

**Chapter 288**  
**HOUSING STANDARDS**

**GENERAL REFERENCES**

**Housing Authority — See Ch. 58.**

**Fire prevention — See Ch. 260, Art. II.**

**Building construction — See Ch. 210.**

**Life safety — See Ch. 314.**



ARTICLE I  
**Residential Premises**

**§ 288-1. Title; designation of enforcement agency.**

- A. Short title. This chapter shall be known and may be cited as the "Housing Code," and this article shall be known as the "Housing Standards Applicable to Residential Premises."
- B. Pursuant to RSA 48-A, the Town of Salem Health Officer is hereby designated by the Board of Selectmen as the public agency authorized to enforce RSA 48-A and the Housing Code.<sup>1</sup>

**§ 288-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

AGENCY — The public agency referred to in § 288-1B.

BASEMENT — A portion of any dwelling located partly underground but having less than 1/2 its clear floor-to-ceiling height below the average grade of the adjoining ground.

BUILDING CODE — The Building Code of this Town.<sup>2</sup>

CELLAR — A portion of any dwelling having 1/2 or more than 1/2 of its clear floor-to-ceiling height below the average grade of the adjoining ground.

DWELLING — Any building, structure, camp, trailer, mobile home, dwelling unit, rooming house or rooming unit, or any part thereof used for human habitation or intended to be so used, including any appurtenances belonging thereto or usually enjoyed therewith.

DWELLING UNIT — A room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

HABITABLE ROOM — A room or enclosed floor space used or intended to be used for living, sleeping or eating purposes, excluding bathrooms, water closet compartments, laundries, foyers, pantries, communicating corridors, stairways, closets, basement recreation rooms and storage spaces.

MULTIFAMILY DWELLING — Any dwelling or part thereof containing three or more dwelling units.

OCCUPANT — Any person, including an owner or operator, living and sleeping in a dwelling unit or rooming unit.

OPENABLE AREA — The part of window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: See Ch. 210, Building Construction.

OPERATOR — Any person having charge, care, management or control of any dwelling or part of it in which dwelling units or rooming units are let.

OWNER — Any person who, alone, jointly or severally with others, holds legal or equitable title to any dwelling, rooming house, dwelling unit or rooming unit.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind.

PLUMBING — Water-heating facilities, water pipes, garbage-disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents and other similar supplied fixtures, together with all connections to water or sewer lines.

PLUMBING CODE — The New Hampshire State Building Code as adopted pursuant to RSA 155-A.<sup>3</sup>

PREMISES — A lot, plot or parcel of land, including the buildings and structures thereon.

ROOMING HOUSE — Any dwelling, or that part thereof containing one or more rooming units, in which space is let to three or more persons.

ROOMING UNIT — Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

SUPPLIED — Installed, furnished or provided by the owner or operator at his expense.

TEMPORARY DWELLING — A seasonal dwelling that is intended for use eight or fewer months per year.

TOWN — The Town of Salem.

TWO-FAMILY DWELLING — Any dwelling containing two dwelling units.

YARD — All ground, lawn, court, walk, driveway or other open space constituting part of the same premises as the dwelling.

### **§ 288-3. Basic equipment and facilities required.**

No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, rooming house, dwelling unit or rooming unit which does not comply with the following minimum standards for basic equipment and facilities:

A. Dwelling units.

- (1) Every dwelling unit shall contain within its walls and/or meet the following requirements:

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**3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

- (a) Lavatory facilities. A room, separate from the habitable rooms, which affords privacy and which is equipped with a flush water closet and a lavatory basin.
  - (b) Bathtub or shower. A room, separate from the habitable rooms, which affords privacy to a person in the room and which is equipped with a bathtub or shower.
  - (c) Kitchen sink.
- (2) Sharing by dwelling units in same building. The occupants of not more than two dwelling units which are located in the same dwelling may share sanitation facilities, including a water closet, lavatory and tub or shower, provided that:
- (a) Neither of the two dwelling units contains more than two rooms; however, for the purposes of this subsection, a kitchen with not more than 60 square feet of floor area is not counted as a room.
  - (b) The habitable room area of each of such dwelling units aggregates not more than 350 square feet, exclusive of sanitation area.
- B. Water line connections. Every kitchen sink, lavatory basin and bathtub or shower required by this chapter shall be properly connected with both hot and cold water lines. The hot water lines shall be connected with supplied water heating facilities which are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin and tub or shower at a temperature of not less than 120° F. All plumbing fixtures required by this section shall be properly connected to an approved water system and to an approved sewerage system.
- C. Rubbish collection. Every multifamily dwelling shall have approved common garbage and rubbish storage or disposal facilities.
- D. Egress. Every dwelling unit and rooming unit shall have a safe and unobstructed means of egress leading to a safe and open space at ground level.
- E. Rooming house; additional sanitation standards.
- (1) Lavatories. Every rooming house shall be equipped with at least one flush water closet, one lavatory basin and one bathtub or shower for each six persons or fraction thereof living within the rooming house, including members of the family of the owner or operator if they share the use of the facilities. In a rooming house in which rooms are let only to males, flush urinals may be substituted for not more than 1/2 the required number of water closets. All such facilities shall be properly connected to approved water and sewerage systems. No such facility located in a basement or cellar

