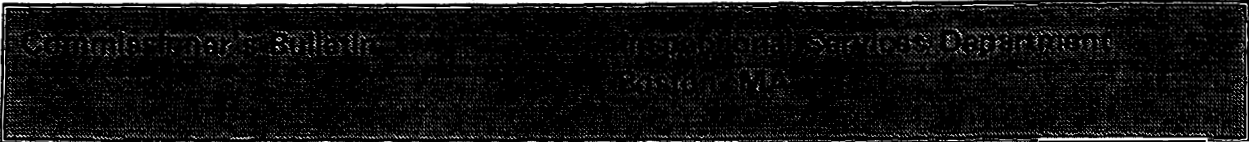


2003-1	28-Feb-03	Carry of Firearms by Emploeyss of the Department of Inspectional Services		
2003-2	n/a			
2003-3	7-Mar-03	procedure for off-hours inspection requests and third party billing		
2003-4	Aug-03	transfer of building documetns to off-site city archive facility		
2003-4	Aug-03	expansion of the fast track program		
2000-7	9-Sep-03	Application for porches and decks on short form memo		
2002	Sep-03	Guidelines for the keeper of records responding te requests for records 'Public Records Law"		
2003-4	n/a			
2003-5	n/a			
2003-6	Dec-03	standard fees for certificates of inspection (annual and temporary)		
2004-1	15-Mar-04	Establishing procedure for insurance claim notices of loss under G.L. 139 sec 3B	replaced by policy 2010-1	
2005-2	2-Feb-05	Polices and Procedures for making entry into an occupied dwelling for purposes of an administrative inspections		
2005-1	3-Mar-05	ISD Personnel Authorized in there Professional Capacity to Translate for ISD customers/constituents in Languages other than English.		
2006-1	4-Dec-06	Standard rules and procedures for issue, use and care of isd equipment		
memorandum	22-Mar-07	Public records request form		
2007-1	1-Jun-07	Consturction Site Temporary Informational Signage		

2007-2	10/5/2007	Demolition (takedown permits)		
2007-5		Replaced with 2010-01 maximum occupants for places of assembly		
2008-1	12-Mar-08	Certification of Roof Decks		
2008-2				
2008-3	1-Dec-08	Occupancy Committee		
2009-1	12/31/2009	Procedures for issuing citations for vacant and /or foreclosed properties		
2009-2	11/1/2009	Procedure for the writing and issuance of all violations for payphone installation		
2009-2	12/31/2009	Procedure for inspection following a use of premises complaint	POLICY	
2009-3	12/31/2009	Administrative procedure for answering requests for public documents	200-4	replaced
2009-4	12/31/2009	Procedure to be followed for the permitting of rooftop agricultural systems or roof gardens		
2010-01	2/10/2010	Establishment of maximum allowable occupancy loads in places of assembly (applicable only to new assembly or to those seeking an increase in the existing capacity).	replaces 2007-5	
2010-02	2/23/2010	Appeal process: vacant and foreclosed properties ordinance		
2010-01	2/1/2010	Establishment of procedure for insurance claim notices of loss under M.G.L. 139S 3B	Policy	replaces 2004-1

2010-03	2/24/2010	rodent Extermination Requirements for building permit applications		replaces 1993-01
2010-04				
2010-05		City of Boston Regulations for the implementation of the security ordinance for elderly/handicapped		replaces 1989-01
2010-06	6/21/2010	Reconstruction of Buildings under Article 4, Sec 4-1 of the Boston Zoning Code	replaces 1999-02	
2010-07	6/10/2010	Definition of "Street" Boston Zoning Code Article 2 & 44 and Article 2A	replaces 2000-06	
2010-08				
2010-09	8/6/2010	Document Room Designated Repository for Inspectional Services Dept Policy Statements and Commissioners bulletins		
2010-10	11/8/2010	Required permitting for all drilling operations within the City of Boston		
2010-03	6/21/2010	Rules and regulation regarding fee standing signs located on public vs private property	Policy	
2011-1	1/23/2011	Effective date for applicability of the "Stretch Energy Code" (8th Edition Bldg code appendix 115AA)		
2011-03	8/18/2011	Construction Site Temporary Informational Signage		
2011-04	8/17/2011	Occupancy Committee		

2012-01	2/17/2012	Standard Rules and Procedures for the Embargo and Handling of Property		



Number: 2003 - 01
Date: February 28, 2003

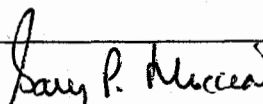
Page 1 of 1

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.

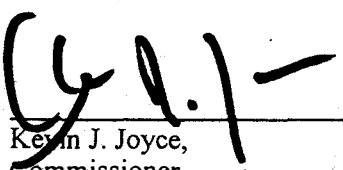
DETERMINATION:

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: 2003 - 4
Date: August 2003

Page 1 of 3

Subject: **Transfer of Building Documents to Off-site City Archive Facility**

General Considerations: Efficient use of space at the 1010 Massachusetts Avenue offices and proper maintenance of documents that are public records requires the Boston Inspectional Services Department to provide off-site storage of all documentation now stored on-site in file cabinets. Available technologies have enabled I.S.D. to make Electronic records available on the Internet. As custodian of the records, I.S.D. will maintain access to these originals upon request. The removal of the records to an off-site location is consistent with I.S.D.'s on-going movement toward greater application of available technologies to improve operations and service.

Determination and Authorization:

Under the authority of City of Boston Code c. 9-1, creating the Boston Inspectional Services Department, and consistent with the Massachusetts public records law on the Archiving of City Documents, the following actions are authorized regarding the ISD Building Jacket Documents:

1. **Relocation of originals:** The ISD building jackets now held in file cabinets located in the Fifth Floor Document Room and any overflow space on the 4th floor will be removed and transported for storage in the City of Boston Archive Facility in Hyde Park. All building jackets shall be relocated to the Archive facility at the end of each fiscal year. All scanning of materials in the building jackets from the previous fiscal year must be completed prior to the relocation of the records not yet scanned. The only original documents that will remain on-site at 1010 Massachusetts Avenue will be the building jacket records for the current fiscal year.
2. **Access to copies:** Documentation available in the building jackets will now be available on ISD's website through the infiltrate scanned document facility. The records and documentation are public records as defined in G.L. c. 4 § 7. Copies of relevant documents can be downloaded and copied at ISD for a charge of fifty cents per page and, when search time by an employee is required to obtain records, a charge for such employee's time as permitted under public records law for the Commonwealth of Massachusetts. Individuals may also search and download the documentation any where there is access to the Internet and a printer, including work or home. I.S.D. shall also provide public terminals at 1010 Massachusetts Avenue for this purpose. The keeper of records may certify upon his belief that the records presented are true and accurate copies of the original documents maintained by the I.S.D. Certification shall require the keeper to issue a statement so stating with a date stamp and initials on the documents.

