

UMassAmherst

Off Campus Housing Referrals

University of Massachusetts Amherst | 235 Whitmore Administration Building | 413-577-2187 | www.umoch.org

HOUSING CODE CHECKLIST

(Provided courtesy of the Student Legal Services Office)

Under the state sanitary code, the following violations are considered conditions that may “materially endanger” the health of you and your family. You can find these in the Massachusetts Code at 105 C.M.R. 410.) 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.

Date the landlord knew of the violation	Check if this violation exists	Sanitary Code Section
	<input type="checkbox"/> No heat.	410.200
	<input type="checkbox"/> Improper venting of space or water heater.	410.202
	<input type="checkbox"/> No electricity or gas.	410.354
	<input type="checkbox"/> No or inadequate electrical facilities or lighting in common areas.	410.250, 253A, B, 254
	<input type="checkbox"/> No safe water supply.	410.180
	<input type="checkbox"/> No working toilet or sewage disposal system	410.450, 300
	<input type="checkbox"/> Inadequate exits, passageway, or common area through which you exit in emergencies.	410.450-452
	<input type="checkbox"/> No or inadequate locks for entry doors.	410.480D
	<input type="checkbox"/> Accumulation of garbage or filth that may provide food or shelter for rodents, insects or other pests; or that may contribute to accidents or disease.	410.600,601
	<input type="checkbox"/> Presence of lead paint accessible to a child under age of six.	G.L.c.111 §190-199
	<input type="checkbox"/> Roof, foundation, or other structural defects that may expose the occupant to fire, burns, shock, accident or other dangers.	410.500
	<input type="checkbox"/> 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
	<input type="checkbox"/> No or insufficient hot or cold water (including quantity, pressure, and temperature) for a period of 24 hours or longer.	410.180,190
	<input type="checkbox"/> No smoke detectors in good working order.	410.482
	<input type="checkbox"/> Any defect in asbestos material that may result in the release of dust.	410.353
	<input type="checkbox"/> Any other violation of the sanitary code that the inspector finds to be a danger to health and safety.	410.750(P)

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.

Date the landlord knew of the violation	Check if this violation exists	Sanitary Code Section
	<input type="checkbox"/> Kitchen sink, oven, or stove not of sufficient size or not in good working condition.	410.100
	<input type="checkbox"/> Sink, tub, or shower in the bathroom not in good working condition.	410.150
	<input type="checkbox"/> No or unsafe handrails or protective railings on porches, roofs, stairways, or other similar places.	410.503
	<input type="checkbox"/> Any defect in electrical, plumbing or heating system that violates “generally accepted standards” but does not create an immediate hazard.	410.75(O)(3)
	<input type="checkbox"/> Cockroach, insect, or rodent infestation	410.550
	<input type="checkbox"/> Improper venting of space or water heater.	410.202

Conditions That Must Be Fixed Within 30 Days

Your landlord must repair or provide the items or services listed below within 30 days of being notified that there is a 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.

Kitchen

	<input type="checkbox"/> Sink must be large enough to wash dishes, get hot and cold water, and have proper drainage.	410.100,410.350
	<input type="checkbox"/> A stove and oven must be provided in good working condition (unless written agreement requires tenant to provide these).	410.100
	<input type="checkbox"/> All sinks, owner installed refrigerators and stoves, and gas- and oil-burning equipment must be kept in good working condition.	410.351
	<input type="checkbox"/> At least one working light fixture and two wall outlets must be provided.	410.251
	<input type="checkbox"/> Floors must be smooth, non-corrosive, and waterproof. Carpeting and wooden floors are permitted as long as the carpeting has a nonabsorbent and water-repellent backing and wooden floors have a water-resistant finish and no cracks.	410.504
	<input type="checkbox"/> Must have space and proper facilities for the installation of a refrigerator.	410.00

Bathroom

	<input type="checkbox"/> One toilet, free from defects, must be provided in a room not used for living, sleeping, cooking, or eating.	410.150(A)(1)
	<input type="checkbox"/> One wash basin, free from defects, must be provided.	410.150(A)(2)
	<input type="checkbox"/> One shower or bathtub, free from defects, must be provided in a room not used for living, sleeping, cooking or eating.	410.150(A)(3)
	<input type="checkbox"/> One electric light fixture, in good repair must be provided.	410.252 or is in 410.232
	<input type="checkbox"/> Adequate ventilation (see section below) must be provided.	410.280
	<input type="checkbox"/> Floor and walls, to the height of four feet, must be constructed of nonabsorbent, easily cleanable material.	410.504

Water

	<input type="checkbox"/> There must be enough water, with adequate pressure, to meet your ordinary needs.	410.180
	<input type="checkbox"/> There must be enough hot water at a temperature between 110 and 120 degrees, with adequate pressure, for your ordinary use, unless a written lease requires you to provide it.	410.190
	<input type="checkbox"/> 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
	<input type="checkbox"/> The toilet, wash basin, kitchen sink, shower, and/or bathtub must be properly connected to the drain line.	410.350

Heat

	<input type="checkbox"/> 68 degrees Fahrenheit between 7a.m. and 11p.m.	410.200-201
	<input type="checkbox"/> 64 degrees Fahrenheit between 11p.m. and 7a.m.	410.200-201
	<input type="checkbox"/> Heating equipment must be provided and maintained in good working order.	410.351
	<input type="checkbox"/> Space heaters must be vented to a chimney or vent leading outdoors (unless the heater is electrical).	410.202
	<input type="checkbox"/> The landlord must provide and pay for heat unless there is a written agreement requiring tenant to pay for heat.	410.201
	<input type="checkbox"/> The temperature must not exceed 78 degrees at any time during the heating season.	410.201

Ventilation and Light

	<input type="checkbox"/> Every room must have either windows, skylights, floors, or transoms 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
	<input type="checkbox"/> 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 and which is equal in area to no less than 80% of the floor area of that room. Glass obstructed by an outside structure less than 3 feet away does not count toward meeting this requirement.	410.250(A),410.257
	<input type="checkbox"/> In larger buildings (10 or more units) there must be an emergency lighting system in the halls and at exits.	410.483

Electricity, Wiring, and Gas

	<input type="checkbox"/> 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
	<input type="checkbox"/> Electrical service must provide sufficient amperage to meet the reasonable needs of the occupant.	410.255
	<input type="checkbox"/> 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:

	<input type="checkbox"/> Laundry rooms.	410.253(A)
	<input type="checkbox"/> Pantry.	410.253(A)
	<input type="checkbox"/> Hallways, stairways, foyer, or community corridor.	410.253(A)
	<input type="checkbox"/> Closet or storage space.	410.253(A)
	<input type="checkbox"/> Cellar.	410.253(A)
	<input type="checkbox"/> Porch.	410.253(A)
	<input type="checkbox"/> Exterior stairway.	410.253(A)

Sufficient lighting must be provided in all parts of the house, including:

	<input type="checkbox"/> Interior passageways.	410.254
	<input type="checkbox"/> Hallways	410.254
	<input type="checkbox"/> Stairways	410.254
	<input type="checkbox"/> Wiring must not pass under rugs or other floor coverings, or through doorways.	410.256
	<input type="checkbox"/> Temporary wiring may not be used (but	410.256

	extension cords to portable appliances or fixtures are OK).	
	<input type="checkbox"/> Buildings with 10 or more units must have an auxiliary emergency lighting system independent of the conventional system.	G.L. c.143 § 21D

Safety

	<input type="checkbox"/> There must be at least 2 exits from each apartment, more if necessary for "safe passage of all people".	410.450
	<input type="checkbox"/> Exits for more than one unit must be kept free from obstruction.	410.451
	<input type="checkbox"/> All exits shall be safe, operable, and kept free of ice and snow.	410.452
	<input type="checkbox"/> Fire extinguishers must be properly located as required by the local fire chief.	527 C.M.R. §10.02
	<input type="checkbox"/> There must be locks on all operable exterior windows and entry doors.	410.480D,E

Buildings with more than three apartments must have:

	<input type="checkbox"/> A main front door that closes and locks automatically.	410.480C
	<input type="checkbox"/> Locks on all other entry doors in common areas.	410.480B
	<input type="checkbox"/> Buildings over 70 feet high must have an automatic sprinkler system (Building Code).	G.L. c.148 §26A
	<input type="checkbox"/> Landlords must maintain all pipes, oil- and gas-burning equipment, and electrical equipment so that it is free from leaks, obstructions, and other defects.	410.351
	<input type="checkbox"/> Buildings with 10 or more units must have lighted signs indicating both a primary and a secondary means of exit by diagram.	G.L. c.143 §21D
	<input type="checkbox"/> Most buildings must be equipped with smoke detectors in good working order.	410.482