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Commissioner's Bulletin

Department of Inspectional Services
Boston, MA

Number 2002-01

Date: 07-30-02

Subject: Standard Rules of Practice and Procedure for Housing Inspectors and Housing Inspection Division Employees.

Purpose: This bulletin is issued to establish the responsibilities and duties of the position of Housing Inspector and to establish standard rules of practice and procedure for Housing Inspectors and Housing Inspection Division (HID) Employees to follow when they are performing their official duties.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and it should be understood that where used they are to be interpreted as applying to both male and female HID employees.

Determination:

General considerations -

A HID Employee, in carrying out the functions of the Inspectional Service Department (ISD), shall direct his best efforts to accomplish that end intelligently and efficiently and shall hold himself in readiness at all times to respond to requests for assistance from the general public and his superiors. He shall conduct his affairs in a manner consistent with the policies of ISD and reflect the highest standards of honesty, integrity and fairness at all times when performing his official duties. He shall exercise care and good judgement in the use of official City of Boston equipment. Housing Inspectors must present themselves in a professional manner at all times when performing official duties.

Article I. Public Integrity Policy

1. Policy -

It is the policy of ISD that every action of ISD as an organization, and those of individuals, who act on its behalf, will reflect the highest standards of honesty and integrity. In all of our interactions, whether with the general public, or with each other, we will act in accordance with the ethical standards established by the City of Boston, ISD and this bulletin. It is the responsibility of ISD and its employees to prevent detect and correct instances of misconduct, whether administrative or in violation of law or the public trust.

2. Compliance with Public Integrity Policy -

It shall be the duty and responsibility of each and every HID employee to become familiar with and conduct themselves in accordance with the public integrity policy of ISD as stated in this bulletin, and Commissioner's Bulletin Number 1993-03, and any other published policy statements or Commissioner's Bulletins regarding the Public Integrity Policy or ISD.

Article II: Standard Rules of Practice and Procedure for Housing Inspectors.

General Considerations:

Housing Inspectors shall at all times be prepared for the proper discharge of their official duties; shall be impartial in the use of their legal authority; shall avoid all conflicts of interest and appearances of impropriety; and shall exhibit the utmost respect for the legal rights of all. HID employees shall comply with the following standard rules of practice and procedures when performing their official duties.

Section 1.0: Reporting, Review and Scheduling of Inspections 105 CMR 410.820

1.1 *General Questions*

- a. Upon receipt of a request for an inspection of alleged code violation(s), the Housing Inspection Division Employee taking the complaint shall advise the complainant to notify the Property Owner or Agent of the alleged violation(s) in addition to requesting an inspection from ISD. If the complainant fails or refuses to notify the Property Owner or Agent of the alleged violation(s) that will not prevent ISD from fulfilling its responsibility to investigate alleged violations of the State Sanitary Code. During intake HID employees must ask all of the necessary questions in order to complete the intake (4 part) form accurately, and as fully as possible.

1.2 *Emergency Complaints*

- a. Any request for inspection that alleges that conditions exist that may endanger or impair the health or safety of occupants or the general public, as listed in 105 CMR 410.820 S.A1, shall be deemed to be an emergency complaint. Approval from a HID supervisor is required before designating a complaint as an emergency complaint.
- b. Emergency complaints must be scheduled for an inspection within 24 hours of receipt of the request.

1.2 *Non-Emergency complaints*

- a. All Requests for inspections of alleged violations of the State Sanitary Code that do not meet the criteria of an emergency complaint are to be designated as non-emergency complaints.
- b. Non-emergency complaints must be scheduled for an inspection within five calendar days of the receipt of such a request.

1.3 *Compliance Inspections*

- a. If an inspection reveals that a dwelling does not comply with the provisions of Article II of the State Sanitary Code, a written order to correct must be prepared by the inspector and served upon the owner of the dwelling or the owner's agent in the manner provided by law.
- b. Said order to correct must contain a compliance time frame of 24 hours for emergency conditions. Non-emergency orders to correct must contain compliance time frames of 7, 14, 21 or 30 days.
- c. Emergency orders to correct must be inspected for compliance within 48 hours from the date of service of the order to correct.
- d. Non-emergency orders to correct must be inspected for compliance within 5 days after the date for compliance.
- e. A compliance inspection report must be completed and submitted by all HID Inspectors, for every compliance inspection conducted.
- f. The HID inspector must notify the property owner or agent of the results of a compliance inspection by telephone communication or by mailing a copy of the compliance inspection report to the property owner or agent. The aforementioned notification must be accomplished in no more than 5 days after the date of the compliance inspection. Notification via telephone must be direct and must be noted on the compliance inspection form and must be placed in that particular file.

1.4 *Landlord Participation During an Inspection*

- a. It is the policy of ISD to allow property owners and/or agents to be present during inspections for alleged violations of the State Sanitary Code and during inspections for compliance with the State Sanitary Code. If said inspection is being conducted in a dwelling unit, the occupant of that dwelling unit must approve that the owner and/or agent can accompany the ISD inspector.
- b. ISD Inspectors cannot guarantee the property owner or agent entry during and inspection and must, at all time respect the occupants right to have an inspection conducted solely with ISD inspectors.

Section 2.0: *Obtaining Legal Entry for Inspections*

2.1 *Administrative Inspection Consent Forms*

- a. It shall be the duty and responsibility of each inspector to familiarize himself with the rules set forth in Commissioner's Bulletin Number 1999-05 and Number 2000-02 regulating the manner in which inspectors may obtain access in order to perform inspections. Inspectors shall strictly adhere to the procedures and requirements set forth in this bulletin.
- b. This bulletin provides occupants with notice of their right to refuse to consent to an administrative inspection. And further sets forth the procedures to be followed in obtaining an administrative inspection warrant if an occupant refuses a legal request to enter by an inspector.

2.2 *Foreign Language Interpretation*

- a. ISD will provide interpreters as needed. Whenever HID employees are unable to communicate with a client or customer due to a language barrier a supervisor should be contacted. The supervisor will make the necessary arrangements to provide you with an interpreter.

Section 3.0: **Conduct of Inspections**

3.1 Presenting Identification

- a. When conducting inspections in public or with other agencies, inspectors shall identify themselves as City of Boston officials. At all times, while on duty, inspectors shall carry their badges and identification cards on their person and shall have them readily accessible for display at all times.
- b. All employees must present a badge or picture identification at the beginning of inspections. These procedures provide the public with the assurance and knowledge that they are dealing with employees of the City of Boston.

3.2 Inspections

- a. All inspections shall be conducted in accordance with 105 CMR 410.822 and any other applicable legal requirements. It is the duty and responsibility for each inspector to familiarize themselves with the above-mentioned requirement as well as all other regulations and ordinances that HID is required to enforce.
- b. All HID inspections shall include at minimum the conditions alleged to be in violation. General Examinations are to be conducted in all non emergency cases, provided that full access to the dwelling and dwelling unit is allowed
- c. All occupants must be informed of their right to a comprehensive inspection at the beginning of every inspection.
- d. A written summary of the conditions noted during the inspection shall be provided to the occupant or the occupant's representative at the conclusion of every inspection on a form approved by ISD.

3.3 Emergency Inspections

- a. If an inspection reveals conditions that present an imminent health or safety hazard to the occupant or to the general public, HID inspectors must immediately notify a supervisor.
- b. An emergency order to correct must be written during the inspection and served within 24 hours if the property owner resides within the City of Boston.
- c. The inspector must contact a supervisor and inform her/him of the conditions observed the actions taken and the inspector's recommendation for further action.

3.4 Reporting Requirements for Emergency Cases

- a. All emergency complaints received via intake or via inspectors in the field must be entered into the required Housing Division database(s), immediately upon receipt.
- b. Inspectors must immediately notify a supervisor of emergency conditions observed during an inspection, and await further instructions before leaving an inspection site.
- c. Supervisors and Inspectors must ensure that all complaints are properly followed through to compliance or court enforcement; and that the applicable databases are updated daily.
- d. At no less than one hour before the end of every business day each assistant director must submit a report of all the emergency inspections and re-inspections conducted during that particular business day to the Assistant Commissioner of the Housing Inspection Division or his designee.

- e. Said report must contain at minimum the address, the complainant's information, the conditions observed, the action taken, and a recommendation for any further action that may be necessary.


Section 4.0: Condemnations and Relocation Assistance 105 CMR 410.831

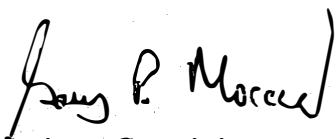
1.1 Condemnations

- a. All condemnations must be conducted in accordance with 105 CMR 410.831 and 950.
- b. Approval must be obtained from the Assistant Housing Commissioner or his designee, before a condemnation order or a vacate order is issued.
- c. All condemnations conducted by the Housing Division must be entered in the Housing Inspection Division emergency database, under the category of condemnation.
- d. A Special Operations Unit condemnation checklist must be completed and submitted to the director of the Investigative and Regulatory Enforcement Division and to the condemnation file.
- e. All relocation of occupants shall be conducted in accordance with commissioner's Bulletin 2001-6, which establishes procedures to be followed by inspectors when relocating occupants from buildings is required because of dangers and life threatening conditions.

Section 5.0: Housing Inspection Division Organization Chart

- a. The attached organizational chart outlines and memorializes the management structure of the Housing Inspection Division. The chart outlines that the Assistant Commissioner in charge of the Housing Inspection Division is first in command. The second in command of the Housing Inspection Division is Assistant Director Steven O'Donnell. The third in command of the Housing Inspection Division is Assistant Director Regina Hanson. The fourth in command of the Housing Inspection Division is Assistant Director Indira Alvarez.

Signed: 
Kevin Joyce, Commissioner
Inspectional Services Department
Date: 7.30.02

Signed: 
Gary Moccia, Assistant Commissioner
Inspectional Services Department
Date: 7/30/02



Number: 2002 - 02
Date: May 20, 2002

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Subject: DESIGNATION OF INSPECTIONAL SERVICES DEPARTMENT HEARING OFFICER(S)

Purpose: This bulletin is issued to establish procedures for the designation of Inspectional Services Department Hearing Officers.

Determination:

This bulletin is issued to establish procedures for the designation of Hearing Officers to conduct administrative hearings in the Inspectional Services Department pursuant to the statutes, regulations and ordinances we are charged to enforce, including, but are not limited to, G.L. c. 31, § 41 (Civil Service); G.L. c. 111 §127B (Housing/Health); G.L. c. 143 § 9 (Building); Chapter 665, Acts of 1956 (Zoning) and the various regulations, by laws and ordinances promulgated thereunder.

All designations of Hearing Officers shall be made in writing by the Commissioner of Inspectional Services and shall specify the division to which that Hearing Officer is assigned. All such designations shall be filed with the Division of Administration and Finance and in the Document Room.

A. STANDARD RULES AND PROCEDURES FOR DESIGNATION OF INSPECTIONAL SERVICES DEPARTMENT HEARING OFFICERS

§ 1 General Considerations:

The Commissioner of Inspectional Services shall make all designations of Hearing Officers in writing. All such designations shall be filed with the Division of Administration and Finance, under the direction of the Deputy Commissioner for Administration and Finance, with a copy of the designation filed in the Document Room.

§ 2 Current List of Hearing Officers

The Supervisor of the Document Room shall maintain a current list of all designated Hearing Officers, categorized by division, which shall be kept on file in the Document Room and made available for public inspection.

§ 3 Docket of All Hearings Required

The Deputy Commissioner for Administration and Finance shall maintain a docket of all hearings held by the department, which shall specify the date, time, place and reason for all department hearings. Upon conclusion of all department hearings, the Hearing Officer shall, within five (5) business days, report to the Deputy Commissioner for Administration and Finance and provide all of the information necessary to maintain the docket.

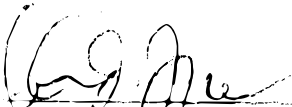
a. Personnel Hearings

The record of all hearings regarding personnel matters are exempt from § 3 of this bulletin and, pursuant to Massachusetts General Law Chapter 31 § 41 and Massachusetts General Law 149 § 52C, shall be kept in the Personnel Office, under the direction of Director of Labor Relations and Personnel, in a manner consistent with the record keeping practices and procedures of the Personnel Office.

§ 4 Record of All Hearing Decisions Required

Upon conclusion of all department hearings, Hearing Officers shall file the record of all decisions in the Document Room within five (5) business days. The Supervisor of the Document Room shall file the record of all decisions in the building jackets or in such other suitable index. The record shall include, but not be limited to, all tape recordings of department hearings, documents, photographs and other materials and evidence presented during the department hearing that formed the basis for the Hearing Officer's decision. The record shall be maintained in accordance with the Boston Archives and Records Management Division's Records Retention Schedule.

Signed:



Kevin J. Joyce

Commissioner of ISD



Number: 2002 - 02a
Date: May 20, 2002

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Subject: STANDARD RULES OF PRACTICE AND PROCEDURE FOR INSPECTIONAL SERVICES DEPARTMENT HEARINGS

Purpose: This bulletin is issued to establish standard rules and procedures for all Inspectional Services Department Hearings conducted pursuant to the statutes, regulations and ordinances it is legally obligated to administer in the City of Boston.

Determination:

These standard rules of practice and procedure shall apply to all hearings conducted by the Inspectional Services Department under the various codes we are charged with enforcing. These rules are intended to establish procedural consistency for all hearings conducted by the department and to insure the fair and expedient adjudication of all matters brought before department hearing officers.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and it should be understood that where used they are to be interpreted as applying to both male and female employees.

A. STANDARD RULES OF PRACTICE AND PROCEDURE FOR THE CONDUCT OF INSPECTIONAL SERVICES DEPARTMENT HEARINGS

§ 1 General Considerations:

These rules establish uniform standards of general applicability for conducting department hearings. Accordingly, these rules establish general procedures for providing notice of hearings to parties; determining the order of proceedings; decorum in the hearing room; the introduction of evidence; settling of the hearing record; and, providing notice of the Hearing Officer's decision to the parties. These rules are intended to be a self-contained segrable body of regulations of general applicability to informal administrative hearings conducted by the

Inspectional Services Department in connection with its legal obligation to conduct such hearings pursuant to the statutes, regulations, ordinances and rules it is authorized by law to enforce in the City of Boston.

Where the procedures stated in these rules may conflict with procedures specified under a specific statute, regulation, ordinance or rule that the Inspectional Services Department is legally obligated to enforce, the requirements contained in such statute, regulation, ordinance or rule shall control and be followed by the Hearing Officer conducting the department hearing. In all other cases, the Hearing Officer shall follow the rules set forth in this bulletin.

§ 2 Notice of Department Hearings

When the department initiates a proceeding against a person or persons regarding a department action or intended action, the department shall provide the person or persons with written notice of the action or an order to show cause why the action should not be taken. The notice or order shall state the reason and statute(s) or regulations authorizing the action and include the date, time and place of the hearing, an explanation of the hearing procedure and an explanation of the party's right to have an authorized representative present.

In addition, all notices shall contain a notice printed in English, Spanish, Vietnamese and Chinese that informs the reader that this document is important and should be translated immediately.

§ 3 Emergency Scheduling

The department or the Hearing Officer, on its own or by request of a Party, may for good cause order an accelerated hearing, upon waiver of any written notice required by statute to the effected parties.

§ 4 Conduct of Hearings

All Hearings shall be informal and administrative. However, all Parties, their authorized representatives, witnesses and other persons present at a hearing shall conduct themselves in a manner consistent with the standards of decorum commonly observed in Massachusetts administrative agency hearings.

§ 5 Duties of the Hearing Officer

The Hearing Officer shall conduct the hearing, administering an oath or affirmation to all witnesses, if any is required by law, and make all decisions on the admission or exclusion of evidence and resolve questions of procedure. The Hearing Officer shall file a decision or recommended decision, as the case may be, with the department within a reasonable time after the close of the hearing, but in any event no less than seven business days after the close of the hearing unless a greater or shorter period is required by law.

§ 6 Rights and Duties of Parties.

- (a) Each Party may present his or her own case, or may be assisted by an Authorized Representative at his or her expense. The Party, or authorized representative, shall have a right to:
- (1) present witnesses;
 - (2) present and establish all relevant facts and circumstances by oral testimony and documentary evidence;
 - (3) advance any pertinent arguments without undue interference;
 - (4) question or refute any testimony including an opportunity to cross-examine adverse witnesses; and
 - (5) examine and introduce evidence from his or her records, and examine and introduce any other pertinent documents.

§ 7 Subpoenas

Where applicable statutes so provide, the Department or Hearing Officer may issue, vacate or modify subpoenas in accordance with the provisions of M.G.L. c. 30A, § 12.

§ 8 Administrative Notice

Where applicable statutes so provide or are silent, the Hearing Officer may take notice of fact(s), pursuant to the requirements of M.G.L. c. 30A, § 11(5).

§ 9 Record of Proceedings

(a) Contents of the Record

All documents and other evidence offered or taken shall become part of the record, which shall be the exclusive basis of the department's decision. The record shall include, but not be limited to, all tape recordings of department hearings, documents, photographs and other materials and evidence presented during the department hearing that formed the basis for the Hearing Officer's decision. The record shall be maintained in the Document Room in accordance with the Boston Archives and Records Management Division's Records Retention Schedule.

(b) Tape Recording

The Hearing Officer may elect to tape-record the proceeding to record its events in lieu of a verbatim transcript. Upon conclusion of all department hearings, Hearing Officers shall file the record of all decisions in the Document Room within five (5) business days. The Supervisor of the Document Room shall file the record of all decisions in the building jackets or in such other suitable index.

(c) Settling the Record

At the close of the department hearing, the Hearing Officer shall declare the record closed for the purposes of adjudicating the matter at hand and reaching a final decision on the merits.

(d) Evidence after Record Closed

No evidence shall be admitted after the close of the record unless the Hearing Officer reopens the record.

§ 10 Evidence

The Hearing Officer need not apply the rules of evidence observed by law. Evidence that reasonable persons are accustomed to rely on in the conduct of their affairs may be considered. Unduly repetitious evidence may be excluded.

§ 11 Order of Proceedings

a. Opening

In the usual case, in hearings resulting from orders to show cause, the division issuing the order shall open and first present evidence.

b. Order of Presentation

The Party taking the position contrary to that of the Party opening shall have the right to present his position upon completion of the opening Party's case.

c. Closing

The Party opening shall argue last in summation.

d. Discretion of the Hearing Officer

The Hearing Officer may, when the evidence is peculiarly within the knowledge of one Party, or when there are multiple parties, or when he or she otherwise determines appropriate, direct who shall open and may otherwise determine the order of presentation.

§ 12 Notice of Decision

The Hearing Officer shall promptly provide all Parties with a copy of every department decision or order when filed and otherwise give prompt notice of all department actions from which any time limitation commences.

