

Housing Code Checklist

Representing
Yourself in an
Eviction Case

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A Right to a Safe Home

Everyone has a right to a safe home.

In Massachusetts, the state Sanitary Code is the main law that gives tenants a right to decent housing. The state Sanitary Code sets the minimum requirements for rental housing. The **Housing Code Checklist** in this booklet will help figure out if your home meets these requirements.



In addition to this checklist, you can use **Up to Code**, a website that can help you document problems and notify your landlord about the problems.

Go to: UpToCode.org

Facing eviction?

If you are facing an eviction for *nonpayment of rent* or a *no fault* eviction (where you have done nothing wrong), you may be able to use the **Sanitary Code** to prevent the eviction.

If you prove to a judge the landlord knew about the serious conditions before you stopped paying rent, the judge may not order you to move. This is because a tenant's duty to pay rent is based on the landlord's duty to keep the apartment in good condition. A judge may also:

- Order you to pay only some of the rent the landlord claims you owe.
- Order the landlord to pay you money because you lived with such bad conditions (even if the problems were fixed).
- Order the landlord to make repairs.

If You Have a Court Case

If your landlord has filed a court case against you for an eviction or rent, ask for an inspection of your home as soon as possible. It is best to have an inspection before your trial date. If you go to court, it is important to tell the judge about the conditions that existed at the time you moved in and after you moved in.

Retaliation Is Against the Law

It is illegal for your landlord to retaliate against you for notifying them in writing or a housing inspector about bad housing conditions. It may be retaliation if the landlord raises your rent, substantially changes the terms of your tenancy, or tries to evict you within 6 months after you have made a **written** complaint to the landlord or made a complaint to the local code enforcement agency about code violations. If the landlord does, they 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 the landlord tries this.

How to Use the Housing Code Checklist

Document the Problems

Having proof of problems with your housing conditions is key to solving the problem.

- Take photos or videos of the conditions.
- If you take photos on your phone, you will need to print them out if you go to court.
- Make sure your photos show the problems clearly.
- Document the date that these photos were taken.



If you use the **Up to Code** website, you can upload photos and add other information about each problem. Go to UpToCode.org

Fill Out the Housing Code Checklist

To help you identify what is wrong, fill out the **Housing Code Checklist**. Check off the violations in your home. These include violations in common areas or violations with building systems shared by tenants, such as plumbing and heating.

Write in the left-hand column the approximate date your landlord knew (or someone working for your landlord knew) about each violation. **If the problem existed when you moved in or when a new landlord bought your building, write down that date.**

The right-hand column in the Checklist tells you the actual part of the state Sanitary Code that applies in case you need to find it. This Checklist is not a complete list of all violations in the Sanitary Code.

For the complete Sanitary Code and related guidance, go to:
mass.gov/lists/housing-community-sanitation

Notify Your Landlord about Problems

Your landlord is only responsible for fixing problems that they know about. Make sure your landlord knows about problems in your house by telling them, even if you think that they should already know. It is best to tell them **in writing**.

Note: The Sanitary Code refers to a landlord as an “owner;” we use the term “landlord” instead.

Access to Your Apartment

You must give your landlord reasonable access to your apartment to inspect it and make repairs where there are bad conditions. Your landlord must have your permission to enter your apartment where there are bad conditions. **The new Sanitary Code requires that the landlord give tenants at least 48 hours notice for non-emergency repairs.** The notice may be less if there is an emergency, like a water leak.

Call for a Code Inspection

Everyone in Massachusetts has a right to have their apartment checked by an official to make sure the apartment is up to code. Your town or city Board of Health or Inspectional Services Department does the inspection.

Before you call an inspector, it is best to give your landlord a chance to make the repairs. If your landlord refuses to make repairs, call your local Board of Health or Inspectional Services Department to get an inspection. Ask for the code inspector or health inspector. You can often find contact information on-line. Or call your city or town hall to get the telephone number of the code enforcement agency.

When the inspector comes to your apartment, show the inspector the problems. The inspector may only put problems into the report if they see them. For example, they can only report rodents or cockroaches, if they see some sign of them. It is best to walk around with the inspector and make sure they see all the problems on your checklist. The inspector must write down all violations. It is the law.

Also, make sure that you **review the occupant's responsibilities in this checklist** before an inspector comes so that you cannot be cited for any problems you may have caused.

Get a Copy of the Code Report

- **Ask for a Copy of the Report**

Before the inspector leaves your apartment, ask for a copy of their report. The inspector must give you a copy of the code report before they leave - if you ask for it. The inspector must also sign the report after the words, "signed and certified under the pains and penalties of perjury." If they have not signed it, you should get another copy of the report and repair order a few days later where they have signed it. The signed version is important to keep in case you have to go to court.

- **Repair Order and Report**

A few days later, your landlord should get a copy of the report and a repair order. You should also get a copy of both in the mail. The repair order states the date or the amount of time your landlord has to fix the violations. If you do not get a repair order in the mail, contact the inspector or go to the Board and ask for a copy of the report and repair order.

- **Notice to the Landlord**

Ask the Board of Health or Inspectional Services Department to give you a copy of the "receipt for the return of service on the landlord." The receipt shows the landlord got the report and the repair order and the date they got it.

- **Certified Code Report**

To use the report in your court case, it should have the inspector's original signature after the words, "signed and certified under the pains and penalties of perjury." If your copy does not have the signature, take it to the Board of Health or Inspectional Services Department. Ask them to certify it. If you cannot get the code report certified, take it to court anyway and ask the judge to look at it.

