



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2010-01

Date: February 10, 2010

Subject: ESTABLISHMENT OF MAXIMUM ALLOWABLE OCCUPANT LOADS IN PLACES OF ASSEMBLY (APPLICABLE ONLY TO NEW ASSEMBLY OR TO THOSE SEEKING AN INCREASE IN THE EXISTING CAPACITY)

Purpose: This bulletin is issued to confirm the procedures, for determining allowable occupant loads in places of assembly effective February 10, 2010. It replaces Commissioner's Bulletin 2007-05

Determination:

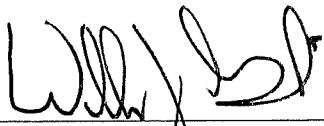
1. Under the authority of the Massachusetts State Building Code, Section 780 CMR, the following procedures for the establishment of allowable occupant loads in places of assembly are to be implemented effective February 10, 2010.
2. This policy will apply to all new assembly occupancies and any existing establishments seeking an increase in capacity. It is not retroactive to any places of assembly with current certificates of occupancy and inspection.

Procedures:

1. The applicant must furnish three (3) copies of the floor plan(s). Floor plan(s) for establishments seeking an occupant load of 50 or more must be stamped by an architect or engineer registered in the Commonwealth of Massachusetts.
2. The building official will determine the maximum allowable occupant load in the following manner:
 - 2.1. establish the maximum number of occupants by capacity of exit facilities in accordance with the Massachusetts State Building Code (780 CMR),
 - 2.2. establish the maximum number of occupants by number of plumbing fixtures as set forth in the Massachusetts State Plumbing Code (248 CMR).
 - 2.3. establish the actual occupant load in accordance with the applicable sections and tables of the Massachusetts State Building Code.
 - 2.3.1 In accordance with the Life Safety Code NFPA 101, section 12.1.7.1, the standing places of assembly shall not exceed a density of 5 square feet per person, unless a plan indicating placement of equipment, aisles, exits and seating is provided with justification from a registered engineer/architect/fire protection engineer and acceptance by the Inspectional Services Department (ISD) and the Boston Fire Department (BFD).

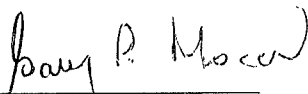
- 2.4. The allowable occupant load shall not exceed the lowest of the numbers arrived at through the above guidelines.
- 2.5. The building official will also review for any zoning requirements as required off-street parking, use regulations, neighborhood districts, etc.
3. All rooms or spaces with an occupant load of 50 or more shall be separately identified on the plan and listed on the certificate of inspection.
4. All rooms or spaces for which the applicant seeks to establish a dual occupant load, i.e., different capacities for day/night, shall submit separate floor plans for each circumstance. The plans shall indicate the nature of the discrepancy, (e.g. storage of table and chairs to allow for standing areas etc.).
5. For temporary assembly occupancies (permitted for less than 30 days) the building official may waive the requirements of the above sections 1, 2.2 and 2.5.

Signed:



William J. Good, III
Commissioner

2.10.2010
Date



Gary P. Moccia
Inspector of Buildings

2/11/10
Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2010 - 02
Date: February 23, 2010

Subject: APPEAL PROCESS: VACANT AND FORECLOSED PROPERTIES
ORDINANCE

Purpose: This bulletin is issued to establish and outline the appeal process for the
Vacant and Foreclosed Properties Ordinance.

Determination:

In accordance with the authority granted to the Commissioner of the Inspectional Services Department (ISD) and pursuant to, inter alia, M.G.L. c. 143, § 3, the State Building Code, the Zoning Code of the City of Boston and *City of Boston Ordinance Regulating the Maintenance of Vacant, Foreclosing Residential Properties*, it is established that a process of appeal for all Notices of Violations shall be created. This appeal process is in addition to that which is established in 780 CMR 122.1.

1. Administrative Hearings

1.1 Right to Hearings

Any person upon whom a Notice of Violation has been served may request a hearing from the Inspectional Services Department (ISD) by filing a written petition requesting a hearing on the matter by the Department within fourteen (14) days after the day the Notice of Violation was issued.

1.1.1 If a written petition for a hearing is not filed with ISD within fourteen (14) days after the Notice of Violation has been issued, or, if, after a hearing the Notice of Violation has been sustained in any part, each day's failure to comply with the Notice of Violation within the time allotted in the Notice of Violation as issued or modified shall constitute an additional offense.

1.2 Hearing Notice

Upon receipt of a petition, ISD shall inform the petitioner, in writing, of the date, time and place of the hearing.

1.3 Time for Hearing

The hearing shall commence within thirty (30) days after the day on which the Notice of Violation was issued. The time period in which the cited violations must be remedied shall be stayed upon receipt of the petition for a hearing until such time as the hearing is held.

1.4 Hearing of Petition

At the hearing the petitioner shall be given an opportunity to be heard, to present witnesses or documentary evidence, and to show why the Notice of Violation should be modified or withdrawn. An official record shall be kept of the hearing proceedings and made available to the petitioner upon written request. Failure to hold a hearing within the time period specified herein shall not affect the validity of any Notice of Violation.

1.5 Final Decision after Hearing; Failure to Comply with Final Order

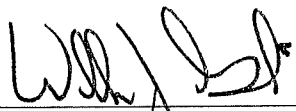
Within seven (7) days after the conclusion of the hearing, ISD shall sustain, modify or withdraw the Notice of Violation and shall notify the petitioner, in writing, of its decision and the reasons therefore. If the department sustains or modifies the Notice of Violation said violation shall be remedied within the time period allotted as issued or in the modification.

2 Judicial Appeals

2.1 Relief from a Court of Competent Jurisdiction

Any person aggrieved by a final decision of ISD with respect to the issuance of a Notice of Violation or any other order issued under this Ordinance by ISD may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the Commonwealth of Massachusetts.

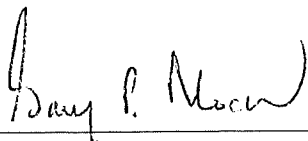
Signed:



William J. Good, III
Commissioner

2-18-2010

Date



Gary P. Moccia
Inspector of Buildings

2/18/10

Date



Policy and Procedure Memorandum
Inspectional Services Department
Boston, Massachusetts

Number: 2010-03
Date: June 24, 2010

Subject: RULES AND REGULATIONS REGARDING FREE STANDING SIGNS
LOCATED ON PUBLIC VS. PRIVATE PROPERTY

Purpose: This bulletin is issued to establish jurisdictional, permitting and enforcement policies relating to free standing signs in the City of Boston.

Determination:

Other than enforcement of the City of Boston Code (ordinances), the Inspectional Services Department (ISD) has no jurisdiction over the issue of free standing signs (sandwich boards) in the City of Boston.

1. Public Rights of Way

- 1.1 The City of Boston Municipal Code (hereinafter CBC) § 16-12.3 states "*Except in accordance with a permit from the Commissioner of Public Works no person shall, for the purpose of advertising goods... display any ...card, placard or sign...* ".
- 1.2 M.G.L. c.93 §30A deems any sign placed on a public way without benefit of a permit a nuisance; "*Any billboard, sign or other device, erected...without the authorization or permit of the outdoor advertising board... shall be deemed a nuisance.*" Additionally, it grants said board "*the same power to abate and remove any such nuisance as is given the board of health of a town under sections one hundred and twenty-three to one hundred and twenty-five, inclusive, of chapter one hundred and eleven.*"
- 1.3 M.G.L. c.111 §123 provides "*Said board shall order the owner or occupant of any private premises, at his own expense, to remove any nuisance...found thereon within twenty-four hours, or within such time as it considers reasonable; after notice.*"

1.4 M.G.L. c.111 §125 states *"If the owner or occupant fails to comply with such order, the board may cause the nuisance...to be removed and all expenses incurred thereby shall constitute a debt due the city."*

1.5 When notified of the existence of a violation, i.e. a sign erected with no permit, ISD's Code Enforcement Unit shall notify the owner or occupant to remove it. If, after twenty-four hours or such time as is considered reasonable, the owner fails to remove said sign the Code Enforcement officer will remove the offending sign and notify the owner of when and where it can be picked up. An embargo form detailing the chain of custody will be filled out and maintained for the duration of the possession by ISD.

2. Private Property

2.1 The same signs on private property require a use of premises permit and may be subject to other building regulations.

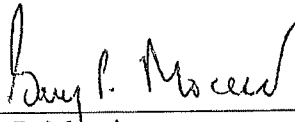
Signed:



William J. Good, III
Commissioner

6.24.2010

Date



Gary P. Moccia
Inspector of Buildings

6/24/10

Date



**Commissioner's Bulletin
Inspectional Services Department
Boston, Massachusetts**

Number: 2010-05

Date: May 17, 2010

Subject: CITY OF BOSTON REGULATIONS FOR THE IMPLEMENTATION OF
THE SECURITY ORDINANCE FOR ELDERLY/HANDICAPPED
HOUSING DEVELOPMENTS

Purpose: This bulletin is issued to establish policies and procedures for the Security Ordinance for Elderly/Handicapped Housing Developments. It replaces and rescinds Commissioner's Bulletin 1989-01.

Determination:

1. ADMINISTRATION

- 1.1 **Title:** These regulations (Commissioner's Bulletin #2010-05) shall be known as the City of Boston Regulations for the Implementation of the Security Ordinance for Elderly/Handicapped Housing Developments.
- 1.2 **Scope:** These regulations, in accordance with the City of Boston Code, Ordinance 9, as amended by Chapter 26 of the Ordinances of 1984 and Chapter 39 of the ordinances of 1984, Chapter 4 of the ordinances of 1989 shall control the security requirements for elderly/handicapped multi-family housing developments within the City of Boston.
- 1.3 **Applicability:** The provisions of these regulation shall apply to any building, structure, development or complex of ten (10) or more dwelling units under common ownership, rented or offered for rent for dwelling purposes within the City of Boston, which is specifically designed or designated for rental by elderly or handicapped persons.
- 1.4 **Authority:** Under the authority granted by MGL Chapter 111, section 127A, City of Boston Code, Ordinance 9 and Chapter 4 of the Ordinances of 1989, the Commissioner of Inspectional Services has promulgated these regulations. These regulations shall be construed in a manner consistent with the State Sanitary Code. The Commissioner is empowered in the interest of public safety and general welfare to alter, rescind, amend and

repeal in accordance, these regulations so long as alteration, rescission, amendment or repeal is consistent with the requirements of the State Sanitary Code, Ordinance 9 as amended by Chapter 26 of the Ordinances of 1984, Chapter 39 of the Ordinances of 1984 and Chapter 4 of the Ordinances of 1989, as the same may be, from time to time, amended.

- 1.5 Enforcement: The Commissioner of the Inspectional Services Department shall enforce and administer the provisions of these regulations.
- 1.6 Record of Proceedings: The Commissioner of the Inspectional Services Department or his/her designee shall designate one employee of the department to act as a clerk for all proceedings related to the implementation of the Security Ordinance. The clerk shall keep a detailed record of all correspondence between the Commissioner and landlords and tenants related to the Security Ordinance and regulations, all hearings, decisions and appeals. Such record shall include a docket book showing the name of each development and shall be properly indexed by street and owner; the docket book shall also include a short description of the Commissioner's decision in each case. Such docket book and records shall be open to public inspection during normal business hours. Upon entry, the public shall be furnished with a copy of all documents relative to a landlord's security plan or a party's petition for a modified security plan.
- 1.7 Hearing Officers: the Commissioner may appoint up to three employees of the Department to act as hearing officers for any proceedings before the Commissioner required by the security ordinance and these regulations. These hearing officers shall hear testimony and take evidence in accordance with M.G.L. Chapter 30A, section 11, subsections 1-6. Following the hearing each hearing officer shall submit a summary of the evidence presented and a recommendation to the Commissioner. The Commissioner's decision shall be based upon the evidence presented by the hearing officer, but the Commissioner shall not be bound by the recommendation of the hearing officer and shall make his/her own independent judgment about whether approval of the security plan is warranted, based upon the evidence submitted.
- 1.8 Memorandum of Understanding with Police Department: the Commissioner shall enter into a memorandum of understanding with the Police Commissioner concerning the manner in which the Police Department and the Inspectional Services Department shall coordinate their respective functions in the implementation and enforcement of the provisions of the Security Ordinance.

- 1.9 Administrative Notification to Interested Organizations: Upon the written request of any organization which represents the general interest of elderly/handicapped tenants, or in the general interest of owners of elderly/handicapped housing, the Commissioner shall insure that such organizations get notice, on a monthly basis, of the notices that are being sent out under Section III of these regulations, or of the hearings that are being held and decisions made under Section VI of these regulations regarding security plans or modified security plans.