§ 13 Miscellaneous Provisions Applicable to All Department Hearings

a. Applicability

The following provisions are applicable to all department hearings held pursuant to these Standard Rules Of Practice And Procedure For The Conduct Of Inspectional Services Department Hearings.

b. Amendments

The Commissioner of Inspectional Services may adopt any appropriate amendments and additions to Standard Rules Of Practice And Procedure For The Conduct Of Inspectional Services Department Hearings in accordance with M.G.L. c. 30A, § 9. Any Division may apply to the Commissioner of Inspectional Services to make amendments to these rules.

c. Severability

If any rule contained herein is found to be unconstitutional or invalid by a Court of competent jurisdiction, the validity of the remaining rules will not be so affected.

d. Exemptions

Any Division wishing to be exempted from Standard Rules Of Practice And Procedure For The Conduct Of Inspectional Services Department Hearings shall apply for exemption to the Commissioner of Inspectional Services.

e. Conflicts

No Hearing Officer who has a direct or indirect interest, personal involvement or bias in a department hearing shall conduct a hearing or participate in decision-making for the relevant department hearing.

f. Ex Parte Communications

(A) General Provisions

1. Any member of the body comprising the department, Hearing Officer, or other department employee, who is or may reasonably be expected to be involved in the decisional process of the department hearing:
 - a. shall not make or receive an ex parte communication to or from any interested person outside the Department relevant to the merits of the Department hearing ; and
 - b. shall place on the public record of the Department hearing:
 - i. all prohibited written communications made or received;
 - ii. memoranda stating the substance of all prohibited oral communications made or received; and
 - iii. all written responses, and memoranda stating the substance of all oral responses, to the materials described in § 13(f) Ex Parte Communications(A) 1.b.i. and .ii.; and
 - iv. a statement whether, in his or her opinion, the receipt of the ex parte communication disqualifies him or her from further participation in the department hearing , pursuant to § 13(e) Conflicts..
2. The Hearing Officer may, upon the motion of any Party or on his or her own motion, accept or require the submission of additional evidence of the substance of a communication prohibited by § 13(f) Ex Parte Communications.
3. Upon receipt of a communication knowingly made or knowingly caused to be made by a Party in violation of § 13(f) Ex Parte Communications, the Hearing Officer may, to the extent consistent with the interests of justice and the policy of the underlying statutes, require the Party to show cause why his claim or interest in the Department hearing should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation.

4. The prohibitions of § 13(f) Ex Parte Communications shall apply beginning at the time at which an Department hearing is initiated under these standard rules for department hearings unless the person responsible for the communication knows or reasonably should know that the Department hearing will be initiated, in which case the prohibitions shall apply beginning at the time of such person's acquisition of such actual or constructive knowledge.
5. **Exception** § 13(f) Ex Parte Communications does not apply to consultation among Department members concerning the Department's internal administrative functions or procedures.

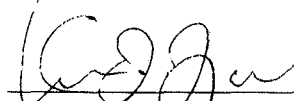
§ 14 Rules Effective Immediately

The rules and procedures contained in this bulletin shall take effect immediately.

§ 15 Rules Effective Until Amended, Altered or Revoked in Writing

The rules and procedures contained in this bulletin shall remain in effect until they are amended, altered or revoked in writing.

Signed:



Kevin J. Joyce
Commissioner of ISD



Number: 2002 - 04
Date: May 9, 2002

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Subject: INSPECTORS, CODE ENFORCEMENT OFFICERS AND ISD PERSONNEL
ASSIGNED TO DEPARTMENT MOTOR VEHICLES

Purpose: This bulletin is issued to establish the responsibilities and duties of Inspectors Code Enforcement Officers and ISD personnel assigned to department motor vehicles.

Determination:

The Division of Administration and Finance, under the direction of the Deputy Commissioner for Administration and Finance has charge of all department Motor Vehicles. Inspectors, Code Enforcement Officers or any other ISD personnel assigned to duty in a department motor vehicle shall comply with the rules proscribed for such service herein.

A. STANDARD RULES AND PROCEDURES FOR OPERATION OF DEPARTMENT MOTOR VEHICLES:

§ 1 General Considerations:

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall adhere to the rules proscribed for such service and shall be subject to all other rules and regulations proscribed for Inspectors and Code Enforcement Officers to the extent that they are not in conflict with the specific rules for use of department motor vehicles.

a. Strict Compliance:

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall strictly comply with the requirements set forth in this bulletin.

b. Failure to Comply:

Failure to comply with the requirements for Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles set forth in this bulletin may lead to disciplinary action.

c. Driver Sheet:

Inspectors, Code Enforcement Officers and ISD personnel using department motor vehicles on a one-time basis must obtain and fill out the attached vehicle and equipment checklist, entitled Driver Sheet, from the Division of Administration and Finance.

§ 2 Department Motor Vehicle Limits on Use

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall operate only their assigned vehicle, except in an emergency or on the order of the Deputy Commissioner of Administration and Finance or their direct supervisor.

§ 3 Valid Driver's License Requirement

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall operate department motor vehicles only if they have a valid license to operate that class of motor vehicle issued by the Massachusetts Registrar of Motor Vehicles and have been certified to operate that class of motor vehicle by the Deputy Commissioner of Administration and Finance.

§ 4 Department Motor Vehicles Otherwise Assigned or Unfit for Use

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall immediately report to the Deputy Commissioner of Administration and Finance if the vehicle has been otherwise assigned or is unfit for use.

§ 5 Department Motor Vehicle Maintenance

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall, when designated as the operator, be responsible for the necessary cleanliness of the vehicle to which he/she is assigned and shall insure that it is sufficiently supplied with water, fuel and lubricating oil and that the requisite amount of air is in the tires. At a minimum, the department motor vehicle shall be cleaned weekly by the Inspector, Code Enforcement Officer or ISD personnel assigned to that department motor vehicle.

§ 6 Department Equipment Stored in Vehicles

All department equipment supplied in department motor vehicles, including but not limited to emergency equipment, flashlights, cameras, handheld equipment and all safety clothing and equipment must be secured in the lock box provided in the assigned department motor vehicle. Equipment supplied in department motor vehicles must be maintained and replaced on an as

needed basis, by the Inspectors, Code Enforcement Officers and ISD personnel assigned to that department motor vehicle.

§ 7 Damage to Department Motor Vehicles

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall be held responsible for failure to report any damage to the vehicle entrusted to his/her care and for any assigned department property or equipment missing from such vehicle when such damage or missing property or equipment should have been clearly discoverable by the inspection required before use of department motor vehicles.

§ 8 Speed of Department Motor Vehicles

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall, at all times, operate the department motor vehicle at a moderate rate of speed and in a manner consistent with the requirements contained in the Massachusetts General Laws and the rules of the road. Department motor vehicles, regardless of the posted speed limit must never travel faster than is reasonable and proper for the current traffic, weather and road conditions and public safety.

§ 9 Radio Receivers

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall, if provided, have the radio receiver of his/her vehicle in operation at all times while on duty.

§ 10 Radio Equipment

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall not tamper in any way with radio equipment and shall not make frivolous or unnecessary broadcasts nor interfere in any way with regular department radio communications.

§ 11 Department Motor Vehicles Defects

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall immediately report to the Deputy Commissioner of Administration and Finance any defect in the operation of the vehicle. If he/she is unable to transmit, he/she shall inform a supervisor of the condition of the radio.

§ 12 Unauthorized Passengers

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall not, except as in case of an emergency or other proper performance of duty, permit any person to ride in or on the vehicle to which he/she is assigned, unless specifically authorized by the Deputy Commissioner of Administration and Finance or their immediate supervisor.

§ 13 Unattended Department Motor Vehicles

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall not at any time while on duty, leave his/her vehicle unattended except in an emergency, or when authorized to do so. Legally parked and locked department motor vehicles during the course of inspection or other official department business shall not be considered "unattended" for the purposes of this section.

§ 14 Most Direct Route to Destination

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall drive his/her vehicle to a destination by the most direct route and the speed and operation of the vehicle shall be regulated with the utmost regard for public safety.

§ 15 Guidelines for Operating Department Motor Vehicles

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall, when reporting to inspect a premises or responding to a call for assistance from other emergency officials, at all times obey speed limits, observe and obey all stop signs and traffic signals and in general obey the rules of the road and operate the department motor vehicle in a manner demonstrating the utmost regard for public safety.

§ 16 Limited Use of Emergency Equipment

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall restrict the use of emergency equipment, flashing lights and sirens to when the vehicle is pulled over to the side of the road or when proceeding as part of a group of emergency vehicles to an inspection or emergency incident. Drivers may also use flashing lights and sirens when directed to do so by an incident commander on the scene of an emergency incident.

§ 17 Accidents Involving Department Motor Vehicles

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall immediately report any accident involving his/her assigned vehicle to the Deputy Commissioner of Administration and Finance and his/her direct supervisor.

§ 18 Regulations and Guidelines for Reporting and Investigating Accidents

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall adhere to the following regulations and guidelines for reporting and investigating all accidents involving department motor vehicles:

(a) Notification

Inspectors, Code Enforcement Officers and ISD personnel shall immediately report the time and location of any accident involving his/her assigned vehicle to the Deputy Commissioner of Administration and Finance and his/her direct supervisor. The vehicle operator will have the responsibility of obtaining all the necessary information and shall have the responsibility to

complete an Accident Report with the Boston Police Department. If the vehicle operator is unable to complete the Accident Report, then an observer or his/her direct supervisor may complete the Accident Report. A copy of this Accident Report must be filed with Deputy Commissioner of Administration and Finance and his/her direct supervisor.

(b) Citations

If vehicle operator is issued citation for a moving violation as a result of the accident, he/she will immediately report and provide copies of the citation to the Deputy Commissioner of Administration and Finance.

(c) Investigation

If the Deputy Commissioner of Administration and Finance determines that further investigation of the cause and circumstances of the accident is required, he/she shall request that the operator's direct supervisor assist the operator at the scene. The direct supervisor shall conduct a thorough on-scene investigation, including, if necessary, photographs of damaged property and interviews of witnesses and operators.

§ 19 Responsibility for Damage

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles shall be held responsible for any damage to department motor vehicles resulting from his/her negligence.

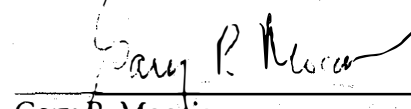
§ 20 Civil Claims Arising Out of Accidents Involving Department Motor Vehicles

Inspectors, Code Enforcement Officers and ISD personnel assigned to department motor vehicles, who retains an attorney to prosecute a third party liability claim for personal injuries resulting from any accident involving any department motor vehicle, must immediately notify the Deputy Commissioner of Administration and Finance and his/her direct supervisor of such claim in writing. The notice shall include the name and address of such attorney.

Signed:


Kevin J. Joyce
Commissioner of ISD

Signed:


Gary P. Moccia
Commissioner of Buildings



BOSTON INSPECTIONAL SERVICES DEPARTMENT

THOMAS M. MENINO
Mayor

KEVIN J. JOYCE
Commissioner

DRIVER SHEET

IMPORTANT INFORMATION:

1. **ALL TICKETS MUST BE TURNED IN WITH THE KEYS.**
(Tickets not waived will be the responsibility of the driver).
2. **ACCIDENTS MUST BE REPORTED IMMEDIATELY.**
3. Vehicles should be visually inspected for dents, scratches, body damage, Etc.
4. Interior **MUST** be kept clean. **Smoking is not allowed in any City Vehicle.**
5. **DO NOT PARK IN HANDICAPPED SPOTS, NEAR FIRE HYDRANTS, OR IN CROSSWALKS. YOU WILL BE RESPONSIBLE FOR THESE TICKETS.**
6. Registration. If you are taking the vehicle outside of the City of Boston an original registration must be in the vehicle.

.....
The following check list must be completed and turned in with the key and gate card.

PLATE # MB _____ MILEAGE: (Before) _____ (After) _____

GASOLINE (at end of trip) Full: _____ ¼ _____ ½ _____ ¾ _____

INTERIOR: _____

EXTERIOR: _____

CONDITION OF TIRES: _____

COMMENTS: _____

BE CONSIDERATE OF OTHER DRIVERS AND REMOVE ALL CUPS, PAPERS, PENS, AND TRASH BEFORE TURNING THE CAR IN.

NAME: _____

DATE: _____

REV/11-99

Number: 2002 - 03
Date: August 30, 2002

Page 1 of 3

Subject: Establishment of the On-Call Manager List and Standard Rules and Procedures for On-Call Managers.

Purpose: Establish a schedule for on-call managers to handle off-hours service calls and emergencies.

General Considerations: Boston Inspectional Services personnel are charged with legal responsibility and public trust in ensuring the well being of the public health, welfare and safety. ISD must maintain the capability to respond to this duty 24-hours a day seven days a week.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and should be interpreted as gender neutral. .

ESTABLISHMENT OF ON-CALL MANAGER LIST AND THE STANDARD RULES AN PROCEDURES FOR ON CALL MANAGERS.

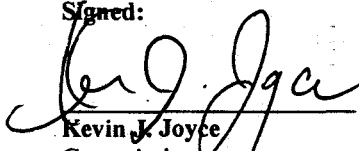
§ 1. On-call manager- ISD shall have an on-call manager available everyday for weekend and after hours emergencies. The on-call manager shall be the primary contact for other city agencies and departments, including the Mayor's 24 hour service, when ISD is needed during non-business hours.

§ 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 that manager the shift has started. All managers shall have on their person at all times either a Department issued Nextel phone or a beeper. 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.

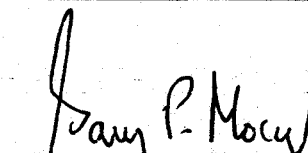
§ 3. Designation as on-call managers- All Deputy Commissioners, Assistant Commissioners, Directors and principal inspectors shall qualify as on-call managers once appointed by the Commissioner. Any person holding one of these positions shall be placed on the on-call manager list, which will have a standardized weekly rotation assigning the duty subject approval by the Commissioner. .

§ 4. Duties and Responsibilities- 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. On-call managers shall also be responsible for ensuring the safety of ISD personnel sent into the field at the on-call managers direction. ISD on-call managers may also be required to respond on--scene to some incidents and therefore shall travel to any location more than 1 hour in travel time from the City of Boston when on duty. 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 Director of Special Operations or the Commissioner's Office, unless there are clear and substantial reasons requiring such deviation.

Signed:



Kevin J. Joyce
Commissioner
Inspectional Service Department
Date:



Gary P. Moccia
Inspector of Building
Date:

BOSTON INSPECTIONAL SERVICES

OFFICIAL ISD MANUAL

**Standard Rules of Practice and
Procedure for On-Call Managers
and Inspectors**



2002-2003 Edition

Thomas M. Menino
Mayor of Boston

Kevin J. Joyce
Commissioner

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I. DEPARTMENT MISSION

The Boston Inspectional Services Department shall protect the public health, safety and welfare within the City of Boston by fairly and consistently administering the laws it is legally obligated to enforce. The Department shall create accessibility to information and services to help people understand the law as a way increasing compliance, improving the business climate and the overall quality of life. The Menino Administration's primary objective of improving the overall quality of life in the neighborhoods for businesses and residents shall be incorporated into all efforts undertaken by the Department.

II. Purpose of the On-call Policy

The Inspectional Services Department ("ISD") is legally obligated to administer the laws protecting the public health, safety and welfare, all of which ensure a strong quality of life in the City of Boston. The Department must maintain a state of readiness 24-hours a day seven days a week for emergency incident response as part of its legal obligations. These emergency incidents may include, but are not limited to, life-threatening situations.

Each week ISD designates an on-call manager and on-call inspectors to respond to incidents arising after normal business hours. The on-call manager is responsible for maintaining the Department's state of off-hours readiness. The on-call manager serves as the ISD "nerve center" ensuring proper management of all incidents pursuant to ISD's duty to protect the public health, safety and welfare. Inspectors assigned to on-call duties, as designated each week through the On-Call Sheet, provide 24-hour support to the on-call manager by carrying out appropriate actions necessary to resolve emergencies and other incidents. Mayor Thomas M. Menino's office operates a 24-hour hotline (617) 635-4500 seven days a week, to receive citizen complaints and information from other public safety agencies regarding incidents throughout the City of Boston. The on-call manager will receive many calls for assistance from the Mayor's 24 hour hotline and will handle them thoroughly and immediately. The on-call manager can also use the Mayor's 24 hour hotline to reach any other city official, including the Mayor or the Commissioner 24 hours a day 7 days a week if the situation warrants. On-call staff should also consult the emergency numbers listed in the On-call Sheet for Police, Fire, Transportation or other important 24-hour contact numbers.

The on-call manager should at all times remember the mission of the Inspectional Services Department is to ensure compliance with the laws the Department is legally obligated to protect the public's health, safety and overall quality of life. In responding to emergency incidents, protecting and preserving life and property is the top priority for all responding ISD personnel. This manual classifies the different situations requiring a Department response into four (4) categories- with the most delicate and sensitive incidents being classified as priority one calls. The success of any critical emergency

situation hinges on unity of command, teamwork, communication, coordination of personnel and decision making. The on-call manager is primarily responsible for ensuring such a response to a priority one call is properly carried out. The on-call manager should seek assistance from other managers as needed. Other calls, such as those being classified as Priority Four calls will require the on-call manager to ensure proper follow up by the proper division the next business day. Notwithstanding a call's classification, the on-call manager must ensure a proper response to all calls.

The standard practices and operational procedures for on-call managers and inspectors are explained in this manual. On-call managers are required to follow the operating procedures, chain of command, and notification requirements contained in this manual. Above all, on-call managers and inspectors shall incorporate common sense and common experiences to interpret and apply the information in this manual when responding to an incident. On-call managers and inspectors shall at all times maintain the records of all responses pursuant to the on-call duty. A person may remove themselves from the on-call manager's list without prejudice if the duties inherent to properly carrying out the on-call manager shift are too cumbersome or intimidating to undertake; however, an employee undertaking the duties of the on-call manager or inspector who fails to act reasonably and in manner consistent with this manual may be subject to the disciplinary process set out in the relevant collective bargaining agreement for abandoning on-call responsibilities. The on-call personnel are trusted with great responsibility and shall undertake these duties with this in mind at all times. Someone's life may depend on the on-call personnel availability and ability to fashion a proper response.

III. OPERATIONAL PROCEDURES FOR THE ON-CALL MANAGER

i. DUTIES OF THE ON-CALL MANAGER

The on-call manager shall exercise fair and consistent professional judgement in all decisions pursuant to on-call duties or in any capacity on behalf of the Department. The on-call manager shall follow the standard operating procedure listed below:

1. **Receive** call for assistance and log the call on an on-call manager's report;
2. **Assign** the call a priority status as outlined in the manual. (See pp. 5-8);
3. **Formulate** an appropriate response by taking into consideration (a) the priority assigned to the call and danger to the public or individual; (b) the availability of ISD personnel/ resources or willingness of parties to in good faith correct the problem without ISD involvement; and (c) any unique or extenuating circumstances. Consult Appendix in this manual as needed.
4. **Manage** the incident after evaluating and formulating a response you are responsible for dispatching the appropriate personnel to the scene as needed and remaining available for consultation as the response proceeds;
5. **Communicate** information regarding the incident up the Department chain of command and to other city departments or outside agencies as needed. Report the incident to the relevant Division manager if further response or guidance is needed.
6. **Follow-Up:** Take steps to ensure proper follow up is taken with the appropriate division the next business day regarding the incident or with other divisions that may have other issues with the incident. (e.g. No heat call may also be illegal 3 family); Ensure all embargoed property is properly recorded and stored if relevant,(See Appendix K), and all building watches are in place as needed. (See Appendix J).

The following chart contains incidents that are most commonly encountered by the on-call manager; however, the manual does not identify every incident that may be encountered. It is not possible to precisely identify all types of incidents. Some calls may become far more serious or worse than the original call may indicate. Therefore, managers are expected to respond thoroughly and with sound judgment.

When responding as an on-call manager or inspector ask yourself, "would I feel comfortable explaining my decisions or response to the people needing my

services, my supervisors or the public." If not, then you probably need to reassess your course of action and improve upon it. Use the priority call guide in this manual (pp. 5-9), the advice of other managers and staff and your own common sense and experience to guide any response during an on-call manger shift. All Division Managers shall on a regular basis review the contents of this manual with their staffs.

ii. DEFINING CALL PRIORITY CATEGORIES

The following four call priority categories have been established to guide an on-call manager's response in addition to the other information contained in this manual. Each priority category is based the urgency for an ISD off-hours response. Each Division shall conduct on-going training to ensure that personnel understand the responsibilities in each priority category. The four priority categories are:

Priority One: A priority one call is an emergency situation involving imminent danger to the public health or safety and generally involving other city emergency responders. Examples: a fire, a dead body found in a dwelling or a bldg. collapse.

