105 CMR 410.000: MINIMUM STANDARDS OF FITNESS FOR HUMAN HABITATION (STATE SANITARY CODE, CHAPTER II)

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410.001: Purpose

The purposes of 105 CMR 410.000 are to protect the health, safety and well-being of the occupants of housing and of the general public, to facilitate the use of legal remedies available to occupants of substandard housing, to assist boards of health in their enforcement of this code and to provide a method of notifying interested parties of violations of conditions which require immediate attention.

410.002: Authority

105 CMR 410.000 is adopted under authority of M.G.L. c. 111, §§ 3 and 127A.

410.003: Citation

105 CMR 410.000 shall be known, and may be cited, as 105 CMR 410.000: *State Sanitary Code Chapter II: Minimum Standards of Fitness for Human Habitation.*

410.010: Scope

(A) No person shall occupy as owner-occupant or let to another for occupancy any dwelling, dwelling unit, mobile dwelling unit, or rooming unit for the purpose of living, sleeping, cooking or eating therein, which does not comply with the requirements of 105 CMR 410.000.

(B) The provisions of 105 CMR 410.000 shall not apply to any dwelling which:
(1) is located on a campground that is being operated in compliance with 105 CMR 420.000, 105 CMR 430.000, or 310 CMR 14.00; or
(2) is otherwise required to conform with standards of fitness for human habitation elsewhere existing in the State Sanitary Code; or
(3) is used exclusively as a civil defense shelter.

410.010: continued

(C) Nothing contained herein shall be construed to limit or otherwise restrict any person from seeking judicial relief in a court of competent jurisdiction notwithstanding any hearing, proceeding or other administrative remedy set forth in 105 CMR 410.000.

410.020: Definitions

Asbestos means:
(1) chrysotile, amosite, crocidolite; or
(2) in fibrous form, tremolit-asbestos, anthophyllite-asbestos, or actinolite-asbestos.

Asbestos Material means asbestos or any material containing asbestos.

Board of Health means the appropriate and legally designated health authority of the city, town, county, or other legally constituted governmental unit within the Commonwealth having the usual powers and duties of the board of health of a city or town, or his or its authorized agent or representative.

Chronic Dampness means the regular and/or periodic appearance of moisture, water, mold or fungi.

Compliance means meeting all the requirements of 105 CMR 410.000. It shall also mean correcting any violations of 105 CMR 410.000 in a work-personlike fashion and restoring all parts of the dwelling, or unit thereof, to the condition they were in before occurrence of any such violations. Compliance shall also mean in those cases where licenses or permits are required to perform work necessary to correct the violations, such as, but not limited to building, plumbing and wiring that the appropriate official certifies that the work has been completed in accordance with applicable laws and regulations.

Compostable Material means an organic material excluding waste water treatment residuals which has the potential to be composted and which is pre-sorted and is not contaminated by significant amounts of toxic substances, as those terms are or may be defined by 310 CMR 19.00: *Solid Waste Management.*

Composting means a process of accelerated biodegradation and stabilization of organic material under controlled conditions yielding a product which can safely be used, as those terms are or may be defined by 310 CMR 19.00: *Solid Waste Management.*

A Condition Making a Unit Unfit for Human Habitation is a condition meeting the standard set forth in the Massachusetts General Laws under which a board of health may justify closing down, condemning, or demolishing a dwelling or dwelling unit. It shall mean a violation which poses such immediate harm or threat of harm to an occupant or to the public that other legal remedies cannot be reasonably expected to bring about removal of the condition with sufficient speed to prevent the serious harm or injury to the occupants or to the public.

A Condition Which May Endanger or materially impair the health or safety and wellbeing of an occupant means the existence of a condition, listed in 105 CMR 410.750 or any other condition so certified by the board of health to be a violation, which may expose or subject to harm, the health or safety, and the well-being of an occupant or the public.

Dwelling means every building or shelter including but not limited to rooming houses and temporary housing used or intended for human habitation and every other structure or condition located within the same lot line whose existence causes or is likely to effect noncompliance with the provisions of 105 CMR 410.000.

Dwelling Unit means the room or group of rooms within a dwelling used or intended for use by one family or household for living, sleeping, cooking and eating. Dwelling unit shall also mean a condominium unit.

410.020: continued

Entry Door of a Dwelling means any door of a dwelling which provides access to the common areas of the dwelling from the exterior of the dwelling except that when there are two doors which enclose an entryway between the common areas of the dwelling and the exterior of the dwelling it shall mean either of the doors.

Entry Door of a Dwelling Unit means any door of a dwelling unit which provides access to the common areas of the dwelling or access to the outside of the dwelling.

Exterior Openable Window means any window designed and installed to open which opens to the common interior areas of the dwelling or to the outside of the dwelling.

Exterminate means to eliminate insects and rodents.

Garbage means the animal, vegetable or other organic waste resulting from the handling, preparing, cooking, consumption or cultivation of food, and containers and cans which have contained food unless such containers and cans have been cleaned or prepared for recycling.

Habitable Room means every room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding rooms containing toilets, bathtubs or showers and excluding laundries, pantries, foyers, communicating corridors, closets and storage spaces.

Historic building means any building covered by 105 CMR 410.000 which meets the definition of historic building as defined in 780 CMR 3409.0.

Infestation means the recurrent presence of insects and/or rodents.

Legal remedy means any common law and other rights guaranteed by judicial decision, or the laws or regulations of the Commonwealth of Massachusetts which are intended to protect the rights and interests of the occupants affected by violations of 105 CMR 410.000 whether such provision authorizes an affirmative civil action, criminal penalties, a defense to an action or claim by another.

Means of Egress means a continuous and unobstructed path of travel from any point in a dwelling to an abutting public way (See 780 CMR 1002.0).

Mobile Dwelling Unit means a dwelling unit built on a chassis and containing electrical, plumbing, and sanitary facilities and designed to be installed on a temporary or permanent foundation for permanent living quarters.

Occupant means every person living or sleeping in a dwelling.

Owner means every person who alone or severally with others:

(1) has legal title to any dwelling, dwelling unit, mobile dwelling unit, or parcel of land,vacant or otherwise, including a mobile home park; or

(2) has care, charge or control of any dwelling, dwelling unit, mobile dwelling unit or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or

(3) is a mortgagee in possession of any such property; or

(4) is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or

(5) is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. Owner also means every person who operates a rooming house.

Person means every individual, partnership, corporation, firm, association, or group, including a city, town, county or other governmental unit, owning property or carrying on an activity regulated by 105 CMR 410.000.

410.020: continued

Provide means to supply and pay for.

Representative or Occupant's Representative means any adult person designated and duly authorized to act on the occupant's behalf, including, but not limited to, any person or group designee from a tenant's organization or other community group.

Rooming House means every dwelling or part thereof which contains one or more rooming units in which space is let or sublet for compensation by the owner or operator to four or more persons not within the second degree of kindred to the person compensated. Boarding houses, hotels, inns, lodging houses, dormitories and other similar dwelling places are included, except to the extent that they are governed by stricter standards elsewhere created; provided that the provisions of 105 CMR 410.000 shall not apply to any hospital, sanitorium, convalescent or nursing home, infirmary or boarding home for the aged licensed by the Department of Public Health in accordance with the provisions of M.G.L. c. 111, § 51 or 71.

Rooming Unit means the room or group of rooms let to an individual or household for use as living and sleeping quarters but not for cooking, whether or not common facilities for cooking are made available; provided, that cooking facilities shall not be deemed common if they can be reached only by passing through any part of the dwelling unit or rooming unit of another.

Rubbish means combustible and noncombustible waste materials, except garbage, and includes but is not limited to such material as paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, grass clippings, tin cans, metals, mineral matter, glass, crockery, dust, and the residue from the burning of wood, coal, coke and other combustible materials.

Stairway means any group of stairs consisting of three or more risers.

Temporary Housing means any tent, mobile dwelling unit, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than 30 days.

Use Group R-3 means all buildings arranged for occupancy as one or two family dwelling units, including not more than five lodgers per family and multiple single family dwellings where each unit has an independent means of egress and is separated by a two-hour fire separation assembly.

Exceptions:

(1) In multiple single-family dwellings that are equipped throughout with an approved sprinkler system installed in accordance with 780 CMR 906.2.1 or 906.2.2, the fire resistance rating of the dwelling unit separation shall not be less than one hour. Dwelling unit separation wall shall be constructed as fire partitions.

(2) In multiple single-family dwellings that are equipped throughout with an approved automatic sprinkler system installed in accordance with 780 CMR 906.2.3, a two hour fire separation assembly shall be provided between each pair of dwelling units. The fire resistance rating between each dwelling unit shall not be less than one hour and shall be constructed as a fire partition (780 CMR 310.5).

Use Group R-4 means all detached one and two family dwellings not more than three stories in height and all accessory structures (780 CMR 310.6).

Violation means any condition in a dwelling, dwelling unit, mobile dwelling unit, or rooming house or upon a parcel of land which fails to meet any requirement of 105 CMR 410.000.

Water Conservation Device means for all showers, shower stalls, shower compartments or shower baths, a low-flow showerhead which shall have a maximum flow rate not exceeding 2½ gallons of water per minute, for all faucets a maximum flow rate not exceeding two and 2/10 gallons of water per minute and for all water closets, ultra-low-flush water closets not exceeding one and 6/10 gallons of water per flush, contained within a dwelling unit.

410.020: continued

Water Submetering means the use of a meter by an owner who receives water from a water company, as defined in M.G.L. c. 186, § 22, which meter measures water supplied to a dwelling unit to enable the owner to charge the tenant of the dwelling unit separately for water usage, or which meter measures water supplied to a common area.

