



# SHORT-TERM AND VACATION LICENSE RENTAL PACKET

Town of Mount Washington

Here is everything you need to license your residence for short-term or vacation rental with the  
Board of Health

Questions? Call Ellie Lovejoy  
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413 528-1798



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## **300.00: Vacation and Short-Term Rental Regulations of the Mount Washington Board of Health**

### 300.001: Purpose

The purpose of these regulations is to insure minimum housing, health, safety and sanitary protection for individuals renting properties for the purpose of vacation or short-term use operating in the Town of Mount Washington and to further define any regulation set forth by the Commonwealth of Massachusetts.

### 300.002: Authority

The Mount Washington Board of Health adopts these rules and regulations under the Massachusetts General Law Chapter 111, Section 31, 132, 122A, 127, 143, 155, 187, 188: Code of Massachusetts Regulations (CMR) 11.02 105 CMR 410.00, 430.00 460.00 and 320 CMR 15.00 and Massachusetts General Law Chapter 40, section 54. Case law upholds the board's authority to adopt regulations that are more restrictive than state standards so long as the local regulations do not conflict with state law and are not specifically preempted.

### 300.003: Citation

300.00 shall be known, and may be cited as Mount Washington Board of Health Vacation and Short-Term Rental Regulations 300.00.

### 300.004: Definitions

**Vacation and Short-Term Rental:** rental of one room or rooming unit in an owner-occupied residence for a period of time of not more than 31 consecutive calendar days within a 12-month period.

**Potable Water:** as defined in 105 CMR 410.180.

**Private Water Supply:** A private water supply provides water for human consumption and consists of a system that has less than fifteen service connections and either (1) serves less than twenty-five individuals or (2) serves an average of twenty-five or more individuals daily for less than sixty days of the year. The term "private well" is typically used for a well that provides drinking water for a single family residence.

**Septic System:** As defined in 430 CMR 15.00

**Short-Term Vacation or Recreational Rental Exemption Form:** As defined by Commonwealth of Massachusetts, (MGL c.111, s. 199B) Form entitled CLPPP Form 94-1 (or its official replacement).



300.005: License and Inspection Fees

- (a) A "Vacation or Short-Term Rental" must be licensed and inspected by the Board of Health of the Town of Mount Washington in accordance with all existing and future regulations of the Massachusetts Departments of Health, Environmental Protection, the Massachusetts Board of Building Regulations and Standards and the Mount Washington Board of Health regulations.
- (b) Application for a license to operate under these regulations must be made sixty (60) days prior to projected beginning of operation, using the form issued by the Town of Mount Washington Board of Health.
- (c) Application fee (as listed in fee schedule) is to accompany Application.

300.06 Variance to be in Writing

Any variance granted by the Board of Health shall be in writing. A copy of any such variance shall be available to the public at all reasonable hours in the office of the Board of Health.

300.07 Fines:

Whosoever violates any of these rules and regulations shall, upon conviction, be fined not less than \$100.00 and not more than \$500.00 per violation per day, except where otherwise provided by law.

300.08 Severability

In the event that any section of MWBOH 300.00 is found to be invalid or unconstitutional, the remaining sections shall not be affected.



# The Commonwealth of Massachusetts

Executive Office of Health and Human Services  
Massachusetts Department of Public Health  
Bureau for Environmental Health

Childhood Lead Poisoning Prevention Program  
250 Washington Street, Boston, MA 02108-4619

## 105 CMR 460.000 REGULATIONS FOR LEAD POISONING PREVENTION AND CONTROL

460.100(D): Short Term Vacation or Recreational Rental Exemption from the Obligation to Abate and/or Contain Paint, Plaster or Other Accessible Structural Material Containing Dangerous Levels of Lead

(1) The owner(s) of a dwelling unit, including but not limited to a private residence, condominium, hotel, motel, or bed and breakfast establishment that is leased, rented or occupied for vacation or recreational purposes for a period of 31 days or less shall not be required to abate or contain any paint, plaster or other accessible structural material containing dangerous levels of lead in compliance with 105 CMR 460.110 when a child under six years of age is an occupant, upon meeting and maintaining the following conditions:

(a) The owner or owner's agent shall visually inspect as least annually all of the interior surfaces and the exterior casing, sash and sill of all windows of the particular dwelling unit, but not interior common areas if present, to ensure that there is no cracked or otherwise deteriorated plaster or putty or peeling, chipping or flaking paint.

(b) Any peeling, chipping or flaking paint, deteriorated plaster or putty shall be made intact according to the procedures of the Protocol for Maintaining Intact Paint issued by the Director.

(c) The owner or owner's agent shall provide a copy of the Short-Term Vacation Rental Notification (Vacation Rental Notification) issued by the Director to each tenant with a child under six years of age.