Priority Two: A priority two call is an emergency call in that such calls require a response that cannot wait until the next day because of their potential danger to the public health and/or safety. Example: house of squalor, potential structural danger, burst sewer pipe in restaurant, smell of gas, building parts falling.

Priority Three: A priority three call is not an emergency call, but get a response when received. Strong customer service for local quality of life issues and/or allowing responding personnel to accurately capture the facts of alleged conduct as it occurs are the reasons priority three calls should not wait until the next business day for a response. Example: work w/o a permit or dust, fumes or debris emanating from a job site.

Priority Four: These calls are generally requests or complaints requiring an ISD response that can wait till the next day. The on-call manger should respond to the request that evening by phone and then refer the call to the appropriate division the next day. Examples of priority four calls are questions about permit status, on-going problems (e.g. landlord tenant dispute) involving no immediate threat to public health or safety or a situation in which the caller is amenable to having ISD personnel follow up the next day where no immediate dangers are present.

iii. PRIORITY CALL GUIDE

NOTE: These priority examples are intended to **GUIDE** the on call manager. The variety of circumstances encountered will require managers to adapt these situations and use common sense in coordinating a response.

PRIORITY LEVEL	DETERMINATION	RESOURCES ACTIVATED
<u>PRIORITY ONE</u>	<p>A.) Any request for assistance from EMS, BPD, And BFD, (only if major accidents, fires).</p> <p>B.) Building collapse, building damaged or destroyed by fire (more than 3 alarms).</p> <p>C.) Deceased Human Being found in residential dwelling.</p> <p>D.) Reports of squalor or unsafe conditions in residential or commercial building occupied by multiple families and children.</p> <p>E.) Major natural or other disasters such as floods, earthquakes, tornadoes, and bombings.</p>	<p>Special Operations Division or if the inspector specifically requested by the emergency agency, usually the on-call electrical inspector or building inspector.</p>
<u>PRIORITY TWO</u>	A.) Reports of squalor	On-call Housing inspector

	bombings.	
<u>PRIORITY TWO</u>	<p>A.) Reports of squalor conditions in occupied residential buildings.</p> <p>B.) Reports of rodents in a food establishment's dining area or a confirmed food poisoning caused by any food establishment.</p> <p>C.) NO HEAT when the outside temperature is freezing or close to freezing.</p> <p>D.) Building façade, section of building or attachment to a building in danger of falling onto public way but building not in danger of collapse.</p> <p>E.) Smell of gas or loose wiring, repeated shock from household appliances.</p>	<p>On-call Housing inspector</p> <p>On-Call Health Inspector</p> <p>Housing Inspector and if call results in relocation of Special Operations as needed.</p> <p>On-call building inspector</p> <p>On-call gas or electrical inspector</p>
<u>PRIORITY THREE</u>	<p>A.) Reports of illegal dumping in public or private lands (including, but not limited to city streets to city lots) in the off hours.</p> <p>B.) Reports of construction or demolition work in the off-hours with</p>	<p>Code Enforcement Police (if during regular CEP shift, otherwise Pr. #4).</p> <p>On-call building inspector</p>

	<p>water or electricity to which landlord has been unresponsive.</p> <p>E.) Rodent loose in residential dwelling.</p> <p>F.) Food establishment with power loss or sewer break.</p> <p>G.) Bldg previously boarded up by ISD now open to trespass or elements.</p>	<p>On-call housing inspector</p> <p>On-call housing inspector</p> <p>On-call health inspector</p> <p>On-call C.O.R.E personnel</p>
<p>PRIORITY FOUR</p>	<p>A.) Permit status</p> <p>B.) Lifting TSOP/ Compliance inspectors</p> <p>C.) Reports of illegal dwelling units with no public safety issues present.</p> <p>D.) Non-emergency complaints about residential dwelling w/ no attempt to contact landlord by tenant.</p> <p>E.) On-going illegal use and occupancy of land, buildings and structures.</p> <p>F.) General complaints do not present an immediate threat to health and safety.</p>	<p>Appropriate division during next business day.</p>

IV. RESPONDING TO PRIORITY CATEGORIES

1. **Priority One Calls.** These calls require an immediate response. The on-call manager shall dispatch ISD Special Operations Division ("SOD") personnel to the scene of a priority one call or the appropriate inspectors as requested by emergency agencies. Once on scene, SOD shall report to the incident commander. SOD shall co-ordinate ISD's response as the incident develops and shall remain in contact with the on-call manager who shall deploy additional resources as needed. ONLY THE MANAGER SHALL DEPLOY STAFF TO SCENES. The on-call manager may be required to report on scene for some priority one situations. SOD shall be the lead on all ISD response while on-scene until an assistant commissioner or above arrives; however, SOD shall follow the decisions of directors and principal inspectors from the respective divisions regarding issues under the jurisdiction of those managers until orders to otherwise by a higher manager are given. SOD shall incorporate the decisions of those managers into the coordinated response by ISD for priority one situations. SOD shall be the primary contact for all Department matters on scene until an assistant commissioner arrives on scene. SOD will support a cooperative response incorporating all staff and resources deployed to the scene by the manager. Always notify the Commissioner's Office of ISD response to priority one calls.
2. **Priority Two Calls.** These calls require an immediate response depending on the circumstances and your evaluation of them. In most instances, priority two calls will require the appropriate inspector to arrive on-scene and take all steps necessary to remedy the problem immediately or take reasonable action in that direction. The on-call manager must also assess the need for other ISD divisions or city departments to respond. In the event that a priority one call and priority two call are received while response to either is on-going, the priority one will take precedence and the priority two call response will subordinate to it. The on-call manager shall be responsible for arranging a contingency response in such instances of call subordination so the Department can handle both situations. The management of personnel and decisions on scene applicable in priority one shall also apply here.
3. **Priority Three Calls.** These calls should generally be responded to when received unless the caller requests otherwise and no dangers to the public health and/or safety are present. The relevant on-call inspector should be consulted for guidance on how to respond. Priority Three calls require a response when received for good service delivery on "quality of life" issues and to accurately capture the facts as they occur.
4. **Priority Four Calls.** These calls that can be responded to during the normal business hours. Priority four calls received in the off-hours should be reported to the appropriate division manger on next business day. The on-call manager should contact the caller at the time of the call and inform the caller of the ISD response.

*****CHANGE IN PRIORITY STATUS:** The on-call manager is authorized to reduce the priority status assigned to a call as the incident develops. A change in the priority status will be based on information communicated from responding ISD personnel on-scene or information from the caller.

V. ON-CALL MANAGER'S RESPONSIBILITIES

1. The on-call manager's shift begins on **Friday at 4:00 p.m.** and ends the following **Friday at 4:00 PM.** During this time, the on-call manager must be available at all times to dispatch appropriate ISD inspectors to incidents and report to some scenes personally.
2. The on-call manager must obtain before the start of the weekly shift the On-Call List prepared by the Personnel Office. The on-call list contains the names of those individuals designated to assist the on-call manager in responding to incidents during non-business hours. **NO INSPECTOR SHALL SWITCH AN ON-CALL SHIFT WITHOUT APPROVAL OF THE ON-CALL MANAGER EXCEPT IN THE CASE OF EMERGENCIES.**
3. Each inspector placed on the On-Call List shall verify that the individual phone numbers and pager numbers for the inspector are correct. Any inaccuracies shall be immediately reported to the Personnel Office and corrected. The on-call manager shall ensure that all numbers on the list are accurate and working before leaving for the day on which the shift begins.
4. If a manager or inspector does not have an assigned pager, the inspector must pick up a pager from the Division of Administration and Finance. The inspector is required to confirm that the pager and the Nextel phone are charged and in working order.
5. Each Divisional Manager shall supply the designated On-Call Inspectors with sufficient forms so that the inspectors can document calls and responses.
6. In all other instances, prior to dispatching an inspector, the on-call manager is required to use their best professional judgement to evaluate the facts and circumstances, and if possible, contact the property owner or other person in control of the complained of activity to facilitate a remedy and support the inspector.
7. The on-call manager must report all non-emergency calls not requiring the off-hours dispatch of an inspector to the appropriate Division manager on the next business day.
8. All designated on-call managers are required to review this manual for specific information and follow these procedures and recording requirements contained in this manual.

VI. RECORDING PROCEDURES FOR ON-CALL MANAGERS

1. The On-Call Manager's Log Sheet shall be provided shall by the Personnel Office shall be used to record all calls; noting the caller's name, address, phone number, and the nature of the complaint and response.
2. If an inspector was dispatched, the On-Call Manager must record the date and time and relevant details of such dispatch in the On-Call Manager's Log Sheet.
3. On-Call Managers must deliver copies of the On-Call Manager's Log Sheet to the Constituent Services office for follow-up on the next business day. The manager shall also alert relevant division managers the following business day of incidents responded to during the prior evening or on the weekend.
4. The office of Constituent Services will give a copy of the log sheet to the appropriate Division Manager.

VII. RECORDING PROCEDURES FOR ON-CALL INSPECTORS

1. The on-call inspector's report provided by Human Resources shall be used to record all relevant details for the incident and response. **If an on-call inspector is dispatched during off-hours by a supervisor in the Division, the inspector must also notify the on-call manager of this assignment.**
2. This form must be turned into the your Division Supervisor on the next business day.
3. At the end of the On-Call week, inspectors must forward copies of all On-Call Inspector's Reports to the on-call manager for that week with all overtime forms requiring a managers signature.

APPENDIX A

VIII. APPENDIX

APPENDIX A: BUILDING DIVISION GUIDELINES

The Building Division is responsible for administering the State Building Code in the City of Boston. The State Building Code is promulgated as 780 CMR pursuant to Massachusetts G.L. c. 143. The Building Division through its electrical and plumbing inspectors also enforces the State Electrical Code and State Plumbing Code.

Generally, incidents that arise in the Building Division involve structural issues of buildings for example: building collapses, open and dangerous structures, work being undertaken without proper permits, exposed wiring or gas fittings, power outages and gas leaks. All on-call managers shall pay close attention to incidents involving the structural integrity of buildings and issues involving electricity and gas. Failure to respond appropriately to an emergency incident involving the Building Division could lead to the undo loss of property or personal injury to members of the public and even death.

I. Type of Call: Building Issues – (a) building collapses (b) damaged or destroyed by a fire, flood or act of God.

- These types of incidents are usually priority one calls and should be responded to accordingly. The on-call manager is responsible for contacting other inspectors as needed and for coordinating ISD's internal response and mobilization.
- Be sure to determine if the building is residential or commercial and if it is residential is there an immediate need to relocate occupants.
- Be sure to determine the extent of damage and what heavy equipment such as cranes are needed to perform emergency repairs or take downs as the case may be. If immediate action is required notify the Assistant Commissioner or Director of Building or the Commissioner's Office.
- Be sure to record the name and address of the building owner the occupants or business and how they may be contacted in the immediate future.
- Be sure to notify the On-Call Representative from the Commissioners office so that any information that needs to be disseminated about the incident to the public can be coordinated effectively with other city departments.
- Complete an on-call managers report with all relevant details. Contact Bldg. Division manager the following business day.

II. Type of Call: Building façade or attachments falling on to public way.

- These calls are generally **priority two** type calls and should be handled accordingly.
- Obtain the address of the building, a description of the problem, proximity to the public way, the type of building and any ownership information.
- Receive an update from the on-call bldg. inspector and proceed with a course of action as needed. Alert other ISD divisions or city agencies as needed.
- Consider dangers to tenants as well as public.

III. Type of call – permit issues

- Complaints related to non-permitted work are **priority three** calls and handled accordingly when the complaint involves *excessive dust, obstruction of traffic, construction debris adrift on the public way and working after hours or person performing elaborate construction work (e.g. installing multi-floor decks) or digging any type of trench.*
- As with all incidents, attempt to get as many details as possible but make sure to get the address and nature of the alleged offense and if possible the complainant name, address, phone number or an alternative way of contacting the complainant and nature of problem. You should also identify any of the city agencies involved or that should be contacted in order to assist in resolving the incident.

III. Type of call – Electrical Issues: Request to turn on power

Be sure to ask the following questions and record responses:

1. Was power shut off due to an emergency? If yes, and if the electrical problem has been corrected and there is a licensed electrician on site, get address, name of person, apartment number, name of the electrician, and both the phone number of the person and the electrician on-scene.
 - Notify the ISD inspector and provide contact information treat as a **priority three call.**
2. If there was no emergency that caused the power to be shut off, for example, if an electrician was doing work at the site and did not finish, can the work wait until the next business day, or **is the electrician willing to pay the overtime cost?**
 - If the electrician or owner is willing to pay the overtime cost, and **if the electrician has completed the work and is at the site**, notify the ISD inspector of that fact, and the name and phone number of the electrician, along with the address of the problem. **NOTE ANY BILLING ON On-Call REPORT. Treat as priority four call.**

ISD will take the following steps: **ISD inspector will contact person at the site to determine the extent of emergency, and if appropriate will conduct a site inspection.**

NOTE:

- Complaints of hot wires, exposed wires or any potential life safety electrical problems shall be a **priority two call.**
- Any call regarding a smell of gas in any building or structure shall be a **priority two call.**

APPENDIX B

APPENDIX B: CODE ENFORCEMENT

The Code Enforcement Police ("CEP") enforce a number of quality of life offenses pursuant to the non-criminal disposition process as set forth in MGL c. 40 § 21D. CEP issue violations for the following offenses:

1. Late/early storage of trash;
2. Illegal dumping of more than one (1) cubic yard of debris;
3. Trash disposal without a permit;
4. Failure to clean side walks
5. Failure to remove snow from sidewalks (w/in 3 hours after storm)
6. Posting signs without authority;
7. Occupying City property without displaying proper permits;
8. Improper storage of trash;
9. Illegal disposal of medical waste, and
10. Site cleanliness/ dumpster storage

The CEP are deployed seven (7) days a week. The *weekday* schedules shifts run 7:00 a.m. to 2:00 p.m. and an evening shift from 2:00 p.m. to 9:00 p.m. The *weekends* have a day shift only that generally runs from 8 a.m. to 3 p.m. If you receive a call regarding one of the above CEP issues, treat as priority three if received during the previously listed shifts, otherwise treat as priority four- unless by another manager to do otherwise. Code enforcement may also be called to perform building watches.

Code Enforcement: *Response to all calls for alleged violations*

- Obtain the contact information of the caller, the address of the alleged violation and the type of activity alleged.
- Obtain from the caller as much information as possible about the perpetrator (e.g. license plate, descriptions, address etc.)
- Contact the CEP officer on-duty through the contact information provided on the on-call list. The evening and weekend CEP officer on-duty will be listed on the on-call manager's information.
- If the call is received after a CEP shifts have ended for the day, refer the information to CEP Director the next day or to the on-duty CEP officer when the next regular CEP shift starts, unless a manager specifically orders a CEP officer to answer the call immediately.

APPENDIX C

APPENDIX C: ENVIORNMENTAL SERVICES DIVISION
GUIDELINES

**I. Type of Call: Building previously boarded by ISD now
unsecure or open to trespass.**

1. Treat as priority three unless there are structural dangers or the building is being occupied then treat as priority two.
2. Obtain from caller the exact address of the building, verify with on-call C.O.R.E. person that building is under ISD control and has been boarded in the past. IF yes, dispatch on-call C.O.R.E. staff to resecure bldg. IF NO: dispatch bldg insp. to assess situation and write violations.
3. If criminal activity or any other dangers are taking place then notify BPD as needed or Municipal Police (see On-call list emergency numbers).

II. Type of call: Rodent loose in dwelling

1. Treat as a priority two call.
2. Determine that a rodent in fact is loose in the dwelling, obtain the name, address and phone number of the complainant and if different the same information for the location of the loose rodent.
3. Ask if the landlord has been contacted if the contact has generated a response, if yes instruct person to call back if problem not remedied. If no dispatch a HOUSING INSPECTOR immediately to assess the situation.

APPENDIX D

APPENDIX D: HEALTH DIVISION GUIDELINES

I. Type of call: Restaurants or Food stores – fire/water damage/sewage

- **Be sure to ask the following questions and record responses:**
 1. Is their significant damage? Is there electricity? Is there a lot of water in the building (how much)? Is there sewage? Take down the name of the owner, phone number, the name of the establishment, and the address.
 2. Contact the On-Call Inspector to determine if possible imminent health hazard has occurred. Generally these calls will be **priority two or three calls**.
 3. If an inspector determines that a Temporary Suspension of Permit (“TSOP”) is necessary, the inspector must contact a manager in the Health Division for approval of the TSOP.

Type of call – Restaurants or Food Stores: Power outage

- **Be sure to ask the following questions and record responses:**
 1. How long has the power been out? If less than six hours, they should keep perishable food in dry ice.
 2. Get the name and address of the establishment, and the name and phone number of someone on the scene. Treat as either **priority three or**
- Contact the On-Call Inspector for advice on proceeding and dispatch inspector as needed to determine if any food product needs to be embargoed.

II. Type of call – Restaurants or Food Stores: No water

- **Be sure to ask the following questions and record responses:**
 1. If the establishment is open for business, get the name, address, and phone number of the establishment; the length of time the water has been off, and the estimated time it will be restored.
 2. Confirm with someone at the restaurant that the water is actually off.
 3. Treat as either **priority three or four**.
- Contact the Health inspector.

III. Type of call – Restaurants or food stores: Roaches, unsanitary conditions, overflowing dumpsters, sickness due to eating at a particular restaurant.

- **Be sure to ask the following questions and record responses:**
 1. Get the name and address of the establishment, along with the caller name and phone number.

2. Take down the facts observed by the caller about the food establishments practices and maintenance, including the date the circumstances were observed and time of day.
3. If you receive a call of a confirmed case of food poisoning after hours, treat as a priority two call and deploy on call inspector otherwise treat as **priority four**.

APPENDIX E

APPENDIX E: HOUSING DIVISION GUIDELINES

The Housing Division is responsible for administering the State Sanitary Code in the City of Boston. The State Sanitary Code is promulgated as 105 CMR 410 under the authority contained in G.L. c. 111 §127A. The State Sanitary Code establishes minimum standards required for occupying a dwelling unit. Typical incidents involving the Housing Division could be a lack of heat, hot water, broken toilets, leaking roofs, or the presence of insects or rodents.

Generally, these types of incidents are classified as priority four non-emergency conditions. However, there are some exceptions to this general principal, for example a lack of heat during the heating season, (October-June) is **priority two** emergency condition. Other conditions, such as a rodent in the dwelling or structural dangers also warrant either priority two or three classification depending on the facts.

The following paragraphs provide information and procedures for responding to emergencies that could arise under the State Sanitary Code.

I. Type of call:-- no heat, no hot water, no oil, no gas or electricity

- **Initially, the On-Call Manager should ask the following questions and record responses:**
 1. Ask the complainant the tenant's name, phone number, address of the property, apartment number, if any, property manager's name, phone number, landlord's name, and phone number.
 2. Attempt to determine the cause of the problem and obtain as many facts detailing the extent of the problem to obtain accurate assessment of the situation, for example for a lack of heat call, ask:
How long has the heat been off?
Who pays for the heat?
Is any one working on the problem? If so who? (**Name and telephone number**) .
 3. **Has the tenant attempted to contact the landlord, and if so has the landlord been responsive?**
 4. Are other units in the building in a similar condition?
- **LACK OF FUEL:** If the On-Call Manager determines that the cause of the problem is lack of fuel, as opposed to a mechanical problem with the heating equipment then the problem is an emergency fuel problem and the Housing Division should be notified immediately, so the situation can be evaluated for other types of emergency assistance available.
- **POWER OUTAGE:** If there is a power outage, the condition cannot be remedied until the power is restored. The on-call manager should determine if the power failure is isolated to one property or a general power failure. If isolated, an inspector should respond. If there is a general power failure the on-call manger should offer other resources, such as EMS or alternate shelter if warranted by the circumstances.
- If it is determined that the problem is the landlord's responsibility, call the property manager (PM) and the landlord (L/L) to report the problem. Obtain a **commitment** from either the-PM or L/L to remedy the problem immediately. If the LL or PM appears to be acting in a proactive manner notify the complaining party to call back and if it is an emergency situation

(e.g. if heat is restored within a reasonable time no longer than two hours from the time the landlord is notified.) note this in the report. If the situation is **not remedied**, on the way to being remedied in a reasonable time ask the complaining party to call back so that a housing inspector can be dispatched. **DISPATCH AN INSPECTOR IMMEDIATELY IN ALL PRIORITY TWO AND PRIORITY THREE CALLS WHERE L/L or P/M cannot be reached or is unresponsive.**

- When the housing inspector responds, s/he will write a violation if appropriate, and serve it to the LL or PM for proper notification. After 24 hours has elapsed a re-inspection will be conducted and if the emergency has not been corrected the inspector will swear out the complaint to court on the next available business day.