2. DEFINITIONS

- 2.1 Meaning – Unless otherwise expressly stated, the following terms shall, for the purposes of Commissioner’s Bulletin# 2010-05, have the meaning indicated in this section.
- 2.2 Building Entrance – An entrance providing access from outside the building or from an entry vestibule to an interior corridor, lobby, or stairway which leads to an individual dwelling unit.
- 2.3 Building Permit – A permit by the Inspectional Services Department for the construction of any building or for any substantial alteration or addition thereto, as defined in Section I of Chapter 143 of the General Laws of the Commonwealth of Massachusetts.
- 2.4 Certified Crime Prevention Personnel – person or persons who are employed by the Boston Police Department and who have been designated by the Police Commissioner, pursuant to the Security Ordinance, to undertake crime prevention surveys and/or assist the Commissioner of the Inspectional Services Department in the assessment of the adequacy of security plans.
- 2.5 Conspicuous Location – A location which is reasonably calculated to draw tenants’ attention. Locations which have been previously used in developments to post notices of general notice to tenants may be conspicuous locations so long as the notices required by these regulations and the security ordinance stand out and are not obscured by other notices.
- 2.6 Cost Prohibitive - Elements mandated by a crime prevention survey shall be regarded as cost prohibitive within the meaning of the security ordinance and these regulations only if the increased costs must be passed on to the tenants’ share of the rent, i.e., the tenants are not shielded by the form of subsidy for their development from the direct impact of such increased costs.
- 2.7 Crime Prevention Survey – A survey conducted by the Boston Police Department, in accordance with the security ordinance, which includes findings as to the security and public safety needs of an elderly/handicapped multi-family housing development and recommendations as to how such needs shall be met through existing or new security measures, such as lighting, locks, safety officers, security stations, security systems or other equipment, personnel or programs.

- 2.8 Days - Calendar days
- 2.9 Dwelling Unit - The part of a building that is used as a home, residence or sleeping place by one or more persons who maintain a household.
- 2.10 Elderly/Handicapped Multi-Family Housing Development - Any building, structure, development or complex of ten (10) or more dwelling units under common ownership, rented or offered for rent for dwelling purposes within the City of Boston, which is specifically designed or designated for rental by elderly or handicapped persons.
- 2.11 Elderly Person - Any person who is at least sixty-two (62) years of age.
- 2.12 Fiscal or Contracting Constraints - Legal requirements that apply to a landlord that either limit the time of year in which the landlord can seek funding for capitol or management improvements or that mandate that certain public bidding and contract award procedures be followed in undertaking such capitol or management improvements. Such requirements shall not excuse a landlord's compliance from the requirements of the security ordinance or these regulations, but may be a basis for the landlord to seek modifications in the method or timetable for meeting the security needs identified in a crime prevention survey.
- 2.13 Handicapped Person - Any person who is physically handicapped as defined in Section 13A of Chapter 22 of the General Laws of the Commonwealth of Massachusetts or mentally handicapped as defined by 29 U.S.C. Section 706 (7) (b).
- 2.14 Landlord - The individual who holds title, either alone or jointly or severally with others, or has care, charge or control of any elderly/handicapped multi-family housing development in any capacity including, but not limited to agent, executor, administrator, trustee or guardian of the estate of the holder of legal title; or lessee under a written letting agreement, mortgagee in possession; or agent, trustee or other person appointed by the courts. Each such person is bound to comply with the provisions of these regulations.
- 2.15 Modified Security Plan - A security plan, as defined in these regulations, which varies from the security measures recommended by a crime prevention survey because:
- 2.15.1 the landlord disputes the need for any of the specific security measures, or the timetable for carrying out the security measures, based upon the fiscal or contracting constraints that apply to the particular development, or
- 2.15.2 the landlord and/or tenants believe that the additional security measures recommended by the crime prevention survey are such as to be cost prohibitive, as defined in these regulations and the security ordinance, and the landlord and/or tenants have been unable to obtain sufficient funding, equipment or services to offset the cost prohibitive aspect of the additional measures.
- 2.16 Safety Officers - Police officers of the City of Boston or special police officers appointed pursuant to applicable law to protect persons or

property in public or subsidized housing, or persons employed as guards or investigators by a duly licensed watch, guard or patrol agency, as defined in Section 22 of Chapter 147 of the General Laws of the Commonwealth of Massachusetts.

- 2.17 Security Measures – measures or steps taken to maintain or improve the security of tenants of an elderly/handicapped housing development against assault, robbery, theft or other violence or crime against their persons or property in or around such development. Such measures may include, but are not limited to interior or exterior lighting, locks, safety officers, security stations, security systems or other equipment, personnel or programs.
- 2.18 Security Ordinance – Chapter 4 of the Ordinances of 1989 of the City of Boston.
- 2.19 Security Plan – A plan for providing security and public safety measures for the tenants of an elderly/handicapped multi-family housing development, based upon a crime prevention survey, which meets the criteria and has been developed in accordance with the process outlined in the security ordinance and these regulations.
- 2.20 Security Stations – Locations in and around an elderly/handicapped multi-family housing development where safety officers or other appropriate personnel may be based on a full time or periodic basis.
- 2.21 Security Systems – Wires, conduits, apparatus, devices, fixtures or other appliances installed or interconnected electrically or electronically to permit access control, proprietary signaling, surveillance and the detection of burglary, intrusion, holdup or other conditions requiring response or the transmission of signals or audible alarms. See, in general, M.G.L. Chapter 147, Sections 57-61.
- 2.22 Tenant – A tenant, subtenant, lessee, sub lessee or other person, entitled, under the terms of a rental housing agreement to the use and occupancy of any dwelling unit in an elderly/handicapped multi-family housing development.
- 2.23 Tense, Gender and Number – Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.
- 2.24 Terms not Defined Herein - Where terms are not defined they shall have their ordinarily accepted meanings or such that the context may imply.
- 2.25 Written Notice – A notification in writing delivered in person to the individual or parties intended, or delivered at or sent by certified or registered mail to the last residential or business address of legal record.

3. IMPLEMENTATION

3.1 Identification of Development within the scope of the Ordinance:

3.1.1 Notification: Landlord's Election of Remedies and request for a Crime Prevention Survey

3.1.2 Identification of Development within the Scope of the Ordinance:

Consistent with the requirements of the security ordinance, the Commissioner has identified elderly/handicapped multi-family housing developments within the scope of the security ordinance and these regulations. The list of developments, identified by the Commissioner, is available for inspection at the offices of the Inspectional Services Department, 1010 Massachusetts Avenue, Boston, MA. The Commissioner reserves the right to alter or amend this list should information come to his/her attention that additional developments fall within the scope of the security ordinance and these regulations or that developments which have been previously identified as within the scope, do not, in fact, fall within its scope.

3.13 Notification to Landlords:

The Commissioner shall cause all landlords whose developments have been identified as falling within the scope of these regulations to be notified of the operation of the security ordinance and these regulations and of their duty to elect to either provide safety officers on a 24-hour basis or to request a crime prevention survey, thus triggering the development of a security plan. Notice shall be sent to such landlords, both by first class mail and by registered or certified mail, return receipt requested, and shall identify by address and development name, if known, the specific development involved. Such notices shall be sent out on a phased basis, beginning as of November 1, 1989, so that all landlords within the scope of the security ordinance will receive such notice by no later than June 30, 1990. The notice shall be accompanied by a form on which the landlord may indicate which alternative he/she has selected, provisions of safety officers or a crime prevention survey.

3.14 Landlord Election of Alternatives:

Within thirty (30) calendar days of receipt of the notice from the Commissioner the landlord shall elect to either:

- 3.14.1 provide safety officers for such development on a 24-hour per day, seven day per week basis. The safety officer's duties shall include, without limitation, the monitoring of all building entrances in such elderly/ handicapped development
- 3.14.2 provide security measures as identified in a security plan which has been developed and approved in compliance with sections 502 and 503 of the ordinance.
- 3.14.3 If the landlord has elected to provide security measures as identified in a security plan, he shall, at the same time that he notifies the Commissioner of such election, request a crime prevention survey from the Boston Police Department. The Commissioner shall send the landlord a standard form that he may use to request this survey. The landlord shall deliver one copy of his request for a survey to the Boston Police Department. If a landlord has requested a crime prevention survey from the Boston Police Department within thirty (30) days after receipt of a notice or notice of non-compliance for failure to provide security officers or have an approved security plan,

thus triggering the first stage in the provision of a security plan, the landlord shall be relieved of the responsibility of providing safety officers as required above, unless and until a security plan or modified security plan has been approved. A landlord may choose, after initially electing one of the above two alternatives, to switch to the other with the approval of the Inspectional Services Department, he/she continue to provide safety officers or the security measures mandated by the security plan pending such approval.

3.14.4 The landlord's submission seeking approval for a switch in alternatives must be submitted in quadruplicate and mailed by certified mail, return receipt requested, to the Commissioner of Inspectional Services, 1010 Massachusetts Avenue, Roxbury, MA 02118. The landlord's submission seeking approval for a switch in alternatives must be carried out in accordance with sections 502 and 503 of the ordinance.

3.14.5 Failure by a landlord to notify within thirty (30) calendar days the Commissioner of Inspectional Services of his/her election pursuant to section 501 of the ordinance shall subject the landlord to the enforcement provisions of section 505 of the ordinance.

3.15 Crime Prevention Surveys:

Each crime prevention survey shall include both findings as to the security needs of the tenants of the development and recommendations as to how such needs shall be met through existing or new security measures. Each survey shall include a one page summary, on official Police Department stationery, itemizing the elements recommended.

A new crime prevention survey must be performed every three (3) years by the Boston Police Department. If a building permit is required by the Inspectional Services Department for substantial structural changes in the building entrances before the expiration of the three-year period since a survey was last performed, a new crime prevention survey must be performed upon submission of the building permit application.

3.2 Process for Approving a Security Plan or Modified Security Plan:

3.2.1 Security Plan: Within thirty (30) days of receipt of the crime prevention survey prepared by the Boston Police Department the landlord shall prepare a security plan (in quadruplicate) for approval by the Commissioner of the Inspectional Services Department.

Such plan shall be deemed to be in full compliance with this ordinance provided that:

3.2.1.1 the security plan mandates, at the very least, the provisions of

- the security measures recommended in the crime prevention survey; and
- 3.2.1.2 the tenants have not articulated security needs which are not adequately addressed by the survey or the plan.

In all cases the tenants must be given the opportunity to present their views to the Commissioner of the Inspectional Services Department at a public hearing before the plan is accepted.

3.2.2 Tenant Participation Requirements in Conjunction with Submission of Security Plans:

- 3.2.2.1 The landlord shall post a notice that he/she intends to submit a Security plan to the Inspectional Services Department in a conspicuous location within the department.
- 3.2.2.2 The notice shall be in the form established by the Commissioner of the Inspectional Services Department.
- 3.2.2.3 The notice shall first be posted at least ten (10) days prior to the submission of the security plan. The notice shall remain posted until such time as the Inspectional Services Department has made its final determination.
- 3.2.2.4 It shall be deemed a violation of the ordinance, enforceable under section 505, for any landlord to fail to post such a notice in a conspicuous location or to intentionally or willfully cause such notice to be defaced, destroyed or removed.
- 3.2.2.5 If such notice is defaced, destroyed or removed by a third party it shall be the landlord's obligation to immediately post a copy of the original notice.

3.3 Access to Security Plan: (Landlord's Provision of Information to Tenants)

- 3.3.1 If any tenant requests a copy of the proposed plan, it shall be provided as soon as reasonable and free of any cost by the landlord to the tenant together with:
- 3.3.1.1 a copy of the findings and recommendations of the crime prevention survey (or the official Boston Police Department summary).
- 3.3.1.2 if applicable, a summary of the landlord's reasons disputing the findings and recommendations of the crime prevention survey, for seeking alterations in the method or timetable for implementation of security measures, or for claiming that the additional security measures mandated by

the crime prevention survey are cost prohibitive, including a summary of the financial alternatives that he/she has explored to cover costs.

3.4 Required Meetings:

3.4.1 In developments that are subject to tenant participation requirements under 780 CMR, Section 6.00, 24 CFR, Section 245 or other applicable law and, where there is a tenant organization, the landlord shall provide a copy of the security plan or petition and the above documents to such tenants' organization at least ten (10) days in advance of the submission of the plan or petition to the Inspectional Services Department.

3.4.2 If the tenants participating in the organization vote that there are deficiencies in the security plan or petition, the landlord shall be required to meet with the tenants organization at a mutually agreed time and place to discuss the tenants' concerns and attempt, in good faith, to resolve such concerns.

3.4.2.1 The tenants' organization shall give written notice to the landlord, within the ten (10) day period after receipt of the plan and survey, of its desire to have such a meeting. The landlord shall meet with the tenants' organization within two (2) weeks of receipt of the tenants' organization's notice. To the extent that such meetings or discussions delay the finalization of the security plan, but in no event later than thirty (30) days from the date of the tenant meeting.