shall count in computing the number of facilities required by this subsection, except when approved by the Building Inspector. Every flush water closet, flush urinal, lavatory basin and bathtub or shower required by this subsection shall be located within the rooming house in a room or rooms which:<sup>4</sup>

- (a) Afford privacy and are separate from the habitable rooms.
  - (b) Are accessible from a common hall and without going outside the rooming house.
  - (c) Are not more than one story removed from the rooming unit of any occupant intended to share the facilities.
- (2) Bedding and towels. When bedding, bed linen or towels are supplied, the owner or operator shall maintain the bedding in a clean and sanitary manner, and he shall furnish clean bed linen and towels at least once each week and prior to the letting of any room to any occupant.

#### **§ 288-4. Ventilation, lighting, heating and screens.**

No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, rooming house, dwelling unit or rooming unit which does not comply with the following minimum standards for ventilation, light and heating:

A. Windows and openable space.

- (1) Total window area. Every habitable room shall have at least one window which faces directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 10% of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-obstruction structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area.
- (2) Openable window area. Every habitable room shall have a least one window or skylight which can be easily opened, or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall equal at least 45% of the minimum area size or the minimum skylight-type window size, as required by this chapter, except where there is supplied some other device affording adequate ventilation and approved by the Building Inspector.<sup>5</sup>

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4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (3) Glass-fronted porch. For the purpose of this section, where a living room faces onto a glass-fronted porch, the porch shall be considered as a part of the living room if the total window and open space area between the porch and the living room is at least 15% of the floor area of the living room.
  - (4) Bathroom. Every bathroom and water closet compartment shall comply with the window area and openable area requirements for habitable rooms, except where there is supplied some other device approved by the Building Inspector as affording adequate ventilation.<sup>6</sup>
  - (5) Laundry rooms. Every laundry room shall have a minimum openable area of at least three square feet, except where there is some other device approved by the Building Inspector as affording adequate ventilation.<sup>7</sup>
  - (6) Public hallway and stairways. Every public hallway and stairway within every two-family or multifamily dwelling and rooming house shall be adequately ventilated and equipped with handrails required by the Building Code.
- B. Lighting. Every dwelling within 300 feet of a power line shall be supplied with electricity as follows:
- (1) Habitable room. Every habitable room shall contain at least two separate floor- or wall-type electric convenience outlets and one supplied ceiling-type electric light fixture or a switch-controlled outlet.
  - (2) Bathrooms; utility rooms. Every water closet compartment, bathroom, laundry room and furnace room shall contain at least one supplied ceiling- or wall-type electric light fixture.
  - (3) Public halls. Every public hall in a dwelling shall contain at least one supplied ceiling- or wall-type electric light fixture. Every public hall and stairway in every two-family dwelling, multifamily dwelling and rooming house shall be adequately lighted at all times, except that in a two-family dwelling an adequate lighting system which may be turned on when needed by conveniently located light switches shall be permitted instead of a full-time lighting system.
  - (4) Standards for installation. Every outlet and fixture shall be properly installed and maintained in good and safe working condition. All electrical installations shall comply with the requirements of the National Electrical Code.
- C. Every dwelling shall have heating facilities which are capable of safely and adequately heating all habitable rooms, bathrooms and water

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6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

closet compartments within their walls to a temperature of at least 70° F. when the outside temperature is -10° F. This subsection does not apply to a temporary dwelling.

- D. Portable heating equipment employing a flame and using gasoline or kerosene does not meet the standards of this chapter and is prohibited.
- E. During the portion of each year extending from May 15 to September 15 and as protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space and used for ventilation shall be supplied with screens and a self-closing device, and every window or other device capable of being opened to outdoor space and used for ventilation shall likewise be supplied with screens. Every basement or cellar window used for ventilation, and every opening which might provide an entry for rodents, shall be supplied with screens or such other device as will effectively prevent their entrance.

