

Town of Hamilton



BOARD OF HEALTH
577 Bay Rd., P.O. Box 429
Hamilton, MA 01936

Tel: 978-468-5579

Fax: 978-468-5582

HOUSING INSPECTION	
Minimum Inspection Requirements	
ADDRESS OCCUPANT	APT. #
OWNER ADDRESS	
NUMBER OF UNITS PER DWELLING:	
DATE OF INSPECTION INSPECTOR	TIME IN: TIME OUT:

Complaint:

In accordance with 105 CMR 410.822 each inspection of a dwelling unit shall include at a minimum the condition alleged to be in violation and those conditions “deemed to endanger or impair health or safety” listed on this inspection form. However, if the complaint relates solely to a lack of heat, the inspection need not extend beyond the heating issue. The occupant shall be informed of his/her right to a comprehensive inspection at the start of said inspection and one will be carried out if requested.

Conditions Deemed to Endanger or Impair Health or Safety (105 CMR 410.750(A-O))

Check mark for compliance.

X mark for violation. Description to follow.

A & E. A safe supply of water sufficient in quantity, pressure and temperature, both hot and cold, to meet the ordinary needs of the occupant in accordance with 105 CMR 410.180 and 410.190 for a period of 24 hours or longer.

- Potable
- Quantity
- Pressure
- Hot: 110°-130°F
- Cold

B. Heat as required by 105 CMR 410.201 or improper venting or use of a space heater or water heater as prohibited by 105 CMR 410.200(B) and 410.202.

_____ In units where the owner pays for heat every habitable room and toilet/bathroom (June 15-Sept 15, inclusive) temp to be read 5' from floor on a wall more than 5' from an exterior wall. (410.201)

- 68°F (7:00 am-11:00 pm)
- 64°F (11:01 pm-6:59 am)
- Not to exceed 78°F

_____ Space Heaters

410.200(B) Portable space heaters, parlor heaters, cabinet heaters, room heaters and any similar heaters having a barometric fed fuel control and its fuel supply tank located less than 42 inches from the center of the burner as well as the type of heating appliance adapted for burning kerosene, range oil or number one fuel oil and any portable wick type space heaters shall not be used and shall not meet the requirements of 105 CMR 410.200. (See M.G.L. c. 148, §§ 5A and 25B.)

_____ Venting

410.202: Space heaters and water heaters, except electrical ones, shall be properly vented to a chimney or vent leading to the outdoors.

-
- C.** Owner shall not shutoff and/or fail to restore electricity, gas or water. (410.750(C) and 410.620)
- Gas
 - Electricity
 - Water

D. The owner shall provide the following electrical facilities and lighting in common area:

- (For each habitable room other than a kitchen) two separate wall-type convenience outlets, or one such outlet and one electric light fixture. The outlets shall be placed in practical locations and shall insofar as practicable, be on different walls and at least ten feet apart. (410.250 (B))
- One electrical light fixture for each kitchen (410.251(A))
- Electric light switches and fixtures in good working order so that illumination may be provided for the safe and reasonable use of every laundry, pantry, foyer, hallway, stairway, closet, storage place, cellar, porch, exterior stairway and passageway. (410.253(A))
- Working incandescent light bulbs or fluorescent tubes in all required light fixtures in all common areas of any dwelling. (410.253(B))

- 410.254: Light in Passageways, Hallways, and Stairways
 - (A) Except as allowed in 105 CMR 410.254(B), the owner shall provide light 24 hours per day so that illumination alone or in conjunction with natural lighting shall be at least one foot candle as measured at floor level, in every part of all interior passageways, hallways, foyers and stairways used or intended for use by the occupants of more than one dwelling unit or rooming unit.
 - (B) In a dwelling containing three or fewer dwelling units, the light fixtures used to illuminate a common hallway, passageway, foyer and/or stairway may be wired to the electric service serving an adjacent dwelling unit provided that if the occupant of such dwelling unit is responsible for paying for the electric service to such dwelling unit:
 - (1) a written agreement shall state that the occupant is responsible for paying for light in the common hallway, passageway, foyer and/or stairway; and
 - (2) the owner shall notify the occupants of the other dwelling units.