3.4.2.2 The landlord shall give written notice to the Commissioner of the Inspectional Services Department of any request received for tenant meetings. The Commissioner shall not schedule any hearing on the security plan until after such tenant meetings have taken place and the thirty (30) day period for the Commissioner to hold a hearing after receipt of a plan shall be extended in such event.

3.4.2.3 Failure of the tenants or the tenants' organization to request a meeting with their landlord to discuss the plan shall not be deemed to constitute a waiver of the tenant's right to approve, oppose or seek modification in a plan or petition at the hearing before the Commissioner.

3.5 Modified Security Plan:

3.5.1 Within thirty (30) days of receipt of the crime prevention survey, if:

3.5.1.1 the landlord disputes the need for any of the specific security measures recommended by the crime prevention survey, or

- 3.5.1.2 the landlord disputes the method or timetable for carrying out security measures, based on the fiscal or contracting constraints that apply to the particular development, or
- 3.5.1.3 the landlord and/or the tenants believe that the additional security measures mandated by the crime prevention survey are such as to be cost prohibitive, given the economic circumstances of the tenants of the development and the inability of the landlord and/or tenants to obtain sufficient funding, equipment, or services to cover the costs of such additional measures, despite best efforts, then; the landlord and/or the tenants may petition the Commissioner for permission to submit a modified security plan which does not encompass all of the security measures mandated by the crime prevention survey.
- 3.5.1.4 A landlord may only claim that the elements mandated by the crime prevention survey are cost prohibitive if the increased costs must be passed along to the tenants of the development and absorbed by the tenants in the tenants' share of the rent.
- 3.5.1.5 If a landlord submits a petition for a modified security plan then the landlord shall have the burden to show how any of the specific security measures recommended by the crime prevention survey are unnecessary, or given the fiscal or contracting constraints particular to the development, how changes are needed in the method or timetable for implementation of the security measures.
- 3.5.1.6 In the event that a party claims that that the costs of the additional security measures are cost prohibitive, the landlord shall state what the estimated costs of the security measures are. In such cases the landlord shall also substantiate his/her current and projected operating expenses and revenues and shall show what efforts he/she has made to otherwise cover the costs through his/her best efforts to seek and obtain such funding, grants, donations of funds, equipment or services as may lessen or eliminate such additional costs.

4. HEARING PROCESS:

- 4.1 Submission of Security Plans or Petitions for a Modified Security Plan
Following the posting of notice to tenants as required by section 503 of the ordinance, the landlord shall submit, in writing, the security plan or the petition for a modified security plan, whichever is applicable, to the Commissioner of the Inspectional Services Department for approval.
- 4.2 Hearings:
Upon receipt of a security plan or petition for a modified security plan the Commissioner of the Inspectional Services Department shall hold a hearing on each plan or petition

4.2.1 Such hearings shall be held at a convenient time and place. The Commissioner or clerk shall give at least ten (10) days advance notice of the time and place of each hearing to all parties and shall give notice to anyone else requesting notice as provided for in section I (9). Notice of the hearing date shall be given to any tenants' organization which exists in the development and shall be posted by the landlord in a conspicuous location at the development.

4.2.2 Said hearings shall be held no later than thirty (30) days after the Commissioner's receipt of the security plan or petition for a modified security plan. Any such party may appear in person, or by agent or by attorney at such hearing.

4.2.3 Failure to hold a public hearing within thirty (30) days shall not affect the validity of the hearing or any decision rendered. The Commissioner in the hearing conducted under the ordinance shall not be bound by the strict rules of evidence prevailing in courts of law or equity. At the hearing the landlord and the tenants shall be given an opportunity to be heard, to present witnesses and/or to submit documentary evidence as to why the security plan or petition should be approved or modified.

4.3 Consultation with Boston Police Department:

In reviewing the adequacy of a security plan or modified security plan, the Commissioner shall consult with a certified crime prevention officer from the Boston Police Department.

4.4 Criteria for Approval of a Security Plan:

4.4.1 Following the hearing and based on the evidence presented to the hearing officer the Commissioner shall approve or modify the security plan, consistent with recommendations of the crime prevention survey and the security needs articulated by tenants. Such plan shall be deemed to be in full compliance with these regulations and the security ordinance provided that:

4.4.2 the security plan mandates, at the very least, the provision of the security measures recommended in the crime prevention survey; and

4.4.3 the tenants have not articulated security needs which are not adequately addressed by the survey or the plan.

4.4.4 If the crime prevention survey indicates that no security measures are needed additional to those already in effect at the development, the security plan shall be deemed to be sufficient so long as the landlord, in such plan, agrees to keep in effect all existing security measures.

4.5 Criteria for Approval of a Petition for a Modified Security Plan:

4.5.1 Following the hearing and based upon the evidence presented to the hearing officer, the Commissioner shall approve, deny or modify the petition for a

modified security plan and the modified security plan submitted, consistent with the recommendations of the crime prevention survey, the security needs articulated by the tenants and the standards set forth in these regulations and the Security Ordinance. If the Commissioner finds in response to specific disputes raised by a party in the petition for a modified security plan:

- 4.5.1.1 any of the specific security measures recommended in the crime prevention survey are necessary to meet security needs at the particular development, or
- 4.5.1.2 within the fiscal or contracting constraints that apply to the particular development, the landlord's proposed plan will provide a reasonable method or timetable for meeting security needs, or
- 4.5.1.3 the costs required to undertake the improvements mandated by the crime prevention survey are such as to make the security plan cost prohibitive.

4.5.2 The Commissioner shall either approve the petition for a modified security plan or make such modifications to the plan as are necessary. In ruling on a petition where it is claimed that a security plan is cost prohibitive the Commissioner shall be guided by the principle, consistent with the security objectives articulated in the crime prevention survey, that the impact on tenant's rights should be minimized so that the cost of additional security measures will not have the likely effect of displacing elderly/handicapped tenants due to excessive rent increases. In such cases the Commissioner shall consider reasonable alternatives to the security measures called for by the crime prevention survey.

4.6 Decision:

4.6.1 The Commissioner's approval or modification shall be in a form of a written decision which decision includes findings of fact, conclusions and reasons for the decision. The decision shall be furnished to all affected parties within ten (10) days of the hearing date. Failure to issue a decision within ten (10) days of the hearing date shall not affect the validity of the hearing or any other subsequent decision.

4.7 Stay of Proceedings:

4.7.1 Entry of a request for a hearing shall stay all Inspectional Services proceedings until the Commissioner enters a decision.

5. ENFORCEMENT

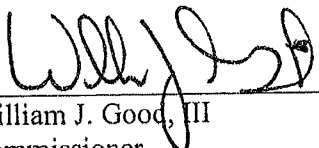
5.1 General:

The Commissioner of the Inspectional Services Department shall notify the landlord of the elderly/handicapped multi-family housing development in the event the development is found to be in non-compliance with the provisions of section 500 through 504 and shall order compliance. Said landlord shall have thirty (30) days from the date of notification in which to achieve compliance with the Commissioner's order. Upon expiration of the thirty (30) day period the landlord of a housing development still in violation of the order shall be subject to a fine of \$150.00. Each day's failure to comply with the order thereafter shall constitute a separate violation of the Commissioner's order. Orders shall be enforced in a manner similar to that provided for enforcement of orders under Article II of the State Sanitary Code.

5.2 Investigations:

Tenants and/or tenants' organizations of elderly/handicapped multi-family housing developments shall have the right to request investigation by the Commissioner of the Inspectional Services Department if they believe that their landlords have failed to comply with the provisions of sections 500 through 504 and shall have the right to request a hearing from the Commissioner in a manner similar to that provided in M.G.L. Chapter 111, Section 127 B if the Commissioner fails to respond to a request for investigation, if the Commissioner fails to make findings of non-compliance following an investigation, or if the Commissioner fails to issue orders upon a finding of non-compliance.

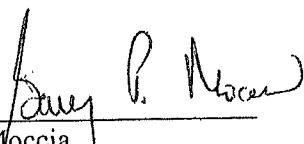
Signed:



William J. Good, III
Commissioner

6. 7. 2010

Date



Gary P. Moccia
Inspector of Buildings

6 / 1 / 10

Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2010-06

Date: June 21, 2010

Subject: RECONSTRUCTION OF BUILDINGS UNDER ARTICLE 4, SECTION 4-1 OF THE BOSTON ZONING CODE

Purpose: This bulletin is issued to establish the process for building reconstruction under Article 4, Section 4-1 of the Boston Zoning Code. It rescinds and replaces Commissioner's Bulletin 1999-02

Determination:

1. The strengthening or restoring of any portion of a building to a safe condition under Article 4, Section 4-1 shall not be prevented by other requirements of the Boston Zoning Code provided that the building has been deemed unsafe by the Inspector of Buildings based upon a survey of the building conducted pursuant to 780 CMR.
2. Any building or portion thereof strengthened or restored to a safe condition under paragraph one shall be:
 - 2.1 limited to the footprint and square footage of the building as it was immediately prior to being deemed unsafe by the Inspector of Buildings; and
 - 2.2 subject to BRA design review prior to the strengthening or restoring to a safe condition.
3. All strengthening or restoration conducted under the terms of this bulletin and under Article 4, Section 4-1 of the Boston Zoning Code shall be commenced within two (2) years of the Inspector of Building's determination that the building or portion thereof is unsafe. However, the running of the two-year time limitation shall exclude any period of time during which litigation arising from the Inspector of Building's determination that the building is unsafe is pending.

4. Nothing in this bulletin, unless expressly provided for, shall exempt projects conducted pursuant to this bulletin from complying with all applicable codes or regulations.
-

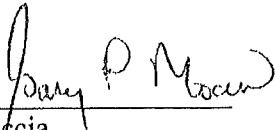
Signed:



William J. Good, III
Commissioner

6-21-10

Date



Gary P. Moccia
Inspector of Buildings

6/21/10

Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2010-07

Date: June 10, 2010

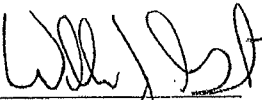
Subject: DEFINITION OF "STREET"; BOSTON ZONING CODE ARTICLE 2, § 44 AND ARTICLE 2A;

Purpose: This bulletin is issued to ensure the consistent application of the Boston Zoning Code definition of "street" and its applicability to private ways when reviewing applications for building permits. It rescinds and replaces Commissioner's Bulletin 2000-06.

Determination:

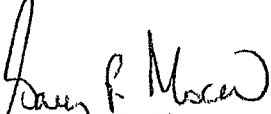
1. ISD employees are to use the following Zoning Code definition and interpretation when determining if a private way is a "street".
2. The Boston Zoning Code, Article 2, § 44 and Article 2A both define "street" as: *a public way, alley, lane, court, sidewalk and such parts of public squares and public places as form traveled (sic) parts of highways.*
3. When determining whether a private way is a "street" employees shall reference the latest edition of Boston's Streets, Squares, Places, Avenues, Courts and other Public Locations as prepared by the City of Boston's Public Works Department (the "Street Directory").
4. Employees shall also determine if the public way is open and available for public passage, either paved or hard pack soil, and not designated as a "paper street". This determination shall be made by the registered Land Surveyor for the proposed project, and shall be shown on the site plans submitted for project review.
5. If a private way is listed in the street directory, and it is open and available for public passage, it is a "street" for the purposes of applying the definitions in Articles 2 and 2A.
6. This bulletin memorializes and is consistent with past and existing practice.

Signed:



William J. Good, III
Commissioner

6-23-10
Date



Gary P. Moccia
Inspector of Buildings

6/23/10
Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2010-10

Date: November 8, 2010

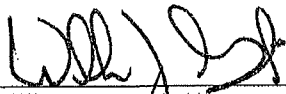
Subject: REQUIRED PERMITTING FOR ALL DRILLING OPERATIONS
WITHIN THE CITY OF BOSTON

Purpose: This Bulletin is issued to ensure consistent supervision of job sites for drilling operators applying the necessary safeguards for the protection of the public and adjacent structures. It rescinds and replaces Commissioner's Bulletin 2001-09.

Determination:

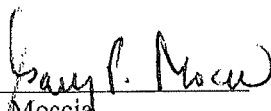
1. All drilling for wells, monitoring wells, borings, augering and the like are considered construction activities and shall be permitted per 780 CMR the Massachusetts State Building Code.
 - 1.1 780 CMR requires protection of adjoining property and supervisory control of the construction activity.
 - 1.2 A short form building permit shall be secured by a licensed builder or registered engineer who will be responsible for overseeing the drilling activity.
 - 1.3 The responsible party shall complete Attachment A, Part I at the time of issuance of the short form permit. This information will certify to ISD that the site has been inspected for safety hazards.
 - 1.4 Attachment A, part II shall be completed and mailed back to the Inspectional Services Department (ISD) at the completion of the project (no call for inspection is required).
 - 1.5 The building inspector shall close the short form permit based on the completed Attachment A, Part II and attach it to the closed permit.
 - 1.6 The front counter will issue the above referenced short form permit.
 - 1.7 For street and sidewalk drilling the permit address will be the project address, or the closest street address in the database, as determined by the street numbering official, with the description detailing the street or sidewalk locations.
 - 1.8 It should be noted that the permit is in addition to required permitting by other departments.