#### **§ 288-5. Space requirements.**

No person shall occupy or shall let to another for occupancy any dwelling, rooming house, dwelling unit or rooming unit which does not comply with the following minimum standards for space and occupancy:

- A. Habitable floor area. Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant and at least 100 square feet for each additional occupant. Exception for children under one year of age: For the purposes of this section, a person under one year of age shall not be counted as an occupant.
- B. Sleeping rooms. In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 80 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 40 square feet of floor area for each occupant.
- C. Arrangement of sleeping room; bathroom. No dwelling or dwelling unit containing two or more sleeping rooms shall have such arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or bathroom or water closet compartment.
- D. Calculation of floor area. Floor area shall be calculated on the basis of habitable room area. However, closet area and hall area within the dwelling unit, where provided, may count for not more than 10% of the required habitable floor area. At least 75% of the floor area of a room shall have a ceiling height of at least seven feet, and the floor area of any part of any room where the ceiling height is less than five feet shall

not be considered as a part of the floor area in computing the total area of the room.

E. Basements and cellars. No basement or cellar shall be used for living purposes unless:

- (1) The floors and walls are substantially watertight.
- (2) The total window area, total openable area and ceiling height are in accordance with this chapter.
- (3) The required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area, not including stairwells or accessways.

**§ 288-6. Maintenance of structure.**

No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, rooming house, dwelling unit or rooming unit which does not comply with the following minimum standards for safe and sanitary maintenance:

- A. Foundations, exterior walls and roofs. Every foundation, exterior wall and exterior roof shall be substantially weathertight, watertight and rodent-proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
- B. Floors, interior walls and ceilings. Every floor, interior wall and ceiling shall be substantially rodent-proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load as specified by the Building Code.
- C. Windows and exterior doors. Every window, exterior door and basement or cellar door and hatchway shall be substantially weathertight, watertight and rodent-proof and shall be kept in working condition and good repair.
- D. Stairways and porches. Every inside and outside stair and porch, and any appurtenance thereto, shall be safe to use and capable of supporting the load of 80 pounds per square foot and shall be kept in sound condition and good repair.
- E. Plumbing fixtures. Every plumbing fixture shall be properly installed and maintained in sound mechanical condition, free from defects, leaks and obstructions, and in accordance with the Plumbing Code.
- F. Bathroom floor surfaces. Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

- G. Maintenance of required equipment and utilities. Every supplied facility, piece of equipment or utility which is required under this chapter and every chimney and smoke pipe shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition.

**§ 288-7. Structural defects deemed sufficient to make structure unfit.**

Any dwelling which has any or all of the following defects of structural elements shall be deemed unfit for human habitation:

- A. Structural walls and vertical members. Any dwelling whose structural walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base shall be deemed unfit for human habitation.
- B. Supporting members and nonsupporting walls. Any dwelling which, exclusive of the foundation, shows 33% or more of damage or deterioration of the supporting member or members, or 50% of damage or deterioration of the nonsupporting enclosing or outside walls or covering, shall be deemed unfit for human habitation.
- C. Floor and roof loads. Any dwelling which has improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used shall be deemed unfit for human habitation.
- D. Damage by fire, wind or other causes. Any dwelling which has been damaged by fire, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or the people of the Town of Salem shall be deemed unfit for human habitation.

**§ 288-8. Nonstructural substandard conditions.**

Any dwelling which has any or all of the following general substandard conditions shall be deemed unfit for human habitation:

- A. Dilapidated, decayed, unsafe or unsanitary. Any dwelling which has become or is so dilapidated, decayed, unsafe, or unsanitary or which utterly fails to provide the amenities essential to decent living or which is likely to cause sickness or disease so as to work injury to the health, morals, safety or general welfare of those living therein shall be deemed unfit for human habitation.
- B. Inadequate light, air and sanitation. Any dwelling having light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein shall be deemed unfit for human habitation.

- C. Inadequate egress. Any dwelling having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication shall be deemed unfit for human habitation.
- D. Insecure parts. Any dwelling which has parts thereof which are so attached that they may fall and injure members of the public or property shall be deemed unfit for human habitation.
- E. Unsafe, insanitary or dangerous to public. Any dwelling which, because of its condition, is unsafe, insanitary or dangerous to the health, safety or general welfare of the people of this Town shall be deemed unfit for human habitation.
- F. Violation of ordinances. Any dwelling existing in violation of any provision of the Building Code of this Town or other ordinances of this Town shall be deemed unfit for human habitation.

**§ 288-9. Standards for cooking equipment.**

No owner, operator or occupant shall furnish or use any cooking equipment which does not comply with the following minimum standards:

- A. Construction, installation and maintenance. Every piece of cooking equipment shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition.
- B. Prohibited equipment. Portable cooking equipment employing flame and using gasoline or kerosene as fuel is prohibited.