410.100: Kitchen Facilities

(A) Every dwelling unit, and every rooming house where common cooking facilities are provided, shall contain suitable space to store, prepare and serve foods in a sanitary manner. The owner shall provide within this space:

(1) A kitchen sink of sufficient size and capacity for washing dishes and kitchen utensils; and

(2) a stove and oven in good repair (*see* 105 CMR 410.351) except and to the extent the occupant is required to do so under a written letting agreement; and

(3) space and proper facilities for the installation of a refrigerator.

(B) The facilities required in 105 CMR 410.100(A) shall have smooth and impervious surfaces and be free from defects that make them difficult to keep clean, or creates an accident hazard.

410.150: Washbasins, Toilets, Tubs, and Showers

The owner shall provide no less than the following:

(A) For each dwelling unit:

(1) A toilet with a toilet seat in a room which is not used for living, sleeping, cooking or eating purposes and which affords privacy to a person within said room.

(2) A wash basin in the same room as the toilet, or if the wash basin cannot be placed in the same room as the toilet, it shall be placed in close proximity to the door leading directly into the room in which the toilet is located. The kitchen sink may not be substituted for the wash basin required in 105 CMR 410.150(A).

(3) A bathtub or shower in the same room as the toilet or in another room which is not used for living, sleeping, cooking or eating purposes and which affords privacy to a person within said room.

(4) Each room which contains a toilet, bathtub or shower shall be fitted with a door which is capable of being closed.

(B) For no more than each eight occupants of rooming units and rooming houses who are not otherwise provided with these facilities, in a room not used for living, sleeping, cooking or eating purposes and which affords privacy to a person within said room:

(1) One toilet with a toilet seat and wash basin in the same room; provided, that where more than one toilet is required in any toilet room used exclusively by males, urinals may be substituted for up to ½ of the total number of toilets required, on the basis of one urinal substituted for one toilet; and

(2) One shower or bathtub in the same room as the toilet and wash basin or in another room not used for living, sleeping, cooking or eating purposes and which affords privacy to a person within said room.

(3) In a room with more than one toilet, each toilet shall be separated by walls or partitions which afford privacy.

(C) Toilet, bathtub and shower facilities as required in 105 CMR 410.150(A) and 410.150(B) shall be accessible from within the building and shall be so placed as not to require passing through any part of another dwelling unit or rooming unit.

(D) The fixtures as required in 105 CMR 410.150(A) and 410.150(B) shall have smooth and impervious surfaces and be free from defects which make them difficult to keep clean, or create an accident hazard.

410.151: Shared Facilities

The owner of any dwelling in which any toilet, wash basin, shower or bathtub is to be shared by the occupants of more than one dwelling unit or one rooming unit shall maintain that toilet, wash basin, shower, bathtub, walls and floors in a clean and sanitary condition, which shall include the cleaning and sanitizing of said fixtures at least once every 24 hours.

410.152: Privies and Chemical Toilets Prohibited; Exceptions

No privy or chemical toilet shall be constructed or continued in use; provided, that the board of health may approve in writing the construction or continued use of any privy or chemical toilet which it determines will not (a) endanger the health of any person; or (b) cause objectionable odors or other undue annoyance. When so approved, a privy or chemical toilet may, subject to written authorization of the board of health in accordance with 310 CMR 15.00, qualify as a toilet within the requirements of 105 CMR 410.150(A) (*see* 105 CMR 410.840).

In no event may a privy be located within 30 feet of any building used for sleeping or eating, or of any lot line or street.

410.180: Potable Water

The owner shall provide, for the occupant of every dwelling, dwelling unit, and rooming unit, a supply of potable water sufficient in quantity and pressure to meet the ordinary needs of the occupant, connected with the public water supply system, or with any other source that the board of health has determined does not endanger the health of any potential user. (*See* 105 CMR 410.350 through 410.352).

In dwellings that are in compliance with the requirements of M.G.L. c. 186, § 22, the owner may charge the occupants for actual water usage in accordance with M.G.L. c. 186, § 22. An owner may not shut off or refuse water service to an occupant on the basis that the occupant has not paid a separately assessed water usage charge.

Examination of the water system shall include an examination of the plumbing system and its actual performance. If possible, such examination shall occur at the times and under such conditions as the occupant has identified the system as being insufficient.

410.190: Hot Water

The owner shall provide and maintain in good operating condition the facilities capable of heating water. The owner shall also provide the hot water for use at a temperature of not less than 110°F (43° C) and in a quantity and pressure sufficient to satisfy the ordinary use of all plumbing fixtures which normally need hot water for their proper use and function, unless and to the extent the occupant is required to provide fuel for the operation of the facilities under a written letting agreement. The hot water shall not exceed 130°F (54° C).

Inspection of the hot water system shall include an examination of the hot water system and its actual performance. If possible, such examination shall occur at the times and under such conditions as the occupant has identified the system to be insufficient.

410.200: Heating Facilities Required

(A) The owner shall provide and maintain in good operating condition the facilities for heating every habitable room and every room containing a toilet, shower or bathtub to such temperature as required under 105 CMR 410.201.

(B) Portable space heaters, parlor heaters, cabinet heaters, room heaters and any similar heaters having a barometric fed fuel control and its fuel supply tank located less than 42 inches from the center of the burner as well as the type of heating appliance adapted for burning kerosene, range oil or number one fuel oil and any portable wick type space heaters shall not be used and shall not meet the requirements of 105 CMR 410.200. (*See* M.G.L. c. 148, §§ 5A and 25B.)

410.201: Temperature Requirements

The owner shall provide heat in every habitable room and every room containing a toilet, shower, or bathtub to at least 68°F (20° C) between 7:00 A.M. and 11:00 P.M. and at least 64°F (17° C) between 11:01 P.M. and 6:59 A.M. every day other than during the period from June 15th to September 15th, both inclusive, in each year except and to the extent the occupant is required to provide the fuel under a written letting agreement. The temperature shall at no time exceed 78°F (25° C) during the heating season. The temperature may be read and the requirement shall be met at a height of five feet above floor level on a wall any point more than five feet from the exterior wall. The number of days per year during which heat must be provided in accordance with 105 CMR 410.000 may be increased or decreased through a variance granted in accordance with the provisions of 105 CMR 410.840 notwithstanding the prohibitions of the first clause of the first sentence of 105 CMR 410.840(A).

410.202: Venting

Space heaters and water heaters, except electrical ones, shall be properly vented to a chimney or vent leading to the outdoors.

410.250: Habitable Rooms Other than Kitchen -- Natural Light and Electrical Outlets

The owner shall provide for each habitable room other than a kitchen:

(A) transparent or translucent glass which admits light from the outdoors and which is equal in area to no less than 8% of the entire floor area of that room.

(B) two separate wall-type convenience outlets, or one such outlet and one electric light fixture. The outlets shall be placed in practical locations and shall insofar as practicable, be on different walls and at least ten feet apart. (*See* 105 CMR 410.351.)

410.251: Kitchen Lighting and Electrical Outlets

The owner shall provide for each kitchen:

(A) one electric light fixture;

(B) two wall-type convenience outlets located in convenient locations; and

(C) For each kitchen over 70 square feet, transparent or translucent glass which admits light from the outdoors and which is equal in area to no less than 8% of the entire floor area of that kitchen.

410.252: Bathroom Lighting and Electrical Outlets

The owner shall provide in each room containing a toilet, bathtub, or shower one electric light fixture. (*See* 105 CMR 410.150(A)(1) and 410.150(B).)

410.253: Light Fixtures Other than in Habitable Rooms or Kitchens

(A) The owner shall provide and so locate electric light switches and fixtures in good working order so that illumination may be provided for the safe and reasonable use of every laundry, pantry, foyer, hallway, stairway, closet, storage place, cellar, porch, exterior stairway and passageway.

(B) The owner shall provide working incandescent light bulbs or fluorescent tubes in all required light fixtures in all common areas of any dwelling.

410.254: Light in Passageways, Hallways, and Stairways

(A) Except as allowed in 105 CMR 410.254(B), the owner shall provide light 24 hours per day so that illumination alone or in conjunction with natural lighting shall be at least one foot candle as measured at floor level, in every part of all interior passageways, hallways, foyers and stairways used or intended for use by the occupants of more than one dwelling unit or rooming unit:

410.254: continued

(B) In a dwelling containing three or fewer dwelling units, the light fixtures used to illuminate a common hallway, passageway, foyer and/or stairway may be wired to the electric service serving an adjacent dwelling unit provided that if the occupant of such dwelling unit is responsible for paying for the electric service to such dwelling unit:

(1) a written agreement shall state that the occupant is responsible for paying for light in the common hallway, passageway, foyer and/or stairway; and

(2) the owner shall notify the occupants of the other dwelling units.

410.255: Amperage

The electrical service supplying each dwelling, dwelling unit, rooming house and/or rooming unit shall supply sufficient amperage to meet the reasonable needs of the occupants. Should the amperage be determined to be inadequate it shall be corrected so that it meets the amperage requirements of 527 CMR 12.00: *The Massachusetts Electrical Code*.

410.256: Temporary Wiring

No wiring shall lie under a rug or other floor covering, nor shall any extend through a doorway or other opening in a structural element. No temporary wiring shall be used or made available for use by any owner or occupant; provided, that extension cords which connect portable electric appliances or fixtures to convenience outlets shall not be considered temporary wiring.

410.257: Light Obstructions

If any light obstructing structure is located less than three feet from the outside of and extends to a level above the lower level of the transparent or translucent glass required by 105 CMR 410.250(A) and 410.251(C), that portion so obstructed shall not be included as contributing to the required minimum total glass area.

410.258: Exemption of Dwellings More than 600 Feet from Electrical Service

The provisions of 105 CMR 410.250 through 410.257 regarding the furnishing of electrical facilities shall apply only if a source of electricity is available from power lines within 600 feet of the dwelling.

