained.
- Owners should not assume that a property is “lead-free” because it has a letter of compliance.
- It is very important that a property owner holds on to all his/her documentation including;  
**Inspection/reinspection report, Letter of Compliance, invoices, etc.**
- Property owners, especially rental property owners, should schedule visual checks of the compliance status of their property at least once a year.
  - If the property owner wants to update his/her letter of compliance, then s/he should hire a lead inspector to do a Post Compliance Assessment Determination (PCAD).
  - Some housing subsidy programs require compliance letters be updated relatively frequently.
  - Owner will need to give the inspector a copy of your inspection/reinspection report in order for the inspector to do a PCAD.



# Massachusetts Department of Public Health

## Part 3 Radon 101 And Climate Change

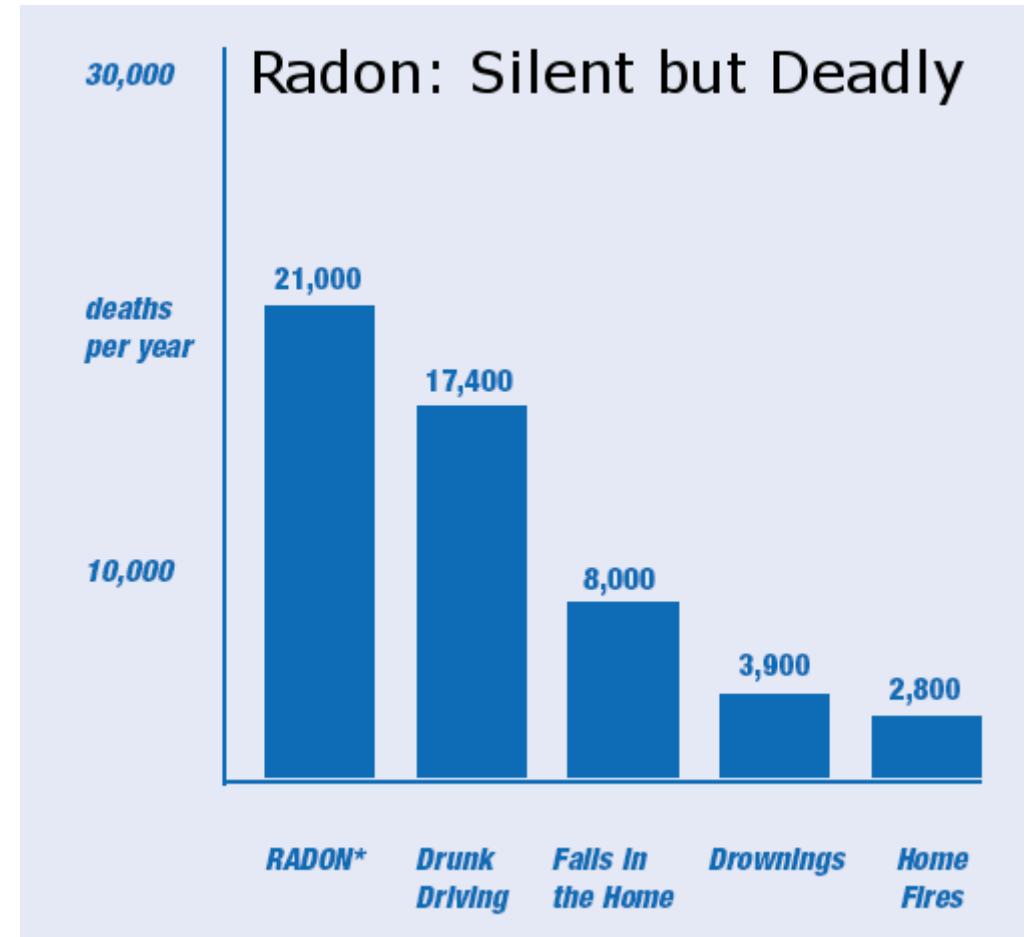
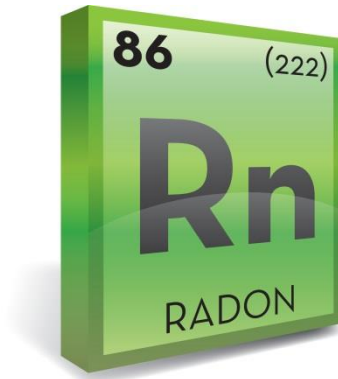
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Terry Howard  
BCEH Deputy Director