Signed:



William J. Good, III
Commissioner

11-10-2010
Date



Gary P. Moccia
Inspector of Buildings

11/10/10
Date

ATTACHMENT A

Address:
Date:
Permit Number:

Part I To be completed at time of issuance or permit

I understand that I am providing the supervisory controls for this drilling operation and will provide the necessary safety precautions to protect the public and adjacent structures as required by law.

I have reviewed the site prior to the drilling operation for both below grade and above grade hazards.

I have determined that the listed items specified below are the necessary safety precautions to be taken:

Signed by licensed builder or registered engineer

Part II To be completed at time of completion of project

The drilling was completed on _____

All conditions are safe and the site has been returned to its original condition.

Signed by licensed builder or registered engineer

Note: Once completed this form is to be mailed to:

Inspector of Buildings
Inspectional Services Department
1010 Massachusetts Ave, 5th Floor
Boston, MA 02118



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2011 -01
Date: January 23, 2011

Subject: Effective Date for Applicability of the "Stretch Energy Code" (8th Edition Building Code, Appendix 115.AA).

Purpose: This bulletin is issued to establish the timeline for applicability of the "Energy Stretch Code" (8th Edition Building Code, Appendix 115.AA), as ordered by the Boston City Council on November 17, 2010 and approved by Mayor Thomas M. Menino.

General Considerations:

1. The effective date of the "Stretch Energy Code" is January 1, 2011.
2. During the "concurrency period", January 1, 2011 through June 30th, 2011, building permits may be issued on the basis of either the "Base Energy Code" (8th Edition Building Code, Chapter 13) or the "Stretch Energy Code" (8th Edition Building Code, Appendix 115.AA).
 - 2.1. The concurrency period shall be deemed extended until December 31, 2011 for those buildings that:
 - 2.1.1. require and have completed Large Project Review under Article 80 of the Boston Zoning Code and
 - 2.1.2. received approval from the Boston Redevelopment Authority (BRA) and
 - 2.1.3. submitted a building permit application and all requisite supporting material.
3. At the expiration of the concurrency period the "Stretch Energy Code" is the sole energy code in effect.

Signed:

William J. Good, III
Commissioner

1-23-2011
Date

Gary P. Moccia
Inspector of Buildings

1/23/11
Date



Commissioner's Bulletin
Boston Inspectional Services
Boston, MA

Number: 2011-02
Date: February 10, 2011

Subject: Inspectional Services Department Hearings

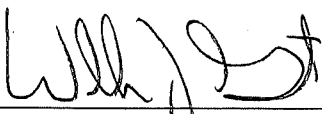
Purpose: This bulletin is issued to establish procedural authority for all hearings conducted within the Inspectional Services Department (ISD). It rescinds and replaces Commissioner's Bulletins 2002-02 and 2002-02A which were reissued in 2005.

General Considerations:

1. All ISD hearing will now be conducted pursuant to
 - M.G.L. c. 30A, § 10 and 11,
 - City of Boston Code of Ordinances, Chapter 9; section 9-9 as it relates to Site Cleanliness and Auto Shops licenses; and
 - Massachusetts State Sanitary Code 105 CMR 400.500, 105 CMR 410.831, 850-860; and
 - M.G.L. c. 148A, § 3.

2. In the event of a conflict in procedure Massachusetts General Law will govern.

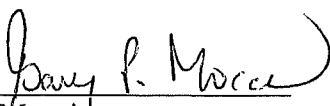
Signed:



William J. Good, III
Commissioner

2. 11. 2011

Date



Gary P. Moccia
Inspector of Buildings

2/ 11 / 11

Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2011-03
Date: August 18, 2011

Subject: CONSTRUCTION SITE TEMPORARY INFORMATIONAL SIGNAGE

Purpose: The purpose of this Commissioner's Bulletin is to establish guidelines for providing information to the general public regarding activities at or around construction projects which meet the criteria listed below.

Determination:

1.0 Criteria for Signage

- 1.1 Any project which requires excavation for a new structure
- 1.2 Any project which requires excavation for an addition which increases the footprint of the building by more than 50%
- 1.3 Any project for which an extended hours permit may be anticipated
- 1.4 Any projects that will require a BTD or PWD permit for street or sidewalk closing for a period exceeding one (1) week

2.0 Location, Material and Dimensions

- 2.1 The sign shall be located at the sidewalk property line or on the site fence.
- 2.2 Signage may be either exterior grade plywood painted or a banner or other type approved by ISD.
- 2.3 The sign shall be a minimum of 4'.0" x 8'.0", except that signage may be 2'.0 x 4'.0" in residential areas for proposed one and two family dwellings.
- 2.4 The lettering shall be a minimum of 1" high.

3.0 Information Required

- 3.1 Project name
- 3.2 Project address and ISD Building Permit Information
- 3.3 Brief description (number of stories, residential, commercial, etc.)
- 3.4 Developer's name and phone number
- 3.5 Emergency phone (evenings/weekends)
- 3.6 Anticipated completion date

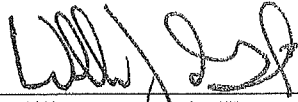
4.0 Posting and Removal

- 4.1 The signage shall be in place a minimum of seven (7) calendar days prior to any demolition, excavation or site preparation (exclusive of test pits or borings) or street or sidewalk closing of any project meeting these criteria.
- 4.2 The signage shall be removed after final sign-off of the project.

5.0 Other Public Requirements

- 5.1 Compliance with this bulletin does not constitute compliance with the Massachusetts State Building Code; section 3310.0, Notice of intent (applicable to demolition and/or excavations).

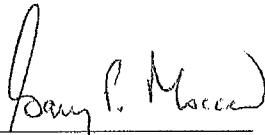
Signed:



William J. Good, III
Commissioner

8-18-2011

Date



Gary P. Moccia
Inspector of Buildings

8/17/11

Date



Policy and Procedure Memorandum
Inspectional Services Department
Boston, Massachusetts

Number: 2011-04
Date: August 17, 2011

Subject: OCCUPANCY COMMITTEE

Purpose: This bulletin is issued to establish policies and procedures relating to the Occupancy Committee of the Inspectional Service Department for the City of Boston. It rescinds and replaces Commissioner's Bulletin 2005-03 and 2010-02

Determination: The Occupancy Committee will meet as necessary for the purpose of establishing the most recent legal occupancy for any permit applications for which there is no record of or where there is a discrepancy in the Building Division files to establish the most recent LEGAL occupancy. The Occupancy Committee will consist of the Directors of Building and Structures and Plans and Zoning, (or their designees) and a building official appointed by the Inspector of Buildings.

3 people

1. Determination of Need for Review by Occupancy Committee

When a review of an applicant for a permit reveals that there is either no long form permit on record or that a discrepancy in the legal occupancy exists in the department records, the applicant will have the following options:

- 1.1. If the proposed occupancy conforms to the Boston Zoning Code, to file an application to change occupancy or:
- 1.2. If the proposed occupancy does not conform to the Boston Zoning Code to go before the Zoning Board of Appeal in order to effect a change in occupancy or;
- 1.3. If the proposed occupancy was, in the opinion of the applicant, in use before passage of the current zoning ordinance and thus a pre-existing non-conforming

use, to file to have the occupancy validated through a review by the Occupancy Committee.

When an applicant decides to utilize the administrative process, (item 3 above) he must file a long form building permit application to legalize occupancy and submit documentation to substantiate that the occupancy claimed was in effect prior to November 23, 1984 (enactment of Article 27 of the Boston Zoning Code, Interim Overlay Planning Districts).

2. Occupancy Committee Policy and Procedure

The committee will use the following procedure to establish a legal occupancy:

- 2.1 The committee shall review documentation supplied by the occupant in support of the request such as, but not limited to, the following:
 - 2.1.1 City of Boston tax bills for the location prior to November 23, 1984, which show occupancy or refer to it by indicating the number of meters, etc.
 - 2.1.2. Copies of utility bills prior to November 23, 1984, which show occupancy or refer to it by indicating the number of meters, etc.
 - 2.1.3 affidavits by prior owners as to the occupancy prior to November 23, 1984
 - 2.1.4 affidavits by abutting property owners who have knowledge of how the property in question was occupied as shown prior to November 23, 1984.
 - 2.1.5 legal documents such as deeds, title searches, mortgages, leases, appraisals, abatements, insurance policies, licenses, permit applications, etc. that show occupancy prior to November 23, 1984.
- 2.2 The Occupancy Committee shall also review the following Departmental records in considering the legalization of occupancy:
 - existing building jacket
 - use and occupancy records
 - egress records
 - building inspector's field inspection report
- 2.2.1 The Occupancy Committee shall consider the evidence and render its decision. The decision will be forwarded to the Commissioner or his designee who will have final approval.
- 2.2.2 The application will then be returned to the Plans and Zoning division for any further action required or issued and scanned to files which will become the official record of the decision reached.
- 2.2.3 If the applicant does not agree with the decision of the committee or the Commissioner, he or she may appeal the decision to the Zoning Board of Appeal under provisions of Section 8, Chapter 665 of the Acts of 1956 as amended.
- 2.2.4 Commissioner's Policy Statement Number 85-1 with respect to single-family dwellings is also hereby rescinded. A request to confirm occupancy as a single family dwelling may

be approved by the Director of Building and Structures or the Director of Plans and Zoning, without a meeting of the committee following a review of the building jacket and assessing records provided there is no evidence that the premises were occupied for any other use.

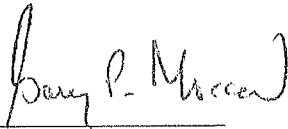
Signed:



William J. Good, III
Commissioner

8-13-2011

Date



Gary P. Moccia
Inspector of Buildings

8/17/11

Date



Policy and Procedure Memorandum
Inspectional Services Department
Boston, MA

Number: 2011-05
Date: November 4, 2011

Subject: TRANSFER OF BUILDING DOCUMENTS TO OFF SITE CITY
ARCHIVE FACILITY

Purpose: This memorandum is issued to establish procedure for the transfer of City of Boston documents to an off-site facility. It rescinds and replaces Commissioner's Bulletin 2003-04.

Determination and Authorization:

1. Under the authority of City of Boston Code c. 9-1, creating the Inspectional Services Department and consistent with Massachusetts public records law on the archiving of city documents, the following actions are authorized regarding the ISD building jacket documents:

- 1.1 **Relocation of originals:**

The ISD building jackets now held in file cabinets located in the fifth floor Document Room and any overflow space on the 4th floor will be removed and transported for storage in the facility approved by archives by contract. All building permits shall be relocated to the archive facility at the end of each fiscal year. All scanning of materials in the building jackets from the previous fiscal year must be completed prior to the relocation of the records not yet scanned. The only original documents that will remain on site at 1010 Massachusetts Avenue will be the building jacket records for the current fiscal year.

- 1.2 **Access to copies:**

Documentation available in the building jackets will now be available on ISD's website through the infiltrate scanned document facility. The records and documentation are public records as defined in M.G.L. c. 4, § 7. Copies of relevant documents can be downloaded and copied at ISD for a charge of 25¢ cents per page and, when search time by an employee is required to obtain records, a charge for such employee's time as permitted under public records law for the Commonwealth of Massachusetts. Individuals may also search and download the documentation anywhere there is access to the

internet and a printer, including work or home. ISD shall also provide public terminals at 1010 Massachusetts Avenue for this purpose. The Keeper of Records may certify upon his belief that the records presented are true and accurate copies of the original documents maintained by ISD. Certification shall require the Keeper to issue a statement so stating with a date stamp and initials on the documentation.

1.3 Additional records:

As fresh records are created for filing in the building jackets they will be scanned into the electronic form so they may be accessible through the website facility while the originals will be transferred to the archive site on an annual basis and in accordance with this memorandum, segregated and maintained by address. The records shall be maintained and segregated by address for as long as they are made available to the public. Until such transfer is affected any such records shall be segregated by address and maintained in the 5th floor document room.

1.4 Maintenance prior to relocation:

During the course of the year records shall be stored in a manner to be determined by the Commissioner of Inspectional Services or his designee. The manner of storage shall enhance accessibility of the records by the public and staff.

1.5 Documentation to be contained in each building jacket:

All building jackets shall be used as the public records repository for each property. Effective upon publication of this bulletin, each jacket should contain, at a minimum, all of the following documentation, if issued for the property:

- all permit applications whether issued or abandoned,
- all issued certificates of occupancy,
- all annually issued certificates of inspection,
- all zoning decisions received by ISD,
- hearing decisions issued by an ISD hearing officer and
- any other documentation that the Inspector of Buildings or the Commissioner of Inspectional Services may deem appropriate.