3. **Additional Records:** As fresh records are created for filing in the building jackets they will be scanned into the electronic form so they may be accessible through the website facility while the originals will be transferred to the Archive Site on an annual basis and in accordance with this Bulletin - segregated and maintained by address. The records shall be maintained segregated by address for as long as they made available to the public. Until such transfer is effected, any such records shall be segregated by address and maintained in the 5th floor document room.
4. **Maintenance prior to relocation:** During the course of the year, records shall be stored in a manner to be determined by the Commissioner of Inspectional Services or his designee. The manner of storage shall enhance accessibility of the records by the public and staff.
5. **Documentation to be contained in each building jacket:** All building jackets shall be used as the public records repository for each property. Effective upon publication of this bulletin, each jacket should contain at a minimum all of the following documentation, if issued for the property:
 - all permits applications, whether issued or abandoned,
 - all issued certificates of occupancy,
 - all annually issued certificates of inspection,
 - all zoning decisions received by I.S.D.;
 - Hearing decisions issued by an I.S.D. hearing officer, and
 - Any other documentation that the Inspector of Buildings or the Commissioner of Inspectional Services may deem appropriate.

The Deputy Commissioner of Administration and Finance or his designee shall coordinate with relevant managers to ensure proper routing of all documentation after submission or issuance for scanning.

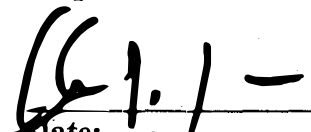
Public access to original documents

1. The original documents may be obtained by filling out a Document Request Form, which will then be sent to the Danvers Archive Facility and the document will be sent to ISD. The requester will be notified and may examine the document in the ISD Document Room for no more than two days.
2. **Retrieval fees** The charge for the retrieval service is based on the existing Document Storage and Retrieval Contract with the Boston Archives Unit of the City Clerk's Office. I.S.D. shall post the retrieval fees in a conspicuous place for the public.

The retrieval form and prices will also be added to the I.S.D. website within ninety days of the bulletin's publication. The normal time elapse from request to document delivery is two days. A requester must provide a photo identification and valid contact information to ensure proper return of any original documents. The Keeper of the Records for Boston Inspectional Services shall maintain a log of all off-site record retrieval requests.

2. If a user of the website, in viewing a particular building jacket, finds that documentation is missing from the jacket, the user should make the appropriate application to ISD on the fifth floor to institute a remedy and replacement for the document. The expense for this replacement will be borne by ISD, if it is determined that the original documentation existed at one point.

Signed:
Kevin J. Joyce
Commissioner
Inspectional Service Department


Date: 9.29.03

Number: 2003 - 4
Date: August 2003

Page 1 of 3

Subject: **Expansion of the Fast Track Program**

General Considerations: Boston Inspectional Services Department in performing its legal obligation to accept and review applications and issue building permits has a significant economic development role in the City of Boston. Effecting the timely issue of permits for an expanded number of buildings will support economic development and allow applicants to complete work needed to open, improve or expand operations. For this reason, the Fast Track program will be expanded from commercial office space work under Bulletin 86-5 to include all permit applications submitted pursuant to 780 Code of Mass.Reg. 110.1 meeting eligibility criteria noted in Section 1.0 and 2.0 below.

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. .

Determination and Authorization:

Commissioner's Bulletin, No. 86-5 as amended, is hereby rescinded and replaced by this Bulletin, No. 2003-4. Under the authority of the Massachusetts State Building Code, Section 102.2 and the City of Boston Code c. 9-1, as amended, there is hereby established within the I.S.D. a procedure to be known as the "Fast Track Program" to facilitate approval of permit applications meeting the eligibility criteria set out in this bulletin.

1.0 Eligibility for Participation in Fast Track Program

All permits for proposed work which are in substantial compliance with applicable fire prevention codes and do not require:

- a. a zoning determination that results in a need for zoning relief from the Zoning Board of Appeal,
- b. a change of occupancy to another use or adding an additional use.
- c. substantial alterations to the building structure. The definition of substantial alternations shall be defined as work which is major in scope and expenditure when compared to the work and expenditure required for the installation of fire protection systems, when such system is required by 780 C.M.R. 9 for a particular use group ¹ or any alterations which have the effect of changing any building systems as a whole.
- d. The building has uncorrected violations, unless the work is to abate those violations.

¹ See State Building Code, 780 Code of Mass.Reg. 3401.0

2.0 Basic Application Documents Required for Fast Track Program ("FT program") Participation in the Fast Track Program

- 2.1 Applicants for FT program shall submit fully completed applications on "Form BD2/BD2A ", along with the required documentation set out below:
- 2.1a. A check for the permit fee. The applicant may also indicate intention to pay the permit fee by debit or credit card;
 - 2.1b. Two sets of complete plans and specifications, including, if relevant, layout of sprinkler heads and compliance with other applicable fire prevention requirements;
 - 2.1c. A letter from the building owner(s) or authorized agent indicating approval of the plans as submitted;
 - 2.1d. A signed affidavit from the approved independent architect or engineer required to visit the work site periodically and ensure construction is consistent with permit issued and all applicable laws and requirements. (See Section 2.4)
 - 2.1e. All affidavits signed by a professional associated with the proposed project, including among others, architects and engineers, shall make the following assurances:
 - a) the submitted plans conform to the applicable building, zoning and fire codes;
 - b) the proposed construction does not constitute a "substantial alteration" of the building structure or a change in the use or occupancy of the building as defined in applicable codes;
 - c) structural alterations and floor loading complies with applicable building and fire codes;
 - d) installation of fire alarms, smoke detectors, etc, as required by applicable codes have, or will be, provided;
 - 2.1f. The name, address, day-night phone number of licensed builder in charge of work-site operations;
 - 2.1g. To assure compliance, the applicant must include a performance bond, letter of credit or certified check equal to twenty-five percent (25%) of the project's construction cost. A sample bond form is shown in the appendix. Letters of credit or certified checks should be made out to the City of Boston. When a permit is closed out or, if relevant, a certificate of occupancy is issued under this procedure, the instruments of assurance noted above will be returned to the owner.
- 2.2. **Incomplete applications** will not be accepted for the Fast Track Program and will be returned to the applicant who may refile a revised and conforming application that meets fast track requirements. The I.S.D. shall implement customer service and public information efforts to ensure public understanding of program requirements.
- 2.3 **Independent professionals:** The Inspector of Buildings must approve any professional associated with the project who is required to submit a required affidavit. A written request must be submitted by the independent professional for