# About Radon

## Radon is a gas that is:

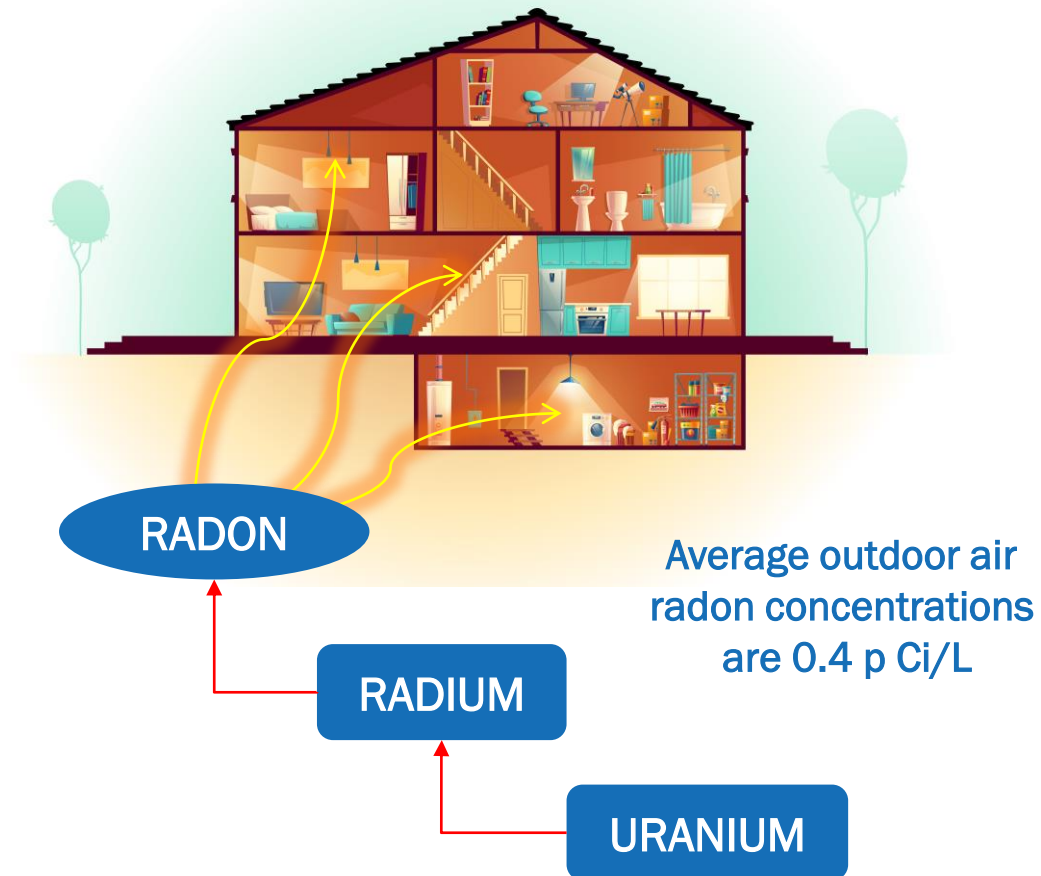
- Tasteless
- Odorless
- Colorless
- Naturally occurring
- **RADIOACTIVE**
- Radon is a known carcinogen and can increase your risk of lung cancer.
- According to the EPA, radon is the leading cause of lung cancer in non-smokers and kills an estimated 21,000 Americans each year.