F. The owner shall provide a toilet and maintain a sewage disposal system in operable condition for each dwelling unit:

- A toilet with a toilet seat in a room which is not used for living, sleeping, cooking or eating purposes and which affords privacy to a person within said room. (410.150(A)(1))
- Sewer connection or septic system in compliance with Title 5 (410.300).
In dwellings that are in compliance with the requirements of M.G.L. c. 186, § 22, the owner may charge the occupants for the cost of sewer service in accordance with M.G.L. c. 186, § 22.

G. Adequate exits, and no obstruction of any exit, passageway or common area caused by any object, including garbage or trash, which prevents egress in case of an emergency 105 CMR 410.450, 410.451 and 410.452.

- 2 means of egress per dwelling unit. (780 CMR 104.0, 105.1, and 805.0 of the Massachusetts State Building Code) (410.450)
- Exits and passageways shall remain free of obstruction. (410.451)
 - Owner (exit or passageways intended for use by more than one dwelling or rooming unit).
 - Occupant (exit or passageways not common to the exit of any other unit).

410.452: Safe Condition

- The owner shall maintain all means of egress at all times in a safe, operable condition and shall keep all exterior stairways, fire escapes, egress balconies and bridges free of snow and ice.
- However, in those instances where a dwelling has an independent means of egress, not shared with other occupants, and a written letting agreement so states, the occupant is responsible for maintaining free of snow and ice, the means of egress under his or her exclusive use and control.
- All corrodible structural parts thereof shall be kept painted or otherwise protected against rust and corrosion. All wood structural members shall be treated to prevent rotting and decay. Where these structural elements tie directly into the building structural system, all joints shall be sealed to prevent water from damaging or corroding the structural elements. (*Owner responsibility*)

H. The owner shall provide, install and maintain locks so that every entry door of a dwelling unit or rooming unit shall be capable of being secured from unlawful entry. (410.480 (D))

I. Areas free of garbage, rubbish, filth or other causes of sickness which may provide a food source or harborage for rodents, insects or other pests or otherwise contribute to accidents or to the creation or spread of disease.

410.600: Storage of Garbage and Rubbish

- (A) Garbage or mixed garbage and rubbish shall be stored in watertight receptacles with tight-fitting covers. Said receptacles and covers shall be of metal or other durable, rodent-proof material. Rubbish shall be stored in receptacles of metal or other durable, rodent-proof material. Garbage and rubbish shall be put out for collection no earlier than the day of collection.
- (B) Plastic bags shall be used to store garbage or mixed rubbish and garbage only if used as a liner in watertight receptacles with tight-fitting covers as required in 105 CMR 410.600(A), provided that the plastic bags may be put out for collection except in those places where such practice is prohibited by local rule or ordinance or except in those cases where the Department of Public Health determines that such practice constitutes a health problem. For purposes of the preceding sentence, in making its determination the Department shall consider, among other things, evidence of strewn garbage, torn garbage bags, or evidence of rodents.
- (C) The owner of any dwelling that contains three or more dwelling units, the owner of any rooming house, and the occupant of any other dwelling place shall provide as many receptacles for the storage of garbage and rubbish as are sufficient to contain the accumulation before final collection or ultimate disposal, and shall locate them so as to be convenient to the tenant and so that no objectionable odors enter any dwelling.
- (D) The occupants of each dwelling, dwelling unit, and rooming unit shall be responsible for the proper placement of his garbage and rubbish in the receptacles required in 105 CMR 410.600(C) or at the point of collection by the owner.

410.601: Collection of Garbage and Rubbish

____ Owner (of any dwelling that contains three or more dwelling units, or of any rooming house):

____ Occupant (of any other dwelling place):

shall be responsible for the final collection or ultimate disposal or incineration of garbage and rubbish by means of:

- (A) the regular municipal collection system; or
- (B) any other collection system approved by the board of health; or
- (C) when otherwise lawful, a garbage grinder which grinds garbage into the kitchen sink drain finely enough to ensure its free passage, and which is otherwise maintained in a sanitary condition; or
- (D) when otherwise lawful, a garbage or rubbish incinerator located within the dwelling which is properly installed and which is maintained so as not to create a safety or health hazard; or
- (E) when otherwise lawful, by backyard composting of compostable material, provided that the composting operation does not attract rodents or other vectors and does not create a nuisance, and provided further that in the case of composting by an occupant, the occupant obtain the prior written permission of the owner.
- (F) any other method of disposal which does not endanger any person and which is approved in writing by the board of health. (*See* 105 CMR 410.840.)