410.280: Natural and Mechanical Ventilation

The owner shall provide for each habitable room, and room containing a toilet, bathtub or shower, ventilation to the outdoors consisting of:

(A) windows, skylights, doors or transoms in the exterior walls or roofs that can be easily opened to a minimum of 4% of the floor area of that habitable room or room containing a toilet, bathtub or shower, provided, that a skylight which if open exposes the interior of the dwelling to direct rainfall shall not satisfy this requirement; or

(B) Mechanical ventilation capable of exhausting air at the following rates:

Occupancy Classification	Required Air Changes Per Hour
Habitable rooms other than bath, toilet or shower rooms	2
Bath, toilet or shower rooms	5

410.281: Ventilation Shut-off

Each mechanical ventilation system required by 105 CMR 410.280(B) shall be equipped with an readily accessible means for either shut-off or volume reduction, and any other ventilation system shall be equipped with a readily accessible means for shut-off. (*See* 105 CMR 410.351.)

410.300: Sanitary Drainage System Required

The owner shall provide, for each dwelling, a sanitary drainage system connected to the public sewerage system, provided, that if, because of distance or ground conditions, connection to a public sewerage system is not practicable, the owner shall provide, and shall maintain in a sanitary condition, a means of sewage disposal which is in compliance with 310 CMR 15.00: *Subsurface Disposal of Sanitary Sewage (Title V)*. (*See* 105 CMR 410.840.)

In dwellings that are in compliance with the requirements of M.G.L. c. 186, § 22, the owner may charge the occupants for the cost of sewer service in accordance with M.G.L. c. 186, § 22.

410.350: Plumbing Connections

(A) Every required kitchen sink, wash basin and shower or bathtub shall be connected to the hot and cold water lines of the water distribution system (*See* 105 CMR 410.180) and to a sanitary drainage system (*See* 105 CMR 410.300) in accordance with accepted plumbing standards.

(B) Every provided toilet shall be connected to the water distribution system (See 105 CMR 410.180) and to a sanitary drainage system (*See* 105 CMR 410.300) in accordance with accepted plumbing standards.

410.351: Owner's Installation and Maintenance Responsibilities

The owner shall install or cause to be installed, in accordance with accepted plumbing, gasfitting and electrical wiring standards, and shall maintain free from leaks, obstructions or other defects, the following:

(A) all facilities and equipment which the owner is or may be required to provide including, but not limited to, all sinks, washbasins, bathtubs, showers, toilets, waterheating facilities, gas pipes, heating equipment, water pipes, owner installed stoves and ovens, catch basins, drains, vents and other similar supplied fixtures; the connections to water, sewer and gas lines; the subsurface sewage disposal system, if any; all electrical fixtures, outlets and wiring, smoke detectors and carbon monoxide alarms, and all heating and ventilating equipment and appurtenances thereto; and

(B) all owner-installed optional equipment, including but not limited to, refrigerators, dishwashers, clothes washing machines and dryers, garbage grinders, and submetering devices designed to measure the usage of electricity, gas or water.

410.352: Occupant's Installation and Maintenance Responsibilities

(A) The occupant shall install in accordance with accepted plumbing, heating, gas fitting, and electrical wiring standards, and shall maintain free from leaks, obstructions and other defects, all occupant owned and installed equipment such as, but not limited to, refrigerators, clothes washing machines and dryers, dishwashers, stoves, garbage grinders and electrical fixtures.

(B) Every occupant of a dwelling unit shall keep all toilets, wash basins, sinks, showers, bathtubs, stoves, refrigerators and dishwashers in a clean and sanitary condition and exercise reasonable care in the proper use and operation thereof.

410.353: Asbestos Material

Every owner shall maintain all asbestos material in good repair, and free from any defects including, but not limited to, holes, cracks, tears or any looseness which may allow the release of asbestos dust, or any powdered, crumbled or pulverized asbestos material. Every owner shall correct any violation of 105 CMR 410.353 in accordance with the regulations of the Department of Environmental Protection appearing at 310 CMR 7.00 and in accordance with the regulations of the Department of Labor and Workforce Development appearing at 453 CMR 6.00.

410.354: Metering of Electricity, Gas and Water

(A) The owner shall provide the electricity and gas used in each dwelling unit unless
(1) Such gas or electricity is metered through a meter which serves only the dwelling unit or other area under the exclusive use of an occupant of that dwelling unit, except as allowed by 105 CMR 410.254(B); and
(2) A written letting agreement provides for payment by the occupant.

(B) If the owner is required, by 105 CMR 410.000 or by a written letting agreement consistent with 105 CMR 410.000, to pay for the electricity or gas used in a dwelling unit, then such electricity or gas may be metered through meters which serve more than one dwelling unit.

(C) If the owner is not required to pay for the electricity or gas used in a dwelling unit, then the owner shall install and maintain wiring and piping so that any such electricity or gas used in the dwelling unit is metered through meters which serve only such dwelling unit, except as allowed by 105 CMR 410.254(B).

(D) If the owner intends to separately bill the occupant for water or sewer services in accordance with the provisions of M.G.L. c. 186, § 22, then the owner must be in compliance with all requirements of M.G.L. c. 186, § 22, including, but not limited to:
(1) Installing and maintaining, when necessary, a water submetering device that measures only water that is supplied for the exclusive use of the particular dwelling unit and only to an area within the exclusive possession and control of the occupant of such dwelling unit;
(2) Installing, or causing to be installed, water conservation devices on all showers, faucets, and toilets in the dwelling unit;
(3) Having a written letting agreement with the occupant that describes the details of the water submetering and water billing arrangements; and
(4) Filing a certificate, on a form provided by the Department of Public Health, with the Board of Health or other appropriate municipal agency charged with enforcing the State Sanitary Code, and signed by the owner under the pains and penalties of perjury, that the dwelling unit is in compliance with M.G.L. c. 186, § 22. The owner shall have a licensed plumber sign the certificate certifying that the water submetering devices and ultra-low-flush toilets have been installed in accordance with accepted plumbing standards and the requirements of M.G.L. c. 186, § 22, and shall attach appropriate documentation to verify the services provided by the licensed plumber. The owner shall also provide a copy of the certificate to the occupants of each dwelling unit with the written letting agreement that describes the details of the water submetering and water billing arrangements.

(E) The owner shall allow occupants to have access to any water submeters that affect their dwelling unit in order to ensure that such submeters are functioning properly.

410.355: Provision of Oil

The owner shall provide the oil used for heating and/or hot water in each dwelling unit unless such oil is provided through a separate oil tank which serves only that dwelling unit, provided however, that 105 CMR 410.000 shall only apply to tenancies created or renewed after July 1, 1994.

NON-TEXT PAGE

410.400: Minimum Square Footage

(A) Every dwelling unit shall contain at least 150 square feet of floor space for its first occupant, and at least 100 square feet of floor space for each additional occupant, the floor space to be calculated on the basis of total habitable room area.

(B) In a dwelling unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space; every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant.

(C) In a rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 80 square feet of floor space; every room occupied for sleeping purposes by more than one occupant shall contain at least 60 square feet for each occupant.

410.401: Ceiling Height

(A) No room shall be considered habitable if more than ¾ of its floor area has a floor-to-ceiling height of less than seven feet.

(B) In computing total floor area for the purpose of determining maximum permissible occupancy, that part of the floor area where the ceiling height is less than five feet shall not be considered.

410.402: Grade Level

No room or area in a dwelling may be used for habitation if more than ½ of its floor-to-ceiling height is below the average grade of the adjoining ground and is subject to chronic dampness.

410.430: Temporary Housing Allowed Only with Board of Health Permission

No temporary housing may be used except with the written permission of the board of health.

410.431: Any Exceptions to Minimum Standards Must Be Specified

All temporary housing shall be subject to the requirements of these minimum standards, except as the board of health may provide in its written permission. (*See* 105 CMR 410.840.)

410.450: Means of Egress

Every dwelling unit, and rooming unit shall have as many means of exit as will allow for the safe passage of all people in accordance with 780 CMR 104.0, 105.1, and 805.0 of the Massachusetts State Building Code.

410.451: Egress Obstructions

No person shall obstruct any exit or passageway. The owner is responsible for maintaining free from obstruction every exit used or intended for use by occupants of more than one dwelling unit or rooming unit. The occupant shall be responsible for maintaining free from obstruction all means of exit leading from his unit and not common to the exit of any other unit.

410.452: Safe Condition

The owner shall maintain all means of egress at all times in a safe, operable condition and shall keep all exterior stairways, fire escapes, egress balconies and bridges free of snow and ice, provided, however, in those instances where a dwelling has an independent means of egress, not shared with other occupants, and a written letting agreement so states, the occupant is responsible for maintaining free of snow and ice, the means of egress under his or her exclusive use and control. All corrodible structural parts thereof shall be kept painted or otherwise protected against rust and corrosion. All wood structural members shall be treated to prevent rotting and decay. Where these structural elements tie directly into the building structural system, all joints shall be sealed to prevent water from damaging or corroding the structural elements.

410.480: Locks

The owner shall provide, install and maintain locks so that:

(A) Every dwelling unit shall be capable of being secured against unlawful entry.

(B) Every door of a dwelling unit shall be capable of being secured from unlawful entry.

(C) The main entry door of a dwelling containing more than three dwelling units shall be so designed or equipped so as to close and lock automatically with a lock, including a lock with an electrically-operated striker mechanism, a self-closing door and associated equipment. Every door of the main common entryway and every exterior door into said dwelling, other than the door of such main common entryway which is equipped as provided in the preceding sentence shall be equipped with an operating lock. (M.G.L. c. 143, § 3R.)

(D) Every entry door of a dwelling unit or rooming unit shall be capable of being secured from unlawful entry.

(E) Every openable exterior window shall be capable of being secured.

(F) Locking devices shall comply with the requirements of 780 CMR 1017.4.1 to avoid entrapment in the building.

