

***BROOKLINE HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SERVICES
HOUSING INFORMATION SERIES***

FACT SHEET #7; HEAT

CHAPTER II, STATE SANITARY CODE

410.200 Heating Facilities Required

(A) The owner shall provide and maintain in good operating condition the facilities for heating every habitable room and every room containing a toilet, shower or bathtub to such temperature as required under 105 CMR 410.201

(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 Chapter 148, Sections 5A and 25B of the General Laws).

410.201 Temperature Requirements

The owner shall provide heat in every habitable room and every room containing a toilet, shower, or bathtub at least 68 degrees Fahrenheit (20c) between 7:00 A.M. and 11:00 P.M. and at least 64 degrees Fahrenheit (17c) between 11:01 P.M. and 6:50 A.M. every day other than during the period from June 15th to September 15th, both inclusive, in each year except and to the extent the occupant is required to provide the fuel under a written letting agreement. The temperature shall at no time exceed 78 degrees Fahrenheit (25 c) during the heating season. The temperature may be read and the requirement shall be met at a height of five feet above floor level on a wall any point more than five feet from the exterior wall. The number of days per year during which heat must be provided in accordance with 105 CMR 410.000 may be increased or decreased through a variance granted in accordance with the provisions of 105 CMR 410.840 notwithstanding the prohibitions of the first clause of the first sentence of 105 CMR 410.840 (A).

If you have any questions about this or other Housing Code issues, please call the BROOKLINE HEALTH DEPARTMENT at 730-2306.