such approval. The written request shall state at a minimum the name, contact information and professional certifications, the scope of responsibility of the professional, permit number and the address for the project. The Inspector of Buildings or his designee shall legibly sign and date the written request as either approved or denied. A copy of written requests shall be stored in the application and then the building jacket

- 2.4 **The designated independent professional shall keep a log of visits** which shall include comments and instructions given regarding construction conformance which shall be kept under his professional seal. The independent professional, as noted, shall not be an employee or associate of the architect/engineer of record and shall be independent of the contractor(s) doing the work. Such records and logs of the independent professional shall be made available to the Inspector of Buildings or his designee upon request and with reasonable notice. *Failure to comply with this requirement may result in a "Stop Work" order under the Massachusetts State Building Code until conformance with the permit terms and all applicable laws and requirements is confirmed.*

3.0 Processing Fast Track Applications

- 3.1 **APPLICATION SUBMISSION:** FT applications shall be submitted in the same manner as applications identified in the I.S.D. as "long forms" and shall be initially examined at the time of submission to assure that basic criteria established in Section 1.0 have been met and that the documentation in Section 2.0 included. If these requirements have been met, the submission shall be stamped as received under the FT program and will be assigned to a plan reviewer.
- 3.2 If the submitted application, with all documentation is in order, the applicant will be notified within seven (7) working days that the building permit is ready for issuance. No work under the FT Program may begin until a building permit has issued.
- 3.3 **AMENDMENTS:** No FT program permit application may be amended if the amendment will take the scope of the proposed project outside the criteria of the FT program. Any amendment that fails to meet the FT criteria will result in the issuance of a stop work order, if the work has started, until the entire proposed project has been reviewed in the context of the proposed amendment.
- 3.4 The plan examiner to whom the application is assigned may also reject the application as not eligible or incomplete after submission if the facts warrant. ISD reserves the right, and has the obligation, to make a more detailed review of the FT application at any time after the permit has been issued; however, *The FT program policy objective will be to increase the number of permits eligible for participation. Staff, when possible, will treat potential applications as to effect this objective.*
- 3.5 Should violations be identified, these will be brought to the attention of the builder. Construction work may, at the discretion of the Inspector of Buildings, be required to stop until the required items are corrected. Failure to stop work or correct violations will result in withdrawal of the permit and forfeiture of deposits.

3.6 Plan & Zoning Staff will meet frequently to update the status of filed "fast track" applications using "Time Matters" to provide progress reports on Fast Track applications. Constituent Services may also be trained to support the Fast Track Program.

3.5 PROJECTS REQUIRING A NEW CERTIFICATE OF OCCUPANCY: While some projects authorized for participation in the FT program will not need a new CO, when a CO is required, the licensed builder or owner's representative shall file an application for a Certificate of Use & Occupancy ("CO") for the completed construction accompanied by fee payment. The application must be accompanied by an affidavit signed by the independent inspecting architect, the engineer or authorized representative attesting that:

- a. the site has been visited periodically during the construction, giving dates and time of these inspections;
- b. the work was completed, except for minor punch-list items, in conformance with the approved plans;
- c. the finished construction conforms to the FAST TRACK PROGRAM REQUIREMENTS identified in Section 1.0 and is consistent with documentation submitted under Section 2.0 of this Bulletin;

Any approved application amendments submitted pursuant to 780 C.M.R. 110.13, must be reflected in any affidavit submitted and bear the similar certification as noted above. All amendments to fast track permits must meet the same Fast Track criteria as the original permit.

3.5 The CO will be issued no more than ten(10) days from the application filing date, provided, however, that all violations requiring a remedy in accordance with Sections 2.5 and 2.6 above *have been* corrected.

Signed:
Kevin J. Joyce
Commissioner
Inspectional Service Department

Date:

9.29.03

Gary P. Moccia
Inspector of Buildings

Date:

9.29.03




BOSTON INSPECTIONAL SERVICES DEPARTMENT

THOMAS M. MENINO
Mayor

KEVIN J. JOYCE
Commissioner

To: Buildings & Structures Division

From: Gary Moccia, Asst. Commissioner 

Date: September 22, 2003

Subject: Applications for Porches & Decks

Effective immediately the applications filed for Porches and Decks with Design Affidavits associated with Commissioners Bulletin 2000-7 will be processed on short forms.

The structural drawing will be referenced on the short form application with one copy attached to the office copy and the other attached to the inspectors copy of the permit.

Number: 2000-7

Page 1 of 1

Date: October 20, 2000

Subject:

PORCHES AND DECKS: DESIGN AFFIDAVITS

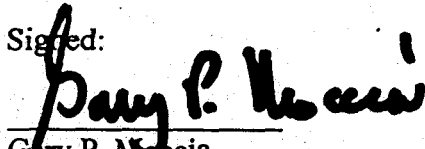
Determination

Effective immediately, pursuant to authority under Chapter One of 780 CMR, where an applicant seeks to construct a deck or porch whose height exceeds 15 feet above grade on a structure of 35,000 cubic feet or more, the following must be supplied:

1. Two (2) copies of a structural engineer's stamped affidavit certifying that the addition of the porches (decks) design live load (in accordance with Chapter 16, Table 1606.1 = 60 psf for 1 family and 2 family, = 100 psf all other) plus the dead loads to the existing building structure are in compliance with 780 CMR 16, et seq;
2. A detail of the attachment of the deck or porch to the building structure; and
3. As per the requirements of Chapters Eighteen and Twenty Three of 780 CMR, evidence of a foundation system indicating size and depth of footings, framing plans indicating size, spacing of material and methods of attachment to existing structure.