Failure to Fix Violations

If your landlord fails to correct any problem within the time ordered by the Board of Health or Inspectional Services Department, contact the inspector. Ask for a reinspection. You may also need to look at other options. What you can do and what you want to do depends on your situation.

A landlord may pressure you to move out if you raise complaints about the conditions or go to court to get repairs made. If you do not want to move out, do not sign an agreement in the hallway or in mediation that says you will move out.

For more information about your options if a landlord refuses to make repairs see: bit.ly/MLHrepairs

Using the Code Report in a Court Case

If you have filed a case against your landlord to make repairs or your landlord has filed an eviction case against you, bring your **certified** copy of the inspector's code report and photos to court on the trial date. When it is your turn to present your case:

- **Start by describing the most serious problems in your home.**
Use the Housing Code Checklist to help you. Tell the judge:
 - 1) how long these problems existed,
 - 2) when and how the landlord knew or should have known about them, and
 - 3) what steps, if any, the landlord took to repair them.
- **Show the judge photos of the bad conditions.**
Tell the judge when they were taken and what they show. Use only 1 or 2 clear photos of each problem.
- **Show the judge your copy of the code report.**
- **Tell the judge about the hardships the bad conditions caused you.**
For example, if the heat was bad and windows were drafty, tell the judge if your children caught cold or if you had to sleep in the kitchen close to the stove to stay warm. If your stove was broken and you could not cook, tell the judge if you had to spend extra money to buy cooked food or eat out. Let the judge know if you or your family had to miss school, or work, or lost sleep.
- **For more information** about your legal rights and how to present your case in court see bit.ly/MLHLegalDefenses

Housing Code Checklist

Emergency Conditions that Landlord Must Fix Within 24 Hours

Under the state Sanitary Code, a board of health must within 12 hours after an inspection order a landlord to make a good faith effort to fix the following violations within 24 hours. You can find these violations in the Code of Massachusetts Regulations at 105 CMR §410.630(A).

Emergency Conditions		
Date landlord knew about violation	Check if violation exists	Sanitary Code Section at 105 CMR
	<input type="checkbox"/> No or not enough hot or cold water (including amount, pressure, and temperature) for 24 hours or longer.	410.630(A)(1) 410.130 410.140, 410.150
	<input type="checkbox"/> Not enough or too much heat. (See Heat section below.)	410.630(A)(2) 410.180
	<input type="checkbox"/> Improper venting of water heater, allowable space heater, or clothes dryer or electric ranges (except if they are ductless)	410.630(A)(2) 410.160(C) 410.170(B) & (C)
	<input type="checkbox"/> Improper use of a space heater or water heater	410.630(A)(2) 410.160(C) 410.170
	<input type="checkbox"/> Shut-off and/or failure to restore electricity, gas, or water.	410.630(A)(3)
	<input type="checkbox"/> No or inadequate electrical outlets or lighting in the unit or common areas.	410.630(A)(4) 410.300
	<input type="checkbox"/> No safe water supply.	410.630(A)(5) 410.130(A)
	<input type="checkbox"/> No working toilet, sink, shower or bathtub.	410.630(A)(6) 410.110(A) & (B) 410.130
	<input type="checkbox"/> No working sewage disposal system.	410.630(A)(6) 410.130(B)
	<input type="checkbox"/> No kitchen sink large enough to wash dishes and utensils	410.630(A)(7)(a) 410.100(A)
	<input type="checkbox"/> No working cooktop/oven combination or no working refrigerator with freezer (unless tenant agreed in a written rental agreement to provide)	410.630(A)(7)(b) 410.100(A) 410.235(A)(8) 410.235(A)(15)

<input type="checkbox"/>	Inadequate exits, including the blocking of any exit, passageway, or common area through which you exit in an emergency.	410.630(A)(8) 410.260
<input type="checkbox"/>	No or inadequate locks for entry doors for either the apartment or building.	410.630(A)(9) 410.270(A)
<input type="checkbox"/>	Inadequate storage or collection of garbage that may attract rodents, insects, or other pests; or that may contribute to accidents or disease.	410.630(A)(10) 410.560 410.570
<input type="checkbox"/>	Lead paint, inside or outside, that a child under age 6 could reach.	410.630(A)(11) 105 CMR 460 G.L. c. 111, §§190-199
<input type="checkbox"/>	Roof, foundation, or other structural defects that may expose you to fire, burns, shock, accident, or other danger.	410.630(A)(12) 410.500
<input type="checkbox"/>	Improperly installed or maintained electrical, plumbing, or heating appliances or equipment that expose the occupant to fire, burns, shock, accident, or other dangers.	410.630(A)(13) 410.235 410.240
<input type="checkbox"/>	Any defect in building materials used to cover pipes, boiler or furnace that may lead to release of asbestos dust.	410.630(A)(14) 410.250
<input type="checkbox"/>	No smoke detector in good working order.	410.630(A)(15) 410.330 410.235(A)(13)
<input type="checkbox"/>	No carbon monoxide alarm in good working order.	410.630(A)(15) 410.330 410.235(A)(13)
<input type="checkbox"/>	No safe railing or guard for stairway, porch, balcony, roof or similar spaces.	410.630(A)(16) 410.520
<input type="checkbox"/>	Failure to keep premises free from pests. (Note: Tenants are also responsible for maintaining their unit in a sanitary manner to prevent attraction of pests.)	410.630(A)(17) 410.550(A) & (B)
<input type="checkbox"/>	Any other violation that the landlord fails to correct within the time that the inspector orders.	410.630(A)(18)
<input type="checkbox"/>	Any other violation of the Sanitary Code the inspector finds dangerous to health and safety.	410.630(B)

Conditions Landlord Must Fix Within 30 Days

If the following violations exist in your apartment, your landlord must repair or provide the items and services listed below within 30 days of being notified about a violation. If the order states a shorter time, the landlord must comply with that. An inspector must notify the landlord within 7 days of the inspection (410.640).