410.602: Maintenance of areas in a clean and sanitary condition, free of garbage, rubbish, other filth or causes of sickness:

- Owner responsible for land, common areas, and private ways. (410.602(A),(D))
- Occupant responsible for that part of dwelling which he exclusively occupies or controls. (410.602(B))
- If less than three dwelling units per dwelling: occupant responsible the stairways leading to and the landing adjacent to his dwelling unit if not used by another occupant. (410.602(C))

J. ____ Compliance with 105 CMR 460.000: *Lead Poisoning Prevention and Control*. (*See* M.G.L c. 111, §§ 190 through 199.)

Y / N Is there is an occupant 6 years of age or younger?

Y / N Was the dwelling built prior to 1978?

If they are both Yes, then Lead Determination necessary.

K. Free of structural defects (roof, foundation, or other) that may expose the occupant or anyone else to fire, burns, shock, accident or other dangers or impairment to health or safety.

L. Installation of electrical, plumbing, heating and gasburning facilities in accordance with accepted plumbing, heating, gasfitting and electrical wiring standards and maintenance of such facilities as required by 105 CMR 410.351 (Owner) and 410.352 (Occupant), **so as to expose the occupant or anyone else to fire, burns, shock, accident or other danger or impairment to health or safety.**

M. No defects in asbestos material used as insulation or covering on a pipe, boiler or furnace which may result in the release of asbestos dust or which may result in the release of powdered, crumbled or pulverized asbestos material in violation of 105 CMR 410.353.

N. Smoke detector provided. (410.482)

Carbon monoxide detector provided if attached garage or wood/gas/oil heat.

O. _____ Any of the following conditions which remain uncorrected for a period of five or more days following the notice to or knowledge of the owner of said condition or conditions: *Check mark for compliance. X mark for violation. Description to follow.*

Lack of a kitchen sink of sufficient size and capacity for washing dishes and kitchen utensils or lack of a stove and oven or any defect that renders either inoperable.

Failure to provide a washbasin and shower or bathtub as required in 105 CMR 410.150(A)(2) and 410.150(A)(3) or any defect which renders them inoperable.

410.150(A)(2) A wash basin in the same room as the toilet, or if the wash basin cannot be placed in the same room as the toilet, it shall be placed in close proximity to the door leading directly into the room in which the toilet is located. The kitchen sink may not be substituted for the wash basin required in 105 CMR 410.150(A).

410.150(A)(3) A bathtub or shower in the same room as the toilet or in another room which is not used for living, sleeping, cooking or eating purposes and which affords privacy to a person within said room.

Uncorrected for a period of five or more days following the notice to or knowledge of the owner (continued)

- Any defect in the electrical, plumbing, or heating system which makes such system or any part thereof in violation of generally accepted plumbing, heating, gasfitting, or electrical wiring standards that do not create an immediate hazard.

- Owner to maintain a safe handrail or protective railing for every stairway, porch balcony, roof or similar place.
 - 410.503 (A) A safe handrail for every stairway that is used or intended for use by the occupant as required by 780 CMR: State Building Code.

 - 410.503 (B) A wall or guardrail on the open side of all stairways no less than 30 inches in height. Any such guardrail replaced or constructed after August 28, 1997 (effective date of Massachusetts State Building Code, Sixth Edition) shall be not less than 34 inches in height (780 CMR 1022.2.2 and 3603.14.2.1).

- Maintenance of premises free from all rodents, skunks, cockroaches and insect infestation, and exterminating them. (410.550)-*See 410.550(D) re: extermination*
 - Dwelling containing one dwelling unit
 - Occupant shall maintain the unit free from all rodents, skunks, cockroaches and insect infestation, and shall be responsible for exterminating them.

 - Owner shall maintain any screen, fence or other structural element necessary to keep rodents and skunks from entering the dwelling.

 - The owner of a dwelling containing two or more dwelling units shall maintain it and its premises free from all rodents, skunks, cockroaches and insect infestation and shall be responsible for exterminating them.

Referral: Electric Plumbing Building Fire Other_____

This housing inspection has has not revealed conditions which may endanger or materially impair the health or safety, and well being of any person(s) occupying the premises.

Additional Comments:

