

Housing Code Checklist

This checklist has been put together to inform tenants of their rights and responsibilities while living in the Commonwealth of Massachusetts.

Tenants in this state have a number of rights when renting. However, if the proper legal procedure is not followed, a tenant may lose these rights.

Understanding these rights ahead of time will not only help you to recognize potential problems, but also put you in a better position to protect yourself.

Keep in mind that there are various ways to achieve your goal of safe, affordable housing. When deciding on your approach to the problem, remember that you cannot always rely on the courts to rule a judgment in your favor. Many tenants avoid court altogether by successfully negotiating solutions with the property owner. This method of "getting the job done" not only saves time and money for both you and the landlord, but typically aids in maintaining relationships between tenants and landlords.

Date landlord knew about violation	Check if violations exist	Conditions that may endanger or materially impair your health or safety	Sanitary Code Section
		Under the state sanitary code, the following violations are considered conditions that may "materially endanger" the health of you and your family. If you or the local board of health has notified your landlord of these violations, you may legally withhold all or a portion of your rent.	(There are also a few references to Mass General Laws and one to a federal Post Office regulation)
		No heat.	410.200
		No electricity or gas.	410.620
		No or inadequate electrical facilities or lighting in common areas.	410.250, 53A,B,254
		No safe water supply.	410.18
		No working toilet or sewage disposal system.	410.0450,300
		Inadequate exits, including the obstruction of any exit, passageway, or common area through which you exit in emergencies.	410.450,452
		No or inadequate locks for entry doors.	410.480D
		Accumulation of garbage or filth that may provide food or shelter for rodents, insects or other pests; or that may contribute accidents or disease.	410.600,601
		Presence of lead paint accessible to a child under age six.	G.L. c.111 190-199
		Roof, foundation, or other structural defects that may expose the occupant to fire, burns, shock, accident or others.	410.500
		Improperly installed or maintained electrical, plumbing, heating or gas-burning facilities that expose the occupant to fire, burns, shock, accident or other dangers.	410.351,352
		No or insufficient hot or cold water (including quantity, pressure, and temperature) for a period of 24 hours or longer.	410.180,190
		No smoke detector.	410.482
		Any defect in asbestos that may result in the release of dust.	410.353
		Any other violation of the sanitary code that the inspector finds to be a danger to health and safety.	410.750(P)

Date landlord knew about violation	Check if violations exist	Conditions that MUST be fixed within 5 days If any of the following violations exist in your apartment, they must be fixed within 5 days after the landlord is notified of them. If your landlord does not fix them, they become conditions that “materially endanger” your health and safety and you may withhold all or a portion of your rent.	Sanitary Code Section (There are also a few references to Mass General Laws and one to a federal Post Office regulation)
		Kitchen sink, oven, or stove not in good working conditions.	410.100
		Sink, tub, or shower in the bathroom not in good working conditions.	410.150
		No or unsafe handrails or protective railings on porches, roofs, stairwells, or other similar places.	410.503
		Any defect in electrical, plumbing or heating system that violates “generally accepted standards” but does not create an immediate hazard.	410.75(o)(3)
		Cockroach, insect, or rodent infestation.	410.550
		Improper venting of space or water heater.	410.202

Date landlord knew about violation	Check if violations exist	Conditions that MUST be fixed within 30 days Your landlord must repair or provide the items and services listed below within 30 days of being notified that there is problem. If these problems are not fixed, they become conditions that “materially endanger “the health and safety of you and your family and you may withhold all or a portion of your rent.	Sanitary Code Section (There are also a few references to Mass General Laws and one to a federal Post Office regulation)
Kitchen			
		Sink must be large enough to wash dishes, get hot and cold water, and have proper drainage.	410.100, 410.350
		A stove and oven must be provided in good working condition (unless written agreement requires tenant to provide these).	410.100
		All sinks, owner-installed refrigerators and stoves, and gas and oil burning equipment must be kept in good working conditions.	410.351
		At least one working light fixture and one wall outlet must be provided.	410.251
		Floors must be smooth, non-corrosive, and waterproof.	410.504
Bathroom			
		One toilet, free from defects, must be provided.	410.150(A) (1)
		One wash basin, free from defects, must be provided.	410.150(A) (2)
		One shower or bathtub, free from defects, must be provided.	410.150(A) (3)
		One electric light fixture, in good repair, must be provided.	410.252
		Adequate ventilation (see section below) must be provided.	410.280
		Floor and walls, to the height of four feet, must be constructed of nonabsorbent, easily cleanable material.	410.504