1.6 Public access to original documents:

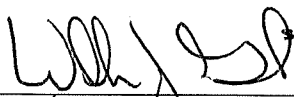
1.6.1 The original documents may be obtained by filling out a *Document Request Form* which will be sent to the archive facility. The document will be sent to ISD. The requester will be notified and may examine the document in the ISD Document Room for no more than two (2) days.

1.7 Retrieval fees: The charge for the retrieval service is based upon the existing Document Storage and Retrieval Contract with the Boston Archives unit of the City Clerk's Office. ISD shall post the retrieval fees in a

conspicuous place for the public.

- 1.8 **Retrieval time:** The normal time elapse from request to document delivery is two days. A requester must provide a photo identification and valid contract information to ensure proper return of any original documents. The Keeper of the Records for Boston Inspectional Services shall maintain a log of all off site record retrieval requests.
- 1.9 **Document Replacement:** If a user of the website, in viewing a particular building jacket, finds that documentation is missing from the jacket, the user should make the appropriate application to ISD on the fifth floor to institute a remedy and replacement for the document. The expense for this replacement will be borne by ISD if it is determined that the original documentation existed at one point.

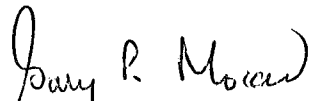
Signed:



William J. Good, III
Commissioner

11-4-2011

Date



Gary P. Moccia
Inspector of Buildings

11/3/11

Date



Policy and Procedure Memorandum
Inspectional Services Department
Boston, MA

Number: 2011-06
Date: September 20, 2010

Subject: ESTABLISHMENT OF A PROCEDURE FOR THE PROCESSING OF INSURANCE CLAIM NOTICES OF LOSS UNDER M.G.L. C. 139, § 3B AND THE FILING OF A LIEN.

Purpose: This bulletin is issued to establish a procedure for processing Claim Notices of Loss under M.G.L. c. 139, § 3B and filing a lien. It replaces Commissioner's Bulletin 2004 -01 issued March 15, 2004.

Determination:

In response to the Claim Notices of Loss the Inspectional Services Department (ISD) receives from insurance companies the following procedure is attached.

Signed:

William J. Good, III
Commissioner

Date

Gary P. Moccia
Inspector of Buildings

Date

Insurance Claim Notice of Loss Procedure under
M.G.L. c. 139, § 3B

- I.** Refer all Insurance Claim of Loss Notices to the legal division.
1. Check Lien database.
 - 1.1. If said address *is not in* the lien database or costs have not been incurred send the claim to ISD's Document Room to be scanned into the ISD's record retention division.
 - 1.2. If said address *is in* this database a letter is sent to the insurance company, within 10 days, stating ISD's intention of perfecting a lien. (See attached form letter.) All pertinent information for said address incurring the cost must be included in the letter.
 2. Forward a copy of the claim notice via facsimile or email to the City of Boston Treasury Department
 3. Inform all Division Managers of the need to ensure that there are no outstanding costs.
 4. File the lien immediately. (See the attached process on "How to File a Lien".)

*Note: Said insurance company should contact ISD for amount owed before settling the claim.

- II.** Once payment is received it should be forwarded to Budget with a cover letter detailing what expenses are being paid, board ups, emergency overtime, etc. Payment will then be sent to City Hall and the Collector-Treasurer's office as well as a copy to the Law Department's Tax Title division.
- III.** Any special circumstances which arise should be brought to the attention of the legal division.

Process on How to File a Lien

1. Prepare and send out the legal notice for perfecting a lien to the owner, commitment to the Collector –Treasurer and lien. (These documents are located in the TimeMatters, Lien Database-Merge template.).
 - 1.1 The notice to owner is sent by mail.
 - 1.2 The commitment to the Collector-Treasurer’s Office is sent via inter-office mail.
 - 1.3 The lien is brought to the Registry by Dennis Sullivan who will bring back a time-stamped copy for your records.

2. Generate the Schedule of Bills Receivable to notify the Auditing Department of all liens filed that day. (This document is an Excel template.)

3. Concurrently with preparation of the schedule of Bills Receivable, a deposit certification and deposit Listing is prepared to submit to the Collector-Treasurer. (These documents are in TimeMatters Lien Database-Merge Template.) They are generated separately and then stapled together.

2. When the filed lien comes back from the registry enter the Book Lien and Page Lien information into TimeMatters.

Draft letter of ISD's intention to perfect a lien

By certified mail No; 00000000-00

January 31, 2010

Acme Insurance Agency
28 State Street
Boston, MA 02108

Re: Insured:
Property Address:
Policy Number:
Type of Loss:
Date of Loss:
Claim Number:

Dear Sir/Madame:

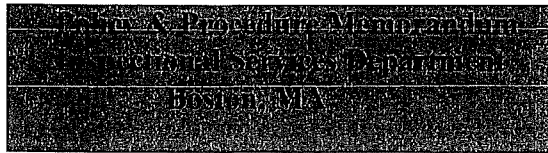
This letter is legal notice to you as required by M.G.L. c. 139, § 3B that the City of Boston intends to initiate legal proceedings within thirty (30) days from your receipt of this letter to perfect a lien pursuant to M.G.L. c. 139, § 3A or M.G.L. c. 143, § 9 or M.G.L. c. 111, § 127B against the above described building or structure.

You may contact the Legal Division of the City of Boston's Inspectional Services Department (ISD) directly at (617) 635.5300 or (617) 961.3368 should you need further information regarding this matter.

Sincerely,

Senior Legal Assistant

Cc: Joseph LaRusso, Esq.
City of Boston Treasury Department



Number: 2011-07

Date: October 21, 2011

Subject: GUIDELINES FOR THE ENFORCEMENT OF THE SITE CLEANLINESS ORDINANCE IN THE CITY OF BOSTON

Purpose: The City of Boston Code (CBC) Ordinance Chapter 9, Section 9-9.8 regulates the maintenance and operation of bulk refuse containers within the City of Boston. This memorandum is issued to provide guidance for the orderly and consistent administration of this ordinance. It rescinds and replaces Commissioner's Bulletin 2001-03

Determination:

1. Any Inspectional Services Department (ISD) staff designated to enforce CBC Ordinance Chapter 9; Section 9-9.8 shall follow these guidelines:
 - 1.1 Enforcement of the Site Cleanliness Ordinance will be independent of, and in addition to, enforcement of any other applicable statute, regulation, by-law or ordinance.
 - 1.2 Officials shall issue a written Site Cleanliness warning, citing violations of CBC Chapter 9; Section 9-9.8 (1-3) for each of the first two violations within a calendar year.
 - 1.3 If three warnings are issued to any one license within a year, the Commissioner of Inspectional Services may, with notice to the licensee, schedule an administrative hearing pursuant to CBC Chapter 9; Section 9-9.8 (L3). The policy of the Inspectional Services Department is to seek compliance with this ordinance pursuant to CBC Chapter 9; Section 9-9.8 (L2.3).
 - 1.4 Notice of violation shall be served to all licensees pursuant to CBC, Chapter 9; Section 9-9.8 (1-4).
 - 1.5 A Site Cleanliness data base will be established and maintained.
 - 1.6 The Director of the Environmental Services Unit shall review the licensee's history to determine the number of existing warnings or violations and will take appropriate action, under this bulletin, regarding the licensee.

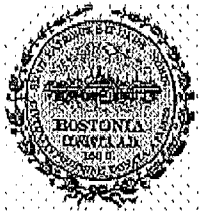
Signed:

William J. Good, III
Commissioner

10.21.2011
Date

Gary P. Moccia
Inspector of Buildings

10/21/11
Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2015-02

Date: November 30, 2015

Subject: CALCULATION of PERMIT FEES, DEFINITION of FAIR COST of CONSTRUCTION and APPLICATION of PENALTY FEES

Purpose: This Commissioner's Bulletin is issued to clarify established procedures for determining fair cost of construction and calculation of permit fees and penalties that may result from underestimation of the estimated cost of a building permit. This bulletin replaces and rescinds Commissioner's Bulletin 2012-02.

Determination:

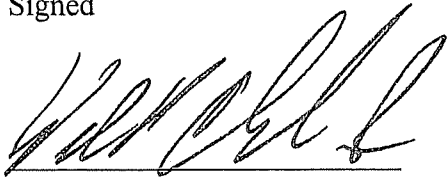
1. The building permit and all permitting fees shall be based on the actual fair cost of construction for the Boston area. The Inspectional Services Department ("ISD") shall rely on the current Associated General Contractors of Massachusetts table of costing data in analyzing fair cost of construction for jobs costing less than \$2,000,000. For jobs costing in excess of \$2,000,000, ISD will require a professionally prepared construction estimate. The current AGC Massachusetts table of costing data is attached to this bulletin as "Exhibit 1."
2. The Commissioner of Inspectional Services (or his/her designee) shall make the final determination regarding fair cost of construction and permit fees. The Commissioner or his designee may require submission of detailed estimates, contracts, and other documentation in determining a particular fair cost of construction and permit fee.
3. ISD and applicants may initially rely on the AGC Massachusetts table of costing data (see Exhibit 1). This table is based on use groups for new construction as well as the square footage cost for renovation. Formal appeals may be submitted to the Commissioner (or his/her designee) and must include detailed construction estimates, contracts and other documentation based on the AGC Massachusetts table of costing data or the annual edition of Building Construction Cost Data as published by R.S. Means.
4. For purposes of the building permit, the fair cost shall include all construction costs, including site preparation and utility connections, but shall exclude the cost of land or existing structure, architectural and engineering fees, finance charges and any fees paid to

the Department or to any other City agency with respect to particular approvals necessary for the construction. The cost of construction shall also include the construction cost of the mechanical elements of the construction, i.e. electrical, plumbing, HVAC and elevators. While separate fees and permits are required for certain of these elements, the fees are not based on the construction cost as such and therefore must be included in the overall cost on the building permit.

5. If for any reason there is not a building permit, then the permit fee for the mechanical elements may be based on the fair cost of construction as described in this bulletin or the installation fee, whichever is greater.
6. Construction shall also include the cost of painting, pointing and finishing, etc. when integral to the construction and shall also include carpeting and flooring, which requires an approved fire rating.
7. In residential buildings, the cost shall not include all fixtures attached to the structure, kitchen cabinets and appliances.
8. When a building permit is filed the estimated **cost of construction form** shall be endorsed by the owner as well as the construction company. (See attached Contractor's Statement of Affirmation "Exhibit 2") The form shall state the square footage of the job and list construction disciplines pricing of the construction project.
9. In the case of new buildings or buildings being substantially rehabilitated or renovated and where a certificate of occupancy is required, the certificate will not be issued until the applicant submits, in addition to all other requirements, an up-to-date statement of the actual cost of construction. If the result exceeds the original estimate, then the applicant will pay the increase in the permit fee.
10. For all other building permits, including demolition, remodeling, rehabilitation or renovation for which a certificate of occupancy may not be required, the applicant must submit a copy of the signed contract or detailed cost estimate at the time of application.
11. Issuance of a building permit containing an estimated cost of construction does not constitute approval of the amount stated as representing the final cost of construction.
12. Should it be determined, at any time, that the estimated cost has been exceeded without a change having been submitted or that the estimated cost figure has been deliberately or intentionally understated on the permit, ISD, in accordance with CBC18-1.2(27), shall assess a double fee based on the fee that should have been paid respecting the final cost of construction.
13. When a double fee is assessed as indicated in paragraph 12 above, it shall be calculated in the following manner:

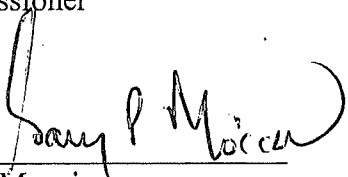
- A. A permit fee based on the actual cost of construction shall be established using the current fee schedule.
 - B. ~~The resultant fee shall then be doubled and the fee previously paid shall be deducted from the former figure. The result shall be the fee owed to the department and shall be paid forthwith.~~
 - C. If the fee is not paid the department may then proceed with such necessary court action as authorized by law and may seek applicable fines in addition to permit fees.
 - D. If the permit fee calculated in "A" above is less than \$200 over the original fee or less than 25% over the original fee, whichever is less, then the double fee shall not be assessed and the applicant shall pay only an increased fee based on the difference.
-

Signed



William Christopher
Commissioner

11-30-15
Date



Gary P. Moccia
Inspector of Buildings

11-23-15
Date

EXHIBIT 1

USE GROUP	RENOVATION \$xSF	NEW \$xSF	
A	168	273	
B	97	231	
E	140	235	
I (1-4) DAYCARE	148	1 (1-4) 203	
1-2 HOSPITAL	256	341	
R1 – R2	225	235	
R3	254	369	
R4	134	176	



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2016-01

Date: March 4, 2016

Subject: Energy Storage System Markings for all New Installations over 50 Volts

Purpose: This Commissioner's Bulletin is issued to have Electrical contractors affix stickers and provide notification to BFD (first responders) of the installation of an Emergency Storage System.