410.481: Posting of Name of Owner

An owner of a dwelling which is rented for residential use, who does not reside therein and who does not employ a manager or agent for such dwelling who resides therein, shall post and maintain or cause to be posted and maintained on such dwelling adjacent to the mailboxes for such dwelling or elsewhere in the interior of such dwelling in a location visible to the residents a notice constructed or durable material, not less than 20 square inches in size, bearing his name, address and telephone number. If the owner is a realty trust or partnership, the name, address and telephone number of the managing trustee or partner shall be posted. If the owner is a corporation, the name, address and telephone number of the president of the corporation shall be posted. Where the owner employs a manager or agent who does not reside in such dwelling, such manager or agent's name, address and telephone number shall also be included in the notice. (*See* M.G.L. c. 143, § 3S.)

410.482: Smoke Detectors and Carbon Monoxide Alarms

(A) Owners shall provide, install, and maintain in operable condition smoke detectors and carbon monoxide alarms in every dwelling that is required to be equipped with smoke detectors and carbon monoxide alarms in accordance with any provision of the Massachusetts General Laws and any applicable regulations of the State Board of Fire Prevention (527 CMR), State Board of Building Regulations and Standards (780 CMR), or the Board of Examiners of Plumbers and Gas Fitters (248 CMR).

(B) The board of health shall immediately notify the chief of the local fire department of any violation of 105 CMR 410.482 which is observed during an inspection of any dwelling.

(C) If any dwelling is found by the local fire department to be adequately equipped with smoke detectors and carbon monoxide alarms, the board of health shall not be authorized by 105 CMR 410.482 to impose any additional or differing smoke detector or carbon monoxide alarm requirement beyond that which has been found sufficient by the local fire department.

410.483: Auxiliary Emergency Lighting Systems and Exit Signs

The owner of every multiple dwelling of ten or more units shall provide such dwelling with an auxiliary emergency lighting system independent of the conventional lighting system, and with lighted signs indicating both a primary and secondary means of egress, by a diagram or signal so as to assure recognition by all persons regardless of their English speaking ability. Such lighting system signs shall be maintained in good working order in compliance with any applicable regulations promulgated by the Commissioner of Public Safety (See 780 CMR 1023.0, 780 CMR 1024.0 and M.G.L. c.143, § 21D).

410.484: Building Identification

The owner shall affix to every building covered by 105 CMR 410.000, a number representing the address of such building. The number shall be of a nature and size and shall be situated on the building so that, to the extent practicable, it is visible from the nearest street providing vehicular access to such building (M.G.L. c. 148, § 59).

410.500: Owner's Responsibility to Maintain Structural Elements

Every owner shall maintain the foundation, floors, walls, doors, windows, ceilings, roof, staircases, porches, chimneys, and other structural elements of his dwelling so that the dwelling excludes wind, rain and snow, and is rodent-proof, watertight and free from chronic dampness, weathertight, in good repair and in every way fit for the use intended. Further, he shall maintain every structural element free from holes, cracks, loose plaster, or other defect where such holes, cracks, loose plaster or defect renders the area difficult to keep clean or constitutes an accident hazard or an insect or rodent harborage.

410.501: Weathertight Elements

(A) A window shall be considered weathertight only if:
(1) all panes of glass are in place, unbroken and properly caulked; and
(2) the window opens and closes fully without excessive effort; and
(3) exterior cracks between the prime window frame and the exterior wall are caulked; and
(4) one of the following conditions is met:
(a) a storm window is affixed to the prime window frame, with caulking installed so as to fill exterior cracks between the storm window frame and the prime window frame; or
(b) weatherstripping is applied such that the space between the window sash and the prime window frame is no larger than 1/16 inch at any point on the perimeter of the sash, in the case of double hung windows and 1/32 inch in the case of casement windows; or
(c) the window sash is sufficiently well-fitted such that, without weatherstripping, the space between the window sash and the prime window frame is no larger than 1/16 inch at any point on the perimeter of the sash in the case of double hung windows and 1/32 inch in the case of casement windows.

(B) An exterior door or a door leading from a dwelling unit to a common passageway shall be considered to be weathertight only if:
(1) all panes of glass are in place, unbroken and properly caulked; and
(2) the door opens and closes fully without excessive effort; and
(3) exterior cracks between the prime door frame and the exterior wall are caulked; and
(4) one of the following conditions is met:
(a) a storm door is affixed to the prime door frame, with caulking installed so as to fill exterior cracks between the storm door frame and the prime door frame; or
(b) weatherstripping is applied such that the space between the door and the prime door frame is no larger than 1/16 inch at any point on the perimeter of the door or
(c) the door is sufficiently well-fitted such that, without weather-stripping, the space between the door and the prime door frame is no larger than 1/16 inch at any point on the sides of the door or _ inch at any point on the top or bottom of the door.

(C) A wall, floor, ceiling or other structural element shall be considered weathertight only if all cracks and spaces not part of heating, ventilating or air conditioning systems are caulked or filled in as to prevent infiltration of exterior air or moisture.

410.502: Use of Lead Paint Prohibited

No paint that contains lead shall be used in painting any surface of any dwelling. (*See* 105 CMR 460.000.)

410.503: Protective Railings and Walls

The owner of all dwellings shall provide:

410.503: continued

(A) A safe handrail for every stairway that is used or intended for use by the occupant as required by 780 CMR: Massachusetts State Building Code.

(B) A wall or guardrail on the open side of all stairways no less than 30 inches in height. Any such guardrail replaced or constructed after August 28, 1997 (effective date of Massachusetts State Building Code, Sixth Edition) shall be not less than 34 inches in height (780 CMR 1022.2.2 and 3603.14.2.1).

(C) A wall or guardrail at least 36 inches in height, enclosing every porch, balcony, mezzanine, landing, roof or similar place, which is 30 inches or more above the ground and that is used or intended for use by the occupants. Any such wall or guardrail for other than Use Group R-4 and along opens sided floor areas, mezzanines and landings in occupancies in Use Group R-3, replaced or constructed after August 28, 1997, shall not be less than 42 inches in height (780 CMR 102 and 3603.14).

(D) Between all required guardrails and open handrails, balusters placed at intervals of no more than six inches, or any other ornamental pattern between the guardrail or handrail and floor or stair such that a sphere six inches in diameter can not pass through the opening. Any balusters or ornamental work constructed or replaced after August 28, 1997 shall have no space greater than 4½ inches and in all use groups other than R-4, shall not be constructed as to provide a ladder effect (780 CMR 1021 and 3603.14).

410.504: Non-absorbent Surfaces

The owner shall provide:

(A) On the floor surfaces of every room containing a toilet, shower or bathtub and every kitchen and pantry, a smooth, noncorrosive, nonabsorbent and water proof covering. This shall not prohibit the use of carpeting in kitchens and bathrooms, nor the use of wood in the kitchen, provided they meet the following qualifications:

(1) Carpeting must contain a solid, nonabsorbent, water repellent backing which will prevent the passage of moisture through it to the floor below; and

(2) Wood flooring must have a water resistant finish and have no cracks to allow the accumulation of dirt and food, or the harborage of insects.

(B) On the walls of every room containing a toilet, shower or bathtub up to a height of 48 inches, a smooth noncorrosive, nonabsorbent and waterproof covering.

(C) On wall areas above built-in bathtubs having installed shower heads and in shower compartments up to height not less than six feet above the floor level, with a smooth, noncorrosive, nonabsorbent waterproof covering. Such wall shall form a watertight joint with each other and with either the tub, receptor or shower floor.

410.505: Occupant's Responsibility Respecting Structural Elements

The occupant shall exercise reasonable care in the use of the floors, walls, doors, windows, ceilings, roof, staircases, porches, chimneys, and other structural elements of the dwelling.

410.550: Extermination of Insects, Rodents and Skunks

(A) The occupant of a dwelling containing one dwelling unit shall maintain the unit free from all rodents, skunks, cockroaches and insect infestation, and shall be responsible for exterminating them, provided, however, that the owner shall maintain any screen, fence or other structural element necessary to keep rodents and skunks from entering the dwelling.

(B) The owner of a dwelling containing two or more dwelling units shall maintain it and its premises free from all rodents, skunks, cockroaches and insect infestation and shall be responsible for exterminating them.

410.550: continued

(C) The owner of a rooming house shall maintain it and its premises free from all rodents, skunks, cockroaches and insect infestation, and shall be responsible for exterminating them.

(D) Extermination shall be accomplished by eliminating the harborage places of insects and rodents, by removing or making inaccessible materials that may serve as their food or breeding ground, by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination method. All use of pesticides within the interior of a dwelling, dwelling unit, rooming house, or mobile home shall be in accordance with applicable laws and regulations of the Department of Food and Agriculture's Pesticide Board, including those appearing at 333 CMR 13.00, which provide, among other things, that pesticide applicators or their employers must give at least 48 hours pre-notification to occupants of all residential units prior to any routine commercial application of pesticides for the control of indoor household or structural indoor pests.

NON-TEXT PAGE

410.551: Screens for Windows

The owner shall provide screens for all windows designed to be opened on the first four floors opening directly to the outside from any dwelling unit or room unit provided, that in an owner-occupied unit, the owner need provide screens for only those windows used for ventilation. All new or replacement screens shall be of not less than 16 mesh per square inch.

Said screens:
(1) shall cover that part of the window that is designed to be opened but in no case less than the area as required in 105 CMR 410.280(A); and
(2) shall be tight fitting as to prevent the entrance of insects and rodents around the perimeter.
(3) Expandable temporary screens shall not be deemed to satisfy the requirements of 105 CMR 410.551(1) or (2).

410.552: Screens for Doors

The owner shall provide a screen door for all doorways opening directly to the outside from any dwelling unit or rooming unit where the screen door will be permitted to slide to the side or open in an outward direction, provided, that in an owner-occupied unit, the owner need provide screens only for those doorways used for ventilation. All new or replacement screens in screen doors shall be of not less that 16 mesh per square inch.

