

**BROOKLINE HEALTH DEPARTMENT  
ENVIRONMENTAL HEALTH SERVICES  
FACT SHEET: SEEKING SAFE AND SANITARY HOUSING**

Are you looking for housing in Brookline? Perhaps you are a student (or a parent of one!). Did you know that housing-related accidents and incidents are not only dangerous, but they can be fatal? According to the Home Safety Council, in 1998, 6,756 deaths resulted from falls, the leading cause of home injury deaths<sup>1</sup>. To prevent these injuries, the Brookline Health, Building and Fire Departments have collaborated to provide this Fact Sheet that details the regulations to be aware of as an incoming tenant.

The purpose of this Fact Sheet is to familiarize you with the standards mandated by law to ensure safe housing here in Brookline. This Fact Sheet mainly highlights the Minimum Standards of Fitness for Human Habitation or Chapter II of the State Sanitary Code [105 CMR 410.000].

**Health Department Recommendations**

▪ **Kitchen Facilities:** Look for the following three elements of a kitchen: (1) a kitchen sink, (2) a stove an oven in working condition (unless stated otherwise in lease agreement) and (3) space and proper facilities for installation of a refrigerator. The surfaces of kitchen facilities should be smooth, impervious, and easy to clean. [410.100]

▪ **Bathroom Facilities:** Look for the following three elements of a bathroom: (1) a toilet with a toilet seat, (2) a sink (separate from the kitchen sink) and (3) a tub or shower. This room should be separate from other facilities (living, sleeping, cooking or eating) and have a door that fully closes. Note: the sink may either be in the bathroom or near the entrance to the bathroom. [410.150-410.152]

▪ **Hot Water Facilities:** The owner must supply and pay for facilities to heat up water. The owner must supply enough hot water to meet your regular needs, unless you agree to supply fuel to heat the water in the lease. The temperature range of the hot water is 110°F-130°F. [410.190]

▪ **Heating Facilities:** The owner must supply and pay to maintain facilities to heat every habitable room and bathroom. [410.200] The rooms are heated to at least 68°F between 7:00am-11:00pm and 64°F between 11:01pm-6:59am between September 15-June 15, unless you agree to supply fuel in the lease. The temperature should not exceed 78°F [410.201] The required number of days for heat is subject to change by the Brookline board of health [410.200 and 410.048]

▪ **Provision for Oil:** The owner must provide oil for heating and/or hot water unless oil is provided through a separate oil tank, as stated in the lease. [410.355]

▪ **Lighting and Electrical Facilities:** The kitchen must have at least one electric light fixture and two wall-type electrical outlets. [410.251] The bathroom must have at least one electric light fixture. [410.252] All other rooms must have at least either (a) two separate wall-type electrical outlets or (b) one electric light fixture and one wall-type electrical outlet. [410.250] Switch lights must be provided for safe and reasonable use of laundry, pantry, foyer, hallway, stairway, closet, storage place, cellar, porch, exterior stairway and passageway. [410.253(A)] The owner must provide working light bulbs to illuminate all required common areas. [410.253(B)]

If there is more than one unit, the owner must provide and pay for light at all times for interior passageways, hallways and stairways used by occupants. [410.254(A)] If you live in a building with three or less units, the light fixtures in the common hallway may be wired to the electric service of a unit on the same floor. You may be responsible to pay for this service if it is part of your lease. [410.254(B)]

You should not see wiring under a rug or other floor coverings, nor should wiring extend through doorways, windows or other structural openings. [410.256]

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<sup>1</sup> Home Safety Council. The state of home safety in America—executive summary. Washington, DC: The Home Safety Council; 2002.

▪ **Metering of Electricity, Gas and Water:** Electricity and gas is provided and paid for by the owner unless the unit has a separate meter. If there is a separate meter, you will pay for electricity and gas. This will be stipulated in your lease. Regardless, the owner must install and maintain wiring and piping for electricity and gas. [410.354 (A)(B)] Water may also be metered, but is a more complicated matter. For more information on metered water, please consult 410.354(D).

### **Building Department Recommendations**

▪ **Security:** Entry doors to the building and individual unit must be secured against unlawful entry and fitted with a functional lock. [410.480]

▪ **Maintenance of Structural Elements:** The foundation, floors, walls, doors, window, ceilings, roof, staircases, porches, chimneys and other structural elements must be maintained by the owner. These structural elements must be weather-, water- and rodent-proof. In addition, the structural elements should be free of holes, cracks, loose plaster or other defects that may cause the area to be: difficult to clean, an accident hazard or a place insects or rodents may live. [410.500, 410.501]

The use of lead paint is prohibited. [410.502]

▪ **Protective Rails and Walls:** The owner is required to provide handrails or guardrails in several instances. Every stairway must have a safe handrail as required by 780 CMR: Massachusetts Building Code. [410.503(A)] The open side of stairways must have a guardrail at least 30" tall. [410.503(B)] If your building has a porch, balcony, mezzanine, landing, roof or similar place that is 30" or more above ground, it should be enclosed by a wall or guardrail at least 36" tall. [410.503(C)] Any openings in these guardrails should be no greater than 6". [410.503(D)] The guidelines for guardrails replaced or constructed after 08/28/1997 are stricter than those stated here.

▪ **Zoning Jurisdiction:** You should make sure that your rental unit is zoned to be a rental unit. If you suspect your unit is an illegal apartment, you can check the town records through the Assessor's Database: <http://www.brooklinema.gov/assessors/propertylookup1.asp>

### **Fire Department Recommendations**

▪ **Smoke & Carbon Monoxide Detectors:** The owner is required by law to equip the dwelling with smoke and CO detectors and maintain them in compliance with the regulations of the State Board of Fire Prevention. [410.482]

▪ **Exits from the unit:** Locate the exits in every dwelling and rooming unit and ensure that safe passage is possible in accordance with 805.0 of the Massachusetts State Building Code. [410.450, 780 CMR 104.0] Owners must keep the common exits safe and operable at all times, free of any obstruction. You must maintain proper use of the exits from your unit. [410.451, 410.452] The owner shall keep other shared facilities (exterior stairways, fire escapes, exit balconies and bridges) free of ice and snow. All corrodible structures should be painted or otherwise protected from rust and corrosion. All wooden structures should be treated to prevent rotting and decay. [410.452]

If you are in a building with 10 or more units, the owner must provide an emergency lighting system separate from the normal lighting system. This should include lighted signs that show two exits (a primary and secondary exit). [410.483, 780 CMR 1023.0, 780 CMR 1024.0, M.G.L. c.143, § 21D]

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*Please note that this Fact Sheet is a general guide to find safe and sanitary housing in Brookline. This Fact Sheet is intended to help you look for housing that safe for habitation. Renting an apartment with code violates is a violation of the consumer protection act and regulations. If you believe that your dwelling unit does not meet the minimum standards of habitability, you may be entitled to sue your landlord or have all or some of your rent returned. If you suspect that your rental unit is not up to code, you may contact Environmental Health Services at the Brookline Health Department at 617-730-2306.*