Heat		
Date landlord knew about violation	Check if violation exists	Sanitary Code Section at 105 CMR
	<input type="checkbox"/> The landlord must provide and pay for heat unless you have signed a written agreement that says you must pay for gas, electricity or oil that provides the heat.	410.180 410.630(A)(2) 410.200(A) 410.210 410.010 (definition of "provide")
	<input type="checkbox"/> The landlord must provide and maintain a heating system in good working order. A heating system does not include portable electric space heaters, a fireplace or wood or pellet stoves.	410.160(A) 410.235(A)(6) & (14) 410.630(A)(2) & (13)
	<input type="checkbox"/> Unvented propane or natural gas space heaters that are not approved by the Massachusetts Fire Safety Code are prohibited.	410.160(C) 527 CMR 1.00
	<input type="checkbox"/> From Sept. 15 - May 31, the landlord must provide heat in every "habitable room" and bathrooms to at least: - 68 degrees Fahrenheit between 7 a.m. and 11 p.m. - 64 degrees Fahrenheit between 11 p.m. and 7 a.m. "Habitable room" means any room to be used for living, sleeping, cooking, or eating. (Note: There does not need to be a heat source in every room, but the temperature must meet the standards above.) A local board of health may delay starting the heating season until September 30 and may end the heating season no earlier than May 15 in a particular year and must post this on the municipality's website.	410.180(A) 410.010 410.180(D)
	<input type="checkbox"/> The temperature must not be more than 78 degrees Fahrenheit at any time during the heating season.	410.180(B)

Water

Date landlord knew about violation	Check if violation exists		Sanitary Code Section at 105 CMR
	<input type="checkbox"/>	Enough water, with adequate pressure and temperature (both hot and cold), to meet ordinary needs of every occupant.	410.130(A) 410.630(A)(1)
	<input type="checkbox"/>	Equipment that provides enough hot water at a temperature between 110 - 120 degrees Fahrenheit for a bathtub or a shower, with enough pressure for your ordinary use.	410.150(C) 410.630(A)(1)
	<input type="checkbox"/>	Equipment that provides enough hot water at a temperature between 110 - 130 degrees Fahrenheit for kitchen and bathroom sinks, with enough pressure for your ordinary use.	410.150(B) 410.630(A)(1)
	<input type="checkbox"/>	If you have a written rental agreement that says you must provide for electricity, gas and/or oil to heat the hot water, your landlord must still provide the equipment to heat the water.	410.200 410.210
	<input type="checkbox"/>	A hot water heater that is properly vented to the outdoors. If the water heater is electric, it does not need a vent. Old-fashioned, open-flame water heaters are illegal.	410.170(A) 410.630(A)(2)
	<input type="checkbox"/>	Landlord must provide a sanitary sewage disposal system.	410.130(B)
	<input type="checkbox"/>	<p>The landlord must provide and pay for water.</p> <p>But, after 3/16/2005, the landlord may bill a tenant for water and sewer where the charges start at the time the tenant moved into the apartment and if the landlord has:</p> <ul style="list-style-type: none"> a) Installed and is maintaining a water submeter that measures water going only to your unit or to an area that only you use; b) Installed ultra low-flow water-saving devices on all showers, faucets, and toilets in your unit; c) Described the water billing arrangements between you and the landlord, in detail, in a written rental agreement at the beginning of your tenancy; and 	G.L. c. 186, §14 G.L. c. 186, §22 410.130(C)

		d) Filed a certificate with the local board of health or the agency responsible for enforcing the state Sanitary Code, signed by a licensed plumber, that says your unit complies with the submetering law and provided this certificate to you with the written rental agreement that describes the water submetering billing arrangements.	
	<input type="checkbox"/>	A landlord must allow you access to any water submeters that affect your unit so that, if you need to, you can have the accuracy of the submeter checked.	410.130(E)
	<input type="checkbox"/>	A landlord who is submetering water may not shut off or refuse water service at any time. For more about the water submeter law, see: When Can a Tenant Be Billed Directly for Water under the Water Law? www.MassLegalHelp.org/housing/booklets/water-law	410.130(D)
Electricity, Gas, and Oil			
Date landlord knew about violation	Check if violation exists		Sanitary Code Section at 105 CMR
	<input type="checkbox"/>	Tenants are only responsible for paying for their own electricity and gas if their apartment is individually metered and their rental agreement says that they must pay for their own electricity gas. Otherwise, the landlord must provide and pay for these utilities. (See “Lighting” section below for exceptions.)	410.200
	<input type="checkbox"/>	Tenants are only responsible for paying for their oil if it comes through a separate tank that only services their unit and their rental agreement says that they must pay for their own oil. Otherwise, the landlord must provide and pay for the oil.	410.210
	<input type="checkbox"/>	The landlord must provide the occupant with access to the electrical distribution panel at all times. But the landlord does not need to provide the occupant with access if the landlord pays for electricity and there is 24-hour 7-day access to the panel by a manager.	410.200(C)
	<input type="checkbox"/>	Electrical service must provide enough amperage to meet your reasonable needs.	410.320(B)