Where in the discretion of the Inspector of Buildings public safety will be furthered, the above requirements, in part or in their entirety, may be applied to alterations or repairs of similarly situated porches or decks.

Signed:


Gary P. Meccia
Inspector of Buildings

Signed:


Kevin J. Joyce
Commissioner of ISD

Number: 2003 - 3
Date: September, 2003

Page 1 of 3

Subject: **Guidelines for the Keeper of Records Responding to Requests for Records Made Under G. L. c. 66 (the "public records law") when the Exemption Enacted by c. 313 of the Acts of 2002 ("An Act Providing Protections Against Terrorism") as Codified in G. L. c.4, sec. 7 (26)(n) (the "exemption clause") pertaining to non-disclosure of building plans is implicated.**

Purpose: This bulletin provides guidance for the Keeper(s) of Records responding to requests for building plans when the exemption provided for in G. L. c. 4, sec. 7, clause 26 (n) is implicated ("exemption (n)"). The information in this bulletin is intended to supplement and not alter or replace the requirements and procedures for answering requests for public records contained in Commissioner's Bulletin No. 2000-04 ("Administrative Procedure for Answering Requests for Public Documents") dated March 29, 2000. This bulletin is being provided to ensure that this department continues to discharge its official duties efficiently and in a manner that comports with the requirements of both the public records law and public safety standards instituted by the government post September 11, 2001.

General Considerations: As a result of post September 11, 2001 terrorism concerns, the Massachusetts legislature enacted Chapter 313 of the Acts of 2002 ("An Act Providing Protections Against Terrorism") seeking to provide protections for the public against harm by strengthening existing public safety standards in the Commonwealth of Massachusetts. The Act exempts, among other things, building plans and building systems schematics from public disclosure under certain circumstances. For purposes of this bulletin and as it applies to the Inspectional Services Department the term records custodian means the Keeper of Records for the Inspectional Services Department as defined in Commissioner's Bulletin No. 2000-04. In addition, the Supervisor of Public Records recently issued SPR Bulletin No. 04-03 dated April 1, 2003 which sought to provide record keepers with "some guidance on dealing with public records requests for documents which may implicate the newly enacted exemption for public safety known as exemption (n)". This bulletin provides additional guidance for the Keeper of Records when presented with a request for public records that may fall within the new exemption contained in G. L. c. 4, sec.7 clause 26 (n).

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

GUIDELINES FOR RESPONDING TO REQUESTS FOR PUBLIC DOCUMENTS WHEN THE EXEMPTION CONTAINED IN G. L. c. 4, sec. 7 clause 26(n) MAY BE IMPLICATED.

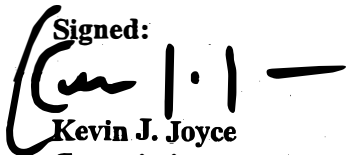
When the Keeper of Records is presented with a request for disclosure of public records he shall continue to follow procedures contained in Commissioner's Bulletin 2000-04. However, if a request is made for records pertaining to the layout, safety, or security of various locations within

the City, the Keeper of Records shall follow the procedures contained in this bulletin in addition to the requirements of Commissioner's Bulletin 2000-04. Accordingly, when presented with such a request the Keeper of Records shall implement the following procedure and considerations:

1. Review the request to determine if the records being requested fall within the realm of records newly exempted from disclosure by G. L. c. 66. This new exemption restricts from public disclosure, "blueprints, plans, policies, procedures and schematic drawings, which relate to internal layout and structural elements, security measures, emergency preparedness, threat of vulnerability preparedness, or any other records relating to the security or safety of persons, buildings, structures, facilities, utilities, transportation or other infrastructure located within the commonwealth, the disclosure of which, in the reasonable judgment of the custodian, subject to review by the supervisor of public records under subsection (b) of section 10 of chapter 66, is likely to jeopardize public safety." G. L. c. 4, sec. 7, clause 26(n).
2. For purposes of reviewing requests the Keeper of Records shall interpret the phrase "records that...in the reasonable judgment of the custodian...are likely to jeopardize public safety" to include any request for records pertaining to any building the release of which are so designated by the Boston Police Department, the Massachusetts State Police or any other law enforcement agency having jurisdiction as "likely to jeopardize public safety." The records for any building, structure, or land so designated by such public safety official(s) shall automatically be deemed to fall within the realm of records protected from disclosure by the new exemption and therefore, they shall not be disclosed.
3. A comprehensive list of buildings, structures, or land so designated shall be adopted and maintained by the Inspector of Buildings. The list will be reviewed periodically by a Building Official. Locales shall be added or subtracted from the list as needed, based on information that the disclosure of records pertaining to the particular building shall be, in the reasonable judgment of the Building Official, likely to jeopardize public safety.
4. The Keeper of Records may, in his reasonable judgment, consider the following factors:
 - a. whether the building is public or private;
 - b. if the requestor has a legal interest in a pending Board of Appeal case or in the execution of an issued and open building permit; official notifications received from the Inspector of Buildings or the Local Inspector under G.L. c. 143 or from the Fire Commissioner under G. L. c. 148 or the City of Boston Fire Prevention Code pertaining to the condition, suitability for use, use or legal occupancy for any building, structure or land in the City of Boston;
 - c. information received from the head of Emergency Medical Services or the Public Health Commission or any public health official or medical doctor pertaining to the health and safety of any building or structure or their occupants;
 - d. information that is readily apparent to the keeper of records at the time that the request is being made;
 - e. information that is gathered from conversation with the person making the request, however, the Keeper of Records may not inquire as to the motive of the requestor; and
 - f. any other information that a public official may consider relevant in discharging their official duties in similar or substantially similar circumstances.
5. If the Keeper of Records denies a request for public records under the new exemption, he shall make the denial in writing, articulating with specificity the basis for such denial. *i.e.* "the release of plans for "X" building is likely to jeopardize public safety." Written denials shall continue to be issued on the form previously issued and approved by Commissioner's Bulletin No. 2000-04 or on any such form as may be subsequently issued as approved by the Commissioner of the Inspectional Services Department or by the Supervisor of Records for this purpose.

