

# 5 OR MORE

## *Boston's Zoning Code*

### *Limits Off Campus Housing*

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- On March 13, 2008 an amendment to the City of Boston's Zoning Code, regulating Off Campus Student Housing went into effect.
- *Five or More Students* sharing an apartment, single family house or any other dwelling unit, is a violation of the Zoning Code.
- Student is defined as a full-time undergraduate at a post secondary educational institution.
- Property owners are responsible for compliance; violations will be issued against the property owner.
- Tenants are responsible for providing accurate information regarding their rental status.
- **Leases** signed prior to the passage of the "5 or More" zoning amendment are eligible for a compliance grace period up until September 1st, 2009, **ONLY** if the property owner notifies ISD of the non-compliance, by completing the "Notification of Non-Complying Unit Form", and submits it to ISD.
- ***ALL RESIDENTIAL LEASES MUST COMPLY WITH THESE REQUIREMENTS.***

City of Boston  
Inspectional Services Department  
1010 Mass Avenue,  
Boston, Ma 02118  
Fax: 617-635-5383  
Web: [www.cityofboston.gov](http://www.cityofboston.gov)  
Email: [lsdhousing@cityofboston.gov](mailto:lsdhousing@cityofboston.gov)

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- Property owners are responsible for obtaining rental apartment inspections for new tenants.
  - Property owners are required to deliver clean safe units on the day of move-in.
  - The State Sanitary Code requires 150 sq ft of habitable space for the first occupant and 100 sq. ft. for each additional occupant.
  - The State Sanitary Code requires 70 sq. ft. of sleeping space for one occupant. For more than one occupant 50 sq. ft. per occupant is required.

Form must be returned to:  
City of Boston Inspectional Services Department  
Attn: Student Zoning Compliance  
1010 Massachusetts Avenue, 5<sup>th</sup> Floor  
Boston, MA 02119

**NOTIFICATION OF NON-COMPLYING UNIT**  
**(5timber or more full-time undergraduate students)**

Landlords: Please complete and return a copy of this form for each dwelling unit with five or more full-time undergraduate students who signed the lease prior to March 13, 2008.

**Dwelling Unit Information:**

\_\_\_\_\_  
Street Number                      Street Name                      \_\_\_\_\_  
Unit Number

\_\_\_\_\_  
City, State    \_\_\_\_\_  
Zip Code

**Landlord Information:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Street Number                      Street Name                      \_\_\_\_\_  
Unit Number

\_\_\_\_\_  
City, State    \_\_\_\_\_  
Zip Code

I am the owner of the above-listed dwelling unit. It currently houses five or more full-time undergraduate students. These tenants entered into a lease for this unit prior to March 13, 2008. I acknowledge that the unit is in violation of the Boston Zoning Code's requirement that five or more full-time undergraduate students are not allowed to live in a single dwelling unit.<sup>1</sup> I understand that by signing and returning this notification form, the City of Boston will give me until **September 1, 2009** to bring this dwelling unit into compliance with this provision of Boston Zoning Code.

Landlord's signature \_\_\_\_\_ Date \_\_\_\_\_

<sup>1</sup> Sections 2 and 2A of the Boston Zoning Code , as amended March 13, 2008, define a "family" as "one person or two or more persons related by blood, marriage, adoption, or other analogous family union occupying a dwelling unit and living as a single non-profit housekeeping unit, provided that a group of five or more persons who are enrolled as full-time undergraduate students at a post-secondary educational institution shall not be deemed to constitute a family." A "dwelling unit" is "a room or group of rooms forming a habitable unit for one family . . . with facilities used or intended to be used for living, sleeping, cooking and eating . . ." Id.