Wiring and Electrical Outlets

Date landlord knew about violation	Check if violation exists		Sanitary Code Section at 105 CMR
	<input type="checkbox"/>	Wiring must not pass under rugs or other floor coverings, or through doorways.	410.320(A)(2) & (3)
	<input type="checkbox"/>	Temporary wiring may not be used. But you can use extension cords for portable appliances or fixtures which have the right ratings for the particular appliance or fixture.	410.320(A)(1) & (4)
	<input type="checkbox"/>	It is the landlord's responsibility to install and maintain electrical outlets in operable condition.	410.235(A)(12)
	<input type="checkbox"/>	In a kitchen, a landlord must provide 2 electrical wall outlets in addition to an outlet for a refrigerator with a freezer and outlet for conventional cooktop and oven.	410.300(B)
	<input type="checkbox"/>	In every "habitable room" other than the kitchen and bathroom, your landlord must provide 2 separate electrical wall outlets on different walls, or 1 electric light fixture and 1 wall outlet. A "habitable room" includes bedrooms and living rooms, but not hallways, closets, storage spaces or laundry rooms.	410.300(A)

Lighting

Date landlord knew about violation	Check if violation exists		Sanitary Code Section at 105 CMR
	<input type="checkbox"/>	Each "habitable room" must have transparent or translucent glass that admits light from the outdoors. The glass must be equal in area to at least 8% of the floor area of that room. This does not apply to a bathroom of any size or kitchen smaller than 70 square feet. A "habitable room" includes bedrooms and living rooms, but not hallways, closets, or laundry rooms.	410.430(A)
	<input type="checkbox"/>	In a kitchen, a landlord must provide 1 electrical light fixture.	410.300(B)
	<input type="checkbox"/>	In a bathroom, a landlord must provide 1 electrical light fixture.	410.300(C)
	<input type="checkbox"/>	In a "habitable room" that is not a kitchen or bathroom, the landlord must provide 1 electric light fixture.	410.300(A)

In the following spaces, your landlord must provide electric light fixtures and switches or sensors that allow safe and reasonable use, if light from the area next to it is not enough:			410.300(D)(1)
<input type="checkbox"/>	Laundry room.		(a)
<input type="checkbox"/>	Pantry		(b)
<input type="checkbox"/>	Hallways, stairways, foyer		(c), (d) & (e)
<input type="checkbox"/>	Closet and storage places		(f) & (g)
<input type="checkbox"/>	Cellar		(h)
Your landlord must provide electrical light fixtures and switches or sensors in:			410.300(D)(2)
<input type="checkbox"/>	Porch		(a)
<input type="checkbox"/>	Deck		(b)
<input type="checkbox"/>	Passageway and outside stairways		(c) & (d)
<input type="checkbox"/>	Fire escapes		(e)
In a dwelling with more than one unit or in a rooming house, your landlord must provide enough lighting that is on a sensor, timer, or on 24 hours a day in the following common spaces:			410.300(D)(3)
<input type="checkbox"/>	Foyers		(a)
<input type="checkbox"/>	Hallways and stairways		(b) & (c)
<input type="checkbox"/>	Porches and decks		(d) & (e)
<input type="checkbox"/>	Passageways and exterior stairs		(f) & (g)
<input type="checkbox"/>	Fire escape		(h)
<input type="checkbox"/>	In residences with 2 or 3 units, if the occupant of a unit is responsible for paying electrical service, a written rental agreement can state the occupant is responsible for paying the lights in the common areas directly outside their unit that are wired to their unit. Tenants are only responsible for paying for common electricity if the rental agreement explicitly states so. Any requirement to pay for lights in common areas can only begin upon the beginning of a new tenancy.		410.300(F)
<input type="checkbox"/>	Buildings with 10 or more units must have back-up emergency lighting and exit signs.		G.L. c. 143, §21D 410.310
<input type="checkbox"/>	Landlords must provide light bulbs in all required light fixtures in common areas.		410.300(E)

Kitchen		
Date landlord knew about violation	Check if violation exists	Sanitary Code Section at 105 CMR
	<input type="checkbox"/> Must be cabinets, pantry or shelving to store food.	410.100(A)(1)
	<input type="checkbox"/> Must have a countertop and the wall above the countertop where the sink is must have a smooth, easily cleanable surface, and form a watertight seal with the countertop. The surface should extend at least 24 inches about the countertop where practical.	410.100(A)(2) & (C)
	<input type="checkbox"/> Sink must be large enough to wash dishes, connected to hot and cold water, have proper drainage and be free of leaks and other defects.	410.100(A)(3) 410.140(A) 410.630(A)(7)(a) 410.235(A)
	<input type="checkbox"/> Must have space and electrical outlet to install a refrigerator with a freezer.	410.100(A)(4) 410.300(B)
	<input type="checkbox"/> Must have space and electrical outlet to install a cooktop and oven.	410.100(A)(4) 410.300(B)
	<input type="checkbox"/> Landlord must provide a cooktop and oven with at least 1.7 cubic feet of oven space in good working condition (unless written agreement requires tenant to provide these).	410.100(A)(5) 410.235(A)(8) 410.630(A)(7)(b)
	<input type="checkbox"/> Landlord must provide a refrigerator with a freezer with a combined storage of up to 11 cubic feet in good working condition (unless written agreement requires tenant to provide this).	410.100(A)(6) 410.235(A)(15) 410.630(A)(7)(b)
	<input type="checkbox"/> All kitchen counters, cabinets, pantries, and shelving must be smooth and watertight. There must be no defects which make them difficult to keep clean or which create an accident hazard.	410.100(B)
	<input type="checkbox"/> Floors must be smooth, non-corrosive and non-absorbent. Wooden floors must have a water-resistant finish and no cracks.	410.100(D)
	<input type="checkbox"/> If the landlord provides use of shared facilities for cooking, the landlord shall ensure these facilities are: (1) Separate from any rooming unit; (2) Accessible without passing through any part of another dwelling unit or rooming unit; and	410.100(E)