Determination:

1. Energy Storage Systems (ESS) are being installed as back-up power systems and as a component to solar systems.
2. Energy Storage Systems (ESS) are comprised of battery packs and may be located inside or outside of buildings.
3. There is inherent danger from lithium batteries as well as the back feed of electricity to different components in a building. Components of ESS will be charged even when normal electrical systems are deactivated.
4. Potential concerns include heat release, gases, hazardous liquids, arcing at the ESS. It should be noted that NFPA and UL are researching this technology and should have new regulations issued.
5. To alert BFD (first responders) of the potential dangers associated with an ESS all new installations of storage systems over 50 volts will be required to have stickers affixed to the main electrical panel (shut-off) and to the door of the storage area.
6. The Electrician shall attach the sticker and the Electrical Inspector will inspect the sticker's location.
7. National Grid will supply the sticker to ISD. Electricians should request the stickers at Counter 1 when the Electrical Permits are issued for ESS.



Number: 2016-6

Date: October 12, 2016

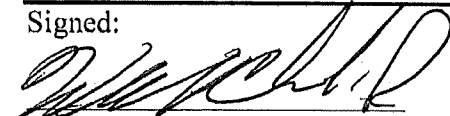
Subject: Vertical Measurement of Roofs and Height Restrictions

Purpose: This Commissioner's Bulletin is intended to clarify the policy for calculating building height with uninhabitable roof structures.

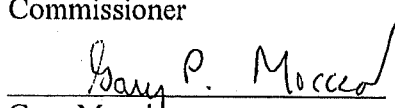
Determination:

The vertical measured height of a building shall not include belfries, cupolas, domes, monuments, church spires, towers (water, observation, radio and transmission), windmills, chimneys, smokestacks, silos, derricks, conveyors, masts, flagpoles, aerials, elevator penthouses, water tanks, monitors, signs or other roof structures and penthouses normally built above the roof and not used or designed to be used for human occupancy provided it remains in compliance with the current zoning and building codes.

Signed:


William P. Christopher, Jr.
Commissioner

10-12-16
Date


Gary Moccia
Deputy Commissioner

10 | 12 | 16
Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2017-01

Date: January 25, 2017

Subject: CONSTRUCTION SITE TEMPORARY INFORMATIONAL SIGNAGE

Purpose: The purpose of this Commissioner's Bulletin is to establish guidelines for providing information to the general public regarding activities at or around construction projects which meet the criteria listed below.

Determination:

1.0 Criteria for Signage

- 1.1 Any project which requires excavation for a new structure
- 1.2 Any project which requires excavation for an addition which increases the footprint of the building by more than 50%
- 1.3 Any project for which an extended hours permit may be anticipated
- 1.4 Any projects that will require a BTM or PWD permit for street or sidewalk closing for a period exceeding one (1) week

2.0 Location, Material and Dimensions

- 2.1 The sign shall be located at the sidewalk property line or on the site fence.
- 2.2 Signage may be either exterior grade plywood painted or a banner or other type approved by ISD.
- 2.3 The sign shall be a minimum of 4'.0" x 8'.0", except that signage may be 2'.0 x 4'.0" in residential areas for proposed one and two family dwellings.
- 2.4 The lettering shall be a minimum of 1" high.

3.0 Information Required

- 3.1 Project name
- 3.2 Project address and ISD Building Permit Information
- 3.3 Brief description (number of stories, residential, commercial, etc.)
- 3.4 Developer's name and phone number
- 3.5 Emergency phone (evenings/weekends)
- 3.6 Anticipated completion date

4.0 Posting and Removal

- 4.1 The signage shall be in place a minimum of seven (7) calendar days prior to any demolition, excavation or site preparation (exclusive of test pits or borings) or street or sidewalk closing of any project meeting these criteria.
- 4.2 The signage shall be removed after final sign off of the project.

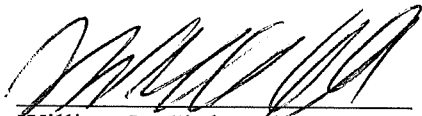
5.0 Other Public Requirements

- 5.1 Compliance with this bulletin does not constitute compliance with the Massachusetts State Building Code; section 3310.0, Notice of intent (applicable to demolition and/or excavations).

6.0 Penalties

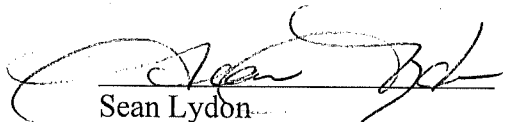
- 6.1 Failure to comply with the requirements of this Bulletin will result in the suspension or revocation of the project permit.

Signed:



William P. Christopher, Jr.
Commissioner

1-25-17
Date



Sean Lydon
Inspector of Buildings

1-25-17
Date



Policy and Procedures Memorandum
Inspectional Services Department
Boston, MA

Number: 2017- 02
Date: April 21, 2017

Subject: ESTABLISHMENT OF THE ON-CALL MANAGER LIST AND
STANDARD RULES AND PROCEDURES FOR ON-CALL
MANAGERS

Purpose: This bulletin is issued to establish a schedule for on-call managers to handle off-hours service calls and emergencies. It rescinds and replaces Commissioner's Bulletin 2002-03.

Determination and Authorization:

1. Establishment of On-call Manager List and the Standard Rules and Procedures for On-call Managers

1.1 **On-call Manager** – ISD shall have one on-call manager available every day for weekend and after hour's emergencies. The on-call manager shall be the primary contact for other city agencies and departments, including the Mayor's 24 hour service (311), when ISD is needed during non-business hours.

1.2 **Schedule** - All on-call manager shifts shall begin on Friday of each week at 4:00 p.m. and end the following Friday at 4:00 p.m. When the shift changes each week the previous manager shall contact the succeeding manager to formally notify the manager the shift has started.

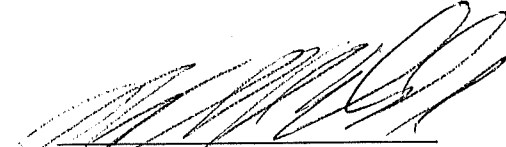
1.3 **Communication**- All managers shall have on their person, at all times, a department issued cell phone. All calls for ISD service, to any on-call manager, should be returned immediately. To this end, managers should have with them at all times a means for being contacted which is known to other ISD on-call staff and the Mayor's 24 hour service (311).

1.4 Duties and Responsibilities –

1.4.1 On-call managers shall function as "managers" by managing calls for service, using discretion as to the type of response needed and ensuring the service needed is delivered and followed up during the next business day as needed.

- 1.4.2 ISD on-call managers may also be required to respond on-scene to some incidents and, therefore, shall not travel to any location more than one (1) hour in travel from the City of Boston when on duty.
- 1.4.3 In responding to calls for service all managers shall adhere to the protocol outlined in the On-call Manager's Manual. This manual shall be the controlling protocol for all after-hours situations. Deviation from these protocols may only be authorized by the Commissioner's Office unless there are clear and substantial reason(s) requiring deviation.

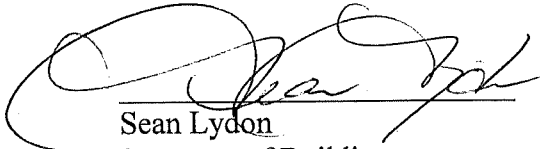
Signed:



William P. Christopher, Jr.
Commissioner

4-21-17

Date



Sean Lydon
Inspector of Buildings

4/24/17

Date



Policy and Procedures Memorandum
Inspectional Services Department
Boston, MA

Number: 2017-03

Date: August 9, 2017

Subject: Policies and Procedures for Making Entry to an Occupied Residential Dwelling for Purposes of an Administrative Inspection

Purpose: This memorandum is issued to establish policies and procedures for gaining consent to enter residential dwellings for purposes of inspections initially implemented in 1999 and mandated by a 2005 federal consent decree. It rescinds and replaces Commissioner's Bulletin 2010-11 which was issued in December 24, 2010. Any action taken under the authority of this memorandum must be consistent with Commissioner's Bulletin 2017-03.

General Considerations:

- 1.0 The right to refuse an inspection is a constitutionally guaranteed right. Proper consent is essential in providing the proper foundation upon which to uphold orders to correct certain conditions that violate the law. All staff, when faced with a question as to whether or not consent is needed, shall consult a manager and shall always assume consent is needed for any interior inspection of an occupied residential building.
- 2.0 No exceptions to these protocols shall be effective unless specifically set out below. If at any time, the Inspectional Services Department (ISD) seeks to change the protocols set out in this memorandum, such changes must be approved by stipulation between the parties in Sang Vo et. Al. v. City of Boston (C.A. No. 00-11733-RWZ) or after being granted leave from the Court to make such changes.
- 3.0 Failure to comply with the requirements of this memorandum will result in action pursuant to the graduated disciplinary process set out in each collective bargaining agreement.

Determinations:

On February 24, 2005 ISD implemented the following in its enforcement of the State Building Code, the Boston Zoning Code, the State Sanitary Code, the Lodging House Statute and all other laws and regulations.

1.0 ISD Staff Presenting Themselves for Entry and Making Entry

1.1 Initial Attempt to Gain Access:

No more than two (2) ISD personnel shall present themselves at the doorway or threshold of any residential dwelling when initially attempting to gain consent to enter the dwelling for purposes of an inspection. Other ISD personnel on scene shall wait, out of view of the occupants, until consent or a warrant is secured.

1.2 Upon Gaining Access:

Upon gaining access to a residential dwelling unit, either through consent of the occupants or through an administrative search warrant, no more than four (4) ISD personnel shall enter the dwelling at any one time. Except for section 1.2: *conditions meeting the standards set forth in 780 CMR 121 "unsafe and dangerous"*.

1.2.1 Person Charged with Managing Personnel On the Scene:

At all times, when there is a need for multiple ISD disciplines or personnel to be on the scene, the manager on the scene shall be charged with ensuring compliance with this section and properly rotating the staff, in and out of a dwelling, to effect a proper inspection and compliance with the requirements of this section. If no manager is on the scene the on-call manager shall designate one person to maintain a proper headcount.

2.0 Gaining Consent to Enter a Dwelling:

2.1 English Speaking:

For all occupant requested and non-occupant requested inspections, unless exempted in section 4.0 below, staff shall, upon coming to the threshold or doorway of any dwelling, execute the following:

- 2.1.1. Ensure department issued ID is visible to the person answering the door.
- 2.1.2. State your name and purpose for being there.
- 2.1.3. Determine if the person is an occupant, above 18 and speaks English or if anyone present in the household, at the time of the inspection, meets those three (3) requirements. If no one speaks English go to section 2.2 below.
- 2.1.4. Inform the adult occupant of the need to sign a consent form (The official consent form is attached as Exhibit A) before entering the dwelling.
- 2.1.5. Inform the occupant of the particular areas to be inspected and that they have the right to refuse the inspection. This shall be done by reading or having the translator read to the occupant the relevant sections of the form. Also inform the occupant that an administrative search warrant to access the dwelling could issue only if it is found by a court of law that there is probable cause to believe conditions on the property exist that violate the law and that

the occupant would be required to hold the property open for an inspection under the court's order.

- 2.1.6. If the occupant decides to sign the consent form after being properly informed of the options the inspector shall have the occupant fill out the relevant sections, name and address and then sign the form. Housing inspectors shall inform the occupant of their right to have a comprehensive inspection conducted and note the offer on the designated portion of the official consent form.

2.2. Non-English Speaking Occupants:

For all occupant requested and non-occupant requested inspections, unless exempted in section 4.0 below, staff shall, upon coming the threshold or doorway of any dwelling, execute the following steps:

- 2.2.1. Ensure department ID is visible to the person answering the door.
- 2.2.2. State your name and your purpose for being there.
- 2.2.3. Determine if the person is an occupant of the dwelling in which entry is sought, above the age of eighteen (18) and speaks English or if anyone present in the household, at the time of the inspection, meets those three (3) requirements.
- 2.2.4. If no adult occupant, at home during the time of the inspection, speaks English, then determine what language the person speaks.
- 2.2.5. If the ISD staff person present is authorized by the department to speak the occupant's language then continue with step 2.2.6 below, otherwise contact a manager to obtain a translator. Once the translator is on the scene or able to communicate with the person via phone, continue with step 2.2.6 below.
- 2.2.6. Inform the occupant, in the occupant's language, of the need to sign a consent form before entering the dwelling. Present the appropriate form, written in the occupant's language, to the occupant for completion by the occupant. (The official consent form is attached as Exhibit A.)
- 2.2.7. Inform the occupant, in the occupant's language, of the particular areas to be inspected and that the occupant has the right to refuse the inspection. This shall be done by reading or having the translator read the relevant sections of the consent form to the occupant. Also, inform the occupant that only if it is found by a court of law that there is probable cause to believe conditions on the property exist that violate the law an administrative search warrant may issue. At that time the occupant would be required to hold the property open for an inspection pursuant to the Court's order.
- 2.2.8. If the occupant decides to sign the consent form after being properly informed of the options the inspector shall have the occupant fill out the relevant sections; name and address and sign the form. The translator, if on the scene, should fill out the information on the reverse side of the form. If not on the scene the inspector should fill out the information for the translator and

obtain the translator's signature upon returning to the office. If consent to entry is denied see section 2.3 below.