NOTE: Before fuel is delivered or other private repair services ordered the Assistant Commissioner of Housing or his designee must be contacted.

II. Type of call:- low water pressure, leaking ceilings, broken toilets, cockroaches, rodents, etc.:

- **Initially, the On-Call Manager should ask the following questions and record responses:**
 5. Ask the complainant the tenant's name, phone number, address of the property, apartment number, if any, property manager's name, phone number, landlord's name, and phone number.
 6. Attempt to determine the cause of the problem and obtain as many facts detailing the extent of the problem to obtain accurate assessment of the situation, for example for a lack of heat call, ask:
How long has the heat been off?
Who pays for the heat?
Is any one working on the problem? If so who? **(Name and telephone number)**.
 7. **Has the tenant attempted to contact the landlord, and if so has the landlord been responsive?**
 8. Are other units in the building in a similar condition?

NOTE: Rats in the house require sending out the On-Call Inspector, mice do not.

NOTE: Water leaking through a ceiling light fixture or water identified as sewage must be inspected immediately.

APPENDIX F

APPENDIX F: SPECIAL OPERATIONS DIVISION GUIDELINES

I. Type of Call: Responds to requests for assistance of a building, plumbing, or electrical inspector from Police/Fire/EMS departments or other public safety agencies.

- Responds to all **priority one** calls:
 - Large-scale vacates and condemnations or as requested.
 - Assists inspectors with large-scale problems, i.e., floods, fires and building collapses.
 - Handles all trauma scene responses.

Procedure:

- Once on the scene, the special operations inspector will appraise the situation, contact the on-call manager to inform him/her of the status and request any and all further assistance required at the scene, i.e., Building, Electrical, Plumbing Inspector, BFD, BPD and other public safety agencies. SOD shall **NEVER** call for additional resources without authorization of the on-call manager. SOD shall notify the on-call manager for such requests. On call manager can contact all city agencies 24/7 through the Mayor's 24-hour hotline, 617-635-4500 or consult on on-call list "emergency numbers" section.
- If there are structural problems, i.e., collapsed roof, walls, facades, contact the ISD Inspector.
- If there are no structural problems, refer the case to the ISD the following day during business hours.
- If the area needs to be cordoned off, tell SOD to contact BPD or make contact yourself.
- **Be sure to ask the following questions and record the responses:**
 1. Get the name and address of the person at the scene, along with their phone number, and a description of the problem.
 2. Try to speak with someone at the scene, or ask if they are responding to a fire alarm, why they require an inspector.

APPENDIX G

APPENDIX G: Building Watch Guidelines

1) Building Watches:

- A) After ISD has deemed a dwelling as unfit for human habitation and/or unsafe and dangerous, and the building has been vacated, the department is responsible for the dwelling and its contents. The dwelling is now in control by the City of Boston, the dwelling will be boarded and secured by ISD's Emergency Response Unit.
- B) The building watch will be an 8- hour shift. A supervisor will assign these shifts, this will be done by a rotation list.
- C) If personnel take a shift they are responsible for showing up for it. If personnel fail to show up you will be subject to disciplinary measures. Managers should not any missed shifts.
- D) There will be a marked vehicle assigned with a radio for communications. Members of the Special Operations Unit will be monitoring the radios 24-7, and especially during a building watch. ISD personnel standing the watch shall inform the on-call manager of any situations.
- E) There will be assigned times for tenants/occupants to enter the dwelling to remove their possessions (NO EXECPTIONS).
- F) All tenants/occupants should have an ID card and/or an ISD vacate form in their possession for entry into the building. The building watch will record all people entering and leaving the dwelling as well as listing their times of arrival and departing.
- G) There will be standing orders for all watches (They will change from time to time) as well as a list of assigned personnel and their watch times. These lists should remain in the vehicle and passed on and read by the on-coming watch, and recorded same.
- H) All incidences should be reported and entered into the log. If Police and or Fire is needed call Operations on the radio immediately. If there is a fire and there is a fire alarm box near by, pull the box and await the arrival of the Boston Fire Department

APPENDIX H

APPENDIX H: On-call managers log sheet
Boston Inspectional Services

ON-CALL MANAGER'S LOG SHEET

Date: _____ Time: _____ Ward _____

Name: _____ PH#: _____

Address: _____ Apt: _____

Owner/Manager: _____ PH#: _____

Problem: _____

Action: _____

ON-CALL MANAGER'S LOG SHEET
(SAMPLE)

Date: 12/12/03 Time: 01300 Ward: 1

Name(of caller): Joe smith PH# : 617-555-5555 or cell: 555-6666

Address: 10 Main street, Beantown Apt: _____

Owner/Manager: Joe Jones PH#: 617-555-xxxx

Problem: Caller states next door neighbor was digging trench in driveway from street to garage. Using rented heavy equipment, probably no permit. Attempted to reach neighbor, but no one answered phone. Dispatched inspector X after contacting via nextel # 666. Inspector arrives on scene, issued stop work and immediate measures to prevent

trench collapse. Inspector also found piles of junk on back porch and apparent work going on for new basement units some already occupied. Housing inspector also dispatched tenant provided consent to legal entry and eventually units were vacated as unsafe and unfit for human habitation. 8 occupants vacated 3 needed alternative shelter the remainder staying w/ family and friends. Apparent dog kennel for fighting dogs also found, BPD called to scene to investigate along w/ animal control. BPD make one arrest on outstanding warrants. Entire basement condemned, hearing scheduled for 12/20/03. Cmsr. Office notified.

Follow up action taken: Notified housing, building division managers following day.

APPENDIX I

Appendix I: On-call inspector's Report

Boston Inspectional Services
ON-CALL INSPECTOR'S REPORT
(Sample)

Date: 12/12/03 Time: 01300 Ward: 1

Name(of caller): Joe smith PH# : 617-555-5555 or cell: 555-6666

Address: 10 Main street, Beantown Apt: _____

Owner/Manager: Joe Jones PH#: 617-555-xxxx

Problem: Building Division found:

Upon arrival I found man digging trench to lay utility wire for garage which he was planning to make into living space, issued stop work and ordered immediate make safe to prevent trench collapse. Instructed owner to get permits from ISD. Noticed additional construction debris and equipment on porch and basement door, apparently additional work w/o permits to created basement units, also notified housing as tenant disclosed problems with unit, I was initially denied access by owner, but tenant said yes, created a very tense situation, eventually calmed when BPD arrived. One occupant arrested.

Action: Violations of 780 CMR 111, 121, 121.2 and Zoning for illegal 3 family housing arrived on scene wrote additional violations. Assisted w/ vacate. Bldg violations written up and to be served following day

Result: work stopped. Prosecution to follow.

Inspector's Signature

On-Call Manager's Signature

APPENDIX J

APPENDIX J: Commissioner's Bulletin 2002- On call management establishment



Number: 2002 - 03
Date: August 30, 2002

Page 1 of 3

Subject: Establishment of the On-Call Standard Rules and Procedures.

Purpose: Establish a schedule for on-call managers to handle off-hours service calls and emergencies.

General Considerations: Boston Inspectional Services personnel are charged with legal responsibility and public trust in ensuring the well being of the public health, welfare and safety. ISD must maintain the capability to respond to this duty 24-hours a day seven days a week.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and should be interpreted as gender neutral.

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

§ 1. On-call manager- ISD shall have an on-call manager available everyday for weekend and after hours emergencies. The on-call manager shall be the primary contact for other city agencies and departments, including the Mayor's 24 hour service, when ISD is needed during non-business hours.

§ 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 that manager the shift has started. All managers shall have on their person at all times either a Department issued Nextel phone or a beeper. 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 ISD on-call staff and the Mayor's 24 hour service.

§ 3. Designation as on-call managers- All Deputy Commissioners, Assistant Commissioners, Directors and principal inspectors shall qualify as on-call managers once appointed by the Commissioner. Any person holding one of these positions shall be placed on the on-call manager list, which will have a standardized weekly rotation assigning the duty subject approval by the Commissioner. .

§ 4. Duties and Responsibilities- 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. On-call managers shall also be responsible for ensuring the safety of ISD personnel sent into the field at the on-call managers direction. ISD on-call managers may also be required to respond on--scene to some incidents and therefore shall travel to any location more than 1 hour in travel time from the City of Boston when on duty. 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 Director of Special Operations or the Commissioner's Office, unless there are clear and substantial reasons requiring such deviation.

Signed:

Kevin J. Joyce
Commissioner

Gary P. Moccia
Inspector of Building

APPENDIX K

APPENDIX K: Commissioner's Bulletin 2002-15 "Standard Rules of Practice for the embargo of property"



Number: 2002 - 15
Date: June 24, 2002

Page 1 of 3

Subject: STANDARD RULES AND PROCEDURES FOR THE EMBARGO AND HANDLING OF PROPERTY

General Considerations: By virtue of the statutes, rules and regulations that ISD is authorized to enforce, ISD is sometimes required to embargo personal property in order to safely abate a nuisance or arrest a danger or injustice to the public health, safety or welfare. On those occasions it is appropriate for ISD personnel to have rules and procedures to follow which provide for the safe embargo and storage of property and its disposition in accordance with the requirements of applicable laws and statutes.

Accordingly, it is the policy of ISD to follow the standard rules and procedures outlined in this Bulletin when the embargo of personal property is determined to be necessary and authorized. This Bulletin shall be followed in all instances where Boston Police do not take custody of property for ISD or in general and the embargo of property by ISD is needed.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and it should be interpreted as gender neutral. .

Definitions:

Inspectional Services Personnel shall include the Code Enforcement Police after July 1, 2002 for the purposes of this bulletin.

Embargo shall include any act by which ISD personnel seize or take control of any personal property in the possession of another, including seizures executed under a valid warrant, under ISD's legal authority to protect the public health, safety and welfare.

Property shall refer only to personal property embargoed by ISD personnel. For standard rules and procedures for the embargo and handling of real property by ISD personnel refer to Commissioner's Bulletin 2001-8

Crime Scene shall be defined for the purposes of this Bulletin only as any premises at which it reasonably appears that a serious crime such as homicide, burglary or any other crime where the need for preserving integrity of the premises is essential for the purposes of investigation.

Criminal Evidence- any item or paraphernalia that is potentially illegal or relevant to an investigation by Boston Police or other law enforcement, including but not limited to guns, weapons, ammunition, needles, drugs, or substantial amounts of human blood.

STANDARD RULES AND PROCEDURES FOR THE EMBARGO OF PROPERTY

§ 1. Authorization for Embargo: When Boston Police do not take custody of property, ISD personnel may embargo property only when legally authorized do so by the city, state or federal laws and regulations from which ISD derives its authority to act. A manager of at least the level of an assistant commissioner

must authorize all embargoes unless time will not allow for personnel on-scene to gain such approval because the property may be otherwise destroyed, lost, moved or present an immediate danger to the life or limb of personnel or the general public. The Director of Code Enforcement will be an assistant commissioner for the purposes of this Bulletin.

§ 2. Recording the Embargo of Property: ISD personnel shall assume embargoed property will be used as real evidence in legal proceedings requiring all due care and a secured chain of custody. When an embargo is authorized, the ISD personnel embargoing the property shall prepare a report on-scene with ISD Form 02-15 to record the information surrounding the embargo. The report should contain:

- A. Date, time and location of the embargo, names of persons involved with the embargo, legal basis and reasons for embargo and the authorizing manager.
- B. A listing of all items embargoed and described sufficiently enough to allow for the identification of the property or to prove the property presented is the actual item embargoed in legal proceedings. Details such as quantity, quality, color, shape or other objective factors conspicuous and relevant for identifying the property should be included.
- C. Time, Date of transport from the embargo scene and persons transporting to ISD custodial facility and location of the custodial facility.
- D. The property owner's name, contact information and the type of documentation showing proof of ownership and identity. If owner or owner's agent is not on-scene, then ISD personnel shall collect contact information from the person in possession of the property. If no information is available or persons refuse to provide information about ownership or possession on-scene, then this fact must be documented and reasonable steps taken to find the owner. ISD personnel shall take reasonable steps on-scene to verify the accuracy of the person's identity or contact information either through photo identification or other reasonable means.
- E. Any information not mentioned here that a reasonable person carrying out the duties in which the embargo is legally authorized would include that. Any damage to property between transport and check in to ISD custodial facility should also be documented.

ISD personnel, when possible, should photograph the scene and property at time of embargo. All embargo reports (Form 02-15) shall be kept as public records of the embargo by the embargoing division at ISD and the Keeper of Records.

ISD personnel should take reasonable steps to have the report signed by the owner, agent of the owner, or the person in possession of the property at the time of embargo. If the person refuses or is unavailable at the scene, the inspector should obtain a signature from another person on-scene, preferably a disinterested person such as a police, fire or other city official, on scene attesting to the accuracy of the facts stated in the report.

§ 3 Notice of embargo to owner: The owner, the owner's agent, or person in possession of the property shall be given, as notice of the embargo, a copy of Form 02-15 on-scene or within a reasonable time, but not more than 48 hours after the embargo. The party claiming an interest, if known, shall also be informed that the rights and obligations of any person claiming ownership are on the reverse side of the form. Notice, when not on scene, may be served in-hand, posted at the current or last known address of the party claiming an interest or sent by certified or registered mail. The keeper of records shall be charged with ensuring proper notice is sent to party providing contact information on Form 02-15 at all points where notice is required.

Notice shall inform the on Form 02-15 of the right to a hearing, the need to prove ownership and pay all costs incidental to the embargo before release of the property from ISD control and that failure to claim the property within 60 days after the embargo date shall result in the property being classified as

abandoned property. The person on scene claiming an interest in the property shall be considered as to have waived notice if the party provides ISD personnel with false or inaccurate identity and contact information. ISD personnel shall inform the person of this rule when filing out Form 02-15. If more than one party provides information and the information for at least one person is accurate then the waiver shall not apply.

§ 4 Custody of Embargoed Property: Once property has been properly identified, Form 02-15 completed, and the property marked for identification, ISD personnel shall be responsible for getting the property to an authorized custodial facility for ISD. There shall be a secure property room or another authorized area for custodial purposes of embargoed property. ISD personnel shall ensure the chain of custody for all embargoed property from the moment of embargo to disposition. Any property embargoed as evidence for any criminal proceeding not within the jurisdiction of ISD shall be released on scene to the custody of the Boston Police. ISD shall treat such evidence with the utmost care consistent with this bulletin until such evidence is released into the custody of Boston Police. For procedures for handling illegal paraphernalia or criminal evidence see § 10 of this bulletin.

§ 5. ISD Property Record: ISD shall maintain a Property/Evidence Record for the purposes of establishing a chain of custody for embargoed property and maintaining an accurate inventory for eventual return to the rightful owner. The Record shall log all instances in which property has been embargoed by ISD. Each entry to the Record shall document the type of property, time and date of embargo, personnel embargoing, date of notice to the property owner, and the property storage location. The Keeper of Records for ISD shall be charged with ensuring the Property/Evidence Record is sufficiently maintained. The Record shall also contain all completed Form 02-15s pursuant to §3 of this Commissioner's Bulletin. No person, including any City of Boston or ISD personnel, shall access the property room established in § 8 of this Commissioner's Bulletin without first noting such access, the date and reason in the Record along with any persons accompanying the personnel during the time of access to the property and signature of personnel accessing property. If the personnel accessing the property need to remove the property from its place of storage before disposition, this shall be noted in the Record before removal. The entry should include the person removing, the reason for removal, the expected date of return and signature of removing personnel. Only the Keeper of Records or her designee shall make entries in the Record for recording the embargo, disposition of or access to embargoed property in ISD custody. The Record shall also provide a place for the owner of embargo to sign as acknowledgement of receipt of the embargoed property after complying with the requirements outlined in §6 of this Bulletin.

§ 6. Release of Embargoed property: No property in the custody and control of the Inspectional Services Department shall be released without a satisfactory showing of rightful ownership by the party claiming such. A party proving ownership to the satisfaction of the Inspectional Services Department must sign a receipt for return of the goods and pay all costs owed the City of Boston associated with the embargo before the property can be released.

Where ownership is doubtful, no property shall be released until the Deputy Commissioner for Administration and Finance or his designee has reviewed the issue of ownership and directed or denied release of the property.

Unless the property is needed for pending legal proceedings, embargoed property shall be deemed abandoned 60 days after the embargo date if the owner is unknown, the person in possession of the property at the time of embargo cannot produce proof of ownership, or any party fails to come forward and meet the requirements of this section for disposition to the owner. If a party proves rightful ownership but cannot meet the costs associated with the embargo, ISD shall not classify the property as abandoned for an additional 60 days. Once property has been classified as abandoned the Keeper of Records shall send notice to the person provided as the contact informing them that the property has been classified as abandoned property. Failure to respond to a notice that property is being classified by ISD as abandoned within 30 days of sending such notice, the property shall be subject to police auction after public notice.

Number: 2002 - 05
Date: May 23, 2002

Page 1 of 3

Subject: **TIME STANDARDS FOR PROCESSING LEGAL NOTICES OF VIOLATIONS OF THE STATE BUILDING CODE.**

Purpose: Establishing Time Standards For Prosecution Of Legal Notices Of Violations Issued By The Inspectional Services Department Pursuant To Its Legal Authority Under G.L.c.143 For Administering 780 CMR (the "State Building Code") In the City of Boston.

Determinations:

1. It is the policy of the Inspectional Services Department to administer the laws, regulations and rules it is legally obligated to administer in a fair and judicious way. Members of the Department are expected to exercise proper care and due diligence and act in a manner which comports with the legal due process requirements of state and federal constitutions at all times.
2. In furtherance of this policy it becomes both necessary and appropriate to adopt and publish uniform time standards for employees to follow when they are determining whether to seek a complaint in court to enforce any law, regulation, or rule that the Inspectional Services Department is legally obligated to enforce.

Note:

For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and it should be understood that where used they are to be interpreted as applying to both male and female employees.


Time Standards

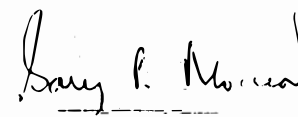
1. G.L.c. 143 regulates buildings and structures in the Commonwealth of Massachusetts and authorizes the promulgation of the state building code (780 CMR). Among other things, the state building code provides minimum safety standards for buildings and structures and a legal process for prosecuting violations of the state building code when buildings and structures are found out of compliance with the requirements of the state building code.
2. By law, G.L.c. 143 and 780 CMR are administered in Boston by the Inspector of Buildings through the Inspectional Services Department. In order to comply with the due process requirements contained in G.L.c. 143 and 780 CMR for the prosecution of violations of the state building code it is the policy of the Inspectional Services Department that all of its employees shall strictly comply with the time standards set forth in this bulletin.
3. It is the duty of the local inspector to exercise due care, diligence and professional judgement at all times when discharging his/her official duties.

