



## Selling your home?

If you are considering selling a home that has an illegally constructed apartment, you may be required to remove the unit as a condition to closing. The Fire Department will withhold a Smoke Certificate if they discover an illegal apartment and refer the matter to ISD. If you have any doubt as to the legality of any apartment, you should contact ISD for clarification so that the closing is not delayed unnecessarily.



## CONTACT

If you have any question about a new or existing unit in your building or any other construction permit issue,

call us at:  
617-466-4130

or visit us at:

Inspectional Services  
Department  
Chelsea City Hall,  
Room 203

Building Hours:  
Monday, Wednesday, Thursday:  
8am to 4pm  
Tuesday: 8am to 7pm  
Friday: 8am to noon

Updated August 2016

## What is an illegal apartment?

### City of Chelsea



  
**City Manager**  
Thomas G. Ambrosino  
617-466-4100

**Inspectional Services Department**  
Mike McAteer, Director  
617-466-4130

# An important message to Chelsea homeowners



## ✚ Illegal Apartments

As the demand for housing in Chelsea grows and rent prices rise, property owners may be tempted to make an apartment out of a basement, attic, or sub-divide an existing apartment. Conversion of these spaces without proper permits could pose significant fire and safety risks as well as be in violation of local zoning ordinances and building code requirements.

If you are considering creating a new apartment in your building, you are required to obtain a permit from the Inspectional Services Department (ISD) before you begin construction.

If you do not seek a permit prior to building, you will be required to remove the new, illegal apartment and may be liable to pay for your tenants' relocation.

## ✚ Determining legal unit sizes

To determine the legal number of apartments of your dwelling, you may come to the Inspectional Services Department. We will research the property to determine the legal number

## ✚ Existing Illegal Units

There are several misconceptions regarding existing units built without a permit.

**Myth #1** *“The apartments in my house are legal since they all existed at the time I purchased my new house”* → If you purchased the home with an additional unit built without a permit, it is not “grandfathered” into legal use. Even if the apartment has been in use for many years, it does not automatically make it legal if an occupancy permit was never issued.

**Myth #2** *“My apartment is an In-Law apartment and therefore it’s legal”* → No distinction is made for so-called “In-Law” apartments. They still must have been built with a permit and have a valid Occupancy Permit.

**Myth #3** *“The Assessing Department counts the additional apartment in my taxes, therefore it must be legal”* → If the assessment of your house for tax purpose includes the additional apartment, this does not mean that the additional unit is necessarily legal. Records of the Assessing Department represent the actual numbers of apartments, but not all legal uses.

## ✚ Obtaining a Building Permit

To obtain a building permit from the ISD go to their office in Chelsea and complete the “Application of Building/Occupancy Permit”. You will need to provide plans of the proposed work.

An Inspector from ISD and Fire Prevention will review the plans and inspect the proposed space to insure that it meets Massachusetts State Building and Fire Code requirements, as well as local zoning ordinances.

The unit must have two means of egress, adequate ceiling and window spacing, proper ventilation, heating, electric and plumbing systems, as well as meet other requirements of state and local codes.