**§ 288-10. Responsibilities of owners, operators and occupants.**

- A. Sanitation.
  - (1) Cleanliness by occupant. Every occupant of a dwelling, dwelling unit or rooming unit shall maintain in a clean and sanitary condition that part of the dwelling, dwelling unit and yard which he occupies and controls and shall be responsible for his own misuse of areas and facilities available in common.
  - (2) Cleanliness by owner or operator. Every owner or operator of a two-family dwelling, multifamily dwelling or rooming house shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and yard.
  - (3) Use and operation of supplied facilities. Every occupant of a dwelling unit shall keep all supplied facilities, including plumbing fixtures and cooking equipment, in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation.
- B. Removal of water matter.

- (1) Storage and disposal of rubbish and garbage. Every occupant of a dwelling unit shall dispose of all rubbish, ashes, garbage and other organic waste in a clean and sanitary manner by placing it in approved storage or disposal facilities which are safe and sanitary. Every occupant shall provide such facilities for and within his dwelling unit and shall maintain them in a clean and sanitary manner. The owner or operator of a multifamily dwelling shall be responsible further for placing out for collection all common garbage and refuse containers, except where such facilities are for the sole use of an occupant, under which circumstance it shall be the responsibility of the occupant to place these containers out for collection.
  - (2) Rooming house rubbish storage and disposal. Every owner or operator of every rooming house shall dispose of all rubbish in a clean and sanitary manner by placing it in supplied and approved storage or disposal facilities which are safe and sanitary.
- C. Extermination.
- (1) Extermination of pests by occupant. Every occupant of a dwelling unit shall be responsible for the extermination of any insects, rodents or other pests in it or in the yard. Exception: When, however, infestation is caused by failure of the owner or operator to maintain a dwelling in a rodent-proof or substantially insect-proof condition, extermination shall be the responsibility of the owner or operator.
  - (2) Extermination of pests by owner or operator. Every owner or operator shall be responsible for extermination of any insects, rodents or other pests whenever infestation exists in two or more of the dwelling units of any dwelling or in the shared or public areas of any two-family dwelling or any multifamily dwelling.
  - (3) Extermination of pests in rooming houses. Every owner or operator of a rooming house shall be responsible for the extermination of any insects, rodents or other pests in it or in the yard.
- D. Heat. During the time of the year when it is necessary, as determined by the agency, every owner or operator of every two-family dwelling, multifamily dwelling and rooming house shall supply adequate heat to every habitable room therein, except where there are separate heating facilities for each dwelling unit, whose facilities are under the sole control of the occupant of such dwelling unit.
- E. Utilities. No owner, operator or occupant shall cause any service equipment or utility which is required by this chapter to be removed, shut off or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.

- F. Janitorial service. Every dwelling of five or more dwelling units, in which the owner or operator does not reside, shall have a janitor as found necessary by the agency.
- G. Transfer of responsibility. A contract effective as between owner and operator, operator and occupant or owner and occupant, with regard to compliance hereunder, shall not relieve any party of his direct responsibility under this chapter.
- H. Notice of maximum occupancy. Every owner or operator shall advise the occupant in writing, either by insertion in the lease between the parties or otherwise, of the maximum number of occupants permitted in the occupied premises under this chapter.

**§ 288-11. Standards in determining remedial action.**

The following standards shall be followed in substance by the agency in ordering repair, vacating, closure, demolition or removal:

- A. Repair. If a dwelling deemed unfit for human habitation can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered repaired.
- B. Vacating and closing. If a dwelling deemed unfit for human habitation is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated and closed.
- C. Demolition or removal. In any case where a dwelling deemed unfit for human habitation is 50% damaged or decayed or deteriorated from its original value or structure, it shall be demolished or removed, and in all cases where a dwelling cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be demolished or removed. In all cases where a dwelling unfit for human habitation is a fire hazard existing or erected in violation of the terms of any ordinance of the Town or statute of the State of New Hampshire, it shall be demolished or removed. For the purposes of this chapter, removal of a dwelling unfit for human habitation shall mean removal from the Town of Salem.

**§ 288-12. Compliance with order for remedial action.**

All dwellings deemed unfit for human habitation within the terms §§ 288-7 and 288-8 of this chapter are hereby declared to be public nuisances and shall be repaired, vacated and closed or demolished or removed as hereinbefore and hereinafter provided.

**§ 288-13. Inspections.**

- A. Inspection by agency. The agency, upon complaint of 10 or more citizens or officers of the Town of Salem, shall cause to be inspected

dwellings or mobile homes located within the Town of Salem and not otherwise.