4. It is the duty of the Local Inspector to determine whether there is cause for complaint under the applicable provisions of 780 CMR (the state building code) and to issue a legal notice of violation to the person in control of the subject property, if it is determined that cause for issuing a violation exists.
5. Once a written legal notice of violation has issued, it is the duty of the local inspector who caused the legal notice of violation to issue, to timely re-inspect the subject property and determine if the legal notice of violation has been complied with in accordance with the terms and time periods specified in the legal notice of violation.
6. If the Local Inspector determines the cause underlying the issuance of the legal notice of violation is corrected, it is the duty of the local inspector to inform the Inspector of Buildings in writing that the legal notice of violation is corrected and that no further legal action by the Inspectional Services Department is warranted.
7. If the Local Inspector determines that the cause underlying the issuance of the legal notice of violation is not corrected, then it is the duty of the local inspector to inform the Inspector of Buildings in writing that it is the local inspector's determination that legal proceedings should be initiated to obtain compliance with the state building code as specified in the legal notice of violation. If he concurs with the local inspector's determination, then the Inspector of Buildings shall forward the matter to the Office of Investigations and Regulatory Enforcement for prosecution.
8. The Local Inspector shall have a period of sixty days from the compliance date (date of service) specified in the legal notice of violation to notify the Inspector of Buildings in writing that the legal notice of violation has either (1) been resolved or (2) should be brought forward to legal proceedings. If the local inspector fails to provide such notification to the Inspector of Buildings within this sixty-day period, then the legal notice of violation shall be dismissed sua sponte by the Inspectional Services Department for lack of prosecution. Repeated dismissals for lack of prosecution and/or failure to timely provide the Inspector of Buildings with the written notices specified in this bulletin could lead to disciplinary action of the Local Inspector.
9. After the effective date of this bulletin, no application for complaint shall be sworn out for prosecution after a period of 60 days has elapsed from the date of service of the legal notice of violation unless the Local Inspector certifies in writing the reason why he is seeking to bring the matter forward for prosecution after the expiration of the 60-day period.
10. It is the duty of each Local Inspector to keep accurate and complete written records of all legal notices of violation issued by the Local Inspector and to keep the Inspector of Buildings appropriately informed of the status and substance of each pending legal notice of violation issued by the Local Inspector. Local Inspectors are encouraged to keep private records of their work, noting all matters of importance in which they are engaged in their official capacity.

11. It is the duty of each Local Inspector to coordinate the efficient assignment of pending legal notices of violation (open court cases) when routinely being transferred from ward to ward or to other duty stations in the Inspectional Services Department. It is the further duty of the Local Inspector upon re-assignment to review all open violations transferred to the Local Inspector upon re-assignment and to further re-inspect the buildings and conditions giving rise to such open violations before requesting that such open violations be brought forward for prosecution.
12. Beginning on July 1, 2002 and until October 31, 2002 there shall be a grace period within which Local Inspectors are to review all outstanding legal notices of violation in their assigned wards and determine their validity. Any outstanding legal notice of violation which is not brought forward by the Local Inspector in accordance with the time standards contained in this bulletin prior to October 31, 2002 shall be dismissed by the Inspectional Services Department for lack of prosecution.
13. The practice of the automatic "swear out" of legal notices for violations of the state building code is abolished. Henceforth all so called "swear out" of violations shall be administered solely by the Office of Investigations and Regulatory Enforcement (formerly the Legal Division) on a case by case basis or as may be further determined by the Inspector of Buildings.
14. Nothing contained in this bulletin shall effect the immediate prosecution of emergency violations or have implications for any required response to emergency incidents and/or emergency inspections undertaken in accordance with public safety provisions of the state building code or any other regulation or at the direction of the incident commander on the scene of a critical incident or under emergency conditions.
15. Failure to comply with the time standards contained in this bulletin could lead to disciplinary action.
16. This bulletin is effective immediately and shall remain in force until it is amended or revoked in writing.

Signed:


Kevin J. Joyce
Commissioner
Inspectional Service Department


Gary P. Moccia
Inspector of Building
Inspectional Service Department

Date: 5.23.02

Date:

Number: 2002 -06
Date: October 16, 2002

Page 1 of 2

Subject: ESTABLISHMENT OF STANDARD RULES OF PRACTICE AND PROCEDURE FOR FIELD DIVISION OPERATIONS

Purpose: This bulletin will establish the process for creating clear and consistent standards for all field divisions within the Inspectional Services Department. Standardization of rules and procedures support the fair and consistent administration of the laws and regulations ISD is legally obligated to enforce. This bulletin memorializes the standard operating procedures within each division to ensure greater accountability and to provide direction to division staff.

General Considerations: Boston Inspectional Services Department ("ISD") personnel are charged with great responsibility and trust in ensuring the well being of the public health, welfare and safety. Consistent, clear and efficient operational protocols are essential to ensuring that Department personnel fairly and effectively administer the law that ISD is legally obligated to enforce. Memorializing a clear set of standard rules of practice and procedure for each field division will support accountability from both employees and managers and ensure fairness in the workplace and in the administration of the law. These standard rules of practice and procedure shall be read in concert with existing work rules, not replace existing work rules.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and it should be interpreted as gender neutral.

§ 1. Creation of and purpose: Each field division shall develop and operate under standard rules of practice and procedure published by Commissioner's Bulletin to serve as the standard for proper day to day operation of the division. These written standard rules of practice and procedure will be the controlling standard operating procedure for each field division. There shall be no deviation from these standard rules of practice and procedure without special circumstances and approval from the Commissioner's office. Any employee who is given an order from a supervisor that the employee feels is inconsistent with the division's standard rules of practice and procedures shall state the objection to the supervisor and the basis for the objection. The employee shall continue to follow the directions of the supervisor if that supervisor decides to reject the objection, unless a supervisor of higher authority provides a different order of action. The employee may note the objection in writing to the Commissioner's office or the Personnel Director to resolve the conflict of interpretation. The written objection should state the supervisor's name, circumstances, time, date and location and the basis for the objection. Each field division shall publish a set of standard rules of practice and procedures by Commissioner's Bulletin as follows:

- 2002-6a *Standard Rules of Practice and Procedure for the Building Department personnel*
- 2002-6b *Standard Rules of Practice and Procedure for Code Enforcement Police personnel*
- 2002-6c *Standard Rules of Practice and Procedure for Environmental Services Division personnel*
- 2002-6d *Standard Rules of Practice and Procedure for Health Division personnel*
- 2002-6e *Standard Rules of Practice and Procedure for Housing Division personnel*
- 2002-6f *Standard Rules of Practice and Procedure for Weights and Measures Division personnel*
- 2002-6g *[reserved]*

§ 2 Development of Standard Rules and Procedures: The assistant commissioner in each division shall be responsible for developing, updating and ensuring the implementation of the standard rules and procedures for the division under his charge. The assistant commissioner shall be responsible for ensuring the standard rules and procedures in the Bulletin are consistent with existing laws and regulations.

§ 2a Content: The legal standards established in the Massachusetts General Laws and Code of Massachusetts Regulations administered by each division shall serve as the basis for defining the standards, procedures, process and jurisdiction for the standard day to day operation of each division within the Inspectional Services Department. Each division's standard rules and procedures shall reflect the relevant legal authority in clearly defining, at a minimum, the following:

- *Public Integrity Policy:* This section shall spell out the Department's policy as that of the division.
- *Chain of Command for the Division and Department:* The command structure of the division including its managers and the responsibilities of those managers shall be described.
- *Staff schedules:* Employee work day hours and breaks shall be described.
- *Process for making Inter- division Referrals, Media Inquiries, Foreign Language Interpretation and Use of ISD Issued Equipment* policies shall be stated for the division consistent with ISD policy. .
- *Intake procedures:* This section shall describe the process for handling the intake of complaints, questions or applications for permits licenses or certificates issued by the Division. The section shall also define how to classify a situation in either the emergency or non-emergency category and the necessary response for each. Response time to such issues shall also be stated.
- *Inspections:* This section shall state the legal authority for when the division shall perform inspections. The objective, scope and procedure for all inspections shall be defined here in accordance with the relevant law.
- *Violations:* This section shall state the legal authority setting the standard for the issuance of violation notices, fines and the legal process for executing such. Laws and regulations may be incorporated by reference where they are too numerous or cumbersome to detail here.
- *Condemnations, revocations or suspensions:* This section shall state the legal standard for any condemnation, permit/ license revocation or suspension or any other legally authorized action that may be taken by the division. The process for executing such actions shall be stated here and include citation to the proper legal authority for such action or process. The division's process for lifting such action shall also be stated.

§2b. *Updates:* The assistant commissioner of each division shall be responsible for updating the division's standard rules and procedures as needed to conform with staff changes, changes in the law or operation changes to the Division.

§3b. **Process for issuing Standard Rules of Practice and Procedures.** Each assistant commissioner shall submit a draft Bulletin containing the division's standard rules and procedures to the Commissioner's office for review. The Commissioner's office and the assistant commissioner for the division shall review the document for completeness, efficiency, clarity and proper legal basis of authority. The draft of the document shall then be published following any necessary editing. The assistant commissioner shall then present the published version of the Bulletin to the division staff. The assistant commissioner must then submit, within 30 days of publication, a list, signed and dated by all division employees, acknowledging receipt and understanding of the division's published Commissioner's Bulletin.

§4. **Failure to Comply:** Any staff person, including a manager, who fails to follow the division's standard rules and procedures could be subject to employee discipline pursuant to the employee's respective collective bargaining agreement. The standard rules and procedures shall serve as the basis for judging the appropriateness of an employee's conduct in the course of professional duty for the division.

§5. **REVOCTION OF PREVIOUS BULLETINS:** All previous Commissioner's Bulletins or documents guiding the standard day to day operating procedure of any division is revoked upon publication of this bulletin. Commissioner's Bulletin 2002-1 "*Standard Rules of Practice and Procedure for Housing Inspectors and Housing Inspection Division employees*" shall republished as Commissioner's Bulletin 2002-6d "*Standard Rules of Practice and Procedure for Housing Inspectors and Housing Inspection Division employees.*"


Signed: Kevin J. Joyce
Commissioner

Date:

10.18.02


Gary P. Mocca

Assistant Commissioner of the Department

Date:

10/18/02

Number: 2002-6a
Date: January 15, 2003

1 of 5 pages

Subject: Standard Rules of Practice and Procedure for Building, Electrical & Mechanical Inspectors and Building & Structures Division Employees.

Purpose: This bulletin is issued to establish the responsibilities and duties for the position of Building, Electrical & Mechanical Inspector, and to establish standard rules of practice and procedure for Building & Structures Division (BSD) Employees to follow when they are performing their official duties.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and it should be understood that where used they are to be interpreted as applying to both male and female employees of the Building & Structures Division. Also, the term Inspector shall be intended to include Building, Electrical and/or Mechanical Inspector where applicable. All specific references to Building Code Sections pertain to the Sixth edition of the Massachusetts State Building Code (Building Code) or it's referenced codes and standards.

Determination:

General considerations

A BSD Employee, in carrying out the functions of the Inspectional Services Department (ISD), shall direct his best efforts to accomplish that end intelligently and efficiently and shall hold himself in readiness at all times to respond to requests for assistance from the general public and his superiors. He shall conduct his affairs in a manner consistent with the policies of ISD and reflect the highest standards of honesty, integrity and fairness at all times when performing his official duties. He shall exercise care and good judgement in the use of official City of Boston equipment. Inspectors must present themselves in a professional manner at all times when performing official duties.

Article I. Public Integrity Policy

1. Policy

It is the policy of ISD that every action of ISD as an organization, and those of individuals, who act on its behalf, will reflect the highest standards of honesty and integrity. In all of our interactions, whether with the general public, or with each other, we will act in accordance with the ethical standards established by the City of Boston, ISD and this bulletin. It is the responsibility of ISD and its employees to prevent detect and correct instances of misconduct, whether administrative or in violation of law or the public trust.

2. Compliance with Public Integrity Policy

It shall be the duty and responsibility of each and every BSD employee to become familiar with and conduct themselves in accordance with the public integrity policy of ISD as stated in this bulletin, and Commissioner's Bulletin Number 2002-17, and any other published policy statements or Commissioner's Bulletins regarding the Public Integrity Policy or ISD.

Article II: Standard Rules of Practice and Procedure for Inspectors.

General Considerations:

All BSD employees shall conduct themselves in a professional manner at all times. Inspectors shall be prepared at all times for the proper discharge of their official duties. They shall be impartial in the use of their legal authority in enforcing the code, shall avoid all conflicts of interest and appearances of impropriety; and shall exhibit the utmost respect for the legal rights of all. BSD employees shall comply with the following standard rules of practice and procedures when performing their official duties. Office hours are from 8:00 AM to 5:00 PM. The workweek consists of 35 hours and inspectors until further notice will be assigned either an 8:00AM to 4:00PM or 9:00AM to 5:00PM shift. Field inspectors shall set aside the first and last hours of the day for office time to allow for scheduling, meeting with the public and returning phone messages.

Section 1.0: Scheduling of Inspections 780 CMR 115.0

1.1 General Inspections

Upon receipt of a request for an inspection of a proposed or current construction project, the Inspector shall make every effort to accommodate this request within 48 hours. In the event that the district inspector cannot accommodate the request, he shall attempt to coordinate an inspection by another inspector. When the request is taken by someone other than the specific inspector, the person taking that request shall obtain the name and daytime phone number of a contact person. The inspector shall call to confirm, or rearrange the time of inspection if needed.

1.2 Complaints

- a. All Complaints shall be referred to Data Entry for proper tracking and distribution. Once entered, complaints should be transmitted to the appropriate unit supervisor for assignment.
- b. Any request for inspection that alleges that conditions exist that may endanger or impair the health or safety of occupants or the general public are to be referred to a BSD supervisor who shall determine whether it is an emergency or not. Emergency complaints must be scheduled for an immediate inspection.
- c. All requests for inspections of alleged violations of the State Building, Electrical or Mechanical Code, or City of Boston Zoning Code that do not meet the criteria of an emergency complaint are to be designated as non-emergency complaints. These shall be referred to the district inspector who shall investigate and report their findings to their supervisor within three business days.

1.4 Violations

- a. If an inspection reveals that a violation of the Building, Electrical, Mechanical or Zoning Code does exist, a written violation notice to correct must be prepared by the inspector, approved and signed by their supervisor, and served upon the owner, owner's agent or contractor, in the manner provided by law.
- b. Said order to correct must contain a compliance time frame of 24 hours for emergency conditions. Non-emergency orders to correct must contain a compliance time frame of 30 days.
- c. All written violations must be monitored for status until completely corrected. Violations shall be sworn out in court no later than 60 days after service if not completely corrected.
- d. The above shall be carried out in a manner consistent with Commissioner's Bulletin 2002-05 (Time Standards for processing Legal Notices of Violations of the State Building Code) and 2002-19 (Standard Rules for the Alternative Disposition of Legal Notices of Violation).

1.5.1

Stop Work Orders/Revocations

- a. **STOP WORK:** If an inspection reveals conditions at a construction site that present an imminent health or safety hazard to the workers or to the general public, BSD inspectors must immediately notify a supervisor and inform her/him of the conditions observed. The Inspector shall then and post the site with a Stop Work Order citing the reasons same in accordance with the State Building Code Section 119.0, and follow up in writing as outlined in paragraph 1.4a above.
- b. **REVOCAION:** If conditions in the field or information obtained relative to an issued permit are found to be inconsistent with the documents on file, the inspector shall revoke the permit in accordance with Section 111.12 of the State Building Code after a supervisor has reviewed the facts and given authorization for such action. The Inspector shall also post the site as outlined in paragraph 1.5a above. Permit revocation shall require the permit holder to resubmit an application for new permit subject to a double fee or, at the discretion of the Building Commissioner, to submit an application amendment as set forth in 780 CMR 110.13 to properly correct any misrepresentation.

Section 2.0:

Obtaining Legal Entry for Inspections

2.1 *Administrative Inspection Consent Forms*

- a. It shall be the duty and responsibility of each inspector to familiarize himself with the rules set forth in Commissioner's Bulletin Number 1999-05 and Number 2000-02 regulating the manner in which inspectors may obtain access in order to perform inspections. Inspectors shall strictly adhere to the procedures and requirements set forth in this bulletin.
- b. This bulletin provides occupants with notice of their right to refuse to consent to an administrative inspection. And further sets forth the procedures to be followed in obtaining an administrative inspection warrant if an occupant refuses a legal request to enter by an inspector in accordance with Section 115.6 of the Mass. State Building Code.

2.2 *Foreign Language Interpretation*

- a. ISD will provide interpreters as needed. Whenever BSD employees are unable to communicate with a client or customer due to a language barrier a supervisor should be contacted. The supervisor will make the necessary arrangements to provide an interpreter. Once an interpreter is present at the site, the inspector may proceed as outlined in paragraph b.

Section 3.0:

Conduct of Inspections

3.1 *Inspections*

When conducting inspections in public or with other agencies, inspectors shall identify themselves as City of Boston officials. At all times, while on duty, inspectors shall carry their badges and identification cards on their person and shall have them readily accessible for display at all times.

All employees must present picture identification at the beginning of inspections. These procedures provide the public with the assurance and knowledge that they are dealing with employees of the City of Boston.

Applicants shall be informed of the required points of inspection at the time of application in accordance with Section 115.2 of the Mass. State Building Code. All inspections shall be conducted in accordance with 780 CMR 115.0 and any other applicable legal requirements. It is the duty and responsibility of each inspector to familiarize themselves with the above-mentioned requirement as well as all other regulations and ordinances that BSD is required to enforce.

3.2 *Emergency Inspections*

If an inspection reveals conditions that present an imminent health or safety hazard to the occupant or to the general public, BSD inspectors must immediately notify a supervisor and inform her/him of the conditions observed, any immediate actions taken, and the inspector's recommendation for further action. An emergency order to correct must be written during the inspection and served within 24 hours if the property owner resides within the City of Boston. If the premises are determined to be a threat to public health or safety, and cannot be reasonably secured by the owner in a timely manner, a building or premises watch may be ordered by the supervisor. This shall be done in a manner consistent with published rules for building watches. If response is an off-hours emergency involving any potential danger of collapse, soil shifting or other site safety issues, a stop work order shall be issued immediately and the permit holder or his agent directed to meet with the Inspector of Buildings the next business day. Notwithstanding the permit holder's certified professional engineer finding that no safety issues are present prior to that meeting, the procedure outlined in this section shall be followed unless directed otherwise by the Inspector of Buildings or the Assistant Commissioner of Buildings and Structures.

3.3 *Reporting Requirements for Emergency Cases*

All emergency complaints received via complaint line (Mayor's 24 hour or in house) or via in the field must be reported to a supervisor in the appropriate inspection division (i.e., building, electrical, mechanical). The unit supervisor will dispatch an Inspector who will report on emergency conditions observed during an inspection, and await further instructions before leaving an inspection site. The Unit Supervisor will inform the Investigative and Regulatory Enforcement Division (Special Operations) of the situation where conditions warrant.

Supervisors and Inspectors must ensure that all complaints are properly followed through to compliance or court enforcement; and that the applicable databases are updated daily.

Section 4.0: Condemnations and Relocation Assistance 105 CMR 410.831 **Exit Order/Hazardous Means of Egress**

4.1 *Condemnations*

All condemnations shall be referred to the Housing Inspection Division and/or the Investigative and Regulatory Enforcement Division (Special Operations) and conducted in accordance with 105 CMR 410.831 and 950.

Approval must be obtained from the Assistant Housing Commissioner or his designee, before a condemnation order or a vacate order is issued.