6. The Keeper of Records shall continue to act on all requests for records in an expeditious manner and in any event within the ten (10) days time limit prescribed by the public records law.
7. A Memorandum dated November 20, 2002 issued by the Inspector of Buildings for the City of Boston is hereby withdrawn and is to be removed from display in the Document Room and from any other place of display in the offices of the Inspectional Services Department.
8. Any requests for production of building plans that have been filed with this department in compliance with the requirements of the state building code under issued building permits and that have been sent off site for microfilming shall continue to be processed in strict compliance with the requirements of the public records law and Commissioner's Bulletin No. 2000-04. In the event that a request for production of such building plans is in danger of not being answered within the time permitted by the public records law because the requested plans are maintained off site for microfilming or for any other reason of practical difficulty, the Keeper of Records is authorized to cause the Local Inspector to retrieve such plans from the construction site or a copy of such plans so long as the cost of retrieving and copying said plans is paid to this department in accordance with the applicable provisions of the public records law.
9. A copy of this bulletin is to be displayed prominently in the Document room and entered in the electronic web page administered by this department in the normal course of business.
10. This bulletin is effective immediately and shall remain in full force and effect until it is altered, amended or revoked in writing.

Signed:



Kevin J. Joyce
Commissioner

Inspectional Service Department

Date: 9.29.03

Number: 2003-06
Date: December 2003

Page 1 of 3

Subject: Standard Fees for Certificates of Inspection (annual and temporary)

Purpose: The purpose of this bulletin is to assist the Department in administering the City of Boston Code ("C.B.C") Ordinance c. 18-1.12 which establishes fees for the inspection of licensed establishments as required by the State Building Code.

GENERAL CONSIDERATIONS:

- The City of Boston has authorized the I.S.D. Commissioner to fix a reasonable fee for issuing annual or temporary certificates of inspection ("C.I.") required by the State Building Code. These fees are permissible under C.B.C. c. 18-1.12 so long as they remain reasonable, are assessed only to the user and provide a particularized benefit to the user.¹
- The fee schedule set out in c. 18-1.12 shall, pursuant to G.L. c. 40 § 22F, supersede any fee established under any statute or regulation, including the State Building Code, for a C.I..
- A temporary certificate authorizing a change to a temporary use, for example from a gymnasium to a function hall, shall carry the fee established for the use group of the temporary use. The fee shall, to avoid an excessive fee, take special consideration as to the compatibility between the annual and temporary maximum capacities to avoid paying a fee for occupants that may already have been figured into the annual fee.

DETERMINATION:

Boston Inspectional Services shall charge the following fees for annual and temporary inspection certificates in accordance with the provisions of C.B.C. c. 18-1.12:

Section 1.0. Assembly Use Groups

Opera Houses, Movie Theaters and "other similar uses."*

Annual fee: 0.50 cents per person for maximum capacity stated on the annual C.I.

Temporary fee: \$50 + per diem charge

Per diem charge = (use group fee/ 365) x # of days for the temporary use. Per diem charge assessed **only if the charge is one (\$1.00) dollar or more. Per diem charge shall be based upon the formula in C.B.C. c. 18-1.12 for the temporary use beyond and/or capacity in excess of that authorized on the annual certificate.** Charges shall be rounded down to the nearest 0.05. Applicants requesting or requiring inspections be performed off-hours shall also be subject to the fees set forth in Commissioner's Bulletin 2000-1 for such off-hours inspections.

* "Similar uses" shall be those uses meeting the definition in 780 C.M.R. 303 for the A-1 Use Group Assembly theaters, which generally includes places of assembly usually with fixed seating intended for viewing performing arts or motion pictures.

¹ See Emerson College v. City of Boston, 391 Mass. 415, 425 (1987)

Nightclubs, Dance Halls, Live Entertainment Bar, Lounge and "and other similar uses."*

Annual Fee: \$1.00 for each person allowed up to the maximum capacity stated on the annual C.I.

Temporary: Same formula as "Temporary fee" above.

* "Similar uses" shall be those uses meeting the definition in 780 C.M.R. 303 for the A-2 Use group which includes places of assembly without a theatrical stage.

Restaurants, Art Galleries, Lecture Halls, Libraries, Exhibitions Halls, Function Hall and "Similar Uses."*

Annual: 0-400 person capacity: \$37.50
400-5000 capacity: \$75.00.
5000 + capacity: \$75.00 + \$15.00 for each 1,000 persons over 5000

Temporary: Same formula as "Temporary fee" above.

* "Similar uses" shall be those uses meeting the definition in 780 C.M.R. 303 for the A-3 Use group which generally includes no permanent seating, incidental motion picture projection facility used for entertainment, amusement or recreation.

Churches, Temples, Funeral Homes and "Similar Uses"*

Annual: \$37.50

Temporary: Same formula as "Temporary fee" above.

* "Similar uses" shall be those uses meeting the definition in 780 C.M.R. 303 for the A-4 use group which generally includes places of assembly that have low density for worship or other religious service.

Outdoor Assembly, Bleacher Seating, Stadium, Coliseum and "Similar Uses"*

Annual: \$37.50 for 0- 5000 (five thousand) person capacity, then an additional \$7.50 for every one-thousand (1,000) people over the first 5000 people.

Temporary: Same formula as "Temporary fee" above.

* "Similar uses" shall be those uses meeting the definition in 780 C.M.R. 303 for the A-5 use group which generally includes assembly intended for viewing such as bleachers and stadiums and coliseum.

Section 2.0 Institutional Uses

Child Day Care (as defined in 780 C.M.R. 202)², Hospitals, Nursing Homes, Sanitariums, Orphanages, Jails, Prisons and "Similar Uses." *

² 780 C.M.R. 202 defines Child day care center as any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school child

Annual: \$100 for each building containing up to one hundred (100) beds, plus two dollars (\$2.00) for each additional ten (10) beds or a fraction thereof. No bed facilities shall be charged fee for 0-100 beds. Beds shall be permanent or temporary sleeping arrangements(e.g. napping space)

Temporary: Same formula as "Temporary fee" above.