		(3) Maintained in a clean and sanitary condition and all food contact surfaces sanitized at least once every 24 hours and more often if necessary.	
	<input type="checkbox"/>	At least one working light fixture and two accessible wall outlets must be provided, in addition to outlets for a refrigerator with a freezer and cooktop and stove.	410.300(B)
	<input type="checkbox"/>	In kitchens that are greater than 70 square feet, there must be a glass window that admits light from the outdoors. The glass must be, at a minimum, 8% of the entire floor area. (For example: If floor is 70 square feet, glass must be 5.6 square feet.)	410.430(A)(2)
	<input type="checkbox"/>	Any optional equipment installed by the landlord must be properly installed and maintained by the landlord and free from defects. Optional kitchen equipment includes dishwashers, washing machines and dryers, air conditioners, garbage grinders, microwave ovens, and range ventilation hoods. Optional equipment installed by the tenant must be maintained by the tenant.	410.235(B) 410.240(A)

Bathroom

Date landlord knew about violation	Check if violation exists		Sanitary Code Section at 105 CMR
	<input type="checkbox"/>	A bathroom in a room not used for living, sleeping, cooking, or eating that has a door that can be closed and can be accessed from within the building without passing through another unit.	410.110(A)
	<input type="checkbox"/>	An approved toilet with a toilet seat, free from defects or cracks.	410.110(B)(1) & (C) 410.630(6) 410.120
	<input type="checkbox"/>	A bathroom sink, free from defects in the same room as the toilet or next to the door leading to the bathroom (cannot be a kitchen sink), and connected to hot and cold water lines and to a compliant sanitary drainage system.	410.110(B)(2) & (C) 410.410(A) 410.630(6)
	<input type="checkbox"/>	A shower or bathtub, free from defects or cracks and connected to hot and cold water lines and a compliant sanitary drainage system.	410.110(B)(3) & (C) 410.630(6)
	<input type="checkbox"/>	One electric light fixture in good repair.	410.300(C)
	<input type="checkbox"/>	Adequate ventilation. See Ventilation below.	410.220

	<input type="checkbox"/>	Facilities must have smooth and impervious surfaces free from defects and easy to keep clean.	410.110(C)
	<input type="checkbox"/>	In a rooming house with shared bathrooms, for every 8 occupants the landlord must provide: <ul style="list-style-type: none"> ● one toilet with a toilet seat (some urinals are permitted in all male bathrooms) ● one sink ● a bathtub or shower 	410.110(E)
	<input type="checkbox"/>	For any residence in which bathroom facilities are shared, the landlord must make sure that they are clean and sanitary and that fixtures are sanitized once every 24 hours and more often if necessary.	410.110(D)

Space Requirements

Date landlord knew about violation	Check if violation exists		Sanitary Code Section (at 105 CMR)
	<input type="checkbox"/>	<p>Every dwelling unit must have at least 150 square feet of floor space for the first occupant and 100 square feet for each additional occupant.</p> <p>Add up all the floor space in “habitable rooms” to get the number of square feet in your unit. No area in a room with ceiling height less than 5 feet is counted towards the floor space.</p> <p>“Habitable room” means any room to be used for living, sleeping, cooking, or eating. Do not include your pantry, bathrooms, laundry room, halls, closets, or storage spaces.</p>	<p>410.420</p> <p>410.010 (definition of “habitable room”)</p>
	<input type="checkbox"/>	A room must have a ceiling height of 7 feet or more across 75% of the floor space.	410.420(B)
	<input type="checkbox"/>	Every bedroom must have at least 70 square feet of floor space if only one person sleeps there. If more than one person is sleeping in the room, it must have 50 square feet of floor space for each person.	410.420(D)(3) & (4)

Exits		
Date landlord knew about violation	Check if violation exists	Sanitary Code Section at 105 CMR
	<input type="checkbox"/> All housing - including single family, multi-unit buildings, condominiums, rooming houses, and shelters - must have as many exits as will allow for safe passage.	410.260(A) See also 780 CMR: Massachusetts Building Code
	<input type="checkbox"/> In a single-family property, the occupants must keep all exits free from obstruction.	410.260(C)
	<input type="checkbox"/> In a property with more than one unit the landlord must keep all shared exits safe in common areas free from obstructions, safe and free of ice and snow. This includes exterior stairways, fire escapes, and exterior bridges.	410.260(D)(1) & (2)
	<input type="checkbox"/> In a property with more than one unit, the occupant must keep exits within their unit free from obstruction and must keep landings, porches, and decks next to their unit free from obstructions and refuse.	410.260(D)(3) 410.570(C)(2)
	<input type="checkbox"/> If you have an exit that you do not share with anyone, you and your landlord can have a written agreement that says you must keep your exit free of snow and ice.	410.260(D)(4)
	<input type="checkbox"/> All exit doors shall be openable from the inside without use of any key, keypad or special knowledge to avoid entrapment in the building.	410.270(A)(5)
	<input type="checkbox"/> No person, tenant or landlord, shall cause obstruction of any exits or passageways.	410.260(B)
	<input type="checkbox"/> Recyclables and garbage must be stored without obstructing exits.	410.560(D)(4)
	<input type="checkbox"/> Buildings with 10 or more units must have exit signs in halls and at exits and an emergency lighting system. Signs must show primary and secondary exits by a diagram or symbol to assure that people can understand it regardless of their ability to speak English.	410.310 G.L. c. 143, §21D