(d) The owner or owner's agent shall date the Vacation Rental Notification to indicate when the visual inspection was conducted and all paint, plaster and putty was intact on relevant surfaces of the dwelling unit, indicated at 105 CMR 460.100(D)(1)(a).

(e) The owner or owner's agent shall indicate on the Vacation Rental Notification the number of days for which the dwelling unit is rented.



(f) The owner shall write his or her telephone number on the Vacation Rental Notification so that the tenant may contact the owner for prompt repair of any deteriorated paint, plaster or putty on relevant surfaces indicated at 105 CMR 460.100(D)(1)(a). The owner may substitute the name and telephone number of an agent who is authorized to repair non-intact paint, plaster or putty.

(g) The owner or owner's agent and tenant shall sign and date the Vacation Rental Notification and retain a copy. If the owner or owner's agent has provided the tenant with the Vacation Rental Notification but the tenant refuses to sign the Vacation Rental Notification, the owner or owner's agent may attach to the Vacation Rental Notification a statement that the tenant has received the Vacation Rental Notification but the tenant has refused to sign it.

(h) If peeling, chipping, flaking paint or deteriorated plaster or putty is present on relevant surfaces of the dwelling unit, indicated at 105 CMR 460.100(D)(1)(a), or the owner fails to provide the Vacation Rental Notification in accordance with 105 CMR 460.100(D)(1)(c) through (g), the owner is not exempt from the requirements for abatement or containment at 105 CMR 460.110 or liability for damages at 105 CMR 460.180.

(2) An owner who complies with 105 CMR 460.100(D)(1)(a) through (g) may rent a dwelling unit under the Short Term Vacation or Recreation Rental Exemption for as many periods of 31 days or less as he or she may choose, provided that the same tenant with a child under six years of age does not occupy the same dwelling unit for a period of more than 31 days in any twelve-month period.



**SHORT-TERM VACATION OR RENTAL EXEMPTION NOTIFICATION**

Under the Massachusetts Lead Law (M.G.L. c.111, s.199B) and Regulations (105 CMR 460.100(D)), the owner of the property located at:

MA

(street)

(apt.)

(city)

(zip)

that is being rented or occupied for vacation purposes, certifies that: (Check One)

- all paint in the dwelling unit is intact including on the exterior parts of the windows and qualifies for an exemption from the Lead Law which requires the owner to abate or contain lead paint if a child under six years of age is in residence.
  
- the dwelling unit has received a compliance document certifying that the unit met standards for full deleading or interim control compliance on \_\_\_\_\_ (date). A copy of the compliance document and inspection/reinspection reports associated with this unit has been placed in the dwelling unit for review

The Department of Public Health advises parents of young children under six years of age who are tenants or occupants under this exemption for a period not to exceed a total of thirty-one days, that occupying a dwelling unit for a short period of time where lead paint is intact does not present a health hazard for children under six years of age. Should you be concerned about peeling paint that you have found in the dwelling unit, contact:

\_\_\_\_\_  
Name of Owner or Agent Authorized

\_\_\_\_\_  
Telephone Number

To Make Repairs

Date of Visual inspection when all paint or other coating was intact on relevant surface \_\_\_\_\_

\_\_\_\_\_  
Signature of Owner or Agent Performing

\_\_\_\_\_  
Date

Visual Inspection

Number of Days Rented or Occupied (Not to Exceed 31 Days) \_\_\_\_\_



**SHORT-TERM VACATION OR RENTAL EXEMPTION NOTIFICATION – Page 2**

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Signature of Tenant or Occupant  
with Child Under Six Years of Age

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Signature of Owner or Agent  
Presenting Notification to Tenant

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Date

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Date

***If peeling paint is present in the dwelling unit, the owner is not exempt from the obligations of the Lead Law.***

**THIS FORM MUST BE COMPLETED FOR A VALID EXEMPTION  
CLPPP FORM 94-1**





## PROTOCOL FOR MAINTAINING INTACT PAINT IN VACATION RENTAL PROPERTY

Dwelling units rented for thirty-one days or less for vacation or recreational purposes are eligible for the short-term vacation rental exemption from the Lead Law. To obtain the exemption, the owner must make sure that the interior of the dwelling unit and exterior window surfaces are free of chipping or peeling paint.

### **Visual Inspection of the Eligible Unit for Chipping or Peeling Paint**

At least once a year, the owner or his/her agent must visually inspect any eligible unit that might be rented to a family with a child under six years of age. The Department of Public Health recommends that the yearly visual inspection (and any work needed to repair loose paint) be done before the vacation/rental season begins.