Said screen door:
(1) shall be equipped with a self-closing device except where the screen is designed to slide to the side; and
(2) shall be tight-fitting as to prevent the entrance of insects and rodents around the perimeter; and

410.553: Installation of Screens

The owner shall provide and install screens as required in 105 CMR 410.551 and 410.552 so that they shall be in place during the period between April first to October 30th, both inclusive, in each year.

410.600: Storage of Garbage and Rubbish

(A) Garbage or mixed garbage and rubbish shall be stored in watertight receptacles with tight-fitting covers. Said receptacles and covers shall be of metal or other durable, rodent-proof material. Rubbish shall be stored in receptacles of metal or other durable, rodent-proof material. Garbage and rubbish shall be put out for collection no earlier than the day of collection.

(B) Plastic bags shall be used to store garbage or mixed rubbish and garbage only if used as a liner in watertight receptacles with tight-fitting covers as required in 105 CMR 410.600(A), provided that the plastic bags may be put out for collection except in those places where such practice is prohibited by local rule or ordinance or except in those cases where the Department of Public Health determines that such practice constitutes a health problem. For purposes of the preceding sentence, in making its determination the Department shall consider, among other things, evidence of strewn garbage, torn garbage bags, or evidence of rodents.

(C) The owner of any dwelling that contains three or more dwelling units, the owner of any rooming house, and the occupant of any other dwelling place shall provide as many receptacles for the storage of garbage and rubbish as are sufficient to contain the accumulation before final collection or ultimate disposal, and shall locate them so as to be convenient to the tenant and so that no objectionable odors enter any dwelling.

410.600: continued

(D) The occupants of each dwelling, dwelling unit, and rooming unit shall be responsible for the proper placement of his garbage and rubbish in the receptacles required in 105 CMR 410.600(C) or at the point of collection by the owner.

410.601: Collection of Garbage and Rubbish

The owner of any dwelling that contains three or more dwelling units, the owner of any rooming house, and the occupant of any other dwelling place shall be responsible for the final collection or ultimate disposal or incineration of garbage and rubbish by means of:

(A) the regular municipal collection system; or

(B) any other collection system approved by the board of health; or

(C) when otherwise lawful, a garbage grinder which grinds garbage into the kitchen sink drain finely enough to ensure its free passage, and which is otherwise maintained in a sanitary condition; or

(D) when otherwise lawful, a garbage or rubbish incinerator located within the dwelling which is properly installed and which is maintained so as not to create a safety or health hazard; or

(E) when otherwise lawful, by backyard composting of compostable material, provided that the composting operation does not attract rodents or other vectors and does not create a nuisance, and provided further that in the case of composting by an occupant, the occupant obtain the prior written permission of the owner.

(F) any other method of disposal which does not endanger any person and which is approved in writing by the board of health. (*See* 105 CMR 410.840.)

410.602: Maintenance of Areas Free from Garbage and Rubbish

(A) Land. The owner of any parcel of land, vacant or otherwise, shall be responsible for maintaining such parcel of land in a clean and sanitary condition and free from garbage, rubbish or other refuse. The owner of such parcel of land shall correct any condition caused by or on such parcel or its appurtenance which affects the health or safety, and well-being of the occupants of any dwelling or of the general public.

(B) Dwelling Units. The occupant of any dwelling unit shall be responsible for maintaining in a clean and sanitary condition and free of garbage, rubbish, other filth or causes of sickness that part of the dwelling which he exclusively occupies or controls.

(C) Dwellings Containing Less than Three Dwelling Units. In a dwelling that contains less than three dwelling units, the occupant shall be responsible for maintaining in a clean and sanitary condition, free of garbage, rubbish, other filth or causes of sickness the stairs or stairways leading to his dwelling unit and the landing adjacent to his dwelling unit if the stairs, stairways or landing are not used by another occupant.

(D) Common Areas. In any dwelling, the owner shall be responsible for maintaining in a clean and sanitary condition free of garbage, rubbish, other filth or causes of sickness that part of the dwelling which is used in common by the occupants and which is not occupied or controlled by one occupant exclusively.

The owner of any dwelling abutting a private passageway or right-of-way owned or used in common with other dwellings or which the owner or occupants under his control have the right to use or are in fact using shall be responsible for maintaining in a clean and sanitary condition free of garbage, rubbish, other filth or causes of sickness that part of the passageway or right-of-way which abuts his property and which he or the occupants under his control have the right to use, or are in fact using, or which he owns.

410.620: Curtailment Prohibited

No owner or occupant shall cause any service, facility, equipment, or utility which is required to be made available by 105 CMR 410.000 to be removed from or shut off from any occupied dwelling except for such temporary period as may be necessary during actual repairs or alterations and where reasonable notice of curtailment of service is given to the occupant, or during temporary emergencies when curtailment of service is approved by the board of health. If any such service or facility that a person is required to provide by 105 CMR 410.000 or has agreed to supply by a written letting agreement becomes curtailed, that person shall take immediate steps to cause its restoration. (*See* M.G.L. c. 186, § 14.)

410.700: Inspectors Duty to Classify Violations

Any one or more of the conditions specified in 105 CMR 410.750, when found to exist in residential premises, shall always be deemed to be conditions which may endanger or materially impair the health or safety, and well-being of an occupant or the public. The conditions specified in 105 CMR 410.750 are specifically not intended as an exhaustive enumeration of such conditions. In addition to the conditions specified in 105 CMR 410.750, the inspector shall determine if any other violations of 105 CMR 410.100 through 410.620, or any other conditions, are conditions which may endanger or materially impair the health or safety, and well-being of an occupant or the public.

410.750: Conditions Deemed to Endanger or Impair Health or Safety

The following conditions, when found to exist in residential premises, shall be deemed conditions which may endanger or impair the health, or safety and well-being of a person or persons occupying the premises. This listing is composed of those items which are deemed to always have the potential to endanger or materially impair the health or safety, and well-being of the occupants or the public. Because, 105 CMR 410.100 through 410.620 state minimum requirements of fitness for human habitation, any other violation has the potential to fall within this category in any given specific situation but may not do so in every case and therefore is not included in this listing. Failure to include shall in no way be construed as a determination that other violations or conditions may not be found to fall within this category. Nor shall failure to include affect the duty of the local health official to order repair or correction of such violations pursuant to 105 CMR 410.830 through 410.833 nor shall failure to include affect the legal obligation of the person to whom the order is issued to comply with such order.

(A) Failure to provide a supply of water sufficient in quantity, pressure and temperature, both hot and cold, to meet the ordinary needs of the occupant in accordance with 105 CMR 410.180 and 410.190 for a period of 24 hours or longer.

(B) Failure to provide heat as required by 105 CMR 410.201 or improper venting or use of a space heater or water heater as prohibited by 105 CMR 410.200(B) and 410.202.

(C) Shutoff and/or failure to restore electricity, gas or water.

(D) Failure to provide the electrical facilities required by 105 CMR 410.250(B), 410.251(A), 410.253 and the lighting in common area required by 105 CMR 410.254.

(E) Failure to provide a safe supply of water.

(F) Failure to provide a toilet and maintain a sewage disposal system in operable condition as required by 105 CMR 410.150(A)(1) and 410.300.

(G) Failure to provide adequate exits, or the obstruction of any exit, passageway or common area caused by any object, including garbage or trash, which prevents egress in case of an emergency 105 CMR 410.450, 410.451 and 410.452.

410.750: continued

(H) Failure to comply with the security requirements of 105 CMR 410.480(D).

(I) Failure to comply with any provisions of 105 CMR 410.600, 410.601, or 410.602 which results in any accumulation of garbage, rubbish, filth or other causes of sickness which may provide a food source or harborage for rodents, insects or other pests or otherwise contribute to accidents or to the creation or spread of disease.

(J) The presence of leadbased paint on a dwelling or dwelling unit in violation of 105 CMR 460.000: *Lead Poisoning Prevention and Control.* (*See* M.G.L c. 111, §§ 190 through 199.)

(K) Roof, foundation, or other structural defects that may expose the occupant or anyone else to fire, burns, shock, accident or other dangers or impairment to health or safety.

(L) Failure to install electrical, plumbing, heating and gasburning facilities in accordance with accepted plumbing, heating, gasfitting and electrical wiring standards or failure to maintain such facilities as are required by 105 CMR 410.351 and 410.352, so as to expose the occupant or anyone else to fire, burns, shock, accident or other danger or impairment to health or safety.

(M) Any defect in asbestos material used as insulation or covering on a pipe, boiler or furnace which may result in the release of asbestos dust or which may result in the release of powdered, crumbled or pulverized asbestos material in violation of 105 CMR 410.353.

(N) Failure to provide a smoke detector or carbon monoxide alarm required by 105 CMR 410.482.

(O) Any of the following conditions which remain uncorrected for a period of five or more days following the notice to or knowledge of the owner of said condition or conditions:

(1) Lack of a kitchen sink of sufficient size and capacity for washing dishes and kitchen utensils or lack of a stove and oven or any defect that renders either inoperable.

(2) Failure to provide a washbasin and shower or bathtub as required in 105 CMR 410.150(A)(2) and 410.150(A)(3) or any defect which renders them inoperable.

(3) Any defect in the electrical, plumbing, or heating system which makes such system or any part thereof in violation of generally accepted plumbing, heating, gasfitting, or electrical wiring standards that do not create an immediate hazard.

(4) Failure to maintain a safe handrail or protective railing for every stairway, porch balcony, roof or similar place as required by 105 CMR 410.503(A) and 410.503(B).

(5) Failure to eliminate rodents, cockroaches, insect infestations and other pests as required by 105 CMR 410.550.

(P) Any other violation of 105 CMR 410.000 not enumerated in 105 CMR 410.750(A) through (O) shall be deemed to be a condition which may endanger or materially impair the health or safety and well-being of an occupant upon the failure of the owner to remedy said condition within the time so ordered by the board of health.