Date landlord knew about violation	Check if violations exist	Conditions that MUST be fixed within 30 days Your landlord must repair or provide the items and services listed below within 30 days of being notified that there is problem. If these problems are not fixed, they become conditions that “materially endanger “the health and safety of you and your family and you may withhold all or a portion of your rent.	Sanitary Code Section (There are also a few references to Mass General Laws and one to a federal Post Office regulation)
Water			
		There must be enough water, with adequate pressure, to meet your ordinary needs.	410.180
		There must be enough hot water at 120 degrees, with adequate pressure, for your ordinary use, unless a written lease requires you to provide it.	410.190
		The water heater must be vented to a chimney or duct leading outdoors (unless the heater is electrical). Old-fashioned open-flame water heaters are illegal.	410.202
		The toilet, wash basin, kitchen sink, shower, and/or bathtub must be properly connected to drain line.	410.350
Heat From September 16 to June 14, the landlord must provide facilities to heat every room (including bathrooms) to at least:			
		68 degrees Fahrenheit between 7a.m. and 11 p.m.	410.200-200
		64 degrees Fahrenheit between 11p.m. and 7 a.m.	410.200-201
		Heating equipment must be maintained in good working order.	410.351
		Space heaters must be vented to a chimney or duct leading outdoors (unless the heater is electrical).	410.202
		Landlord must provide and pay for heat unless there is a written agreement requiring tenants to pay for heat.	410.201
Ventilation and Light			
		Every room must have either windows, skylights, floors, or transom in the exterior wall or roof that can easily be opened to measure a minimum area of 4% of the floor area of that room; OR adequate mechanical ventilation systems.	410.280
		Each room (except a kitchen smaller than 70 square feet, or a bathroom) must have transparent or translucent glass that admits light from the outdoors. Glass obstructed by an outside structure less than 3 feet away does not count toward meeting this requirement.	410.250(A) 410.257
		In larger building (10 or more units) there must be an emergency lighting system in the halls and at exits.	410.483
Electricity, Wiring, and Gas			
		The landlord must provide and pay for electricity and gas unless the tenant’s apartment is individually metered and there is a written rental agreement requiring the tenant to pay.	410.354
		Electrical service must provide sufficient amperage to meet the reasonable needs of the occupant.	410.255
		For each room other than the kitchen and bathroom, either two separate electrical outlets or one electric light fixture and one wall outlet must be provided.	410.250

Electric light fixtures must be located so that light will be available for the safe and reasonable use of:			
		Laundry rooms.	410.253(A)
		Pantry.	410.253(A)
		Hallways, stairways, foyer, or community corridor.	410.253(A)
		Closet or storage space.	410.253(A)
		Cellar.	410.253(A)
		Porch.	410.253(A)
		Exterior stairway.	410.253(A)
Sufficient lighting must be provided in all parts of the house, including:			
		Interior passageways.	410.254
		Hallways.	410.254
		Stairways.	410.254
		Wiring must not pass under rugs or through doorways.	410.256
		Temporary wiring may not be used (but extension cords to portable appliances are OK).	410.256
		Buildings with ten or more units must have an auxiliary emergency lighting system independent of the conventional system.	G.L. c. 143 21D
Safety			
		There must be at least two exits from each apartment, more if necessary for "safe passage of all people."	410.450
		Exits for more than one unit must be kept free from obstruction.	410.451
		All exits shall be safe, operable and kept free of ice and snow.	410.452
		Fire extinguishers must be properly located as required by the local fire chief.	527.CMR 10.02
		There must be locks on all exterior windows and entry doors.	410.480 D, E
Buildings with more than three apartments must have:			
		A main front door that closes and locks automatically.	410.480C
		Locks on all other entry doors in common areas.	410.480B
		Buildings over 70 feet high must have an automatic sprinkler system (Building Code).	G.L.c.143 c.148.26
		Landlords must maintain all pipes, oil and gas burning equipment so that it is free from leaks, obstructions, and other defects.	410.351
		Buildings with 10 or more units must have lighted signs indicating both primary and secondary means of exit by diagram.	G.L. c.143 21D
		Most buildings must be equipped with smoke detectors in good working order.	410.482
Maintenance: Structural			
		The landlord must maintain the property "in good repair, in every way fit for the use intended."	410.500
		Foundations must be weathertight, insect proof and rodent proof.	410.500
		Floors must be free of holes, cracks, loose mortar or other defects.	410.500
		Interior walls must be free of holes, cracks, loose plaster, and must be cleanable and weathertight.	410.500

		Interior walls must be free of holes, cracks, warping, loose or rotting boards or other hazardous conditions.	410.500
		Ceilings must be free of holes, cracks, and loose plaster and must be cleanable and weathertight.	410.500
		Doors and windows must be weathertight.	410.501
		Roof must be free from holes and cracks and must be weathertight.	410.500
		Chimneys and other structural elements must be in good repair.	410.500
		Staircases must be stable with a handrail or banister if the stairs rise 30 inches or higher.	510.500,503
		Handrails must be at least three feet high and are required on every porch, balcony or roof over 30 inches above the ground and used by tenants.	510.503
General Maintenance			
		Apartment must be kept weathertight and in good repair.	410.500,501
		An absentee landlord must (unless a manager/agent lives in the building) keep a sign inside the building giving the name, address and phone number of the landlord or his/her agent.	410.481
		Landlords may not turn off or interfere with a tenant's water, hot water, heat, lights, power, gas or telephone service.	410.620
		In buildings with three or more units, there must be one mail box per apartment, and it must be kept locked and maintained in good repair.	Fed.Postal RegsA(1)a, E(1,2,4)
		Screens are required on all doors and windows that open to the outside.	410.551
		Exterior stairways must be kept free of snow and ice.	410.452
The following appliances must be maintained so that they are free of leaks, obstructions and other defects:			
		Water heating facilities, gas pipes, gas-burning equipment, and water pipes.	410.452
		Landlord installed dishwashers and clothes washing machines.	410.351
		Catch basins, vents and all other similar fixtures supplied by the landlord.	410.351
		There must be working connections to the water, sewer and gas lines, and to the subsurface sewage disposal system if any.	410.300
Rats and Roaches			
		No rats or roaches or other insects are allowed into the building. The landlord must exterminate them when they are found in common areas or in any individual apartment.	410.550
Garbage			
		In buildings with three or more units, the landlord must provide enough watertight garbage cans with tightly fitting covers "to contain the accumulation before collection."	410.600
Lead Paint			
		No lead paint may be used inside of apartments.	410.502
		Existing lead paint must be removed or covered by the landlord if you have a child under the age of six. This must be done up to a height of five feet from the floor level. Repainting with a non-lead paint is not good enough.	460.000 G.L. c. 111 197