Surfaces to be visually inspected and, if necessary, repaired include:

1. those in interior rooms and areas intended for use only by the family occupying the dwelling unit:
  - bedrooms, bathrooms, screened-in porches, interior passageways, and living, dining, and kitchen areas not shared with other tenants.
2. interior and exterior surfaces of all windows located in these interior rooms and areas, including:
  - the window sashes (the part of the window that moves);
  - the parting beads (the "track" that the sashes of a double-hung window ride up and down on);
  - the window wells (where the window sash rests when the window is closed); and
  - the interior and exterior window casings, stops (the "trim" that borders the window sash) and sills.

Although not required, an owner may have testing done to determine which specific surfaces contain lead. Testing options include:

1. hiring a licensed lead inspector to do a full lead inspection;
2. hiring an inspector to perform a lead determination (the testing of a limited number of surfaces for lead);
3. sending in paint chip samples to a laboratory for analysis.

If only some of the surfaces are tested and they do not contain lead, do not assume that other surfaces on the property do not contain lead.



### **Performing the Repair Work Necessary to Make Loose Paint Intact**

In determining who should carry out the repair work of the loose paint and how it should be done, the owner or his/her agent should estimate how much lead dust and debris will be generated. Factors to be considered include:

1. the amount of chipping or peeling paint to be repaired;
2. whether the paint contains lead (***if unknown, always assume that paint contains lead***);
3. the types of repairs required to make the paint intact:
  - minor (such as removing a few flakes of defective paint);
  - major (involves significant renovations such as the repair of a large amount of water-damaged paint and plaster).

### **Repair Work Generating Limited Amounts of Lead Dust and Debris**

Follow these safety precautions and work practices:

***Isolate rooms and areas where repair work will be done.*** Shut windows and doors to eliminate drafts that could spread lead dust and contaminate other areas.

***Remove furnishings from areas and rooms where repairs are being done.*** Furniture, small appliances, throw rugs, curtains, etc. should be removed to avoid lead contamination.

***Cover the floor area where the work will occur and remaining furniture and fixtures with plastic sheeting.*** Tape plastic floor coverings to the base of the wall. Tape plastic fixture coverings to the floor.

***Shut down ventilation systems in the work area.*** Cover vents and registers with plastic sealed with tape.

***Avoid activities that cause the ingestion or inhalation of lead dust.*** Do not eat, drink, smoke, or chew gum/tobacco during repair activities.

#### ***Repair surfaces with loose paint.***

1. Wet surfaces with water from a spray bottle or sponge to reduce dust. (Discard sponges after use.)
2. Remove chipping and peeling paint by hand scraping.
3. Remove loose plaster and patch holes and cracks.
4. Prime and repaint surfaces.
5. Do not use power sanders, heat guns, torches, or chemical paint removers on paint or plaster known or assumed to contain lead.

#### ***Properly clean up work area.***

1. Carefully remove the plastic to avoid spilling any debris.
2. Sponge all surfaces with a detergent.
3. Rinse with clear water and wipe dry with paper towels.
4. Double bag debris and dispose of in trash.
5. Do not use a household vacuum to clean the area because this will spread lead dust and contaminate the vacuum.



### **Repair Work Generating Significant Amounts of Lead Dust**

Additional safety precautions and specialized equipment will be required to protect the health of workers and to prevent the property from being contaminated with lead dust and debris. Workers may need to wear protective clothing and respirators. Generally, more extensive steps should be taken to protect the property and furnishings from being contaminated by lead dust. A clean-up should occur at the end of the work using a detergent wash and a special vacuum called a HEPA vacuum. ***The Department highly recommends that the owner hire a licensed deleader or other trained and equipped contractor to perform the work.***

If the owner and his agents do decide to do work that would generate significant amounts of lead dust, they should call 1-800-532-9571 and request further information on how to perform the work safely. If the owner performs the work himself, the Department highly recommends that the owner hire a licensed deleader to do a thorough clean-up of the property to eliminate any lead dust.

**A tenant with a child under the age of six years occupying a unit for less than thirty-one days for vacation or recreational purposes may report chipping or peeling paint to the owner or his agent. The owner must have it repaired promptly, following the general guidelines laid out above.**

CLPPP Protocol 94-1



### **Wells:**

Why does the Mount Washington Board of Health **require** a laboratory report for my well water?

Under the State Sanitary Code (105 CMR 410.180) renting out your house, even for a week-end, requires that there be a water supply approved by the Board of Health. Because every house in Mount Washington is served by a private well, we will require that property owners have their water tested at least once in the calendar year in which the license is being issued.

This water test will test for bacteria considered harmful to human consumption. If any other contaminants are suspected, the Board may require further testing.

Please note that the Board **recommends** that all home owners have their wells tested for bacterial contamination on a regular basis (at least every three years). The basic tests are easily done and may indicate problems with the well, septic, or another source of contamination.

Please be aware that many individuals who are renting for vacation are not necessarily aware of how water is supplied to their rental. They are used to “unlimited” municipal supplies. Your well may be vulnerable to over-use, especially during dry periods. Be sure that you have checked sinks, toilets, outdoor faucets and any other water outlets for leakage.