4.2 *Exit Orders*

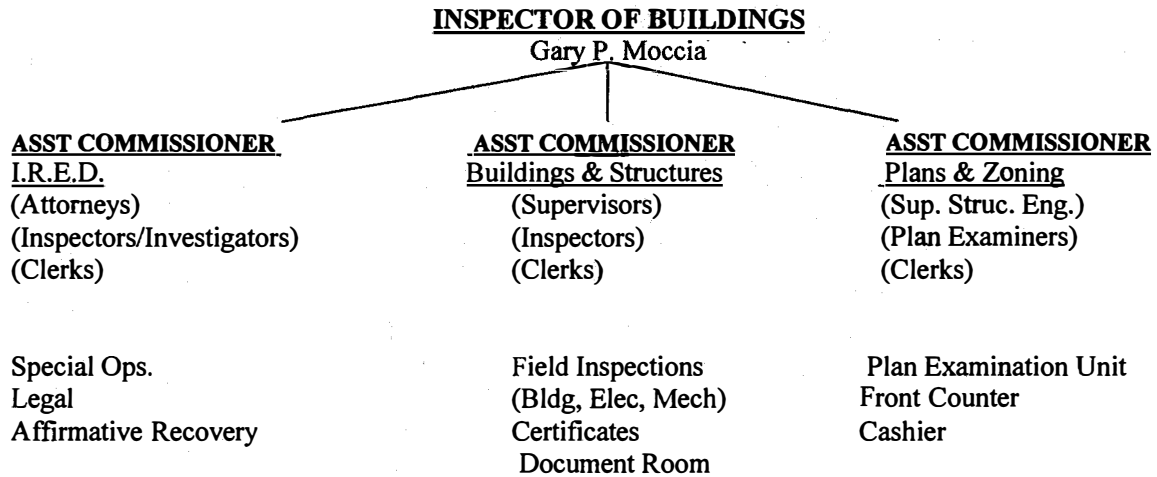
In accordance with Section 1004.2.1 of the Building Code, in any building not provided with the proper exit facilities and in which the exits are deemed hazardous or dangerous to life and limb, the Building Official shall declare such building unsafe in accordance with Section 121.0 and issue a Vacate Order. All relocation of occupants shall be conducted in accordance with commissioner's Bulletin 2001-6, which establishes procedures to be followed by inspectors when relocating occupants from buildings is required because of dangerous or life threatening conditions.

Section 5.0: Building & Structures Division Organization

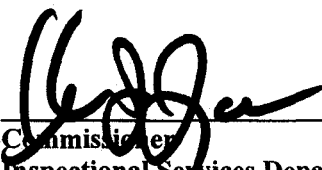
The Building and Structures Division shall be under the direction of the Inspector of Buildings. He shall be assisted in the performance of his duties by Assistant Commissioners in the following departments:

Investigations and Regulatory Enforcement Division (Special Operations)
Plans and Zoning
Buildings and Structures

The responsibilities and personnel assigned to the Assistant Commissioners are as outlined in the Organizational Chart below:

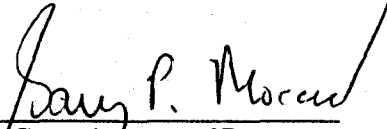


Signed:

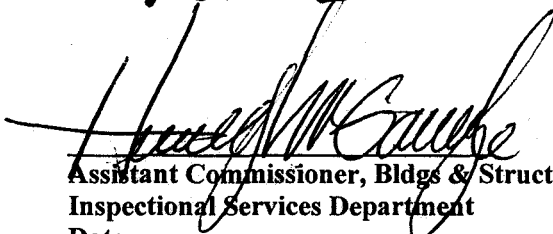


Commissioner
Inspectional Services Department
Date: **1.30.03**

Signed:



Assistant Commissioner of Department
Inspectional Services Department
Date:



Assistant Commissioner, Bldgs & Structures
Inspectional Services Department
Date:

Number: 2002 - 15
Date: June 24, 2002

Page 1 of 4

Subject: **STANDARD RULES AND PROCEDURES FOR THE EMBARGO AND HANDLING OF PROPERTY**

Purpose:

General Considerations: By virtue of the statutes, rules and regulations that ISD is authorized to enforce, ISD is sometimes required to embargo personal property in order to safely abate a nuisance or arrest a danger or injustice to the public health, safety or welfare. On those occasions it is appropriate for ISD personnel to have rules and procedures to follow which provide for the safe embargo and storage of property and its disposition in accordance with the requirements of applicable laws and statutes.

Accordingly, it is the policy of ISD to follow the standard rules and procedures outlined in this Bulletin when the embargo of personal property is determined to be necessary and authorized. This Bulletin shall be followed in all instances where Boston Police do not take custody of property for ISD or in general and the embargo of property by ISD is needed.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and it should be interpreted as gender neutral.

Definitions:

Inspectional Services Personnel - shall include the Code Enforcement Police after July 1, 2002 for the purposes of this bulletin.

Embargo - shall include any act by which ISD personnel seize or take control of any personal property in the possession of another, including seizures executed under a valid warrant, under ISD's legal authority to protect the public health, safety and welfare.

Property - shall refer only to personal property embargoed by ISD personnel. For standard rules and procedures for the embargo and handling of real property by ISD personnel refer to Commissioner's Bulletin 2001-8.

Crime Scene - shall be defined for the purposes of this Bulletin only as any premises at which it reasonably appears that a serious crime such as homicide, burglary or any other crime where the need for preserving integrity of the premises is essential for the purposes of investigation.

Criminal Evidence - any item or paraphernalia that is potentially illegal or relevant to an investigation by Boston Police or other law enforcement, including but not limited to guns, weapons, ammunition, needles, drugs, or substantial amounts of human blood.

STANDARD RULES AND PROCEDURES FOR THE EMBARGO OF PROPERTY

§ 1. **Authorization for Embargo:** When Boston Police do not take custody of property, ISD personnel may embargo property only when legally authorized do so by the city, state or federal laws and regulations from which ISD derives its authority to act. A manager at least of the level of an assistant commissioner must authorize all embargoes unless time will not allow for personnel on-scene to gain such approval because the property may be otherwise destroyed, lost, moved or present an immediate danger to the life or limb of personnel or the general public. The Director of Code Enforcement will be an assistant commissioner for the purposes of this Bulletin.

§ 2. Recording the Embargo of Property: ISD personnel shall assume embargoed property will be used as real evidence in legal proceedings requiring all due care and a secured chain of custody. When an embargo is authorized, the ISD personnel embargoing the property shall prepare a report on-scene with ISD Form 02-15 to record the information surrounding the embargo. The report should contain:

- A. Date, time and location of the embargo, names of persons involved with the embargo, legal basis and reasons for embargo and the authorizing manager.
- B. A listing of all items embargoed and described sufficiently enough to allow for the identification of the property or to prove the property presented is the actual item embargoed in legal proceedings. Details such as quantity, quality, color, shape or other objective factors conspicuous and relevant for identifying the property should be included.
- C. Time, Date of transport from the embargo scene and persons transporting to ISD custodial facility and location of the custodial facility.
- D. The property owner's name, contact information and the type of documentation showing proof of ownership and identity. If owner or owner's agent is not on-scene, then ISD personnel shall collect contact information from the person in possession of the property. If no information is available or persons refuse to provide information about ownership or possession on-scene, then this fact must be documented and reasonable steps taken to find the owner. ISD personnel shall take reasonable steps on-scene to verify the accuracy of the person's identity or contact information either through photo identification or other reasonable means.
- E. Any information not mentioned here that a reasonable person carrying out the duties in which the embargo is legally authorized would include that. Any damage to property between transport and check in to ISD custodial facility should also be documented.

ISD personnel, when possible, should photograph the scene and property at time of embargo. All embargo reports (Form 02-15) shall be kept as public records of the embargo by the embargoing division at ISD and the Keeper of Records.

ISD personnel should take reasonable steps to have the report signed by the owner, agent of the owner, or the person in possession of the property at the time of embargo. If the person refuses or is unavailable at the scene, the inspector should obtain a signature from another person on-scene, preferably a disinterested person such as a police, fire or other city official, on scene attesting to the accuracy of the facts stated in the report.

§ 3. Notice of embargo to owner: The owner, the owner's agent, or person in possession of the property shall be given, as notice of the embargo, a copy of Form 02-15 on-scene or within a reasonable time, but not more than 48 hours after the embargo. The party claiming an interest, if known, shall also be informed that the rights and obligations of any person claiming ownership are on the reverse side of the form. Notice, when not on scene, may be served in-hand, posted at the current or last known address of the party claiming an interest or sent by certified or registered mail. The keeper of records shall be charged with ensuring proper notice is sent to party providing contact information on Form 02-15 at all points where notice is required.

Notice shall inform the on Form 02-15 of the right to a hearing, the need to prove ownership and pay all costs incidental to the embargo before release of the property from ISD control and that failure to claim the property within 60 days after the embargo date shall result in the property being classified as abandoned property. The person on scene claiming an interest in the property shall be considered as to have waived notice if the party provides ISD personnel with false or inaccurate identity and contact information. ISD personnel shall inform the person of this rule when filing out Form 02-15. If more than one party provides information and the information for at least one person is accurate then the waiver shall not apply.

§ 4. Custody of Embargoed Property: Once property has been properly identified, Form 02-15 completed, and the property marked for identification, ISD personnel shall be responsible for getting the property to an authorized custodial facility for ISD. There shall be a secure property room or another authorized area for custodial purposes of embargoed property. ISD personnel shall ensure the chain of

custody for all embargoed property from the moment of embargo to disposition. Any property embargoed as evidence for any criminal proceeding not within the jurisdiction of ISD shall be released on scene to the custody of the Boston Police. ISD shall treat such evidence with the utmost care consistent with this bulletin until such evidence is released into the custody of Boston Police. For procedures for handling illegal paraphernalia or criminal evidence see § 10 of this bulletin.

§ 5. ISD Property Record: ISD shall maintain a Property/Evidence Record for the purposes of establishing a chain of custody for embargoed property and maintaining an accurate inventory for eventual return to the rightful owner. The Record shall log all instances in which property has been embargoed by ISD. Each entry to the Record shall document the type of property, time and date of embargo, personnel embargoing, date of notice to the property owner, and the property storage location. The Keeper of Records for ISD shall be charged with ensuring the Property/Evidence Record is sufficiently maintained. The Record shall also contain all completed Form 02-15s pursuant to §3 of this Commissioner's Bulletin. No person, including any City of Boston or ISD personnel, shall access the property room established in § 8 of this Commissioner's Bulletin without first noting such access, the date and reason in the Record along with any persons accompanying the personnel during the time of access to the property and signature of personnel accessing property. If the personnel accessing the property need to remove the property from its place of storage before disposition, this shall be noted in the Record before removal. The entry should include the person removing, the reason for removal, the expected date of return and signature of removing personnel. Only the Keeper of Records or her designee shall make entries in the Record for recording the embargo, disposition of or access to embargoed property in ISD custody. The Record shall also provide a place for the owner of embargo to sign as acknowledgement of receipt of the embargoed property after complying with the requirements outlined in §6 of this Bulletin.

§ 6. Release of Embargoed property: No property in the custody and control of the Inspectional Services Department shall be released without a satisfactory showing of rightful ownership by the party claiming such. A party proving ownership to the satisfaction of the Inspectional Services Department must sign a receipt for return of the goods and pay all costs owed the City of Boston associated with the embargo before the property can be released.

Where ownership is doubtful, no property shall be released until the Deputy Commissioner for Administration and Finance or his designee has reviewed the issue of ownership and directed or denied release of the property.

Unless the property is needed for pending legal proceedings, embargoed property shall be deemed abandoned 60 days after the embargo date if the owner is unknown, the person in possession of the property at the time of embargo cannot produce proof of ownership, or any party fails to come forward and meet the requirements of this section for disposition to the owner. If a party proves rightful ownership but cannot meet the costs associated with the embargo, ISD shall not classify the property as abandoned for an additional 60 days. Once property has been classified as abandoned the Keeper of Records shall send notice to the person provided as the contact informing them that the property has been classified as abandoned property. Failure to respond to a notice that property is being classified by ISD as abandoned within 30 days of sending such notice, the property shall be subject to police auction after public notice.

§ 7. ISD Property Room: ISD shall have a secure property room located at 1010 Massachusetts Avenue accessible only by the Keeper of Records or personnel who have been properly entered into the Record as outlined in §5 to ensure a proper chain of custody and inventory. The property room shall be locked at all times. There shall be an off site location for the storage of larger items embargoed by ISD. The keeper of Records shall be responsible for maintaining the Record for showing the secure chain of custody and accurate inventory of property at both locations.

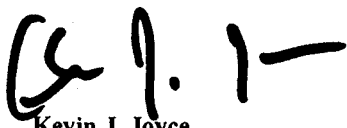
§8. Accounting of Property in the Record: The Keeper of the Records shall once a month provide to the Deputy Commissioner of Administration and Finance an accounting of all property in the control and custody of the Inspectional Services Department as a result of a lawful embargo. The Deputy Commissioner of Administration and Finance shall provide the Keeper of Records with the resources necessary for the proper implementation of this Bulletin to store, record and dispose of all embargoed property. Resources may include ISD entering into agreements with other city of Boston Departments for proper care and custody of property. The Deputy Commissioner of Administration and Finance or his designee may inspect at any time the condition of such property and the manner in which it is being stored.

§9. Duty of Care for Embargo d Property: The Boston Inspectional Services Department shall afford all property embargo d by the Department due care in maintaining the property within such condition as it was embargo d with the exception of perishable goods.

§ 10. Entry to potential crime scene: No ISD personnel shall enter a crime scene without authorization from the Boston Police or other law enforcement agency charged with investigating the crime. ISD personnel shall immediately contact Boston Police once it becomes apparent that a location or premises may be a crime scene. Once it becomes apparent that a premises to which ISD personnel have entered may be a crime scene, ISD personnel must immediately exit the area of the apparent crime scene, secure the area from access and stand post outside the secured area until police arrive. ISD personnel must assume responsibility for maintaining the site securely until police officials respond. Re-entry to the premises by ISD personnel is forbidden without authorization from police officials, absent emergency circumstances risking life or limb of personnel or others or the general public safety. ISD personnel shall follow the same procedures set out in this section for a crime scene when personnel also find criminal evidence as defined for the purposes of the Bulletin only.

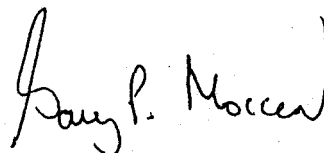
§ 11. Compliance Failure: Any ISD personnel failing to follow the standard rules and procedures outlined in this bulletin shall be subject to discipline, up to and including termination. Criminal liability may also result for the failure to follow the guidelines of this bulletin. ISD managers may also be subject to discipline for the failure of personnel under their command to demonstrate knowledge of the standard rules and procedures outlined in this bulletin.

Signed:



Kevin J. Joyce
Commissioner
Inspectional Service Department

Date: 6.24.02



Gary P. Moccia
Inspector of Building

Date:

Number: 2002 – 17
Date: June 06, 2002

Page 1 of 3

Subject: Public Integrity Policy

Purpose: The purpose of this bulletin is to set forth the standards of ethics which will guide both the Inspectional Services Department (ISD), as an organization, and its inspectors and employees in the conduct of their official duties. This bulletin is a supplement (and does not supercede) to the Commissioner's Bulletin #99-3 regarding compliance with the "State Ethics Law (G.L.c.268A).

POLICY: It is the policy of ISD that every action of the Department as an organization, and those of the individuals who act on its behalf, will reflect the highest standards of honesty and integrity. In all of our dealings, whether with the public, other city agencies, or with each other, we will act in accordance with the ethical standards that are set forth below and in Commissioner's Bulletin Number 99-3 regarding compliance with the State Ethics Law. Additionally, it is the responsibility of each and every member of ISD to adhere to those standards and to take all necessary and prudent actions to protect the public trust. It is the responsibility of ISD to prevent, detect and correct instances of misconduct, administrative or criminal, within the organization.

Inspectional Service Department employees, inspectors and code enforcement officers share the same visibility in the community as other public safety officials. As such, public scrutiny, and public criticism, is, at times, directed not only at the Inspectional Services as a whole but also at the individuals who deliver our services. Accordingly, employees shall conduct themselves in accordance with the Public Integrity Policy and the stated ethical standards of the Inspectional Services Department.

DEFINITIONS:

Authority: The legally granted right to issue legal orders and give direction to others.

Bias: The use of authority, legal or otherwise, which results in the unequal application of the law toward some identifiable group or group member because of his/her affiliation with that group.

Discretion: The authorized capacity to make judgments and choose from among a variety of actions, within the limits of law and Departmental policy, to resolve a problem.

Employee: All members of the Inspectional Services Department for the City of Boston.

Ethics: Standards or principles of conduct governing a profession, the rules of conduct or duty.

Integrity: Soundness of moral principles; the character of uncorrupted virtue; uprightness, honesty, self-control, courage and compassion.

Public Trust: Exercising public authority within the legal limits and according to the ends for which it was created, i.e., to serve the public interest.

CANONS OF ETHICS:

General Statement – In furtherance of this policy, the following Canons of Ethics are adopted. They are not meant to be exclusive, but are presented because history and sound judgment indicate that violations of these canons severely undermine the ability of the Department to gain the confidence of both its employees and the public, and also negatively affect its ability to fulfill its essential mission. They are not meant to replace or supersede existing laws, Commissioner's Bulletins, departmental policies, statutes, rules or regulations, but to supplement them; they also serve as a reminder of the public trust that has been conferred upon ISD by the citizens of Boston, and the need for constant vigilance in support of that trust.

Canon One: ISD and every employee acting under its authority shall uphold the Constitution of the United States, the Constitution of the Commonwealth of Massachusetts and all laws enacted or established pursuant to legally constituted authority.

Canon Two: As an enforcement agency, ISD and its agents shall treat all those with whom it comes in contact, or who may seek its assistance, or whose property may come under its care or custody, with respect and dignity inherent in every person.

Canon Three: As an employer, ISD shall treat its personnel with fairness, respect, and consideration in all aspects of the job including hiring, assignment, promotion, training, collective bargaining, discipline and, when necessary, termination. It shall establish and promulgate rules, procedures and orders in such a manner as to promote professionalism, merit, and equal opportunity for advancement as well as equal access to resources. ISD shall value communication and solicit and respect the opinions of its employees on matters in which they have expertise, or which may affect their professional interests.

Canon Four: Employees shall at all times be prepared for the proper discharge of their duties; knowledgeable in the rules and legal procedures; competent in the use of equipment and standard procedures; respectful of other departments and agencies; and possessing the necessary temperament and attitude to effect the cause of public safety and public health.

Canon Five: Employees shall be impartial in the use of their authority, providing fair access to their services and favoring no group or individual for any improper reason. They shall not allow their prejudices or biases to affect their official actions. They shall exercise their discretion in performing their duties in a manner consistent with the rule of law and Department policy.

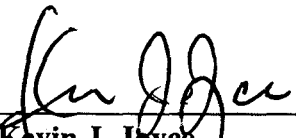
Canon Six: Employees shall avoid all conflicts of interests and appearances of impropriety. They shall never seek or accept gratuities when it can be construed to involve their official position with the department.

Canon Seven: Employees shall not engage in any corrupt or unlawful activity. They shall immediately report all corruption and illegal activity involving members of the Department that may come to their attention.

Canon Eight: Employees shall conduct their private affairs so as not to reflect unfavorably on ISD; or in such a manner as to affect their ability to perform their duties honestly, effectively, fairly and without impairment.

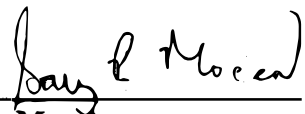
Canon Nine: While the responsibility to report knowledge of illegal and unethical conduct belongs to all employees, regardless of title or position, management and supervisors may be personally accountable for the actions of the personnel under their command if they knew or should have known that their actions were illegal or unethical. This places upon them a specific duty to proactively prevent, detect and expose improper conduct. Additionally, they shall conduct themselves in such a manner as to serve, by uncompromising adherence to these canons, as an example to those who serve under them.