410.800: General Administration

The provisions of 105 CMR 400.000: *State Sanitary Code, Chapter I* shall govern the administration and enforcement of these minimum standards except as supplemented by 105 CMR 410.810 through 410.960.

410.810: Access for Repairs and Alterations

Every occupant of a dwelling, dwelling unit, or rooming unit shall give the owner thereof, or his agent or employees, upon reasonable notice, reasonable access, if possible by appointment, to the dwelling, dwelling unit, or rooming unit for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of 105 CMR 410.000.

410.820: Inspection Upon Request

The board of health shall inspect a dwelling or dwelling unit upon receipt of a written, oral or telephonic request for inspection regardless of whether the person requesting the inspection has previously notified the owner of the dwelling of the condition(s) within the dwelling. All interior inspections shall be done in the company of the occupant or the occupant's representative.

(A) The board of health shall use its best efforts to schedule and complete an inspection at a time mutually satisfactory to the occupant and the board of health:

(1) within 24 hours after a receipt of a request when the condition or conditions alleged to exist include one of the following:

(a) failure to maintain a supply of water connected with a safe water supply as required in 105 CMR 410.180; or

(b) failure to provide heat and to provide or maintain heating facilities in proper condition as required by 105 CMR 410.200 through 410.202; or

(c) failure to provide light as required by 105 CMR 410.254 and 410.253; or

(d) failure to provide and maintain a sanitary drainage system as required by 105 CMR 410.300; or

(e) failure to maintain in safe operating condition any facilities fixtures and systems listed in 105 CMR 410.351; or

(f) termination or failure to restore promptly, water, hot water, heat electricity or gas; and

(g) failure to maintain exits unobstructed and in a safe condition as required by 105 CMR 410.451 and 410.452; or

(h) failure to maintain every entry door of a dwelling or dwelling unit as required by 105 CMR 410.480(B) and 410.480(D); or

(i) failure to maintain a dwelling unit free from leaks as required in 105 CMR 410.500; or

(j) failure to maintain a porch, balcony, roof or exterior stairway in a safe condition as required in 105 CMR 410.500, 410.503(B), and 410.503(C); or

(k) failure to maintain a dwelling or dwelling unit free from rodents, skunks, cockroaches and insect infestation as required by 105 CMR 410.550; or

(2) within five calendar days after receipt of a request when the condition or conditions alleged to exist does not include any of the violations enumerated in 105 CMR 410.820(A)(1).

(B) The board of health shall keep a record of all requests for inspections in a bound book with numbered pages. The information to be recorded shall include but need not be limited to the name, if given, of the person requesting the inspection, the time and date of each such request, the location of the dwelling, the nature of the alleged violation(s) and the date the inspection is conducted. In lieu of the above, the required records may be maintained within a computer system.

410.821: Inspection Form

Each board of health shall adopt and use a printed inspection report form which must include, but need not be limited to, the following:

(A) specifically labelled spaces for:

(1) name of the inspector;

(2) the date and time of the inspection or investigation;

(3) the location of the dwelling or dwelling unit inspected;

(4) the date and time of any scheduled follow-up inspection;

(5) a description of the conditions constituting violations;

(6) a listing of the specific provisions of 105 CMR 410.000 or other applicable laws, ordinances, by-laws, rules or regulations that appear to be violated;

410.821: continued

(7) a determination by the official inspecting the premises whether the violations are listed in 105 CMR 410.750, and whether the effect of any violation(s) or conditions not listed in 105 CMR 410.750 may endanger or materially impair the health or safety, and well-being of any person(s) occupying the premises.

(8) the signature of the inspector preceded by the following statement: *This inspection report is signed and certified under the pains and penalties of perjury.*

(B) A brief summary of the legal remedies available to the occupant of the affected premises, followed by this statement:

"*The information presented above is only a summary of the law. Before you decide to withhold your rent or take any other legal action, it is advisable that you consult an attorney. If you cannot afford to consult an attorney, you should contact the nearest Legal Services Office which is (name of Legal Services Office), (address), (telephone number).*"

410.822: Conduct of Inspections

(A) At the time of the inspection, the inspector shall record all violations if any, and shall complete an inspection report form which conforms to the requirements of 105 CMR 410.821(A) and 410.821(B). If assistance of a specialized inspector, which is not immediately available, is necessary to fully complete the inspection report, such report shall be completed to the fullest extent feasible at the time of the inspection, noting thereon the a reason of possible violations for which a separate inspection by a specialized inspector appears to be necessary. The need for such separate inspection shall in no way delay the normal processing or issuing of orders pursuant to 105 CMR 410.830 through 410.833. The board of health shall use its best efforts to schedule the separate inspection promptly, at a mutually satisfactory time to all individuals involved. A copy of 105 CMR 410.000: *Minimum Standards of Fitness for Human Habitation (State Sanitary Code, Chapter II)* shall be made available upon request, free of charge or at a cost which is no greater than the board's own cost for each copy. A copy shall be made available for review at no cost.

(B) Each inspection of a dwelling unit shall include at a minimum the condition alleged to be in violation and all those standards found in 105 CMR 410.750(A) through (O) except as otherwise provided in 105 CMR 410.822(B)(1) through 410.822(B)(4). A violation found in a common area shall be considered as a violation which exists in each unit in the dwelling which may be affected by such violations.

(1) An occupant shall be informed of his/her right to a comprehensive inspection at the start of said inspection. A comprehensive inspection will be carried out if the occupant so requests.

(2) The inspection as required in 105 CMR 410.822(B) shall not be required from September 15 to June 15, inclusive, if the complaint relates solely to the lack of heat pursuant to 105 CMR 410.200 or 410.201, however, a comprehensive inspection will be carried out if the occupant so requests.

(3) Where an inspection reveals a condition or conditions which present such an imminent threat to the life, health or safety of the occupants immediate steps must be taken by the inspector to order compliance, an inspection as required in 105 CMR 410.822(B) may be delayed until after such steps are taken, but such inspection shall be completed in a timely manner.

(4) Where a reinspection is made in order to determine compliance with a previously issued order, the inspection may be sufficient if it includes those items previously identified as violations unless additional violations have been identified in a subsequent complaint.

410.822: continued

(C) A verbal or written summary of the conditions noted during the inspection shall be given to the occupant or the occupant's representative at the conclusion of the inspection. Such report shall indicate the need for additional inspection by a specialized inspector, if necessary. If a written report is requested at the time of the inspection, it shall be left with the person making the request.

410.830: Correction Orders

If an inspection or examination as provided for in 105 CMR 400.100 (*State Sanitary Code I General Administrative Procedures*) and/or 105 CMR 410.820 (*Minimum Standards of Fitness for Human Habitation (State Sanitary Code, Chapter II)*) reveals that a dwelling does not comply with the provisions of 105 CMR 410.000, the board of health or its designated agent shall:

(A) within 12 hours after the inspection order the owner or occupant to make a good faith effort to correct within 24 hours any of the following violations:

(1) failure to maintain a supply of water connected to a safe water supply as required in 105 CMR 410.180; or

(2) failure to provide heat and to provide or maintain heating facilities in proper condition as required by 105 CMR 410.200 or 410.201; or

(3) failure to provide light as required by 105 CMR 410.254; or

(4) failure to provide and maintain a sanitary drainage system as required by 105 CMR 410.300; or

(5) failure to maintain in safe operating condition any facilities fixtures and systems listed in 105 CMR 410.351; or

(6) termination or failure to restore promptly water, hot water, heat, electricity or gas; or

(7) failure to maintain exits unobstructed as required by 105 CMR 410.451; or

(8) failure to maintain every entry door of a dwelling unit as required by 105 CMR 410.480(D); or

(9) failure to maintain a dwelling unit free from leaks as required by 105 CMR 410.500; or

(10) failure to maintain a porch, balcony, roof or exterior stairway in a safe condition as required by 105 CMR 410.500; or

(11) failure to maintain a dwelling or dwelling unit free from rodents, skunks, cockroaches and insect infestation as required by 105 CMR 410.550.

(B) within seven days after the inspection order the owner or occupant to begin necessary repairs or contract in writing with a third party within five days for correction of all other violations or conditions listed in 105 CMR 410.750, 410.351 and 410.550 and to make a good faith effort to substantially correct all violations within a period determined by the board of health but not exceeding 30 days.

(C) within five days after the dates for compliance specified in an order issued pursuant to 105 CMR 410.830, the board of health shall make an onsite inspection to determine whether there has been compliance with said order; provided, that said inspection shall be made within 24 hours of the dates for compliance specified in an order if one or more of the violations or conditions are determined to be conditions which may endanger the health or safety, and well-being of the occupant(s) as defined in 105 CMR 410.750. An inspection under 105 CMR 410.830 shall comply with the requirements of 105 CMR 410.822.

410.831: Dwellings Unfit for Human Habitation; Hearing; Condemnation; Order to Vacate; Demolition

(A) Finding that a dwelling or portion thereof is unfit for human habitation. If an inspection conducted pursuant to 105 CMR 400.100 or 105 CMR 410.820 reveals that a dwelling or portion thereof is unfit for human habitation, the board of health may (after complying with 105 CMR 410.831(B), (C) or (D), if the dwelling is occupied) issue a written finding that the dwelling or portion thereof is unfit for human habitation. The finding shall include a statement of the material facts and conditions upon which the finding is based.

410.831: continued

(B) Prior notification to occupant(s) and owner. If the dwelling or portion thereof is occupied, the board of health shall, prior to issuing a finding under 105 CMR 410.831(A), provide written notice to the occupant(s) and owner which shall include:

(1) Identification of the dwelling (address and apartment number, if any);

(2) A copy of the inspection report;

(3) A statement that the board of health will consider issuing a finding that the dwelling or a specifically identified portion thereof is unfit for human habitation;

(4) A statement that this finding may result in an order of condemnation requiring the owner to secure the dwelling and requiring the occupant(s) to vacate the dwelling.

