



Franklin Regional Council of Governments

Cooperative Public Health Service

CPHS MEMBER TOWN SHORT TERM RENTAL/BED AND BREAKFAST GUIDANCE

The following permits, licenses and inspections are required for all short term rentals:

1. Contact the FRCOG Building Inspector at 413-774-3167 ext 113 (if your Town is part of the Franklin County Cooperative Inspection Program) or your local building inspector to review zoning requirements for your establishment: different sizes of lodging houses may be allowed in different zones in the town you live in.
2. An annual local short term rental license from the Cooperative Public Health Service will need to be applied for online via the online permitting portal which can be found at: <https://frcog.org/inspections-permits/health/>. You will need to apply for a Short Term Rental/Motel/Hotel/Family-Type Campground/Trailer Park permit. The fee for this is \$75. This requires an annual inspection by a Health Agent to check for compliance with all applicable State codes and Local Board of Health Regulations.
3. You will need a food service permit only if your establishment:
 - (1) Serves breakfast only, and has more than 6 guest bedrooms.
 - (2) Serves food beyond breakfast, no matter how many guest bedrooms.

Apply for the food permit in the same place as the short term rental license above.
<https://frcog.org/inspections-permits/health/>

4. A Business license from the Town Clerk registering the name of your business may be required in some towns. Please contact the Town Clerk in your Town to verify this.

See next page for list of codes and regulations that apply to short term rental/lodging facilities in the Cooperative Public Health Service's member towns.

STATE AND LOCAL REGULATIONS RELATIVE TO TEMPORARY LODGING /BED AND BREAKFAST ESTABLISHMENTS:

- The State Minimum Standards for Human Habitation 105 CMR 410:
<https://www.mass.gov/files/documents/2017/09/11/105cmr410.pdf>
- The State Sanitary Code Chapter X-Minimum Sanitation Standards for Food Establishments, 105 CMR 590:
<https://www.mass.gov/files/documents/2018/10/09/105cmr590.pdf>
- CPHS Private Well Regulations: <https://frcog.org/wp-content/uploads/2018/06/CPHS-Local-Septic-Regulations-AC.pdf> *If your rental property is on a private well.*
- The State Environmental Code Title 5 310 CMR 15.00:
<https://www.mass.gov/files/documents/2017/09/27/310cmr15.pdf>
Bed and Breakfasts need to have a septic system designed for 440 gallons per day of flow per 310 CMR 15.203(2)

EXCERPTS from the MA Food Code, 105 CMR DPH 590.000:

105 CMR 590.010

E) Residential Kitchens: Bed-and-Breakfast Operations:

(1) Exempt Bed-and-Breakfast Operations:

No permit from the board of health is required if a bed-and-breakfast operation that prepares and offers food to guests meets the following criteria:

- (a) The home is owner-occupied;
- (b) The number of available guest bedrooms does not exceed six;
- (c) Breakfast is the only meal offered;
- (d) The number of guests served does not exceed 18; and
- (e) The consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the board of health.

(2) Bed-and-Breakfast Approval:

(a) Except as specified above in 105 CMR 590.010(E)(1), a bed-and-breakfast operation shall not sell or serve food unless it has been approved to do so and has obtained a valid permit from the board of health.

(b) Bed-and-breakfast operations that require a food establishment permit shall comply with the minimum requirements of 105 CMR 590.010(E), except they shall be exempt from FC 8-2 "Plan Submission and Approval" in which case only an intended menu shall be submitted to the board of health with their application for permit.

(c) Bed-and-breakfast operations which require a permit shall be inspected by the board of health upon application for an original permit, within the six months prior to renewal of a permit, and at least once a year for the enforcement of 105 CMR 590.000.

(d) Food preparation and protection: Residential kitchens in bed-and-breakfast operations.

1. Food shall be prepared and protected in accordance with 105 CMR 590.000.
2. Food, utensils and equipment shall be stored in a manner to avoid contamination.
3. The following food handling practices for time/temperature control for safety foods are prohibited: cooling and reheating prior to service, hot holding for more than two hours, and service of leftovers.
4. All food temperature requirements shall be met as contained in 105 CMR 590.000. Hot and cold holding equipment shall be provided to maintain time/temperature control for safety foods at temperatures required by 105 CMR 590.000.

EXCERPTS from CPHS Private Well Regulations:

D.) Rental Property Water Testing Required

The owner of every well used for drinking water that serves a property which is rented or leased (short term and or long term); shall have its water tested at a Massachusetts certified laboratory for the following chemical and bacteriological parameters at a minimum of once every three (3) years for: total coliform bacteria, e. coli bacteria, nitrate, nitrite, pH, conductivity, sodium, and iron.

All other listed chemical parameters found in VIII.B. shall be tested at a minimum of every nine (9) years. Initial water quality testing shall be done within three months of adoption of this regulation, unless a test has been performed within the previous three years. The initial test shall include the parameters listed in VIII. B. unless such test results, less than nine (9) years old, are available. The Board of Health may require more frequent testing, or testing for additional parameters, where other water quality problems are known or suspected to exist.

The owner of a rental property shall make results of the most recent three (3) water quality tests available to all tenants of the property and the Board of Health. In cases where the well water does not meet the water quality standards outlined above, the Board of Health may require the property owner to provide treatment or an alternative approved source of drinking water for the tenants.

Should you have any questions, please feel free to call or email.

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