* "Similar uses" shall be those uses meeting the definition in 780 C.M.R. 308 for either the I-1, I-2 or I-3 use group, which generally include all buildings and structures housing people suffering from limitation because of health or age are harbored for medical or other care or treatment or which people are detained for penal or correction purposes or in which the inmate liberty is restricted.

Section 3.0 Residential Uses

Hotels, Motels, Boarding Houses, Lodging Houses and Dormitories.

Annual: \$75.00 for the first ten units and then \$10.00 for each unit beyond the first ten.

Temporary: Same formula as "Temporary fee" above.

Term "units" shall, for the purposes of setting fees in this bulletin only, be defined by the State Building Code, Table 106, and set out below, as this has been the department policy for defining this term in the city ordinance for approximately 20 years:

Hotels/Motels: 2 guest rooms = 1 unit

number of guest rooms / 2 = # of units used to determine the fee amount.

Lodging Houses: 2 guest rooms = 1 unit

number of guest rooms / 2 = # of units used to determine the fee amount.

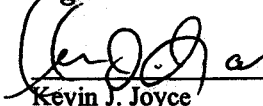
"# of guest rooms" will be the same as number of occupants, unless applicant provides documentation corroborated by field inspection showing otherwise.

Dormitories: 4 persons/sleeping beds = 1 unit (one person per bed)

number of beds (building occupants) / 4 = # of units used to determine the fee.

EFFECTIVE FEBRUARY 01, 2004: All applicants for both temporary and annual certificates for uses in the lodging/boarding houses, dormitories and hotel/motels must list both the number of occupants and the number of units on the C.I. and C.O. applications in order to be complete.

Signature:



Kevin J. Joyce
Commissioner

Date: 12-12-03



Gary P. Moccia, P.E.
Inspector of Buildings

Date:

12/12/03

development center, or preschool or known under any other name, which receives children not of common parentage under 7 years of age or under 16 years of age if such children have special needs for non-residential custody an care during parts or all of the day separated from their parents. Child day care SHALL NOT INCLUDE: public school systems, any part of a private, organized education system unless limited primarily to kindergarten, nursery or related preschool services, a Sunday school conducted by religious institution or facility for caring for children while parents attend worship services, a family day care home as define by G.L. c 28A or an informal arrangement among neighbors or relatives.

Number: 2004-1

Date: March 15, 2004

Subject: ESTABLISHING PROCEDURE FOR INSURANCE CLAIM NOTICES
OF LOSS UNDER G. L. c. 139, sec. 3B

Purpose: Establish a procedure for ISD personnel to process Claim Notices of Loss
Under G. L. c. 139, sec. 3B.

Determinations:

In response to the Claim Notices of Loss we receive from the various insurance companies this department has made a determination that employees are required to follow the procedure contained in the attached manual when processing these notices.

Signed:

Kevin J. Joyce
Commissioner
Inspectional Services Department

Date:

Kevin J. Joyce
3.15.04

Gary P. Moccia
Inspector of Buildings

Date:

Gary P. Moccia
3/15/04

MANUAL FOR PROCESSING
CLAIM NOTICES OF LOSS
UNDER G. L. c. 139, Sec. 3B



City of Boston
Inspectional Services Department

March 15, 2004

Kevin J. Joyce
Commissioner

Gary P. Moccia
Inspector of Buildings

Insurance Claim Notice of Loss Procedure
Under G.L. c. 139, sec. 3B

Step One: Check mail on a daily basis (i.e. morning and afternoon) for Insurance Claim Notices.

Step Two: Once we receive the Insurance Claim Notices, do the following:

- a. Look up address in Special Operations Lien Database.
- b. If address is in the Special Operations Lien Database, a letter needs to be sent immediately to the Insurance Company stating our intentions to perfect a lien. (See attached form letter).

(*Note: You need to fill in the pertinent information for the address that has incurred cost on the form letter.)

Step Three: Once the letter has been sent to the Insurance Company, do the following:

- a. Make sure you have all amounts owed from all divisions (Special operations, Budget, Personnel, Code Enforcement, Building, Project Pride and Housing).
- b. Send an e-mail out to all of the Division Managers and the On-Call Manager for that week to double check and make sure they do not have any outstanding cost.
- c. File the Lien immediately after you have all of the amounts (See attached process on how to file a Lien)

(*Note: The Insurance Company should contact us before they settle the claim to see what we are owed.)

Step Four: When payments are received it should be brought to the Cashier's Cage with a cover letter detailing what expenses are being paid i.e. emergency overtime, board up, etc...

Step Five:

If the address is **not** in Special Operations Lien Database or costs have already been paid, do the following:

- a. Bring the Insurance Claim Notice up to the Document Room to be scanned into the Infotrieve Database.

Step Six:

If any special circumstances arise in the course of processing they should be brought to the attention of the Senior Manager present ASAP.

By Certified Mail No: 00000000-00

March , 2004

Acme Insurance Company
28 State Street
Boston, MA 02108

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

Greetings:

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

You may contact the City of Boston Inspectional Services Department Legal Division directly at (617) 635-5300 or (617) 961-3368 at your convenience should you need further information regarding this matter.

Yours Truly,

Senior Legal Assistant

Process on how to file a Lien

1. Prepare and send out the Notice to owner, Commitment to Collector-Treasurer, and Lien (These documents are in Time Matters Lien Database-Merge Template).
Note: The Notice to owner is sent by mail, the Commitment to Collector-Treasurer is sent by inter-office mail & the Lien is brought to the Registry by Dennis Sullivan who then brings back a time stamped copy for your records.
2. Generate the Schedule of Bills Receivable to notify the Auditing Department of all of the Liens filed that day. (This document is an Excel Template).
3. Concurrently with preparation of the Schedule of Bills Receivable, a Deposit Certification and Deposit Listing is prepared to submit to the Collector-Treasurer. (These documents are in Time Matters Lien Database-Merge Template). These documents are generated separately and stapled together.
4. When the recorded lien finally comes back from Registry enter the Book Lien and Page Lien information into Time Matters.

CAN I INSTALL LOCKS ON BEDROOM DOORS?