(5) A statement of the time and place of a public hearing which the board of health will conduct in order to determine whether the dwelling or portion thereof is unfit for human habitation, and whether an order to secure and vacate should be issued.

The notice shall be served on the occupant(s) and owner in accordance with 105 CMR 410.833.

(C) Hearing if dwelling or portion thereof is occupied. If the dwelling or portion thereof is occupied, then the board shall, prior to issuing a finding under 105 CMR 410.831(A), and at least five days after service of the notice required by 105 CMR 410.831(B), conduct a public hearing to determine whether the dwelling or portion thereof is unfit for human habitation and whether an order to secure and to vacate should be issued. At the hearing the occupant(s), owner, or any other affected party shall be given an opportunity to be heard, to present witnesses or documentary evidence and to show why the dwelling or portion thereof should or should not be found unfit for human habitation, and why an order to vacate and an order to close-up should or should not be issued.

(D) Exception to notification and hearing requirements. If at any time the board of health determines in writing that the danger to the life or health of the occupant(s) is so immediate that no delay may be permitted, then the board of health may immediately issue a finding that an occupied dwelling or portion thereof is unfit for human habitation without providing the notification or hearing specified in 105 CMR 410.831(B) and (C). A copy of the determination of immediate danger, and a copy of the finding of unfitness for human habitation shall be sent to each affected occupant, and to the owner.

(E) Condemnation, order to vacate, order to secure. At the same time, or at any time after the board of health issues a finding that a dwelling or portion thereof is unfit for human habitation, the board may issue an order condemning the dwelling or portion thereof and an order to vacate the dwelling or portion thereof, and an order requiring the owner to secure the dwelling or portion thereof. If the dwelling or portion thereof which is ordered to be secured is unoccupied (and therefore no public hearing was conducted prior to the issuance of the order) then the owner or any other affected person shall have the right to request a hearing in accordance with 105 CMR 410.850 through 410.860. No dwelling or portion thereof which is ordered to be secured shall be occupied without the prior written permission of the board of health based upon the board's written finding that the dwelling or portion thereof to be occupied is fit for human habitation.

(F) Demolition. If one year after the issuance of an order to secure, compliance with the minimum standards set forth in 105 CMR 410.000 has not been effected, then the board of health may cause the dwelling or portion thereof to be demolished or removed.

410.832: Content of Orders

(A) Every order authorized by 105 CMR 410.000 shall be in writing.

(B) Subject to the emergency provision of 105 CMR 400.200(B), any order issued under the provisions of 105 CMR 410.000:

410.832: continued

(1) shall include a statement of the violations, conditions or defects; and, in the case of occupied dwelling units, a determination whether any violation(s) or conditions, or the cumulative effect of more than one violation or condition may endanger or materially impair the health or safety, and well-being of an occupant, and a copy of all inspection reports;
(2) shall contain notice of the right to a hearing; of the deadline and proper procedure for requesting a hearing; the right to inspect and obtain copies of all relevant inspection or investigation reports, orders, notices and other documentary information in the possession of the board of health; the right to be represented at the hearing; and that any affected party has a right to appear at said hearing;
(3) shall indicate the time limit for compliance pursuant to 105 CMR 410.830;
(4) shall include the following statement translated into any non-English language that is spoken as a primary language by greater than 1% of the population of that community. "*This is an important legal document. It may affect your rights. You should have it translated.*"
(5) and, shall, in an order to an owner, advise the owner that the conditions which exist may permit the occupant of the dwelling to exercise one or more statutory remedies.

(C) If an inspection for all the standards in 105 CMR 410.000 reveals no violation of 105 CMR 410.000 the board of health shall forward a copy of the inspection report and a letter so stating to the owner within seven days of completion of the inspection.

410.833: Service of Orders

(A) All orders issued under 105 CMR 410.830 shall be served on the persons responsible for the violation. Orders and/or notices issued under 105 CMR 410.831 shall be served on the owner or his agent and the affected occupants.

(B) All orders and/or notices shall be served:
(1) personally by an person authorized to serve civil process; or
(2) by leaving a copy at his last and usual place of abode; or
(3) by sending him a copy by registered or certified mail, return receipt requested if he is within the Commonwealth; or
(4) if his last and usual place of abode is unknown or outside the Commonwealth, by posting a copy in a conspicuous place on or about the dwelling or portion thereby affected.

(C) A copy of every order issued under the provisions of 105 CMR 410.831 shall also be served upon every mortgagee and lien holder of record by sending it registered or certified mail, return receipt requested.

(D) A copy of every order or subsequent notice issued under the provisions of 105 CMR 410.830 to an owner shall also be personally delivered or sent by first class mail to the occupants of all affected premises, except that when a violation in a common area affects more than three dwelling units or rooming units the notification required by 105 CMR 410.000 may be satisfied by posting a copy of every order or subsequent notice in a conspicuous place in the building.

410.840: Variances

(A) Except for those conditions enumerated under 105 CMR 410.750(A) through (O), the board of health may vary the application of any provision of 105 CMR 410.000 with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustice; provided that the decision of the board of health shall not conflict with the spirit of these minimum standards or any other applicable statute, code or regulation, and provided further, such variances may be granted only after notice is given to all affected occupants and after a hearing is held. Any variance granted by the board of health shall be in writing and shall not be in effect unless it is filed by the owner in the registry of deeds for the county, or appropriate district thereof, in which the dwelling is located. A copy of any such variance shall, while it is in effect, be available to the public at all reasonable hours in the office of the clerk of the city or town, or in the office of the board of health.

410.840: continued

(B) Any variance of other modification authorized to be made by 105 CMR 410.000 may be subject to such qualification, revocation, suspension or expiration as the board of health expresses in its grant. A variance or other modification authorized to be made by 105 CMR 410.000 may otherwise be revoked, modified, or suspended in whole or in part, only after the owners and affected occupants have been notified in writing and have been given an opportunity to be heard, in conformity with the requirements for an order and hearing of 105 CMR 410.830 through 410.855.

(C) A variance from 105 CMR 410.480 may be granted only by the Massachusetts State Building Code Commissioner when in its opinion, other security measures are in force which adequately protect the resident(s) of such dwelling. (M.G.L. c. 143, § 3R.)

(D) A variance from 105 CMR 410.150(A)(2) which prohibits a kitchen sink to substitute for the required washbasin may be granted by the board of health only if compliance would require extensive costly renovation.

(E) A variance from 105 CMR 410.503(B), (C) and (D) may be granted by the board of health for historic buildings provided that the board of health finds that the public health will not be compromised.

410.850: Right to Hearing

Unless otherwise specified in 105 CMR 410.000, the following persons may request a hearing before the board of health by filing a written petition:

(A) Any person or persons upon whom any order has been served pursuant to any regulation of 105 CMR 410.000 (except for an order issued after the requirements of 105 CMR 410.831 have been satisfied); provided, such petition must be filed within seven days after the day the order was served;

(B) Any person aggrieved by the failure of any inspector(s) or other personnel of the board of health:
(1) to inspect upon request any premises as required under 105 CMR 410.000; provided, such petition must be filed within 30 days after such inspection was requested; or
(2) to issue a report on an inspection as required by 105 CMR 410.000; provided, such petition must be filed within 30 days after the inspection; or
(3) upon an inspection to find violations of 105 CMR 410.000 where such violations are claimed to exist or to certify that a violation or combination of violations may endanger or materially impair the health or safety, and well-being of the occupants of the premises; provided, such petition must be filed within 30 days after receipt of the inspection report; or
(4) to issue an order as required by 105 CMR 410.830; provided, that such petition must be filed within 30 days after receipt of the inspection report.

410.851: Hearing Notice

Upon receipt of a petition the board of health shall in writing inform the petitioner and other affected parties (affected parties shall include the occupants of all affected premises if the petitioner is an owner, and the owner if the petitioner is an occupant) of the date, time and place of the hearing and of their right to inspect and copy the board of health's file concerning the matter to be heard.

410.852: Time for Hearing

The hearing shall be commenced not later than 30 days after the date the order was served. Provided, however, the hearing shall be commenced no later than:

(1) 14 days after an order was served pursuant to 105 CMR 410.830(A) and 410.830(B) and the petitioner refuses to begin remedial activity as required pending the outcome of the hearing; or

(2) 14 days after request for a hearing was received in instances where the petitioner alleges that an inspector or other personnel of the board of health has

(a) failed to inspect upon request any premises; or

(b) failed to issue an inspection report on an inspection as required by 105 CMR 410.000; or

(c) failed to find violations of the law where such violations are claimed to exist or to certify that such violations may endanger or materially impair the health or safety, and well-being of the occupant(s); or

(d) failed to issue an order as required by 105 CMR 410.830.

410.853: Hearing Procedures

At the hearing the petitioner and other affected parties shall be given an opportunity to be heard, to present witnesses or documentary evidence, and to show why an order should be modified or withdrawn, or why a dwelling should not be condemned, vacated or demolished or why an action or failure to act by an inspector or other personnel of the board of health should be reconsidered, rescinded or ordered. Failure to hold a hearing within the time period specified herein shall not affect the validity of any order.

410.854: Final Decision After Hearing; Failure to Comply with Final Order

(A) The board of health shall sustain, modify, or withdraw the order and shall inform the petitioner in writing of its decision within not more than seven days after the conclusion of the hearing. If the board of health sustains or modifies the order, it shall be carried out within the time period allotted in the original order or in the modification.

(B) If a written petition for a hearing is not filed with the board of health within the appropriate time provided for in 105 CMR 410.850, or if after a hearing the order has been sustained in whole or part, each day's failure to comply with the order as issued or modified shall constitute an additional offense.

410.855: Official Hearing Record

Every notice, order, or other record prepared by the board of health in connection with the hearing shall be entered as a matter of public record in the office of the clerk of the city or town, or in the office of the board of health.

