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**Guidance for Municipalities on Homeless Shelter Requirements
in 105 CMR 410.000 (Housing Code)**

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This guidance is being provided by the Massachusetts Department of Public Health (DPH) Community Sanitation Program (CSP) to municipalities to summarize state sanitary code standards applicable to homeless shelters in 105 CMR 410.000 (Housing Code). Note that while M.G.L. c. 111, §127A, allows municipalities to enact stricter requirements than the minimum standards under the Sanitary Code for homeless shelters, it is limited to regulations that “do not conflict with the laws of the commonwealth or the provisions of the code.” Since Massachusetts law gives homeless families a right to shelter, any regulations enacted at the local level which would have the effect of limiting the siting of homeless shelters could be interpreted as violating the state law regarding right to shelter.

Health and Safety Standards for Homeless Shelters

In April, 2023, the Revised Housing Code goes into effect (“[Revised Housing Code](#)”), which more specifically lays out generally accepted interpretations of current Housing Code requirements for homeless shelters. As such, the same standards are applicable under both the current and Revised Housing Codes, and exempt homeless shelters from the following requirements:

1. Providing a bathroom door capable of being secured for privacy
2. Meeting ratios for toilets and bathroom
3. Providing a lock with a striker mechanism for the main entry door
4. Meeting minimum square footage requirements for sleeping areas
5. Installing screens on doorways
6. Conducting a pre-occupancy inspection for pests, provided they establish a pest management policy which provides for periodic inspections

Given the critical nature of housing those individuals and families most vulnerable, Housing Code requirements for homeless shelters are limited to those most essential for human health and safety, such as access to bathrooms and showers, and provision of electricity, potable water and heat in weather resistant buildings.¹ Most critically, DPH does not require shelters to meet the minimum square footage requirements for sleeping areas; also, while the Revised Housing Code does require 6 feet of head-to-

¹ Note that if a hotel, motel, inn, or other similar property (Lodging Establishment) is purchased or fully rented and operated by a shelter operator, without use of staff provided by the Lodging Establishment, that property is considered a Homeless Shelter under the Housing Code and should not be regulated as a Lodging Establishment.

head spacing between bed occupants, where feasible, DPH does not require that existing shelters reduce their overall bed capacity if meeting the bed spacing recommendations is not feasible. Additionally, note that homeless shelters are not required by the Housing Code to provide shared kitchen facilities, but if such facilities are provided, they must meet the requirements under the code.

Exemptions for Certain Facilities that may be Applicable to Homeless Shelters

The Revised Housing Code specifically exempts federal military bases and buildings or other structures owned by agencies of the Commonwealth from regulation, and local boards of health may not enforce the Housing Code at these facilities. To the extent homeless shelters are operated at properties owned by the Commonwealth or are located on a military base or where enforcement is otherwise preempted by federal law, those facilities do not have to meet housing code standards.

Any questions may be directed to the Massachusetts Department of Public Health's Community Sanitation Program at 617-624-5757 or CommunitySanitation@mass.gov.