- B. Access by the agency. To carry out the purposes and provisions of this chapter, the agency or any subordinate acting under its direction and supervision is hereby authorized to enter, examine and survey at all reasonable times, and in an emergency at any time, all dwellings, and the owner or occupant of the same or the person in charge thereof shall grant free access for the purpose of such examination and survey.
- C. Access by owner or operator. Every occupant of a dwelling, rooming house, dwelling unit or rooming unit shall give the owner or operator thereof, or his agent or employee, access to any part of such dwelling, rooming house, dwelling unit or rooming unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful notice or order issued pursuant to the provisions of this chapter.

#### **§ 288-14. Enforcement procedure.**

- A. The agency's powers and duties.
  - (1) The agency shall have the power to administer affirmation, examine witnesses and receive evidence in the course of its hearings.
  - (2) The agency shall appoint and fix the duties of such officers, agents and employees as deemed necessary to carry out the provisions of this chapter.
  - (3) The agency may delegate any of its functions under this chapter to such officers as it may designate.
- B. Inspection by agency. Whenever the agency, upon complaint of 10 or more citizens or officers of the Town of Salem, shall cause to be inspected dwellings or mobile homes located within the Town of Salem, it shall issue and cause to be served upon the owner, every mortgagee of record and all parties in interest in such dwelling, including persons in possession, a written complaint stating the grounds thereof. If the person to be served resides outside the state, service may be made by registered mail, and if there are any unascertained persons having an interest in said dwelling, notice may be given to them by publication in a newspaper having general circulation in the Town, such publication to be at least 10 days before the date set for the hearing. Such complaint shall contain a notice that a hearing will be held before the agency, at a place therein fixed, not less than 10 days nor more than 30 days after the serving of said complaint. The owner, mortgagee and parties in interest may file an answer to the complaint and appear in person, or otherwise, and give testimony at the place and time fixed in the

complaint. Rules of evidence prevailing in courts of law or equity shall not be controlling in said hearing.

- C. Whenever the agency, after notice and hearing, determines that, according to the minimum standards imposed by this chapter, a dwelling is unfit for human habitation, it shall state in writing its findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order which, if the repair, alteration or improvement of said dwelling can be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost, requires the owner, within the time specified in the order, to repair, alter or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation, or if the repair, alteration, or improvement of said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such costs, requires the owner, within the time specified in the order, to remove or demolish such dwelling.
- D. Whenever the owner of a dwelling is aggrieved by order of the agency, he may file an appeal with the Board of Selectmen, which will hold a hearing thereon, due notice of the same first being given to the agency and to said owner. The Board of Selectmen, after hearing and in accordance with its findings, may affirm, revoke or modify the order of the agency. Where the order is affirmed or modified, the agency shall proceed to enforce the same as affirmed or modified. When the order is revoked, proceedings shall be terminated.
- E. Whenever the owner of any dwelling fails to comply with an order of the agency, a petition shall be filed with the Superior Court by said agency in accordance with the provisions of RSA 48-A as it may be amended from time to time.
- F. Whenever the agency finds that a dwelling is unfit for human habitation and has issued an order to the person responsible therefor, the agency shall post, in a conspicuous place thereon, a placard or placards which shall include the following words: "Condemned as Unfit for Human Habitation."
- G. Any dwelling which has been determined unfit for human habitation and which has been posted as such by the agency shall be vacated within the time required by the agency. No owner or operator shall let to any person and no person shall occupy any dwelling which has been found unfit for human habitation and which has been posted as such by the agency.
- H. No dwelling which has been found unfit for human habitation and which has been posted as such shall again be used for human habitation until written approval has been furnished by the agency. Upon receipt of such order, the owner may remove the placard.

- I. Except in accordance with the provisions of Subsection H, no person shall deface, cover or remove any placard lawfully placed upon any dwelling by the agency.
- J. The agency shall make such exceptions as it deems proper for residences that are used for temporary dwellings only.

**§ 288-15. Standards applicable to rooming houses.**

- A. No person shall operate a rooming house or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every applicable section of this chapter.
- B. Rooming house permit. No person shall operate a rooming house unless he holds a valid rooming house permit issued by the agency in the name of the operator and for the specific dwelling, dwelling unit, rooming house or rooming unit. The operator shall apply to the agency for such permit, which shall be issued by the agency upon compliance by the operator with the applicable provisions of this chapter. This permit shall be displayed in a conspicuous place within the rooming house at all times. No such permit shall be transferable. Every person holding such permit shall give notice in writing to the agency within 24 hours after having sold, transferred, given away or otherwise disposed of ownership of, interest in or control of any rooming house. Such notice shall include the name and address of the person succeeding to the ownership or control of such rooming house. Every rooming house permit shall expire at the end of one year following its date of issuance, unless sooner suspended or revoked as hereinafter provided.
- C. Any person whose application for a rooming house permit has been denied may request and shall be granted a hearing in accordance with the procedures required under § 288-14 of this chapter.
- D. Whenever, upon inspection of any rooming house, the agency finds that there may exist a violation of the minimum housing standards established by this chapter, it shall, after giving notice to the owner and holding a public hearing as provided in § 288-14, revoke the owner's permit where violations are found and may make such further orders as are authorized by the provisions of this chapter.
- E. Every provision of this chapter which applies to rooming houses shall also apply to hotels and motels, except to the extent that they may conflict with the laws of the state or with the lawful regulations of any state board or agency.
- F. Space- and water-heating units shall be of an approved type for installation in a mobile home. Fuel-burning water heaters and furnaces, other than those having a sealed combustion space, shall not be located in sleeping rooms, bathrooms and toilet rooms.