2.3 Consent to Entry Denied by Occupant:

An inspector who has been refused entry shall immediately contact a manager and make observations from a legally justified position. This is generally any place held open or accessible to the public and would point out conditions that would indicate that there is probable cause to believe violations exist on the property and its interior, necessitating access to further determine the condition of the dwelling and dwelling unit(s). The manager should be able to guide any inspector on such indicia based on the type of inspection.

2.3.1. Securing Administrative Search Warrants:

Anytime it is determined that an administrative search warrant is needed the inspector being denied access shall complete the affidavit template, made available to the inspector, and sign it. Another inspector, based on the verbal reports of an inspector in the field, may also complete the affidavit upon gaining such personal knowledge. In completing the affidavit the inspector shall include as much information as possible. The information must be based on observations made from a legally justified position and explain why there is probable cause to believe the violations still exist. Inspectors should also note the exterior conditions or other indicia.

Recognizing that time is of the essence in connection with requests from inspectors regarding administrative inspection warrants, the legal division shall make an attorney and such other resources available to inspectors in a timely fashion to effect the purposes of this memorandum.

The only exception to the requirement that a consent form be signed prior to the inspection is when:

- 2.3.1.1. inspections are performed under the terms of issued permits; or
- 2.3.1.2. inspections are required for annual certification and/or Certificates of Inspection.

The occupant from whom consent is received must be at least eighteen (18) years of age.

Consent for administrative inspections shall be maintained by all inspectors in the records of each division and each division shall annually file said records on June 30 with the ISD's legal division.

3.0 Securing Documentary Evidence through the Use of Photography and Videotape:

ISD personnel shall take no photographs nor shall they videotape the interior of any dwelling unit without advance, specific and written consent of an adult occupant who speaks English or to whom a translator has explained the need for the additional consent. The consent must be recorded on the official department consent form attached as Exhibit A. Exceptions to section 3.0 are outlined in section 4.0, 4.4.

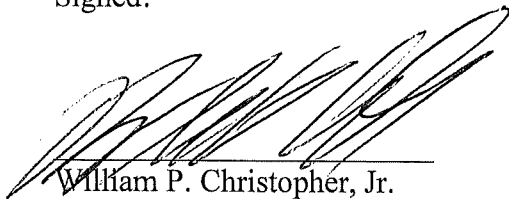
4.0 General Exceptions to Consent Requirements:

ISD shall not be required to obtain consent in the following situations, otherwise required under this memorandum, for inspections required in residential dwellings.

- 4.1 780 CMR 115.2: Rough, finals or any other inspections needed under an issued building permit,
- 4.2 Annual Certificates of Inspection for all residential use groups except lodging houses or multi-dwelling units where access to the interior of an individual dwelling unit is required to complete the inspection,
- 4.3 Certificates of Occupancy inspections,
- 4.4 Videotaping or photographing: exterior or common area conditions or interior dwelling unit conditions deemed *unfit for human habitation* or as *unsafe and dangerous*.

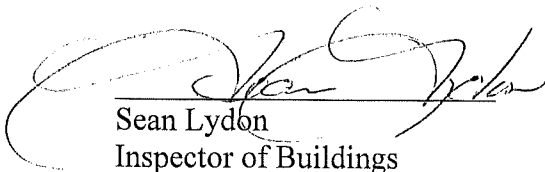
All other inspections performed by ISD in residential dwellings will require consent and signed consent forms and translators unless specifically set out above.

Signed:



William P. Christopher, Jr.
Commissioner

8-10-17
Date



Sean Lydon
Inspector of Buildings

8-10-17
Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2017-04
Date: December 1, 2017

Subject: Procedure for Obtaining a Demolition Permit

Purpose: This Commissioner's Bulletin is issued to clarify the policy and procedure for applications for a demolition permit. This Commissioner's Bulletin will rescind Commissioner's Bulletin 85-4 and 85-5, December 1985.

Demolition Permit Request:

1. The applicant must have a pending long form building permit or an issued building permit. A completed description of the demolition must be approved and a permit application submitted for a demolition permit. In certain cases, where the demolition is largely for the purpose of making exploration, for drawing up plans to determine the full extent of rebuilding necessary or to comply with an order to make the building safe, this requirement may be waived.

NOTE: If the complete building permit description includes demolition, the applicant MUST still apply for a separate demolition permit prior to commencing construction.

2. Following the application, the applicant must contact the Commissioner or Deputy Commissioner's office. The applicant must submit a signed affidavit guaranteeing that the project will be compliant with the Massachusetts State Building Code and The City of Boston Zoning Code (or show that a variance from the City of Boston has been granted) and will only perform the scope of work described in the demolition permit.

3. For all demolition permits, the applicant must also get a permit from the Boston Fire Department in accordance with Article VII, Section 7.02 of the Fire Prevention Code. These permits may be obtained from the Office of the Fire Marshall, 1010 Massachusetts Avenue, 4th Floor, Boston, MA 02118.

4. All applicants must submit proof that they have engaged a rodent exterminator to ensure that effective action will be taken before, during and after demolition to mitigate rodent activity and prevent a public nuisance.

5. All applicants must file an Article 85 application with the Boston Landmarks Commission. The contact number for the Commission is 617-635-3850. This application and approval is REQUIRED prior to demolition permit issuance. The applicant must submit proof of approval or abstention.

6. In addition, applicants must submit the following documents to the Building Division with their demolition permit application:

- shut off notices from all underground utilities, such as gas, electric, Boston Water & Sewer, telephone, and cable;
- Department of Environmental Protection (DEP) approval for hazardous materials; and
- licensed Builder or contractor information with a copy of the Worker's comp, license, and signed contract.

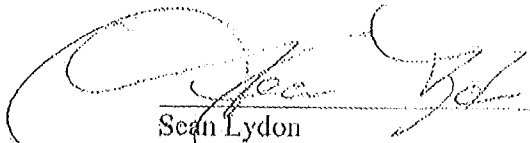
7. The applicant must submit a non-refundable certified check, payable to the City of Boston, for the permit fee based upon the total cost of demolition.

Signed: _____



William P. Christopher, Jr.
Commissioner

12-1-17
Date



Sean Lydon
Deputy Commissioner
Inspector of Buildings

12/1/17
Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2018-1
Date: February 23, 2018

Subject: Short Form or Minor Alteration Permits

Purpose: The purpose of this Commissioner's Bulletin is to establish procedural guidelines regarding the issuance of short form permits or minor alteration permits

Determination:

1. Criteria for Short Forms

- Any project that does not impact or change zoning, existing egress, occupancy, and/or structural elements of a building may be eligible for a short form permit. If a proposed project includes any of these elements, the applicant must apply for an alteration or amendment permit.
 - Exception:
 - Repair and replacement of an existing door or window with the same exact measurements or
 - Repair and replacement of decks, if the replacement is the same exact size and height. Certified existing plans will be required at submission.
- Minor alteration (short form permits) may only be issued with approval from the Commissioner, Deputy Commissioner, Assistant Commissioner of Building, Director of Building and Structures, or Chief Building Inspectors in the Building Division.
- All permits issued within the preceding year shall be reviewed in conjunction with the proposed permit application.

2. Information Required

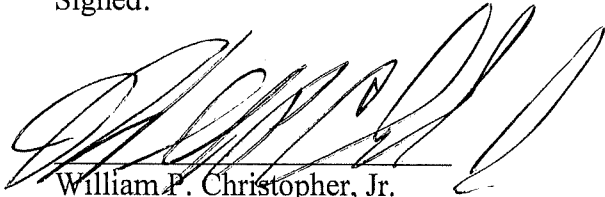
- The proposed application must provide a full and complete description of the scope of work;

- A licensed builder's information (or a completed homeowner waiver form for 1-2 families only);
- Workman's comp;
- Liability insurance;
- Contract for the proposed work between the owner and contractor; and
- An inspector may require additional documentation to verify the proposed construction.

3. Penalties

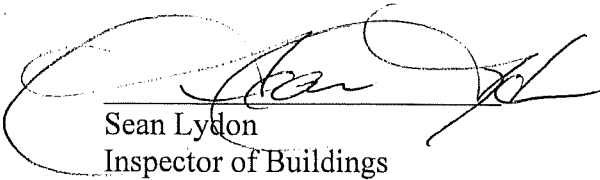
- Failure to comply with the requirements of this Bulletin will result in the suspension or revocation of the project permit.

Signed:



William P. Christopher, Jr.
Commissioner

2-23-18
Date



Sean Lydon
Inspector of Buildings

2/23/18
Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2018 - 2

Date: May 23, 2018

Subject: Plastic Bag Ordinance

Purpose: This Commissioner's Bulletin is issued to establish policy and procedure to enforce City of Boston Ordinances, Chapter 17-19.1, Reduction of Checkout Bags by Retail Establishments

Policy:

- The Chief of Environment, Energy and Open Space designated the Inspectional Services Department to enforce the reduction of checkout bags by retail establishments, effective December 6, 2018. The checkout bag ordinance applies to any checkout bag in any retail establishments. See CBC Chapter 17-19.2 definitions.
- Excluded from this ordinance are bazaars or festivals run by nonprofit or religious institutions; bags provided by the customer; laundry/drycleaner bags; newspaper bags; bags used to contain or wrap frozen foods, meat or fish, whether prepacked or not, to prevent or contain moisture; and prepackaged food bags.
- Beginning December 6, 2018, retail establishments may only use reusable, recyclable paper, and compostable plastic bags, all of which are identifiable by their markings on each bag.
- Stores must sell the bags for a minimum of \$.05 per bag. Retail establishments shall advertise or post the cost of bags within five (5) feet of the checkout location.
- Sale of bags must be sold as a separate item on a customer's receipt.
- From December 6, 2018, a retail establishment may be exempted from the ordinance for the period of one year due to "undue hardship." The establishment must submit

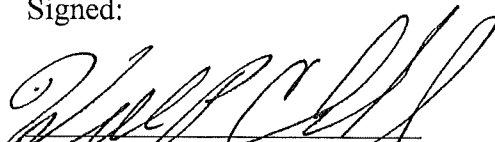
the attached form and supporting documentation to the Commissioner of ISD for approval. There are three types of "undue hardship."

1. Due to the establishment's circumstances, there are no reasonable alternatives to bags that are not recyclable paper bags, compostable plastic bags or reusable bags;
2. Enforcement would be a violation of a legally protected right; or
3. The retail establishment requires additional time to use existing inventory.
 - a. This exemption requires monthly reports on inventory reduction and the amount of remaining stock.

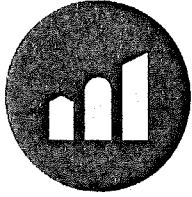
Enforcement procedure:

- The party responsible for a violation shall be the entity that "sell[s] or provide[s] merchandise, goods or materials directly to a customer."
- If a Weights & Measures inspector finds a retail establishment to be in violation of the ordinance, ISD shall issue a warning notice for the initial violation. If a Weights & Measures inspector finds the same retail establishment to be in violation of the ordinance within one year of a warning notice, ISD shall issue a notice of first offense and Fifty Dollar (\$50.00) fine.
- If an inspector issues a second offense violation or any violation thereafter, ISD shall issue a One Hundred Dollar (\$100.00) fine for each violation.
- Records of any and all violations shall be maintained with the Weights & Measures division.
- Beginning December 6, 2018, the Weights & Measures divisions will begin check out bag inspections of retail establishments with a minimum of 20,000 square feet.
- Beginning April 1, 2019, check out bag inspections will begin in retail establishments with a minimum of 10,000 square feet.
- Beginning July 1, 2019, check out bag inspections will begin in retail establishments with less than 10,000 square feet.

Signed:


William F. Christopher, Jr.
Commissioner

5-23-18
Date



Inspectional
Services
Department

REQUEST FOR WAIVER OF THE REDUCTION OF CHECKOUT BAGS

Name of Retail Establishment: _____

Location of establishment: _____

Service of Process address: _____

Primary point of contact:

Name: _____

Telephone: _____

Email: _____

Exemption requested: (please check one)

No Reasonable Alternative Violation of a Legally Protected Right Excess Inventory

Please describe in detail the basis of your undue hardship for your request to be exempted from the City of Boston Ordinances, Chapter 17-19. Please provide any additional documentation to support your request.