Signed:



Kevin J. Joyce
Commissioner
Inspectional Services Department

Signed:



Gary Moccia
Inspector of Building
Inspectional Services Department

Date:

Number: 2002 - 18
Date: June 24, 2002

Page 1 of 4

Subject: **STANDARD RULES AND PROCEDURES FOR ISSUE, USE AND CARE OF ISD EQUIPMENT**

Purpose:

General Considerations: Boston Inspectional Services personnel are charged with great responsibility and trust in ensuring the well being of the public health, welfare and safety. Many ISD personnel are issued badges as a sign of that public trust and responsibility. Personnel are issued other pieces of equipment to the effectively carry out professional duties in the field and in the office. Employees must be accountable for their actions at all times in the field and in the office. This accountability extends to the proper use and care of department issued equipment. The standard rules and procedures for the issue and care of department issued equipment will be set out in this bulletin.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and it should be interpreted as gender neutral.

Definitions:

Inspectional Services Personnel shall include the Code Enforcement Police after July 1, 2002 for the purposes of this bulletin.

Equipment - shall refer to any item procured by ISD and issued to or made available to ISD personnel to carry out professional obligations and duties for the Department.

STANDARD RULES AND PROCEDURES FOR THE ISSUE, USE AND CARE OF DEPARTMENT ISSUED PROPERTY

§ 1. DEPARTMENT ISSUED EQUIPMENT: ISD personnel issued equipment by the Department for the performance of their duties shall limit to the use of the equipment to times in which they are performing a task required by their professional duties. ISD employees may be issued the following equipment:

- Blue jackets with department identification lettering;
- Orange jackets with ISD lettering
- Breathing apparatus;
- Video and still photography cameras;
- Plastic Gloves;
- Nextel radios/phones;
- Two way radios;
- tools, plywood, and weights and measures proofing equipment;
- Stamps for approving plans, permits and applications of any kind;
- Notices of violation, applications, permits or any departmental forms;
- ISD employee identification cards;
- ISD employee "on-duty" vehicle placards;

- ISD Badges;
- Any other item or equipment provided to a particular Division to properly carryout legally authorized enforcement duties.
- *** FOR VEHICLES SEE COMMISSIONER BULLETIN 2002-4

§ 2 Issue and care of ISD equipment: All ISD personnel issued or authorized to use property of any kind from the Department shall treat the property with respect and care. ISD personnel shall ensure the property is properly used to further the mission of the Department. ISD personnel shall be accountable for the locating, proper care, proper use and safe return all property issued to them. ISD personnel shall also be responsible for reporting to managers when issued equipment is broken or malfunctioning, running low in supply or in need of updating.

2a. ISD personnel shall immediately report missing equipment to their manager. The manager shall make an effort to account for the property. IF the property cannot be accounted for then the manager shall within 24 hours file a report with the commissioner's office without exception.

2b. ISD personnel shall be responsible for reporting any time equipment or property issued by ISD is being inappropriately used as outlined in this bulletin. ISD personnel failing to report this inappropriate use may also be party to any discipline for failing to alert managers to this situation. Managers shall be responsible for properly reprimanding and taking steps to correct inappropriate use of equipment or property.

ISD personnel must return all equipment issued to them upon separation of service, especially any equipment that may identify the person as an ISD employee. Managers shall be responsible for collecting and accounting for all equipment before an employee separates service.

§ 3. Display of ISD issued identification: ISD personnel issued identification and/or badges shall have them in their possession during the course of any professional duties or obligations performed for ISD including work after hours and on weekends. ISD personnel shall conspicuously display issued identification when in the field to allow for proper identification by other city officials and members of the public. ISD personnel will be accountable for the care of the identification card, badges and vehicle placards issued to them. ISD identification for personnel or personal vehicles used in the field shall be put away when not performing professional duties for ISD. Vehicle placards shall at no time be displayed by ISD personnel except when operating the vehicle to perform official business for ISD. ISD personnel issued placards for personally owned vehicles should ensure that the placard is installed in such a way that the placard can be taken down and posted repeatedly if the vehicle is used for both personal and official ISD business. Use of any identification equipment issued by ISD shall be used consistent with ISD policy and state law on the ethical behavior of public employees.

3a. Use of badges, placards or I.D. cards: ISD badges, a symbol of public trust, are for the exclusive use of the person to which each badge is issued. At no time shall ISD personnel allow another person, even other ISD personnel issued similar badges, to use their issued badge, even for official purposes. Managers shall create a master list of all badges and placards issued with the number of the badge or placard and to whom it was issued. ISD personnel are forbidden from possessing ISD badges unless the badge was issued to them for official identification purposes.

3b. Loss of badges, I.D. cards, Vehicle Placards: All ISD personnel shall immediately notify a manager when an ISD issued identification card, vehicle placard or badge has been lost or stolen. ISD personnel shall also contact Boston Police to fill about a report of the lost or stolen property. Replacement of the identification equipment will come at the cost of the employee.

3c. Use of ISD identification: ISD issued identification of any kind shall only be used for official, professional purposes or at other times when identification is requested to verify identity, such as verification of employment, membership to professional organizations, drivers license renewal or other.

situation where a second means of identification may be required. ISD issued identification shall never be used to:

- prove identity or age to gain access to any premises for personal business or entertainment including but not limited to bars, clubs, or restaurants, or
- gain any benefit by virtue of their employment as an ISD personnel.

The public trust inherent to ISD badges, identification cards and vehicle placards cannot be emphasized enough. ISD issued identification used or presented in a forbidden manner shall establish cause for investigating an ethics violation under state law and ISD policy which may result in discipline up to an including termination as well as potential criminal liability.

3d. Reproduction: No ISD personnel shall reproduce any type of ISD issued identification. If such identification is lost or stolen, personnel must report it to their manager.

This section shall also be read to guide the use of any stamps, seals, forms, business cards or any symbol used to show or to effect the legal authority vested in ISD to approve, deny, or take enforcement action against any entity or person with business before the Department. Such stamps, seals or symbols of authority also have an inherent level of public trust, which must be closely guarded.

§ 4. Storage of special equipment: Equipment such as two way radios, video and still cameras, or any other special equipment not regularly issued to personnel or equipment with a certain value threshold requiring greater safekeeping shall be stored in the property room at 1010 Massachusetts Avenue established in 20002-15.

- All equipment of this nature will be issued daily and accounted for at the end of each shift in which the equipment is used.
- A master list of such special equipment shall be kept by the Deputy Commissioner of Administration and Finance. The Division manager or his/her designee can sign out all equipment needed for the unit at one time, but will be responsible for its return.
- The Deputy Commissioner or his designee shall be charged with the signing in and out of equipment.
- Any special equipment that is stored with first responders working in Special Operations or any other equipment that would be too cumbersome to carry in and out of ISD vehicles each day need not be stored in the property room. Equipment falling into either of these categories shall be recorded as to type, quantity and location on the special equipment master list. Personnel using the special equipment not stored in the property room shall provide a report each day to their division manager verifying that the equipment was present at the beginning of each shift and at the end of each shift with any notations for breakage or other problems. These reports shall be filed daily with the division manager, who shall also store these sheets in an organized manner that is easily accessible. Division managers shall also be responsible for creating a checklist for personnel to use to expedite the accounting of equipment by personnel daily. Managers shall provide the Deputy Commissioner with a copy of all daily checklists at the end of each month.

§ 5. ISSUED CLOTHING/ DRESS CODE: ISD personnel shall present themselves in a professional manner at all times, including the manner of dress. ISD personnel issued or authorized to wear uniforms or official clothing must maintain the issued clothing or uniform in a neat and clean fashion. Uniforms or issued clothing must be treated with due care given allowances for incidents in the field. Personnel issued clothing or uniforms, which is then damaged in the field not through their own negligence, should report this to their manager for replacement of the clothing at no cost. Personnel will not be authorized to wear any ISD issued clothing or uniform that is ripped, tattered or heavily soiled as these garments are often used to identify ISD personnel in the field and create a poor representation of the professionalism of the employee and the Department. Managers should take notice when personnel are using clothing or any equipment in such condition. ISD personnel should maintain themselves and issued clothing or uniforms in a neat and tidy nature while representing the Department in the office or in the field. Neat and tidy shall not limit personnel to any style of clothing, but should be interpreted to mean that clothing shall be clean, properly tailored and either pressed or ironed. Division managers shall set the dress code for their

respective divisions. It is suggested that all managers restrict personnel from wearing non-collared shirts and denim /dungaree style pants.

§ 6. Compliance Failure: Any ISD personnel failing to follow the standard rules and procedures outlined in this bulletin shall be subject to discipline, up to and including termination. Criminal liability may also result for the failure to follow the guidelines of this bulletin. ISD managers may also be subject to discipline for the failure of personnel under their command to demonstrate knowledge of the standard rules and procedures outlined in this bulletin. Managers and personnel should review the Department Public Integrity Policy in Commissioner's Bulletin 2002-a and Commissioner's Bulletins 99-3 and 99-4.

Signed:

Kevin J. Joyce
Commissioner
Inspectional Service Department
Date:

Gary P. Moccia
Inspector of Building
Date:



Number: 2002-19
Date: 21 August, 2002

Page 1 of 2

Subject: STANDARD RULES FOR THE ALTERNATIVE DISPOSITION OF LEGAL NOTICES OF VIOLATION

Purpose: This bulletin establishes standard rules and procedures for Inspectional Services Department personnel to follow in disposing of legal notices of violation for violations of 780 CMR, the Massachusetts State Building Code; the Massachusetts State Sanitary Code, or any other regulation or ordinance administered by ISD.

Policy: Boston Inspectional Services shall enforce all regulations it is legally authorized to enforce with professional integrity and fairness at all times. ISD shall maximize the use of city resources in achieving these objectives by availing itself of judicial efficiencies where possible to remedy issues and dispose of cases.

Determination:

When ISD has determined there are grounds to issue a fine violation to any person charged with violating a law, regulation or ordinance which ISD has the legal authority to enforce, ISD personnel shall proceed under the rules and standards contained in this bulletin.

Note: For purposes of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this bulletin and should be interpreted as gender neutral.

§ 1 Legal Notice of Fine Violation:

Inspectors shall cause written legal notice of violations, with the approval of the Chief of the Department or other person as required by law, to issue and be served upon the offending person in the manner proscribed by law. In determining whether to issue legal notice of violations for fines, ISD shall consider all facts relevant to making such determination including, but not limited to the following:

- a. whether the offense charged was willful, intentional, reckless or repeated;
- b. Whether the offense charged could lead to bodily harm, serious injury or damage to property;
- c. The standard rules and regulations for each division.

§ 2 Return of Service:

Once proof of service of the legal notice of violation is returned to the ISD, ISD shall proceed in accordance with one of the following alternative courses of action.

§3 Alternatives for Disposing of Legal Notices of Violation for Fines.

a. Alternative I – Resolution before Initiating Criminal Proceedings:

If at any time after service of legal notice of violation, the offending person wishes to remedy the fine violation before this department initiates criminal proceedings, the Inspectional Services Department shall file a civil complaint with a proposed court order with the court. The proposed court order may provide for a civil penalty to be paid by the offending person in lieu of any fine that may be assessed by the court after arraignment. The court order may also require the offending person to pay to the City of Boston for its costs incidental or consequential to enforcement by the City of Boston.

b. Alternative II- Failure to reach a pre-arraignment agreement for disposition:

Upon lapse of thirty (30) days from the date of service of the legal notice of violation, the Inspectional Services Department shall seek enforcement by means of filing a Criminal Complaint in Housing Court or the court of competent jurisdiction. If the offending person appears at arraignment or pretrial conference and wishes to remedy the legal notice of violation without further proceedings, then the Inspectional Services Department shall withdraw the Criminal Complaint and move the Court to treat the violation as a civil matter. Such motion shall urge the Court to:

- 1.) Adjudicate the matter against the offending person
- 2.) Impose a civil penalty in lieu of a fine and in an amount up to the maximum amount allowed by law
- 3.) Grant any equitable relief requested.

(See, G.L. c. 277, § 79; G.L. c. 185C § 19; G.L. c. 143, G.L. c. 111 § 127A.)

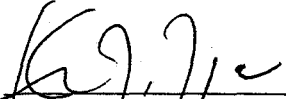
c. Alternative III- Failure to obtain remedy or agreed fine at or before arraignment

Upon appearing for arraignment on a Criminal Complaint filed with the Housing Court or court of competent jurisdiction. The offending party has failed to remedy the violation, then ISD shall aggressively pursue all fines and costs incurred as a result of the violator's acts or omissions relative to the violation.

§ 4 Effective Date:

The rules and procedures contained in this bulletin shall take effect immediately and shall remain in effect until they are revoked by the Commissioner of Inspectional Services.

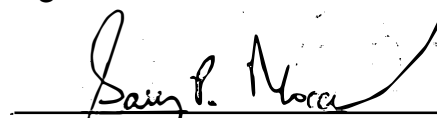
Signed:


Kevin J. Joyce, esq.

Commissioner of ISD

DATE: 8.26.02

Signed:


Gary P. Moccia

Commissioner of Buildings

DATE:

Number: 2002-20
Date: November 6, 2002

Page 1 of 2

Subject: **STANDARD RULES AND PROCEDURES FOR PROCESSING PERMITS AND LICENSES ISSUED BY THE INSPECTIONAL SERVICES DEPARTMENT TO BOARDS, OFFICERS OR EMPLOYEES OF THE CITY OF BOSTON ACTING IN THEIR OFFICAL CAPACITIES.**

Determinations: Because City of Boston Ordinances provide an exemption for City Officials from payment of fees due for permits and licenses issued by the Inspectional Services Department this department is adopting the following standard rules and procedures for processing permits and licenses which fall into this category.

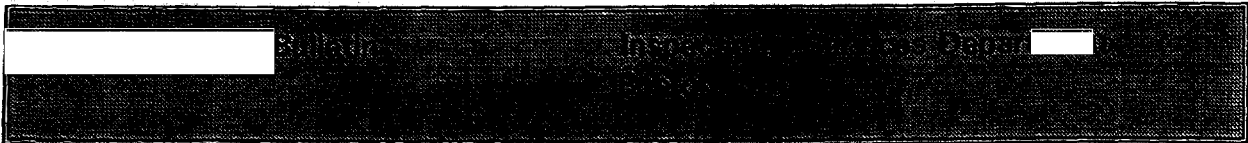
Responsibilities:

1. It shall be the duty of all staff members associated with issuing permits and licenses to read and be familiar with the information, rules and procedures contained in this bulletin. The requirements of this bulletin apply to all divisions in this department. Division Managers are required to inform, train, and lead their staff in the implementation of these requirements.
2. City of Boston Code ordinances Chapter 18, section 18-5 provides: "18-5 Exemptions for Public Officials. No Board, Officer or employee of the City or of the County of Suffolk shall be required to pay any fee for any license or permit required of it or him personally in the performance of its or his official duties; and no such Board, Officer or employee requiring in the performance of its or his official duties any services or work by the City or any Department, Board or Officer thereof, shall be required to pay any charge for such services or work." And further, City of Boston Code Ordinance Chapter 18 section 18-7 provides: "Exemption for Boston Housing Authority. Neither the Boston Housing Authority nor any person acting in its stead shall be charged any fee for any license or permit for which the fee may be fixed by ordinance under Chapter 222 of the acts of 1949."
3. When processing applications for permits and licenses in accordance with the exemptions described in paragraph numbered two of this bulletin the Inspectional Service Department shall require that the application form for the permit or license for which exemption from the fee requirement is sought shall be signed by such board, officer or employee of the City of Boston acting in their official capacity or duties seeking such exemption.
4. All employees are expressly reminded that there shall be no other exemptions from the payment of fees due for permits and licenses issued by the Inspectional Services Department other than those specified in this bulletin.

5. Any deviation from the requirements contained in this bulletin could lead to disciplinary action.

Signed: *[Handwritten Signature]*
Commissioner
Inspectional Service Department
Date: 11.5.02

[Handwritten Signature]
Gary P. Moccia
Inspector of Building
Date: 11/5/02



Number: 2003 - 01
Date: February 28, 2003

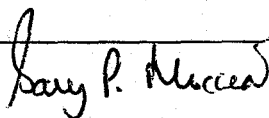
Page 1 of 1

Subject: CARRY OF FIREARMS BY EMPLOYEES OF THE DEPARTMENT OF INSPECTIONAL SERVICES

Determination:

1. It is the policy of the Department of Inspectional Services that firearms of any kind are not to be part of the working equipment of any personnel of this Department.
2. Firearms are not to be carried during the course of official duty nor are they to be carried within or without the Offices of the Department while on official duty.
3. This policy has been in effect since the date of this Policy Statement (87-3) and remains in effect with this bulletin. Any employee who violates this policy may be subject to disciplinary action.

Signed: 
Commissioner
Inspectional Service Department


Gary P. Moccia
Inspector of Building

Number 2003-03
Date: March 7, 2003

Inspectional Services Department
Boston, MA

**Subject: PROCEDURE FOR OFF-HOURS INSPECTION REQUESTS AND
THIRD PARTY BILLING**

Purpose: To properly administer Department's public health and safety mission during non-working hours of the Department within reasonable fiscal controls. Bulletin 2000-1 "Procedure For Off Hours Inspection Requests and Third Party Billing" is rescinded and replaced by Bulletin 2003-3 upon publication of the latter.

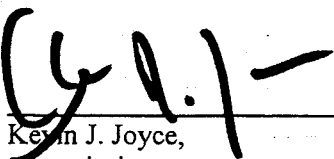
DETERMINATION:

Any party requesting an inspection by any Division during any time other than regular business hours for the Boston Inspectional Department must comply with the following:

1. The party requesting such an application completes an "Off-Hours Inspection Request Form" and attaches a cashier's check for the off-hours inspection fee. The fee shall be \$200 for all off-hours inspections as set forth by the relevant sections regarding compensation minimums for off-hours work in the respective collective bargaining agreements. The application and check are presented to the Division performing the inspection.
2. The submitted request is reviewed for approval by a supervisor at the grade of MM08 or above. The supervisor shall keep a log of each request and note whether it has been denied or approved. The supervisor shall then ensure the applicant is notified that the request has been denied or approved.
3. The supervisor will sign approved applications for final authorization and then schedule the off-hour inspection. The inspector to whom the inspection is assigned shall present the form signed by the supervisor to the requesting party upon completion of the scheduled inspection for the party's signature confirming completion.
4. The inspector shall present the form, signed by the requesting party, to the authorizing supervisor upon completion of the inspection. Either each day, but not less frequently than each week, the Supervisor in each Division shall submit to the Administration and Finance Division all the completed "Off Hours Inspection Forms," accompanying checks and a tally log sheet.

All requests for off-hours access to buildings within the control of the Department shall be treated as "Off-Hours Inspection Requests" and require prior approval and a \$200 payment prior to providing such access. No inspector shall take payment on behalf of the Department during off-hours inspection. All payments must be made in advance.

SIGNED


Kevin J. Joyce,
Commissioner

Date:

3.10.03


Gary P. Moccia, P.E.

Assistant Commissioner/ Inspector of Bldgs.

Date:



Number: 2001-19

Page 1 of 4

Date: December 26, 2001

Subject: **INTERIM RULES FOR REGULATION OF LODGING HOUSES A/K/A ROOMING HOUSES IN THE CITY OF BOSTON**

Purpose: To establish interim rules for interpreting and applying the word "person" contained in M.G.L. c. 140, §22 in a manner that is consistent with federal and state constitutions, fair housing laws and public health and safety regulations and zoning regulations in the City of Boston.