410.860: Appeal of Final Decisions

Any person aggrieved by the final decision of the board of health with respect to any order issued under the provisions of 105 CMR 410.000 may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

410.900: Penalties for Interference with Inspections

Any owner, occupant, or other person who refuses, impeded, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure, operation or premises where inspection authorized by this code is sought after a search warrant has been obtained and presented in accordance with 105 CMR 400.100(C), shall be fined upon conviction not less than ten nor more than $500.00.

410.910: Penalty for Failure to Comply with Order

Any person who shall fail to comply with any order issued pursuant to the provisions of 105 CMR 410.000 shall upon conviction be fined not less than $10.00 nor more than $500.00. Each day's failure to comply with an order shall constitute a separate violation. See also 105 CMR 410.854(B).

410.920: Penalty for Other Offenses

Any person who shall violate any provision of 105 CMR 410.000 for which penalty is not otherwise provided in any of the General Laws or in any other provision of 105 CMR 410.000 shall upon conviction be fined not less than $10.00 nor more than $500.00.

410.950: Condemnation, Placarding and Vacating Dwellings

(A) If a written petition for a hearing is not filed in the office of the board of health within seven days after an order of condemnation of any dwelling or portion thereof has been issued, or if after written notice that the board of health is considering ordering a dwelling or portion thereof condemned and/or vacated and demolished, or if after a hearing the order of condemnation of a dwelling or portion thereof is issued, the dwelling or portion thereof so affected by the order shall be placarded by the board of health.

(B) No dwelling or portion thereof which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the board of health. No person shall deface or remove the placard, except that the board of health shall remove it whenever the defect or defects upon which the condemnation and placarding action was based have been eliminated.

(C) If any person refuses to leave a dwelling or portion thereof which has been ordered condemned and vacated and has been placarded in accordance with 105 CMR 410.830 through 410.950, may be forcibly removed by the board of health, or by local police authorities on request of the board of health. (*See* 105 CMR 410.830 through 410.920).

(D) The board of health may undertake to demolish any dwelling an order for whose destruction was properly served on the owner and every mortgagee of record in accordance with the requirements of notice and hearing in 105 CMR 410.831 through 410.860, and M.G.L. c. 111, § 127B and a claim for the expense incurred by said board in so doing shall constitute a debt due the city or town upon the completion of the work and the rendering of an account therefore to the owner of such structure, and shall be recoverable from such owner in an action of contract. Said debt, together with interest thereon at the rate of 6% per annum from the date said debt becomes due, shall constitute a lien on the land upon which the structure was located if a statement of claim, signed by the board of health, setting forth the amount claimed without interest is filed, within ninety days after the debt becomes due, with the register of deeds for record or registration, as the case may be, in the county or in the district, if the county is divided into districts, where the land lies. Such lien shall take effect upon the filing of the statement aforesaid and shall continue for two years from the first day of October next following the day of such filing. Such lien may be dissolved by filing with the register of deeds for record or registration, as the case may be, in the county or in the district, if the county is divided into districts, where the land lies, a certificate from the collector of the city or town that the debt for which such lien attached, together with interest and costs thereon, has been paid or legally abated. Such collector shall have the same powers and be subject to the same duties with respect to such claim as in the case of the annual taxes upon real estate; and the provisions of law relative to collection of such annual taxes, the sale or taking of land for the nonpayment thereof, and the redemption of land so sold or taken shall apply to such claim.

410.960: Correction of Violations by Board of Health; Expenses

(A) If a failure to comply with an order requiring that any dwelling or its premises be properly cleaned or repaired results in a condition which endangers or materially impairs the health or well-being of the occupant or the public, the board of health may cause such proper cleaning or repair and charge the responsible person or persons as hereinbefore provided with any and all expenses incurred. Any such charges by the board of health shall not absolve the responsible person or persons from any penalty warranted by the failure to comply with the order.

(B) The board of health may also act in an emergency under the provisions of 105 CMR 400.200(B) to clean or repair any dwelling which so fails to comply with the provisions of 105 CMR 410.000 as to endanger or materially impair the health or safety, and well-being of the occupant or the public, and to charge the responsible person or persons with any and all expenses incurred.

REGULATORY AUTHORITY

105 CMR 410.000: M.G.L. c. 111, §§ 3 and 127A.

410.990: Appendix: Forms

CITY/TOWN

DEAPRTMENT

TELEPHONE

Address _____ Occupant _____
Floor _____ Apartment No. _____ No Occupants _____
No. of Hapitable Rooms _____ No. of Sleeping Rooms _____
No. dwelling or rooming units _____ No. Stories _____
Name and Address of Owner _____

		Remarks	Reg.	Vio.
YARD	Out Bldgs, Fences			
	Garbage and Rubbish			
	Containers			
	Drainage			
	Infestation Rats or other:			
STRUCTURE EXT. ☐S ☐F ☐M	Steps, Stairs, Porches:			
	Dual Egress			
	Doors, Windows:			
	Roof			
	Gutters, Drains:			
	Walls:			
	Foundation			
	Chimney			
BASEMENT	Gen. Sanitation:			
	Dampness:			
	Stairs:			
	Lighting:			
STRUCTURE INT	Hall, Stairway:			
	Hall, Floor, Wall, Ceiling:			
	Hall Lighting			
	Hall Windows			
HEATING central ☐Y ☐N TYPE:	Chimneys:			
	Equip. Repair			
	Stacks, Flues, Vents:			
PLUMBING ☐MS ☐ST ☐P	Supply Line:			
	Waste Line:			
	H.W. Tank(s) Safety and Vent(s)			
ELECTRICAL ☐110 ☐220 AMP:	Panels, Meters, Circ			
	Fusing Grnd:			
	Gen. Cond. Distrib. Box:			
	Gen Basement Wiring:			

	DWELLING UNIT											
	Ventil	Lgtng	Outlets	Walls	Ceils	Wind	Doors	Floors	Locks			
Kitchen												
Bathroom												
Pantry												
Den												
Living Room												
Bedroom (1)												
Bedroom (2)												
Bedroom (3)												
Bedroom (4)												
Hot Water Facil.	Sup, Ten, Gas, Oil, Elect.											
	Stacks, Flues, Vents, Safeties											
Kitchen Facil.	Sink											
	Stove											
Bathing, Toilet Facil.	Vent, Plumb., Sanitn.											
	Wash Basin, Shower or Tub											
Infestation	Rats, Mice, Roaches or Other:											
Egress	Dual and Obst											
General	Building Posted:											
	Locks on doors:											

ONE OR MORE OF THE VIOLATIONS CHECKED ABOVE IS A CONDITION WHOCH MAY MATERIALLY IMPAIR THE HEALTH OR SAFETY AND WELL-BEING OF THE OCCUPANT AS DETERMINED BY 105 CMR 410.750 OR THE AUTHORIZED INSPECTOR. (SEE OVER)

INSPECTOR _____ TITLE _____

DATE _____ TIME _____

THE NEXT SCHEDULED REINSPECTION _____

410.990: continued

THE FOLLOWING IS A BRIEF SUMMARY OF SOME OF THE LEGAL REMEDIES TENANTS MAY USE IN ORDER TO GET HOUSING CODE VIOLATIONS CORRECTED.

1. Rent Withholding (General Laws Chapter 239 Section 8A).

If Code Violations Are Not Being Corrected you may be entitled to hold back your rent payment. You can do this without being evicted if:

A. You can prove that your dwelling unit or common areas contain violations which are serious enough to endanger or materially impair your health or safety and that your landlord knew an=bout the violations before you were behind in your rent.

B. You did not cause the violations and they can be repaired while you continue to live in the building.

C. You are prepared to pay any portion of the rent into court if a judge orders you to pay for it. (for this it is best to put the rent money aside in a safe place.)

2. Repair and Deduct (General Laws Chapter 111 Section 127L).

This law *sometimes* allows you to use your rent money to make the repairs yourself. If your local code *enforcement agency certifies* that there are code violations which endanger or materially impair your health, safety or well-being and your landlord has received written notice of the violations, you may be able to use this remedy. If the owner fails to begin necessary repairs (or enter into a written contract to have them made) within five days after notice or to complete repairs within 14 days *after notice* you can use up to four months' rent in any year to make the repairs.

3. Retaliatory Rent Increases or Eviction Prohibited (General Laws Chapter 186, Section 18 and Chapter 239 Section 2A).

The owner may not increase your rent or evict you in retaliation for making a complaint to your local code enforcement agency about code violations. If the owner raises your rent or tries to evict within six months after you have made the complaint he or she will have to show a good reason for the increase or eviction which is unrelated to your complaint. You may be able to sue the landlord for damages if he or she tries this.

4. Rent Receivership (General Laws Chapter 111 Sections 127C-H).

The occupants and/or the board of health may petition the District or Superior Court to allow rent to be paid into court rather than to the owner. The court may then appoint a "receiver" who may spend as much of the rent money as is needed to correct the violation. The receiver is not subject to a spending limitation of four months' rent.

5. Search of Warranty of Habitability.

You may be entitled to sue your landlord to have all or some of your rent returned if your dwelling unit does net meet minimum standards of habitability.

6. Unfair and Deceptive Practices (General Laws Chapter 93A)

Renting an apartment with code violations is a violation of the consumer protection act and regulations for which you may sue an owner.

THE INFORMATION PRESENTED ABOVE IS ONLY A SUMMARY OF THE LAW, BEFORE YOU DECIDE TO WITHHOLD YOUR RENT OR TAKE ANY LEGAL ACTION. IT IS ADVISABLE THAT YOU CONSULT AN ATTORNEY, YOU SHOULD CONTACT THE NEAREST LEGAL SERVICES OFFICE WHICH IS:

_____

(NAME) (TELEPHONE NUMBER)

_____

(ADDRESS)

NON-TEXT PAGE