No, all means of exit must be accessible without the use of a key. Units may have a lock provided so long as it can be as long as it can be *operated/unlocked* from the inside *without a key*.

WHAT ENFORCEMENT ACTIONS WILL BE TAKEN AGAINST THE OWNER OF AN ILLEGAL LODGING HOUSE?

Illegal units and/or lodging houses are generally in violation of zoning, building and sanitary codes. ISD will issue a "Notice of Violation" for any violations of any of the aforementioned codes where certain conditions exist.

The "Notice Order" requires the named person's to cease from using the property in a way that violates the law or take steps to correct the illegal conditions, such as making repairs, legalizing the occupancy, or discontinuing the use *(see other sides)*.

Persons who do not comply with the "Notice order" may be subject to criminal action and penalties. If you are an occupant living in these illegal conditions you also may have legal rights against the person from whom you are renting. You should seek legal counsel to review your rights or call Mayor Menino's Rental Housing Center at 617-635-4200 for advice.

IF YOU STILL HAVE QUESTIONS:

Call ISD Enforcement Services, 617-635-5300 OR visit the ISD Information Counter at 1010 Massachusetts Avenue, 5th Floor.

ILLEGAL DWELLING UNITS AND LIVING SPACE

Remember you **cannot** convert an **attic, basement** or **other parts of your dwelling** into separate dwelling units for renters, even family members. You also cannot build continuous living space in those areas.

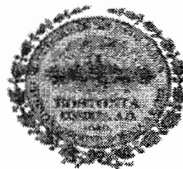


BOTH EXAMPLES REQUIRE YOU TO OBTAIN A BUILDING PERMIT FIRST TO AUTHORIZE SUCH WORK.

You can file for permit to obtain the approvals for building in the basement or attic at ISD, 1010 Massachusetts Avenue, Boston, 5th Floor, Counter 1.

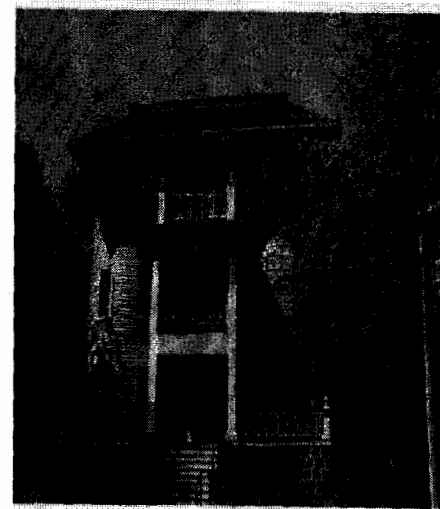
If you build out and occupy space illegally, you may jeopardize the health and safety of the occupants and the public, and you could incur legal liability, as well as insurance policy sanctions as a result of your actions.

Play it smart—get a permit!



Inspectional Services Department
1010 Massachusetts Avenue
Boston, MA 6 02118
Tel. 617-635-5300
Fax 617-635-5923
Email ISDconservices@cityofboston.gov
Website: www.cityofboston.gov

INSPECTIONAL SERVICES DEPARTMENT



ROOMING/LODGING HOUSE

GUIDELINES

Mayor
Thomas M. Menino
City of Boston

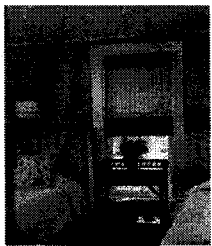
ROOMING/LODGING HOUSE

A rooming/lodging house is defined as:

- A dwelling or dwelling unit offering accommodations to four (4) or more *unrelated* persons (a 'family' is considered 1 person).
- Each occupant has a separate leasing agreement with the owner or "person conducting it", and each occupant can be evicted individually without affecting the other occupants.
- Each occupant **DOES NOT** have access to the **ENTIRE** dwelling unit (e.g. access limited to the occupant's bedroom, common areas such as kitchen & bathroom).
- An owner OR an occupant can be the "person conducting it" (e.g. renting portions of their dwelling unit to 4 separate unrelated individuals).

ROOMMATES ARE NOT ILLEGAL

Four or more unrelated occupants living together, as a single housekeeping unit **IS NOT** considered lodging house. However, minimum space & use requirements must be met.



MINIMUM SPACE REQUIREMENTS

Habitable/living space = 150 sq. ft for the 1st person + 100 sq ft. for each additional person (for 3 occupants you need 350 sq ft.). Sleeping Space = 70 sq. ft. for 1st person and 50 sq ft. per

person for more than 1 person in a bedroom (e.g. for 2 occupants in one bedroom you need 100 sq. ft.)

Dwellings that meet the lodging house criteria must have a use & occupancy permit for a lodging house on file with Inspectional Services (ISD).

If a dwelling meets the definition of a lodging house and the property **DOES NOT** have the legal occupancy of a lodging house, there are 2 options:

- A) Obtain a permit to "legalize" the lodging house use; or
- B) Discontinue the illegal lodging house use.

HOW DO I LEGALIZE THE USE?

Legalizing the use of the property means applying for a permit to change the legal use of the property so that it conforms to the actual or desired use of the property.

For example, changing from a 3 family use to a lodging house would require obtaining a "Change of Use" permit and performing any work needed to bring the building into compliance with the code requirements for a lodging house.

If successful, you would then need to obtain, prior to occupancy, a Certificate of Occupancy from ISD, and a Lodging House license from the Boston Licensing Board.

HOW DO I DISCONTINUE THE USE?

Cease from using the property as a lodging house and use the property in a manner consistent with its legal occupancy. For example, using a 3 family as a 3 family with 1 family or Single Housekeeping Unit in each dwelling unit or less than 4 separate occupants/lodgers in each unit.

Remember, if you need to reduce the number of occupants to below "4" per unit, you must remember occupants have rights under the law. For general information on this issue contact Mayor Menino's Rental Housing Resource Center at 617-635-4200.

You must also deconstruct any structures put up to facilitate separate living spaces.

IF I DECIDE TO "LEGALIZE THE USE," WHAT INFORMATION IS REQUIRED TO CHANGE THE OCCUPANCY?