Determination:

1. It is the policy of the City of Boston to enable residents of Boston to obtain affordable housing. The City of Boston implements this policy by allowing families and individuals to choose suitable living arrangements provided that their living arrangements do not violate the requirements of applicable public health and safety regulations; and by promoting neighborhood stability in Boston by controlling residential density in a manner that is consistent with the requirements of federal and state constitutions and fair housing laws.
2. The City of Boston implements its housing policies and discharges its legal obligations to regulate housing accommodations, including lodging houses a/k/a rooming houses by and through its Inspectional Services Department ("ISD").
3. ISD regularly establishes rules for the interpretation and application of regulations it is authorized to enforce and for the conduct of inspections in connection with its administration of these regulations.
4. It is the responsibility of ISD to promote effective administration of public health and safety regulations through proper utilization of the resources provided to it by the City of Boston and in a manner which promotes neighborhood stability and is consistent with the requirements of federal and state constitutions and fair housing laws.

5. In order to ensure that the practices of ISD conform with these constitutional requirements the following definition and interpretation shall henceforth govern the interpretation and application of the word "person" contained in M.G.L. c. 140, §22 and shall apply to all actions by ISD for enforcement.

A. Definition

"Family" shall mean two or more persons related by blood, marriage, or adoption or two or more persons, not so related, but living together as a single household in a single dwelling unit and whose living situation approximates the permanency and cohesiveness of a family. A family shall be considered a "person" for all purposes under M.G.L. c. 140, §22 provided that the number of individuals does not exceed the spatial requirements contained in the state sanitary code.

B. Interpretation

When a tenant under a lease or at will agrees to allow another person or persons to reside in the dwelling unit occupied by the tenant in exchange for a financial contribution toward the rent, utilities and/or household expense, the tenant and the tenant's family shall be considered the person "conducting it" for the purposes of M.G. L. c. 140, §22.

6. ISD has proposed and the City of Boston has sponsored legislation House Bill 3934 that would amend G. L. c. 140 to provide modern definitions for housing accommodations. These proposed definitions recognize non-traditional living arrangements for individuals and families. Some of these non-traditional living arrangements are common among members of diverse cultures who live in many of Boston's neighborhood. The proposed definitions for lodging house/boarding house/rooming house are as follows:

Type I: A dwelling containing four or more single room occupancy units that are let on an individual basis, and where the occupant(s) of each single room occupancy unit contract with the landlord separately; pay rent separately; and can be evicted by the landlord separately without affecting the tenancy of the other occupants; or

Type II: A dwelling where lodgings are let to five or more persons who are not related by blood, marriage, adoption, or civil union and who are not living together as a single housekeeping unit; or a dwelling where lodgings are let to a family and four or more persons, not including minor children, who are not members of the single housekeeping unit maintained by the family, provided such occupancy shall not exceed limits under the State Sanitary Code.

Single housekeeping unit: Two or more persons not related by blood, marriage, or adoption, but who live together as a single household in a single dwelling unit and whose living situation approximates the permanency and cohesiveness of a family.

*For purposes of controlling residential density, the number of individuals living as a single housekeeping unit shall be limited to the spatial requirements of the State Sanitary Code.

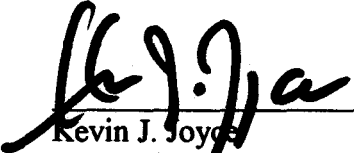
Family: Two or more persons related by blood, marriage, or adoption; or two or more persons, not so related, but living together as a single housekeeping unit.

Dwelling Unit: A single unit providing complete, independent living facilities including cooking, sleeping, and sanitary facilities.

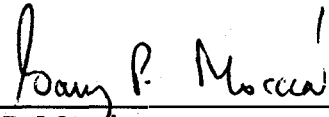
Single Room Occupancy Unit: A room or group of rooms within a dwelling let to one or more persons for living and sleeping quarters, whether or not kitchen facilities are provided.

7. ISD shall continue to use reasonable efforts to secure passage of this legislation. These definitions are derived from consensus between other regulatory agencies having legal responsibility for administering regulations regarding rooming houses, and group residences, representatives of property owners, representatives of tenants organizations, community organizations and residents. These proposed definitions are also consistent with the requirements of building, public safety and zoning regulations.
8. To support implementation of this bulletin, ISD shall as of January 1, 2002 and for a period of 120 days thereafter refer all complaints regarding allegations of illegal rooming houses and or overcrowding to the Investigations and Regulatory Enforcement Division of ISD ("IRED"). During this period, ISD shall hold training sessions for all inspectors and employees regarding the implementation of the policies and procedures set forth in this bulletin. Only after written certification by the Director of Human Resources that all affected employees have been trained in the policies and procedures contained in this bulletin, ISD shall no longer refer all such complaints of illegal rooming houses to the IRED.
9. The IRED shall co-ordinate a review of all pending citations issued by the ISD to determine their compliance with these new rules. The IRED shall use reasonable effort to complete this review within 120 days from the date of this Commissioner's Bulletin. Any citation found not to be in compliance with the rules specified in this bulletin shall be withdrawn and/or deemed closed by the Inspectional Services Department. Any member of the public may request a review of citations issued to them, and the IRED shall use reasonable efforts to conduct a prompt review.

10. This Commissioner's Bulletin is effective immediately and shall remain in place until it is altered, amended, revoked or superseded by the enactment of legislation changing the definitions presently contained in M.G.L. c. 140.



Kevin J. Joyce
Commissioner



Gary P. Moccia
Asst. Commissioner/Inspector of Blds.

Number: 2001 - 15
Date: November 19, 2001

Page 1 of 2

**Subject: SECURITY AND EMERGENCY MANAGEMENT TASK FORCE
ESTABLISHED**

Determinations:

Recent attacks on the United States necessitate the immediate implementation of additional security measures and emergency management procedures for the protection of employees and the general public.

Security and Emergency Management Task Force

1. The Chief of Staff shall assemble a working group including the Chief of Staff, who shall be chair, the Director of Special Operations and the Director of Building & Structure. The working group shall be known as the security and emergency management task force. The working group shall meet regularly, but not less than on a monthly basis. The working group shall file quarterly reports with the Commissioner's Office. Each quarterly report shall describe the issues examined by the task force and its recommendations regarding those issues. The Commissioner shall assign sufficient administrative staff to the task force.
2. The task force shall periodically review all emergency and security procedures presently in existence for the facilities occupied by the department such as - existing emergency notification and evacuation procedures, existing security measures for protecting employees and members of the public, existing emergency staffing requirements and disaster recovery procedures. The task force shall make recommendations regarding these measures and shall take into consideration new threats which develop that could have implications regarding these procedures.
3. The task force shall consult with division heads, managers, employees and representatives of the department's safety and wellness committee and such other individuals and organizations as need arises or as events from time to time determine.
4. The task force shall co-ordinate its activities with other city officials and with the 1010 Massachusetts Avenue lease committee as it deems appropriate.
5. The Deputy Commissioner of Administration and Finance shall act as liaison between the task force and the 1010 Massachusetts Ave. lease committee.
6. No later than March 15, 2002 the task force shall file a report of its proceedings with the Commissioner's Office which shall include but not be limited to a description in sufficient detail of the department's responsibilities and obligations under State approved emergency management plans, and an emergency staffing and disaster recovery plan. Once certified by the Commissioner the official emergency management plan and disaster recovery plans shall be published as an amendment to this bulletin and distributed to all division managers.

7. No later than January 15, 2002 the task force shall advise the Commissioner in writing of the obligations that the Inspectional Service Department has under BEMA and MEMA and indicate how the departments shall meet these obligations.

Interim Security Measures

8. Until further notice the following precautions shall be taken by all employees:
9. All employees who handle mail or packages shall follow the procedures contained in Commissioner's Bulletin No. 2001-11 and 2001-11A.
10. The existing security stations on the first and fifth floors shall be monitored at all times by Municipal Police Officers and such other officers as may be deemed necessary from time to time by the head of the Boston Municipal Police Department and the Commissioner's Office.
11. All division heads and managers shall be cognizant of the conditions in work place and shall report to appropriate authorities any unusual or suspicious occurrence or circumstance which they deem may pose a threat and/or danger to employees, the public, or a safe working environment.
12. All division heads and managers shall meet regularly with their staff members to exchange information regarding safety in the work place and emergency procedures, so that each employee has a current understanding and the precautions they need to follow to protect their safety and health.

Document Room Official Repository of Approved Security and Emergency Plans

13. The Document Room is designated the repository for approved security and emergency management plans. Any amendments to these plans once approved by the Commissioner shall be deposited in the document room where they shall be suitably arranged and indexed and kept under the care, custody and control of the department's keeper of records.
14. This bulletin is effective immediately and it shall remain in full force and effect until it is amended, altered or revoked in writing.

Signed:


Commissioner
Inspectional Service Department


Gary P. Moccia
Inspector of Building

CITY OF BOSTON



IN THE YEAR TWO THOUSAND THREE

AN ORDINANCE AMENDING CBC 9-1.3 RE-INSPECTION OF RENTAL UNITS

Be it ordained by the City Council of Boston, as follows:

Section 1.

CBC Chapter IX, Section 9-1.3 is hereby amended by striking the entire section and inserting in place thereof the following:

9-1.3 Re-Inspection of Rental Units.

Whenever a rented dwelling unit, apartment, or tenement, other than a licensed rooming house, hotel, or motel or other than those otherwise exempted by this section (hereinafter referred to as "Unit" for the purposes of CBC 9-1.3) is vacated by the occupant or occupants thereof, the Commissioner of the Inspectional Services Department (hereinafter referred to as "Commissioner") shall cause the Unit to be re-inspected as meeting the standards set forth in the State Sanitary Code concerning the standards of fitness for places of human habitation, unless a comprehensive inspection by the Inspectional Services Department (hereinafter referred to as "ISD") of the Unit has occurred within the preceding twelve (12) months that resulted in no notices of violation to the Owner. The following housing units shall be exempt from the provisions of this ordinance: (i) housing units owned or operated by Federal, State, or City governments or units leased under subsidy through the Section 8 Housing Choice Voucher Program upon notice to the Commissioner from the Owner accepting the Section 8 Voucher and (ii) housing of one (1) to six (6) units, one of which is occupied by the Owner.

Effective October 01, 2004, an owner of a Unit (hereinafter referred to as "Owner" for the purposes of CBC 9-1.3) may fulfill the requirements of CBC 9-1.3 by filing with ISD a sworn statement following an inspection certifying that a Unit is in compliance with the minimum standards for human habitability for a residential dwelling as set forth in the Massachusetts State Sanitary Code, as it may be adopted and amended from time to time. The inspection shall be performed and the sworn statement shall be signed by an Authorized Inspector which shall be defined as a person who (i) is a Commonwealth of Massachusetts registered sanitarian or a Commonwealth of Massachusetts certified health officer or a Commonwealth of Massachusetts certified home inspector, (ii) has demonstrated a proficiency in the application of the State Sanitary Code by satisfactorily completing the ISD certificate program for qualifying authorized professionals to perform inspections under CBC 9-1.3, and (iii) has been issued a certificate of

completion upon payment to ISD of one hundred twenty-five dollars (\$125.00). An Authorized Inspector shall be prohibited from charging more than one hundred thirty-three percent (133%) of the fee charged by the City of Boston for an inspection performed under these sections.

All inspections performed under these sections shall be performed in accordance with the requirements of the State Sanitary Code and recorded on a form approved by the Commissioner. The Commissioner shall charge a filing fee of twenty-five dollars (\$25.00) for any sworn statement filed by an Authorized Inspector. For an inspection performed by ISD, the Commissioner shall charge a fee of fifty dollars (\$50.00) per Unit for buildings of one-to-three units and seventy-five dollars (\$75.00) per Unit for all other buildings. After such payment has been made, an Owner may charge to the tenant up to fifty percent (50%) of the fee paid to ISD on a basis of equal payments over twelve (12) months.

To comply with the requirements of these sections, an Owner shall, within forty-five (45) calendar days of new occupancy of a Unit, request an inspection from ISD of such Unit or notify ISD that an Authorized Inspector has been scheduled to perform the inspection; no such inspection of an Authorized Inspector shall be scheduled more than seven (7) business days from the forty-fifth (45th) calendar day of new occupancy. The Owner shall, no fewer than seven (7) business days prior thereto, notify ISD of the date of any scheduled inspection. ISD shall maintain a record of all requests or notifications made pursuant to these sections and shall assign to each request a unique tracking or reference number. ISD shall, no fewer than three (3) calendar days prior thereto, provide written notice to a tenant whose unit is to be inspected of the date, time, and purpose of the inspection. An Owner shall file the sworn statement of and inspection form completed by an Authorized Inspector within sixty (60) calendar days of new occupancy. No later than the sixtieth (60th) calendar day after new occupancy, an Owner may apply to the Commissioner for an extension of the time to file a sworn statement or otherwise comply with these sections if the Owner is experiencing hardship related to the Owner's financial circumstances or a municipal approval process resulting from the physical work required to remedy any violations of the State Sanitary Code; no application for such an extension shall be complete without a written plan submitted by the Owner outlining the Owner's plan for compliance within ninety (90) days. ISD shall forward a copy of any report or statement filed by an Authorized Inspector to the tenant no later ten (10) business days after its receipt thereof. All notices provided under these sections shall be on a form approved by the Commissioner.

If a person seeking access to a Unit for the purposes of conducting an inspection pursuant to CBC 9-1.3 is denied such access, then the Owner of said Unit shall notify ISD of such denial within three (3) business days, and an ISD inspector shall verify such denial. If ISD verifies the denied access then such denial shall be noted on any sworn statement filed by an Authorized Inspector, which, when filed, shall be deemed as the Owner's compliance with this section, and the Commissioner may cause the Unit to be re-inspected pursuant to the terms herein in the manner provided for in the State Sanitary Code.

An Owner of a Unit or Units may apply to the Commissioner for an exemption to the requirement under this ordinance to inspect a Unit or Units upon new occupancy. Upon successful application, said Owner shall be subject to a periodic inspection of the Unit(s) every

five (5) years for the compliance of the same with the provisions of the State Sanitary Code. An Owner seeking such an exemption shall file an application on a form approved by the Commissioner. The Commissioner shall issue written findings regarding the approval or denial of an exemption within ten (10) business days of such application, and may base the written findings on factors including, but not limited to, the following: (i) a review of the Owner's history of property management on file with the City of Boston and a management plan submitted for the property, (ii) a review of the Unit's history of compliance with the Massachusetts State Sanitary Code, (iii) a site visit of the property for which the exemption is sought, and (iv) if relevant, a history of compliance with CBC 9-1.3.

An exemption approved by the Commissioner shall be subject to revocation following a hearing held by ISD if the Unit subject to the exemption has one (1) or more violations of the Massachusetts State Sanitary Code and if, upon proper notice of those violations to the Owner, the violations have not been corrected in the time provided in such notice. An Owner approved for an exemption shall be required to maintain maintenance records for any and all exempted Units for the duration of the exemption, and such records shall be available for review by ISD during regular business hours or upon reasonable notice to the Owner.

The Commissioner shall charge a fee of: (i) fifty dollars (\$50.00) per Unit up to the first four (4) units for a five (5) year exemption from CBC 9-1.3 and (ii) an additional ten dollars (\$10.00) for each additional Unit in the same building up to a maximum of five hundred dollars (\$500.00) per building and if two (2) or more buildings comprise a complex owned by the same Owner then the fee shall not exceed one thousand dollars (\$1,000.00). An Owner may apply for an extension of an exemption upon expiration, provided that the Owner shall complete the entire exemption application process and ISD may cause twenty percent (20%) of the Units to be inspected pursuant to CBC 9-1.3. The Commissioner shall follow the same process and procedure as for an original exemption application.

Failure to comply with the provisions of this ordinance shall be punishable by a fine of three hundred dollars (\$300.00) per month for every month that this condition continues to exist.

Any and all notices, statements, inspection forms, applications including supporting documentation, and any other documents concerning an inspection pursuant to CBC 9-1.3 shall be a matter of public record.

In an effort to evaluate the effectiveness of the inspection programs delineated herein, the Commissioner shall annually prepare a report detailing the activities of the program, including but not limited to: (a) the number of inspections requested by owners pursuant to CBC 9-1.3 for each month, (b) the number of inspections performed by ISD inspectors pursuant to CBC 9-1.3 for each month, (c) the number of sworn statements filed by Registered Sanitarians, Certified Health Officers, Licensed Home Inspectors pursuant to CBC 9-1.3 for each month, (d) the total number of sworn statements filed by Registered Sanitarians, (e) the total number of sworn statements filed by Certified Health Officers, (f) the total number of sworn statements filed by Licensed Home Inspectors, (g) the total number of violations issued as a result of an inspection pursuant to CBC 9-1.3, (h) the total number of applications for exemption received, (i) the total number of applications for exemption approved including the number of Units covered thereby,

(j) the total number of applications for exemption denied or withdrawn including the number of Units involved therein, (k) the total number of exemptions revoked including the number of Units involved therein, (l) the total number of violations issued pursuant to CBC 9-1.3, (m) the total number of fines issued pursuant to CBC 9-1.3, (n) the total amount of fines collected pursuant to CBC 9-1.3, and (o) an overall assessment of the entire CBC 9-1.3 program including a brief explanation of improvements made to the program and plans for future improvements. The Commissioner shall file originals of this annual report with the Boston City Clerk and with the Boston City Council no later than July 31 of each calendar year.

The provisions of CBC 9-1.3 may be enforced in accordance with the non-criminal disposition process of M.G.L. c. 50, s. 21D, provided that this section shall not preclude the City of Boston from proceeding to restrain a violation by injunction.

The Commissioner shall have the authority to promulgate rules and regulations necessary to implement and enforce these sections.

If any provision of CBC 9-1.3 shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

The provisions of CBC 9-1.3 shall be effective immediately but no pecuniary violations may be issued until ninety (90) calendar days after passage.

Section 2.

The provisions of these sections shall be effective immediately upon passage.

In City Council MAY 21 2003

Passed

Rosaria Salerno *City Clerk*

Approved MAY 28 2003

Thomas W. Menino *Mayor*

The following changes have been made to the
PRE-RENTAL ORDINANCE:

NEW NAME: **RENTAL RE-INSPECTION PROGRAM**

NEW FEE SCHEDULE:

Rental Inspection Fee

1-3-unit dwellings are \$1000 per unit.

4 unit dwellings and above are \$2500 per unit.

"Good Landlord" Exemption Fee**

\$50 per unit for the first 4 units. \$100 per unit for each additional unit.

Maximum fees of \$500 per building and \$1000 per complex.

\$50 NON REFUNDABLE "Good Landlord" EXEMPTION APPLICATION FEE

Filing Fees- \$25 filing fee for sworn statements from Private Authorized Inspectors (October 2004)

CERTIFICATION FEE- \$125 Fee to certify private inspectors (October 2004)

Exemptions to the Requirements of the ordinance CBC 9-1.3

- Dwellings with [REDACTED], one of which is occupied by the owner.
- Federal, State or City owned or managed dwellings.
- Apartments inspected, approved and leased through the [REDACTED] housing choice voucher program.
- Apartments that have been comprehensively inspected within the past 12 month's, where no violations were observed.

OTHER CHANGES:

- Owners have [REDACTED] days from the date of a new tenancy to request a Rental Unit Inspection.
- Effective [REDACTED] owner may elect to use private inspectors, who are approved and certified by ISD, to comply with the ordinance.
- Owners experiencing hardship may apply for an [REDACTED] to comply, along with the submission of a compliance plan.
- Owners can request a [REDACTED] from turnover requirements. Decisions will be based on a review of the Owners property management history, history of compliance with the Sanitary Code, history of Compliance with City of Boston Ordinances, as well as the past and current management and upkeep of the property. [REDACTED]
- PENALTY- Failure to comply with the provisions of this ordinance remains punishable by a fine of \$300 per month for every month that the condition exists. This fine can now be administered through [REDACTED].
- CERTIFICATION PROGRAM- Beginning [REDACTED] The Housing Inspection Division will begin a certification program designed to test and certify Registered Sanitarians, Certified Health Officers, and Licensed Homes Inspectors who desire to conduct inspection under CBC 9-1.3.