Safety

Date landlord knew about violation	Check if violation exists		Sanitary Code Section at 105 CMR
	<input type="checkbox"/>	The landlord must install and keep smoke detectors and carbon monoxide alarms in good working order in most buildings. Ask the Fire Marshal if you have questions.	410.235(A)(13) 410.330
	<input type="checkbox"/>	A landlord must maintain, test, repair, and replace, if necessary, a fire alarm and carbon monoxide alarm or system upon renewal of any lease or on an annual basis, whichever is more frequent.	527 CMR 1.05 13.10.3.2.1 Massachusetts Comprehensive Fire Safety Code
	<input type="checkbox"/>	The landlord must make sure that all exterior windows if they open have working locks.	410.270(A)(6)
	<input type="checkbox"/>	The landlord must make sure that all entry doors have working locks.	410.270(A)(4)
	<input type="checkbox"/>	Buildings with more than 3 apartments must have a main front door that closes and locks automatically and every exterior door must have an operating lock. This does not apply to housing authorities, lodging houses, dormitories or homeless shelters.	410.270(A)(3)
	<input type="checkbox"/>	Landlord must supply the occupant with a key to the main building door and to all entry doors to the occupant's unit.	410.270(B)
	<input type="checkbox"/>	Buildings over 70 feet high must have an automatic sprinkler system in accordance with the state Building Code. If you have questions, ask the Housing Inspector.	G.L. c. 148, §26A

Rodents and Insects

Date landlord knew about violation	Check if violation exists	Sanitary Code Section at 105 CMR
	<p>No rats, roaches, mice, bedbugs, or other insects are allowed in the apartment or building. Both landlords and occupants are responsible for preventing and eliminating pests.</p> <ul style="list-style-type: none"> - A landlord must conduct an inspection of every unit prior to new occupancy to identify the presence of pests and make the results available upon request by the board of health. - In a single-family dwelling, the occupant must keep the unit free from pests and is responsible for pest elimination, except if the landlord has not maintained the building in a way that is necessary to keep pests out. - In a residence with 2 or more units, including a rooming house, the landlord must maintain the places free from pests and is responsible for pest elimination and the occupant must maintain their unit in a sanitary manner to prevent attraction of pests. 	<p>410.630(A)(17)</p> <p>410.550(F) & (G)</p> <p>410.550(A)</p> <p>410.550(B) & (E)</p>
	<p>Extermination shall be done by:</p> <ul style="list-style-type: none"> - Eliminating the root cause or conditions where pests can live, thrive, reproduce, and feed. - Removing materials that may serve as food or breeding ground. - Poisoning, spraying, fumigating, trapping or any other pest elimination method that is legal. 	<p>410.550(C)</p>
	<p>Occupants must be given at least 48 hours' notice prior to any application of pesticides inside.</p> <p>Notification must be in writing and include the name and phone number of the company, proposed date of application, locations to be treated, names and active ingredients in the pesticides.</p> <p>Upon receiving a notice, the landlord and occupants must provide access to common areas, units and follow</p>	<p>410.550(D)</p>

		all instructions to prepare prior to application of the pesticide.	
	<input type="checkbox"/>	Landlord must maintain buildings and structural elements free from pests and from cracks and holes that could allow entry or harboring of pests.	410.500(A)(2)
	<input type="checkbox"/>	Landlord must install screens on windows and doors that are tight fitting and prevent pests from entering. (In place from April 1st to October 31st.)	410.540(A) & (C)
	<input type="checkbox"/>	Landlord must maintain storage and disposal of garbage that is pest resistant and deter access by wildlife (for any residence containing more than one dwelling unit).	410.560(D) & (F)
	<input type="checkbox"/>	Landlord shall maintain the land in a clean, safe and sanitary condition free from pests.	410.570(A)(2)
	<input type="checkbox"/>	The floor surfaces of every kitchen and pantry shall be finished to prevent the harboring of pests.	410.100(D)
Garbage			
Date landlord knew about violation	Check if violation exists		Sanitary Code Section at 105 CMR
	<input type="checkbox"/>	The landlord is responsible for disposing of and paying for the removal of refuse in any residence with 2 or more units (except not bulk items or in a city/town with a “pay as you throw” program). Refuse means garbage, rubbish, recyclables, bulk items, and yard waste.	410.560(A) 630(A)(10) 410.010 definitions
	<input type="checkbox"/>	The occupant is responsible for paying for the collection of refuse and disposing of it in a single-family residence.	410.560(A)
	<input type="checkbox"/>	Garbage shall be stored in watertight garbage cans with tightly fitting covers and liners. The landlord must provide a sufficient number of cans or dumpsters for garbage and recyclables.	410.560(D) & (E)(1)
	<input type="checkbox"/>	The landlord must place dumpster or garbage containers on the property so that they are convenient to tenants and do not allow odors into your living space.	410.560(E)(2)