- G. Space-heating units shall have sufficient capacity to maintain a minimum inside temperature of 70° F., based on the average of the recorded annual minimum outside temperatures for the locality, and shall be provided with manual or automatic temperature control devices.
- H. Water-heating units shall have sufficient capacity to deliver at each hot water outlet an ample supply of water at a minimum temperature of 120° F., and such units shall be provided with safety devices arranged to relieve hazardous pressures and excessive temperatures.
- I. Electrical space and water-heating equipment shall be of an approved type and shall have adequate circuit protection devices.
- J. Gas- and liquid-fuel-burning equipment shall be specifically designed for the type of fuel used. Flues and vents shall be suitable for the types of fuel used and shall be installed so that the surface of adjacent combustible material will not exceed a safe temperature.
- K. Automatically operated heat-producing equipment using utility gas shall have a valve that will automatically shut off the flow of gas to the main burner when the pilot flame is extinguished.
- L. Automatically operated heat-producing equipment using liquefied petroleum gas shall have a valve that will automatically shut off the flow of gas to the pilot light and main burner when the pilot flame is extinguished.
- M. Fuel-burning space- and water-heating units shall be vented. Other fuel-burning equipment shall be vented where the discharge of products of combustion into the space where the equipment is installed would be unsafe.
- N. Liquid-fuel-burning equipment shall be vented and shall be provided with means to prevent spilling of fuel.
- O. Fuel storage containers and gas cylinders shall be mounted outside the mobile home or in a space that is vented to the outside and is vaportight to the inside.
- P. Warm air supply ducts and fittings shall be of noncombustible materials.
- Q. Return air ducts shall be of noncombustible material where exposed to temperatures which are unsafe for combustible materials.
- R. Return air grilles in doors and partitions shall be of a permanent nonclosable type. Openings for return air shall not be located in bathrooms, toilet rooms or kitchenettes.
- S. Mechanical ventilation, where required, shall exhaust air at rates not less than the following:

- (1) For habitable space: two air changes per hour.
  - (2) For bathrooms and toilet rooms: 25 cubic feet per minute.
  - (3) For kitchenettes: 100 cubic feet per minute.
- T. Air conditioning for habitable space provided in lieu of mechanical ventilation shall supply an amount of air not less than that set forth in Subsection S, with at least 25% of the required quantity taken from the outside.

ARTICLE II  
**Mobile Homes**

**§ 288-16. Title; purpose.**

- A. This article shall be known as the "Housing Standards Applicable to Mobile Homes."
- B. Purpose. The purpose of this article is to provide basic and uniform standards in terms of performance objectives implemented by specific requirements governing the construction, occupancy and maintenance of mobile homes.

**§ 288-17. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**ACCESSORY STRUCTURE** — A structure, the use of which is incidental to that of the mobile home and which is attached thereto or located on the same mobile home lot. Accessory structures include but are not limited to portable, demountable or permanent enclosures, shade structures and carports.

**APPROVED** — Approved by the administrative officer under the regulations of this article or approved by an authority designated by law or this article.

**COMMUNITY AREA** — An area or space within a mobile home court, including fences, walls and other minor constructions, which is designed for joint use of occupants or restricted to nonresidential use.

**COMMUNITY STRUCTURE** — A structure within a mobile home court providing laundry, toilet, recreation, parking or other common facilities, including management office and storage buildings.

**GENERALLY ACCEPTED STANDARD** — A specification, code, rule, guide or procedure in the field of construction of mobile homes or mobile home courts, or related thereto, recognized and accepted as authoritative.

**HABITABLE SPACE** — Space used for living, sleeping, eating or cooking purposes, excluding kitchenettes, bathrooms, toilet rooms, storage spaces and enclosures for equipment installations.

**MECHANICAL SYSTEMS AND EQUIPMENT** — Mobile home electrical, plumbing, heating, ventilating and air-conditioning systems and equipment used for living purposes, including cooking and refrigeration equipment.