# Radon in the Home

## How Radon Enters a Home



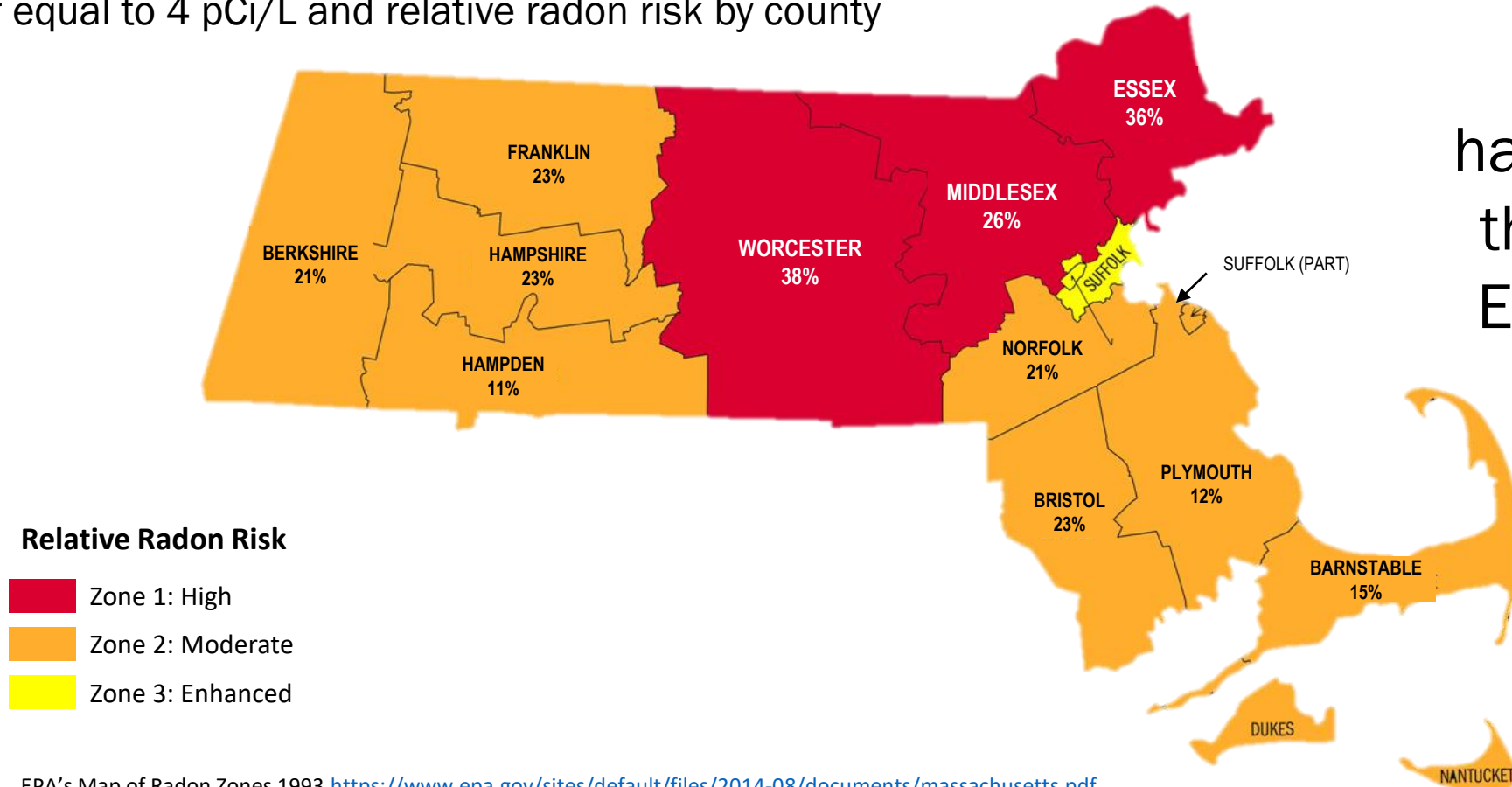
## Action and Mitigation Levels for Radon in Indoor Air

- EPA Action Level: 4 pCi/L
- EPA also recommends that residents consider fixing their home for radon levels between 2 pCi/L and 4 pCi/L
- Target Radon Level is ***Less than 2 pCi/L***

# Radon in Massachusetts

Distribution of homes with radon concentrations greater than or equal to 4 pCi/L and relative radon risk by county

**1** out of **4** homes may have radon levels that exceed the EPA action level



## Relative Radon Risk

- Zone 1: High
- Zone 2: Moderate
- Zone 3: Enhanced

EPA's Map of Radon Zones 1993 <https://www.epa.gov/sites/default/files/2014-08/documents/massachusetts.pdf>  
Residential Radon Survey of 14 States [https://aarst.org/proceedings/1988/1988\\_10\\_Residential\\_Radon\\_Survey\\_of\\_Fourteen\\_States.pdf](https://aarst.org/proceedings/1988/1988_10_Residential_Radon_Survey_of_Fourteen_States.pdf)

# Radon Testing in Air and Water

**Contact the MDPH Indoor Air Quality Program**

**FREE** Radon Test Kits  
and  
Technical Guidance

Radon Information Line

**800-723-6695**

[DPHIAQ.radon@mass.gov](mailto:DPHIAQ.radon@mass.gov)

# Extreme Weather, Housing, and Health Impacts



HEAT

- **Extreme heat events** have claimed more lives in the United States over the past 10 years than any other weather-related event.
- The Housing Code does not require a minimum cooling temperature, but if you are making upgrades, you should consider HVAC upgrades as an important improvement.



FLOODING

- Physical injury from damage to infrastructure
- Respiratory illness caused by mold exposure
- Increased infestations from pests displaced from flooded burrows
- Mental stress from people being displacement



EXTREME WEATHER

- Carbon monoxide poisoning
- Health impacts from power outages (medical devices)
- Lead exposure from increased exterior paint deterioration

# Connect with DPH



@MassDPH



Massachusetts Department of Public Health



[mass.gov/dph](https://mass.gov/dph)