	<input type="checkbox"/>	Landlords and occupants must follow requirements by their community for the disposal of “bulk items,” such as mattresses, large appliances, and furniture.	410.560(C)
	<input type="checkbox"/>	Occupants must follow requirements by their community for separating recyclables, yard waste, food waste and bulk-items.	410.560(B)
	<input type="checkbox"/>	The landlord must maintain the land and common areas in a sanitary and safe condition, free from refuse.	410.570(A) & (C)
Ventilation			
Date landlord knew about violation	Check if violation exists		Sanitary Code Section at 105 CMR
	<input type="checkbox"/>	Every habitable room and bathroom must have windows, skylights, or doors in the outside wall or roof that open easily to at least a combined opening of 4% of the floor area of that room; or adequate mechanical ventilation systems to the outdoors.	410.220(A)
	<input type="checkbox"/>	When a board of health finds that natural ventilation is insufficient to remove excess moisture, mechanical ventilation is required.	410.220(B) & (C)
	<input type="checkbox"/>	Mechanical ventilation systems must have accessible means for shut-off, unless designed to run automatically.	410.220(D)
	<input type="checkbox"/>	All devices that burn fuel (including furnaces, wood stoves, pellet stoves, water heaters, and permitted space heaters) must be vented to the outdoors. (Except approved unvented propane or natural gas-fired space heaters.)	410.170(A)
	<input type="checkbox"/>	All clothes dryers must be vented to the outdoors. (Except dryers labeled as ventless.)	410.170(B)
	<input type="checkbox"/>	All electric hoods for ranges must be vented to the outdoors. (Except hoods labeled as recirculating or ductless.)	410.170(C)

Lead Paint

Date landlord knew about violation	Check if violation exists		Sanitary Code Section at 105 CMR
	<input type="checkbox"/>	The presence of lead based paint in a dwelling or dwelling unit in violation of Lead Poisoning Prevention and Control Act is a condition that endangers or materially impairs health or safety.	410.630(11), 470
	<input type="checkbox"/>	If you have a child under the age of 6, your landlord must remove or properly cover lead paint up to 5 feet from the floor. Repainting with a non-lead paint is not good enough. It is illegal to refuse to rent or to evict a household because of lead paint.	G.L. c. 111, §§ 190 through 199

Building Maintenance

Date landlord knew about violation	Check if violation exists		Sanitary Code Section at 105 CMR
	<input type="checkbox"/>	The landlord must maintain all buildings and structural elements in good repair. Structural elements generally include foundations, floors, walls, doors, ceilings, roofs, staircases, porches, and chimneys They must be watertight, free from excess moisture or appearance of mold, and pest resistant. They must be free of holes, cracks, loose plaster and other defects that create a risk of injury or allow for pests to enter.	410.500 410.630(A)(12)
	<input type="checkbox"/>	If there is a leak or flooding, the landlord must make sure that all surfaces are dried within 48 hours from the time they are notified or at the end of the event, whichever is sooner.	410.500(B)
	<input type="checkbox"/>	Doors and windows must be weathertight. All glass panes must be unbroken and properly sealed. All windows and doors must be well-fitted to prevent air or moisture leaking in or there must be a storm window or storm door.	410.530

	<input type="checkbox"/>	The landlord must provide and install tight fitting screens for exterior windows from April 1 to October 31. Expandable, temporary screens are not allowed in windows.	410.540(A) & (B)
	<input type="checkbox"/>	The landlord must provide and install a screen door for all doorways opening directly to the outside from any unit April 1 to October 31.	410.540(C)
	<input type="checkbox"/>	Staircases must be stable with a safe handrail on at least one side of the stairway.	410.520(A)(1)
	<input type="checkbox"/>	Every porch, balcony or roof over 30 inches above the ground must have a wall or guard that is at least 3 feet high.	410.520(A)(2) & (3)
	<input type="checkbox"/>	All exits must be maintained in a safe condition. All exterior stairways, fire escapes, balconies must be treated to prevent rotting and decay and sealed from water damage or corrosion and maintained free from snow and ice.	410.260(D)(2)
	<input type="checkbox"/>	The landlord is responsible for labeling the building with the address so it is visible from the street	410.410
	<input type="checkbox"/>	If the owner of a rooming house or homeless shelter supplies bed linens, towels, blankets, pillows or mattresses, they are required to clean them and replace them when not in good condition. Bed linens and towels must be cleaned between use by different occupants and at least weekly if the space is used by the same person. Blankets shall be cleaned between use by different occupants and at least every 3 months.	410.230
	<input type="checkbox"/>	If there is excessive moisture/appearance of mold, inspectors shall inspect potential sources, such as: plumbing leaks, structural defects, improper ventilation.	410.620

General Maintenance

Date landlord knew about violation	Check if violation exists		Sanitary Code Section at 105 CMR
	<input type="checkbox"/>	The landlord must keep common areas and land clean, safe and sanitary.	410.570(A) & (C)
	<input type="checkbox"/>	Occupants must keep the area they live in sanitary and free from garbage.	410.570(B)
	<input type="checkbox"/>	<p>If the landlord does not live in the property, they must post a sign with their name, street address, and phone number. The sign must be in a visible location inside the building at least 20 square inches.</p> <p>The sign must also include the name, street address, and phone number of the property manager, if the property manager does not live in the property.</p> <p>The telephone number of the landlord or property manager must be monitored no less than once every 12 hours (unless the landlord has provided occupants with an alternative contact person for temporary absence of the contact person).</p>	410.400
	<input type="checkbox"/>	A landlord or occupant cannot shut off any required utility or utility provided by the landlord except temporarily to make repairs after “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 utility service is shut off, the landlord is responsible for taking immediate steps to fix the problem.	410.003(C)
	<input type="checkbox"/>	A landlord can only remove landlord-installed optional equipment, such as a dishwasher or washing machine, after a unit has been vacated prior to a new tenancy.	410.003(D)
	<input type="checkbox"/>	Landlord must provide occupants or post in a visible common area a notice of occupant’s rights issued by the Department of Public Health.	410.400(C)
	<input type="checkbox"/>	After any maintenance or repair, the landlord must make sure that the area is clean and the debris is properly disposed of.	410.235(C)