**MOBILE HOME** — A movable living unit equipped with a chassis and provided with the following mechanical systems and equipment: plumbing, heating, electrical, cooking and refrigeration. (See definition of "trailer.")

**MOBILE HOME COURT** — A parcel of land which has been planned and improved for the placement of two or more mobile homes.

**MOBILE HOME LOT** — A designated site within a mobile home court for the exclusive use of the occupants of a single mobile home.

MOBILE HOME STAND — That part of an individual mobile home lot which has been reserved for the placement of the mobile home.

PATIO — A paved outdoor living space designed to supplement the mobile home living area.

STORAGE LOCKER — An enclosed space designed to provide auxiliary general storage space for an individual mobile home.

TRAILER (TRAVEL OR VACATION) — A moveable living unit equipped with a chassis but lacking any of the following mechanical systems and equipment: plumbing, heating, electrical, cooking and refrigeration. (See definition of "mobile home.")

### **§ 288-18. General standards.**

- A. Mobile home design and construction shall conform to generally accepted standards of the mobile home industry.
- B. Materials, assemblies and equipment shall conform to generally accepted standards with respect to strength, durability, corrosion and fire resistance, and other qualities recognized under such standards.
- C. Habitable and nonhabitable space shall be arranged, located, lighted and ventilated so as to be appropriate for the intended use.
- D. Mechanical systems and equipment shall be designed, installed and located so that, under normal conditions of use, such systems and equipment shall be capable of functioning safely and efficiently without being forced to operate beyond the designed capacity.
- E. Equipment requiring operation, inspection or maintenance shall be located so that easy access is provided.
- F. Plumbing, heating and electrical systems shall be properly connected to approved sources of supply when a mobile home is in a fixed location and occupied for living purposes.
- G. Mobile home units, including mechanical systems and equipment, shall be maintained and operated so as to be free of conditions conducive to personal injury or detrimental to health or welfare.

### **§ 288-19. Design and construction.**

- A. Mobile homes shall be structurally sound, effectively insulated and capable of sustaining designed dynamic loading.
- B. Body and body framing.
  - (1) Body frames shall be designed and constructed as complete units. Wall and floor surfaces shall be firmly attached to body framing members. Doors and windows shall be securely framed in place. Framing and exterior skin shall be surface treated or painted to prevent deterioration.

- (2) Roofs shall be pitched for proper drainage and shall be weathertight. Roof decks shall be of metal or noncombustible materials.
- (3) Wood body framing shall be of seasoned lumber and shall provide adequate support and rigidity. Members shall be joined so as to ensure permanent attachment to each other.
- (4) Metal body framing shall be of structural formed sections, riveted, bolted or welded together. Where different metals are joined, precautions shall be taken to prevent electrostatic action.
- (5) Insulation of floors, roofs and exterior walls shall consist of noncombustible materials.
- (6) Ventilation shall be provided to minimize deterioration of structural members from condensation or other causes.

C. Chassis.

- (1) The chassis shall extend substantially the length of the body and shall be capable of supporting the live and dead loads to which subjected.
- (2) A tongue or drawbar shall be secured to the chassis and shall be capable of supporting the weight of the forward end of the mobile home. If designed to support gas cylinders, the tongue shall be of sufficient strength and shall permit secure attachment.
- (3) A hitch shall be securely attached to the tongue so as to become an integral part of the tongue.
- (4) Axles, spring assemblies and wheels shall be capable of supporting the calculated loads.

D. Placement. Placement of a mobile home on a mobile home stand by jacks or supports shall be such as to ensure the retention of the mobile home in a fixed position.

**§ 288-20. Space requirements.**

A. Maximum occupancy. The maximum number of occupants of a mobile home shall be limited to the number determined on the basis of the square feet of floor area of habitable space, exclusive of habitable space used for cooking purposes, in accordance with the following:

- (1) One hundred fifty square feet for one or two occupants.
- (2) Two hundred fifty square feet for three occupants.
- (3) Eighty square feet for each occupant thereafter.

B. Height of habitable space. Habitable space shall have a minimum ceiling height of seven feet over 50% of the floor area, and the floor

area where the ceiling height is less than five feet shall not be considered in computing gross floor area.<sup>8</sup>

- C. Bathrooms and toilet rooms. Bathrooms and toilet rooms shall have provisions for privacy and shall be provided with floors of moisture-resistant materials.
- D. Prohibited uses. Bathrooms, toilet rooms, kitchens and kitchenettes shall not be used for sleeping purposes.
- E. Exits. A mobile home shall have a safe and unobstructed primary exit and an emergency exit located remote from the primary exit.

