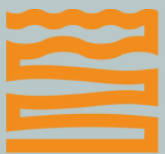


An illustration of an elderly man with glasses, wearing a green sweater and dark pants, running towards the left. He is holding a large white clipboard under his arm. In the background, a two-story house with a brown roof and orange walls is tilted at an angle. The house has several windows and a chimney. A dark horizontal band is overlaid across the middle of the image, containing the title text.

SANITARY CODE NOTICE FOR LANDLORDS



**VOLUNTEER
LAWYERS
PROJECT**

LANDLORD ADVOCACY



**VOLUNTEER
LAWYERS**
PROJECT

LANDLORD ADVOCACY

DISCLAIMER

THESE GUIDELINES ARE FOR INFORMATIONAL PURPOSES ONLY. THE LAWS, REGULATIONS, AND REQUIREMENTS INFORMING THESE GUIDELINES CAN CHANGE WITHOUT NOTICE. WHEN PURSUING AN EVICTION CASE, PLEASE CHECK FOR THE MOST UP-TO-DATE CITY, STATE, AND FEDERAL (INCLUDING CDC) REQUIREMENTS.



LANDLORD ADVOCACY

IMPORTANT:

EFFECTIVE APRIL 1ST, 2023, THERE HAVE BEEN SIGNIFICANT CHANGES TO THE MASSACHUSETTS SANITARY CODE. IT IS IMPORTANT TO UNDERSTAND THESE CHANGES TO MAKE SURE THAT YOUR UNIT IS COMPLIANT, AND SO YOU CAN AVOID BEING CITED BY INSPECTIONAL SERVICES. THE SANITARY CODE IS A LENGTHY DOCUMENT, AND WE RECOMMEND THAT YOU FAMILIARIZE YOURSELF WITH ITS REQUIREMENTS. THE FOLLOWING IS ONLY A SUMMARY OF SOME OF THE CHANGES. THE FULL SANITARY CODE IS LINKED BELOW:

➔ [105 CMR 410.00: MINIMUM STANDARDS OF FITNESS FOR HUMAN HABITATION \(STATE SANITARY CODE, CHAPTER II\)](#)

HEATING SEASON

Now that the Sanitary Code has been updated, the dates that heating season ends have changed. The heating season started on September 15th and ended the next June 15. Now, the heating season ends on May 31st. The starting date for the Heating Season is still the same, September 15th.

LIGHTING RULES

With the Sanitary Code changes, there are new requirements for both common room lighting and lighting in small spaces like closets. For closet spaces, if you cannot see to the back of the space with ambient light from the room, then there must be some sort of light in the closet itself. This light cannot be battery operated.

For shared area lighting, meaning lights in hallways, stairways, balconies, and other similar areas, these lights must have some sort of automatic switching system. This can be a timed system, where the lights come on at night, or a motion sensor type of switching system, or anything that will ensure that if a visitor is at the unit and there is an emergency, they will be able to escape even if they are not familiar with the unit.

KITCHEN RULES

The new Sanitary Code has updated requirements for waterproofing around kitchen sinks and for kitchen appliances. For kitchen sinks, Behind the sink must have a “smooth, non-absorbent, and easily cleanable surface.” This does not have to be a tile backsplash, but fully grouted tile would count. However, the wall behind the sink cannot be wallpaper or unfinished drywall but can be gypsum board (drywall) if appropriately painted. All seams around any kitchen sinks must be caulked and sealed. The walls around the sink must be sealed 24 inches up the walls above any countertop area where a sink is located.

Additionally, the Sanitary Code has requirements for waterproofing standards of kitchen floors. Per the new rules, kitchen floors must have “smooth, non-corrosive, and non-absorbent” surfaces. Wood floors are only allowed in the kitchen if they have a water-resistant finish. Finally, the kitchen floor cannot have cracks that can accumulate debris or allow pests, and there can be no exposed plywood, cracks, or blemishes on the floors.

Lastly, the new Sanitary Code contains requirements for kitchen appliances. The new rules require that EITHER you have a fridge with 11 cubic feet (about the volume of a bathtub) of combined storage space OR you can include in the lease that the tenant must bring their own fridge. If you include in the lease that the tenant must bring their own fridge, you must include full disclosure in your apartment advertisements to avoid claims of unfair or deceptive practices. Your ads must also include the dimensions of the area where the fridge will go, and you must include hardware hookup information.

COMMUNICATION AVAILABILITY FOR LANDLORDS

As part of the Sanitation Code changes, there is a new requirement that landlords be capable of responding to communications for maintenance requests within 12 hours. This DOES NOT mean that the repairs must be completed within 12 hours, but you must acknowledge the maintenance request in that period. If you get sick for an extended period or go on vacation or are otherwise unavailable, you must appoint an alternate person that tenants can contact and notify them to contact that alternate if they do not hear back from you.

HOUSING CONDITION RULES

The updated Sanitary Code rules have new requirements for keeping exits to your units clean and have new requirements if your unit is condemned by the city. For the condition of exits, Owners must keep exits free of all snow and ice, except where a dwelling has its own unshared exit AND the lease states that the renter will keep it clear. Also, the owner is responsible for keeping common exits clear of trash and debris. You may give notice to tenants that have left articles in exit areas that “if you do not remove articles by X date, the property will be disposed of” if the objects clutter the exit area.

IMPORTANT! After April 1st, if your property is condemned while tenants are renting the unit, the Owner must provide for alternate housing for either the remainder of the lease or rental period, whichever is sooner. This means you will have to pay ALL OF THE COST for a hotel or other housing for the tenants for an extended period if your property is condemned while renting it out.

PEST INSPECTIONS AND EXTERMINATIONS

According to the new Sanitary Code rules, a landlord MUST verify the unit is free of vermin BEFORE renting the unit to a new tenant, document the inspection, and provide the documentation to an inspector upon request. The inspection documents you must have before renting must include the following information: the presence of any pests, the number of entry points to the unit, the results of the inspection, any repairs made, and the license number of the exterminator contracted to deal with pests and follow up inspection results.

In addition, during the tenancy of a renter, the landlord is responsible for keeping the property clear of all: rodents, skunks, cockroaches, and all other insects. The landlord is not allowed to buy poison bait blocks, chemical bait, and things that are hazardous to deal with these pest problems that arise. The landlord must hire a licensed pest control person to deal with the infestation. The Owner of the property also must maintain the unit so that there no holes in any walls, ceilings, and floors.

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