	<input type="checkbox"/>	All work must be done in a work person-like manner and if permits or licenses are needed they are obtained.	410.010 Definition of “compliance”
The landlord must install correctly and maintain keep free of leaks, blocks, and other defects, the following:			410.235(A)
	<input type="checkbox"/>	Sinks, bathtubs, showers and toilets.	(1), (2) & (3)
	<input type="checkbox"/>	Water, heating facilities, gas pipes, heating system, and water pipes.	(4), (5), (6) & (7)
	<input type="checkbox"/>	Stoves and ovens, unless an occupant agrees in a written rental agreement to provide these.	(8)
	<input type="checkbox"/>	Catch basins, vents, drains, and other similar fixtures.	(9)
	<input type="checkbox"/>	Connections to water, sewer, and gas lines, and the subsurface sewage disposal system, if any.	(10) & (11)
	<input type="checkbox"/>	All electrical fixtures, switches, outlets, and wiring.	(12)
	<input type="checkbox"/>	All smoke detectors and carbon monoxide alarms.	(13)
	<input type="checkbox"/>	All heating and ventilation equipment.	(14)
	<input type="checkbox"/>	Refrigerator with a freezer, unless an occupant agrees in a written rental agreement to provide these.	(15)
	<input type="checkbox"/>	Any landlord-installed optional equipment, including: dishwashers, washing machines, dryers, garbage disposals, water submetering devices, air conditioners, microwaves, and range ventilation hoods.	410.235(B)
	<input type="checkbox"/>	After any maintenance or repair, the landlord must make sure that the area is clean, cleared of debris and dried of moisture.	410.235(C)
	<input type="checkbox"/>	Landlords must maintain all building and structural elements in compliance with accepted standards. They must be maintained in good repair, free from defects and cracks, and protected from weather conditions, pests and mold.	410.500(A)

Occupant's Responsibilities

Date landlord knew about violation	The occupant must comply with the responsibilities listed below:		Sanitary Code Section at 105 CMR
	Occupant means any person living or sleeping in a residence.		410.010 Definitions
	<input type="checkbox"/>	Occupants are responsible for providing and maintaining a cooktop/stove or a refrigerator/freezer if they sign a written rental agreement that says they are responsible.	410.100(A)(5) & (6)
	<input type="checkbox"/>	Occupants are responsible for providing electricity or gas if a separate meter measures electricity or gas that only goes to their unit or to an area that only they use and there is a written rental agreement that says they are responsible.	410.200(A)
	<input type="checkbox"/>	In buildings with two or three dwelling units, occupants are responsible for paying lights for common hallways, stairs and passages next to their unit if there is a written rental agreement that says they are (but only upon beginning of a new tenancy).	410.300(F)
	<input type="checkbox"/>	Occupants are responsible for providing oil for heating or hot water if the oil is provided through a separate oil tank which serves only their unit and there is a written agreement that says they are responsible.	410.210
	<input type="checkbox"/>	Occupants shall not cause the obstruction of any exit or passageways.	410.260(B)
	<input type="checkbox"/>	Occupants are responsible for maintaining free of snow and ice exits under their exclusive control if there is a written rental agreement that says they are.	410.260(D)(4)
	<input type="checkbox"/>	In a property with more than one unit, occupants must keep exits within their unit free from obstruction and must keep landings, porches, and decks next to their unit free from obstructions and refuse.	410.260(D)(3) 410.570(C)(2)
	<input type="checkbox"/>	Occupants must not use temporary wiring or place electrical wiring under a rug or other floor covering. Extension cords that have the proper rating for the particular appliance are not considered temporary wiring. For example, you can use an extension cord for common appliances, like a blender or a portable space heater.	410.320(A)

	<input type="checkbox"/>	In single family/one unit dwelling the occupant is responsible for maintaining the unit free from pest infestation and for pest elimination, while the landlord is responsible for pest elimination if the landlord has not maintained the building in a way that is necessary to keep pests from entering.	410.550
	<input type="checkbox"/>	Where an inspector confirms the presence of bedbugs, occupants of all adjacent units must allow access for inspection.	410.620(D)(1)(C)
	<input type="checkbox"/>	Where an occupant receives notice prior to any commercial application of pesticide they must provide access to their unit and follow instructions in preparing the unit prior to application of the pesticide. (Tenants with a disability may request a reasonable accommodation.)	410.550(D)(3)
	<input type="checkbox"/>	Occupants must follow the rules in their community for separation of recyclables, yard waste, food waste, and/or bulk-item materials from refuse. Occupants are responsible for the proper placement of their garbage in the receptacles provided by the landlord. In places in which a fee per bag of waste is charged, the occupant is responsible for fees.	410.560
	<input type="checkbox"/>	Occupants are responsible for maintaining, in a sanitary condition and free of garbage, any part of the residence which they exclusively occupy or control.	410.570(B) & (C)
	<input type="checkbox"/>	An occupant or landlord cannot remove any required facilities or equipment, such as a refrigerator or stove (unless the occupant agrees to provide these in a written agreement) except temporarily to make repairs after giving "reasonable notice."	410.003(C)
	<input type="checkbox"/>	Occupants must allow access to the landlord or representative to comply with the Sanitary Code upon at least 48 hours' notice and by appointment, if possible (for non-emergencies). If the repair is an emergency, no notice is required.	410.003(E)
	<input type="checkbox"/>	Occupants are responsible for keeping the landing, porch, or deck next to their dwelling unit in a sanitary condition, free of obstructions, or garbage.	410.570
	<input type="checkbox"/>	If the occupant provides the optional kitchen and other equipment the occupant must make sure that it is properly installed and maintained.	410.240