### **§ 288-21. Light and ventilation.**

- A. Habitable space. A mobile home shall be provided with natural light and ventilation adequate for the intended use of each habitable space in accordance with the following:
  - (1) The window area shall equal at least 10% of the floor area for each habitable space.
  - (2) The openable area of windows and other openings used for natural ventilation of each habitable space shall equal at least 45% of the required window area, or mechanical ventilation shall be provided as set forth in § 288-15S.
- B. Nonhabitable space. A mobile home shall be provided with light and ventilation adequate for the intended use of nonhabitable space in accordance with the following:
  - (1) Kitchenettes, bathrooms and toilet rooms shall be provided with light of sufficient intensity and so distributed as to permit the maintenance of sanitary conditions and the safe use of the space and the appliances, equipment and fixtures.
  - (2) Kitchenettes, bathrooms and toilet rooms shall be provided with natural ventilation consisting of openable areas of not less than 1 1/2 square feet for bathrooms and toilet rooms and not less than three square feet for kitchenettes, or mechanical ventilation shall be provided as set forth in § 288-15S.

### **§ 288-22. Mechanical systems and equipment.**

- A. Plumbing.
  - (1) A mobile home shall contain:
    - (a) A kitchen sink.
    - (b) A flush-type water closet.

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**8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

- (c) A bathtub or shower.
    - (d) A lavatory.
  - (2) Hot and cold water supply shall be provided at the kitchen sink, bathtub or shower, and lavatory. Cold water shall be supplied to the water closet.
  - (3) The plumbing system shall be designed and arranged so as to facilitate connecting to an approved exterior water supply and sewage disposal system and provide adequate water supply to all plumbing fixtures and dispose of all liquid wastes therefrom.
- B. Heating, ventilating and air conditioning.
- (1) A mobile home shall contain:
    - (a) Space-heating equipment.
    - (b) Water-heating equipment.
  - (2) Areas allocated for installation of space-heating and water-heating equipment shall provide adequate clearance so that the surface of adjacent combustible materials will not exceed a safe temperature. Curtains and draperies shall not be used in such areas.
- C. Electrical.
- (1) A mobile home shall contain an electrical wiring system and service equipment.
  - (2) Electrical wiring shall have adequate capacity for designed lighting and appliance equipment. Individual circuits shall contain overload protection devices.
  - (3) At least one receptacle outlet shall be provided for each multiple of 12 linear feet of wall space or major fraction thereof in each habitable space and kitchenette. Bathrooms and toilet rooms shall have permanently installed lighting fixtures and switches located so as not to be an electrical hazard.
  - (4) Exterior equipment shall be weatherproofed to ensure protection of equipment from the elements. Service equipment shall have means for quick disconnection from the source of supply.
  - (5) Provision shall be made for grounding non-current-carrying metallic parts of the electrical system. Such grounding shall be common to one external supply point. Provision shall be made for exterior source grounding of the electrical system.
- D. Cooking and refrigeration.
- (1) A mobile home shall contain:
    - (a) Cooking equipment.

(b) Refrigeration equipment.

- (2) Electrical cooking and refrigeration equipment shall be of an approved type for installation in a mobile home and shall have adequate circuit protection devices.
- (3) Gas-burning cooking and refrigeration equipment shall be of an approved type for mobile home installation, and connections to rigid pipe shall be made with approved flexible metal gas appliance connectors.
- (4) Fuel storage shall conform to the requirements of fuel storage for heating.

**§ 288-23. Maintenance standards.**

- A. A mobile home shall be maintained in a safe and sanitary condition.
- B. Interior. Floors, walls, ceilings, furnishings and fixtures shall be maintained in a clean and sanitary condition. Exits shall be maintained free of obstructions.
- C. Garbage and refuse. Suitable containers shall be provided for the temporary storage of garbage and refuse within the mobile home.
- D. Screening. From May 15 to September 15, entrances to the mobile home shall be provided with self-closing-type devices or screens, and windows and other openings used for ventilation shall be appropriately screened.
- E. Extermination. Mobile homes shall be maintained free of insects, vermin and rodents. Extermination shall be effected in conformance with generally accepted practice.
- F. Flammable materials. Flammable cleaning liquids and other flammable materials shall be stored in a safe, approved manner.

ARTICLE III  
**Interpretation and Enforcement**

**§ 288-24. Effect on other regulations.**

This chapter shall not interfere with or annul any ordinance, rule, regulation or permit, provided that, unless specifically excepted, where this chapter is more stringent, it shall control.

**§ 288-25. Violations and penalties.<sup>9</sup>**

In addition to other remedies provided in this chapter, any person violating any provision of this chapter shall be subject to a fine up to the maximum allowed pursuant to RSA 48-A. Each day that a violation continues shall be considered a separate offense.

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**9. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**