### **General Safety Considerations:**

**Smoke Alarms** and **Carbon Monoxide** monitors are required in all homes and these must be installed in accordance with the code of the State Board of Fire Prevention. If a violation of these regulations is observed during an inspection of the dwelling, the Board of Health must notify the proper fire official (410 CMR 482)

**Safe Handrails** must be provided for every stairway used for or intended for use by the occupants (410 CMR 501)



**Septic Systems:** Septic Systems are a critical (and very expensive) part of your home. If you rent out your property to a variety of occupants in either a short-term or long-term rental, please be aware that you are exposing this part of your home to individuals who may not understand how to use the system. The Mount Washington Board of Health recommends that you take this into account before you decide to rent out your property. \*\* Note: Title 5 **requires** that the septic system was designed to include the garbage disposal equipment.

Regular maintenance is the most important thing in making sure your septic system works well.

Regular pumping helps prevent solids from escaping into the drainfield and clogging soil pores. **While pumping frequency is a function of use, MassDEP recommends that systems be pumped at least once every three years for homes not having a garbage disposal. If the home's system has a garbage disposal, it should be pumped every year.\*\***

If you are a nonresidential system owner, you should determine how often to pump based on prior accumulation and pumping records. Often you can look at pumping intervals to gauge your pumping schedule (i.e., previously did you wait too long before having your tank pumped and it was filled to capacity, or could you have waited a little longer to pump?).

An amazing number of system owners believe that if they haven't had any problems with their systems, they don't need to pump out their tanks. Unfortunately this is a serious and sometimes costly misconception. As your system is used, solid materials settle to the bottom of the tank, forming a sludge layer. Grease and lightweight materials float to the surface of the septic tank as scum.

Normally, properly designed tanks have enough space for up to three to five years' safe accumulation of sludge. When the sludge level increases beyond this point, sewage has less time to settle properly before leaving the tank. As the sludge level increases, more solid wastes escape into the soil absorption system (SAS). If the SAS becomes so clogged that it cannot absorb liquid at the rate at which it enters the tank, the plumbing will "back up" or unsanitary wastewater will bubble to the surface.

When hiring a pumper, be sure the local Board of Health has licensed them, and always make sure you get a paid receipt from the pumper that spells out the details of the transaction (how many gallons were pumped out of the tank, the date, the charges, and any other pertinent results). Retain this receipt for your records. The pumper sends a copy of this report to the local Board of Health.

**MassDEP recommends that a properly maintained septic system should be pumped out at least once every 3 years!**

The information in this box has been taken directly from the DEP website and may be found at: <https://www.mass.gov/guides/caring-for-your-septic-system>.

Should you have any questions regarding this subject, please free to contact our Board of Health through the Town Website (<https://www.townofmtwashington.com>)



**Property Street Address:**

**Map and Lot:**

**Name of Owner:**

**Contact Information:**

Telephone

Email

Mailing Address (if different)

**Food Service:** (Please Check)

No Food Service, or, Prepackaged foods only     Continental Breakfast

Full Breakfast or Other Food Service (please complete and submit a Food Establishment Application)

**Lodging:**

Number of Rooms:     One to three     Four to six     Seven to ten

Maximum Number of Guests:    \_\_\_\_\_

**THE FOLLOWING DOCUMENTS MUST BE ATTACHED TO THIS APPLICATION:**

1. Copy of a water test taken and processed by a Massachusetts licensed laboratory within the last calendar year attesting to water potability.
2. Signed copy of the attestation to compliance with all requirements under Chapter II of the State Housing Code (*105 CMR 410.00: Minimum Standards for Fitness for Human Habitation, State Sanitary Code, Chapter II*). (Form attached)
3. Signed copy of informational material regarding use of septic systems. (Form attached)
4. Payment as detailed below.

Pursuant to M.G.L. CH. 62C Sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all State Taxes required under law; the statements made in this application are true.

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Signature of owner/applicant

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Print Name and Title Date

Annual Inspection Fees: First Annual: \$75.00 Follow Up for Violation: \$50.00



## Certification Page

I hereby certify that my property meets all requirements under Chapter II of the State of State Sanitary Code (105 CMR 410.00) entitled Minimum Standards of Fitness for Human Habitation.

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Signature of owner/applicant

I hereby certify that my property meets all requirements under the bylaws for the Town of Mount Washington, Massachusetts.

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Signature of owner/applicant

I certify that I have read and understand the Online Home Rental Information sheets on Septic Systems and Wells supplied by the Mount Washington Board of Health.

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Signature of owner/applicant

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Print Name and Title Date

**Application Fee of \$50.00, Application Page and Certification Page is to be returned to:**

**Board of Health, Mount Washington Town Hall, 118 East Street, Mount Washington, MA 01258**