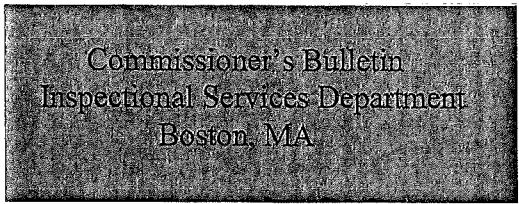
For internal purposes only :

Approved

Denied

William P. Christopher, Jr.
Commissioner of Inspectional Services

Date



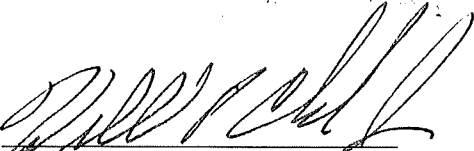
Number: 2018-3
Date: October 10, 2018

Subject: Off Hours Permits

Purpose: This Commissioner's Bulletin is issued to clarify the policy for off hours permit regulations.

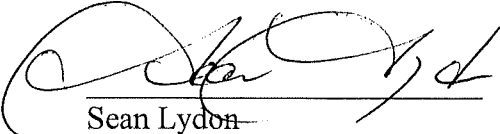
City of Boston, Chapter 16-26.4, Regulation of Construction Hours prohibits any construction outside the hours of 7:00 a.m. and 6:00 p.m. on weekdays. Local or national holidays are not considered a regular weekday and require an Off Hours Permit (CBC Chapter 18-2A) for any erection, demolition, alteration, or repair of any building and excavation.

Signed:



William P. Christopher, Jr.
Commissioner

10-10-18
Date



Sean Lydon
Deputy Commissioner
Inspector of Buildings

10/10/18
Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2018-4
Date: December 27, 2018

Subject: Short Term Residential Rentals

Purpose: The purpose of this Commissioner's Bulletin is to establish a policy and procedure for the registration and regulation of short term residential rentals in compliance with the City of Boston Ordinance, Chapter 9-14.

Determination:

Beginning January 1, 2019, the City of Boston will begin enforcement of the Short Term Residential Rental Ordinance, CBC, ch. 9-14. A short term rental is the use of a residential unit for residential occupancy for less than twenty-eight (28) days. Residential units offered for short term rentals shall only be allowed in owner-occupied condominiums, single-family, two-family, and three-family buildings. For two-family and three-family buildings, the owner-occupant must own all the units.

There are three types of short term residential rental units that may be offered up to 365 days per year:

- **Home share unit** – where the unit is the owner's primary residence but the owner is not present during the short term rental use and limited to five (5) bedrooms or ten (10) guests. The registration fee for a home share unit is two hundred dollars (\$200.00).
- **Limited share unit** – where the unit is the owner's primary residence and the owner is present during the short term rental use. The registration fee for a limited share unit is twenty-five dollars (\$25.00).
- **Owner-adjacent unit** – where the unit is not the owner's primary residence but is in the same two- or three-family building and owned by the same owner/operator. The registration fee for an owner-adjacent unit is two hundred dollars (\$200.00).

An owner may only offer (1) whole unit listing at any given time.

Ineligible units: The following types of properties are ineligible to offer short term rentals:

- Any residential unit designated below market rate or income-restricted, subject to affordability covenants, or housing/rental assistance under local, state, or federal law;
- Any residential unit prohibited by local, state, or federal law from being offered as a short term rental;
- Any residential unit that is located within a property designated as a “Problem Property” or “Public Nuisance” as defined by CBC, ch. 9-13.1 (e) and CBC, ch. 16-57.2;
- Any residential unit that is subject to three (3) or more findings of violations within a six (6) month period of any city or state law relating to excessive noise, improper disposal of trash, disorderly conduct, or other similar conduct. A registered short term rental will be suspended for a period of 6 months from the last date of the third violation;
- Any residential unit that is subject to any outstanding, building sanitary, zoning or fire code violations, orders of abatement, stop work orders or any other requirements, laws, or regulations that prohibit an entity from operating a short term rental. If a residential unit is already registered as a short term rental, the registration will be suspended until the outstanding violation is closed or remedied.

Units Not Subject to All Short Term Rental Regulations:

- Lodging houses (with a valid certificate of occupancy and active license with the City of Boston). Lodging houses shall list their certificate of occupancy number when offering a short term rental listing.
- Bed and breakfasts (with a valid certificate of occupancy). Bed and breakfasts shall list their certificate of occupancy number when offering a short term rental listing.
- Hospital stays – any residential unit for which a contract exists between the owner and a health-care facility, government entity, non-profit organization registered with the Commonwealth of Massachusetts, or classified by the IRS as a public charity or private foundation that provides temporary housing for medical treatment.
- Furnished institutional or business stays where a contract or agreement exists between an owner, a corporate housing operator, and an institution or business for temporary housing of employees, where the minimum stay is at least ten (10) days.

Registration:

All short term rentals are required to register with the Housing Division of the Inspectional Services Department annually beginning January 1, 2019. Registration shall be on a rolling basis. Each unit offered as a type of short term rental must have one operator/owner and will receive a unique registration number, which is non-transferable. If an operator intends to offer a primary residence and an owner-adjacent unit for short

term rental, there must be a separate registration for each unit. New owners are required to re-register a residential unit to obtain a new registration number.

The owner/operator must provide his/her name and contact information. If the owner will not be present during the short term rental, the name and contact information for a local agent must be provided in case of emergency. The contact information must include a telephone number that is available to occupants twenty-four (24) hours a day. The owner shall attest that he or she and the rental unit complies with the requirements of CBC, Chapter 9-14.

Authorized agents, if applicable, shall attest that he or she has written permission from the owner to register a residential unit for the short term rental registry.

Compliance:

ISD shall investigate any complaint filed with ISD within thirty (30) days of receipt. Upon a finding of a violation, the Commissioner or designee shall serve the violation on the owner. A person or entity served a violation pursuant to this ordinance may request a hearing within fourteen (14) days after receipt by written petition. Upon a receipt of a hearing request, ISD will notify the petitioner of a hearing date occurring no later than two (2) weeks after receipt of the request for a hearing. The hearing request shall stay any further enforcement action until a hearing is held and the Commissioner or designee issues a decision. The Commissioner or designee shall render a decision to sustain, modify, or withdraw the violation, in writing and including reasons why, within seven (7) days of the hearing date. If sustained or modified, the violation must be remedied within the time granted by the decision.

Each day's failure to comply with a notice of violation shall constitute a separate violation.

A person may seek relief from any court of competent jurisdiction with respect to any violation or order issued pursuant CBC, Chapter 9-14.

Penalties:

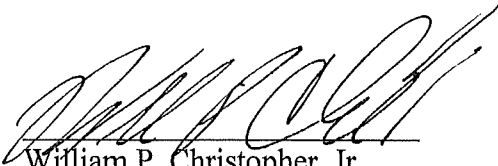
There are three types of violations and penalties of this ordinance:

- Any person or entity offering an ineligible unit as a short term rental shall be fined three hundred dollars (\$300.00) per violation per day. The Commissioner or designee may also seek an injunction prohibiting the offering of the residential unit.
- Any person or entity offering a short term rental without registering with ISD or during a suspension of registration shall be fined one hundred dollars (\$100.00) per violation per day.

Enforcement:

Enforcement of this ordinance may be in accordance with M.G.L., c. 40, s. 21 D, M.G.L. c. 40U or if applicable, by seeking an injunction.

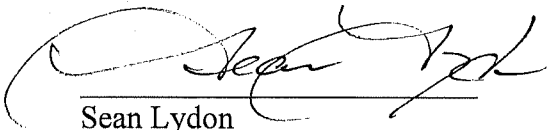
Signed:



William P. Christopher, Jr.
Commissioner

12-21-18

Date



Sean Lydon
Inspector of Buildings

12/28/18

Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2018-05
Date: December 28, 2018

Subject: Temporary Suspension of a Health Permit

Purpose: The purpose of this bulletin is to clarify the policy and procedures of temporarily suspending a permit to operate (TSOP) a restaurant if violations are found that can pose an Imminent Health Hazard to the public as defined by the Federal food Code.

Determination:

If violations are found that pose an imminent health hazard, the Inspector will call and discuss the violations with a Supervisor. If the Supervisor determines that the observed violations pose an Imminent Health Hazard, then the Supervisor will notify the Assistant Commissioner. The Assistant Commissioner will decide whether to issue a Suspension of the Permit. If issued, the Inspector will remove the existing letter grade onsite. The Commissioner or designee must be notified if the Assistant Commissioner issues a Temporary Suspension of Health Permit. Once the Permit to Operate has been Suspended, the owner/operator or designee must request a Hearing in writing within 10 business days of receipt of the Order. (105CMR590.014(f)). Consideration will be given to ensure (1) public health and (2) public safety.

ALL Media Calls concerning a Suspension of a Permit are directed to the Inspectional Services Director of Publicity.

ADMINISTRATIVE HEARINGS – Once the request for a Hearing has been made in writing, the Hearing must be granted within 3 business days of the request per Code (590.014 A(2)). The owner/manager or designee must appear at the hearing. The Health Inspector will give testimony regarding their findings at the time of inspection and all documents, reports and testimony are entered as evidence. The business operator is given the opportunity to show why they should not be closed or why they should be allowed to reopen. The owner/operator is then allowed to provide information regarding steps they plan to take to correct all

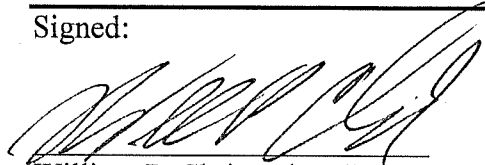
violations to the hearing officer. The Hearing Officer will render his/her decision and submit the decision in writing to the establishment owner/operator.

If no hearing is requested, the summary suspension shall remain in effect until the board of health or its authorized agent, as determined by the board of health, determines that all conditions cited in the summary suspension order are corrected. The board of health or its authorized agent, as determined by the board of health, may end the summary suspension at any time if reasons for the suspension no longer exist.

RE-INSPECTION TO LIFT TSOP – Once a Supervisor determines that there is sufficient cause to warrant a re-inspection, a Supervisor and the Inspector will perform the re-inspection to determine if the Suspension can be lifted.

The letter grade will be re-evaluated based upon the TSOP and current conditions after the TSOP is lifted.

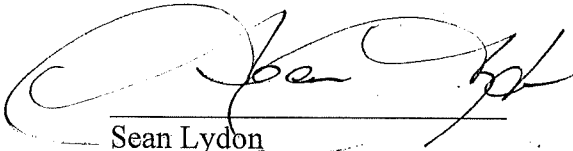
Signed:



William P. Christopher, Jr.
Commissioner

12-28-18

Date



Sean Lydon
Deputy Commissioner

12/28/18

Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2018-06

Date: December 28, 2018

Subject: Closure Notice of a Health Permit

Purpose: The purpose of this Commissioner's Bulletin is to establish a procedure for sanitary code violations that require a closure notice of an establishment.

Determination:

If violations exist that require the operator to immediately remedy violation(s) to ensure a safe and sanitary operation then the establishment should be closed.

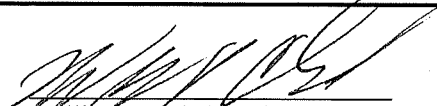
General Considerations:

The Inspector will call and discuss the violations with a Supervisor. If the Supervisor feels that the observed violations pose sufficient cause for a voluntary closure of the establishment's operations then the Supervisor will discuss with the Assistant Commissioner. The Assistant Commissioner will decide whether to issue a Closure Notice. Once the Closure Notice has been ordered, the owner/operator must cease operations. Consideration will be given to ensure (1) public health and (2) public safety.

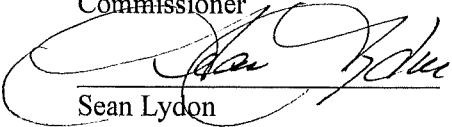
ALL Media Calls concerning a Voluntary Closure are directed to the Inspectional Services Director of Publicity.

RE-INSPECTION TO LIFT VOLUNTARY CLOSURE – Once there is sufficient cause to warrant a re-inspection, the Inspector will perform the re-inspection to determine if the Closure Notice may be lifted. The Closure Notice shall remain in effect until the board of health or its authorized agent, as determined by the board of health, determines that all conditions cited in the voluntary closure order are corrected. The board of health or its authorized agent, as determined by the board of health, may end the voluntary closure at any time if the underlying reasons for the voluntary closure no longer exist.

Signed:


William P. Christopher, Jr.
Commissioner

12-28-18
Date


Sean Lydon
Deputy Commissioner

12-28-18
Date