- "Long form" application to change the occupancy;
- **Two** sets of stamped plans by a licensed architect or contractor showing the layout of the property.
- Contractor's license number,
- "Plot plan" from a land surveyor.
- The fee to change the occupancy is \$50, PLUS \$10 for every \$1000 of construction work to be done. An Occupancy Certificate issues after the permit is closed out. Submit all of the above information at ISD, 1010 Mass. Ave, and 5th floor, "Counter One."

WHAT ARE THE DANGERS OF AN "ILLEGAL" LODGING HOUSE:

- Unsafe/inadequate egress,
- Inadequate smoke detection systems, and/or electrical, ventilation or plumbing systems.
- Structural problems.

Number: 2005-01
Date: March 2005

Page 1 of 2

Subject: ISD Personnel Authorized In there Professional Capacity To Translate For ISD Customers/Constituents in Languages other than English

Purpose: The purpose of this bulletin is to establish a list of ISD Personnel capable of speaking commonly encountered languages other than English. The list should be made readily accessible for all divisions.

GENERAL CONSIDERATIONS:

- ISD will use employees willing to volunteer to assist in **translating** for constituents who do not speak English to effect proper service and **communication**.
- The employees who shall be authorized to assist in translating must be able to speak the language fluently so as to effect proper communication needed with constituents. This is of particular concern with regard to **gaining informed consent from adult occupants** prior to commencing a residential inspection.
- Employees willing to serve as translators must confirm their availability with the Personnel Office by submitting their name, division, phone and Nextel number, languages spoken fluently and for how many years.
- Employees on the attached list shall be authorized to translate for ISD in the field or otherwise. If an employee wishes to be removed from the list, such requests must be made in writing to the Personnel Director.
- ISD will make use of other translator services as **circumstances dictate**, (e.g. a situation providing enough notice to secure a translator, such as a hearing or planned field inspection).

Signed,



William J. Good, III
Acting Commissioner

TRANSLATOR LIST

LANGUAGE	STAFF	EXT / NEXTEL	QUICK CODE
SPANISH	Raoul Jacques, Housing Marcio Fonseca, Electrical Insp. Iris Jones, Housing Leo Martinez, Building Maria Walton, Health	3307 / 592-2870 3251 / 839-3022 3302 / 592-2942 3241 / 590-6431 3345 / 592-5483	712 13 719 215 1022
PORTUGUESE	Raoul Jacques, Housing Phil Taylor, Plans & Zoning Marcelina McGrath, Document Room	3307 / 592-2871 3272 3359	712
CAPE VERDEAN	Julia Scott, Housing Raoul Jacques, Housing Marcelina McGrath, Document Room	3317 / 828-3409 3307 / 592-2871 3359	58654 712
VIETNAMESE	Brian Nguyen, Environmental Service	3335 / 592-6756	911
HATIAN/CREOLE	Raoul Jacques, Housing Marc Joseph, Building	3307 / 592-2870 3233 / 590-6423	712 212
CHINESE	Nancy Lo, Commissioner's Office Bobby Chan, Environmental Services Rich Chung, Information Counter	3377 / 438-4735 3332 3424	
RUSSIAN	Luis Santana, Plans and Zoning	3286	

Commissioner's Bulletin Number: 2005-02

Date: February, 2005

Subject: POLICIES AND PROCEDURES FOR MAKING ENTRY INTO AN OCCUPIED DWELLING FOR PURPOSES OF AN ADMINISTRATIVE INSPECTION

Purpose: This bulletin is issued to establish and implement changes to the existing practices for gaining consent to enter residential dwellings for purposes of inspections initially implemented in 1999. This bulletin will implement changes mandated by consent decree entered in U.S. Federal District Court.

General Considerations:

The right to refuse an inspection is a constitutionally guaranteed right. All staff, when faced with a question as to whether or not consent is needed, should consult a manager. Staff should always assume consent is needed for any interior inspection of an occupied residential building.

Proper consent is essential in providing the proper foundation upon which to uphold orders to correct certain conditions that violate the law.

No exceptions to these protocols shall be effective unless specifically set out below. If at any time, the Inspectional Services Department (ISD) seeks to change the protocols set out in this bulletin, such changes must be approved by stipulation between the parties in Sang Vo et. Al. v. City of Boston (C.A. No. 00-11733-RWZ) or after being granted leave from the Court to make such changes.

Failure to comply with the requirements of this bulletin will result in action pursuant to the graduated disciplinary process set out in each collective bargaining agreement.

This bulletin shall incorporate and supersede the existing consent to inspections policy embodied in Commissioner's Bulletin 1999-05. Commissioner's Bulletin 99-05 shall be revoked in so far as it pertains to procedures for gaining consent. The process for securing administrative warrants shall remain in effect, unless otherwise changed by a subsequent bulletin(s).

Determinations:

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

1.0 ISD Staff Presenting Themselves for Entry and Making Entry

1.1 Initial Attempt to Gain Access:

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

1.2 Upon Gaining Access:

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

1.2.1 Person Charged with Managing Personnel On-Scene:

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

2.0 Gaining Consent to Enter a Dwelling:

2.1 English Speaking:

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

2.1.1. Ensure department issued ID is visible to the person answering the door.

2.1.2. State your name and purpose for being there.

2.1.3. Determine if the person is an occupant, above 18 and speaks english or if anyone present in the household, at the time of the inspection, meets those three (3) requirements. If no one speaks English go to section 2.2 below.

2.1.4. Inform the adult occupant of the need to sign a consent form (The official consent form is attached as Exhibit A) before entering the dwelling.

2.1.5. Inform the occupant of the particular areas to be inspected and that they have the right to refuse the inspection by reading/translator reading the relevant sections of the form to the occupant. Also

inform the occupant that an administrative search warrant to access the dwelling could issue only if it is found by a court of law that there is probable cause to believe conditions on the property exist that violate the Law and that the occupant would be required to hold the property open for an inspection under the court's order.

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

2.2. Non-English Speaking Occupants:

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

- 2.2.1. Ensure department ID is visible to the person answering the door.
- 2.2.2. State your name and your purpose for being there.
- 2.2.3. Determine if the person is an occupant of the dwelling in which entry is sought, above the age of eighteen (18) or if anyone present in the household, at the time of the inspection, meets those three (3) requirements.
- 2.2.4. If no adult occupant, at home during the time of the inspection, speaks English, then determine what language the person speaks.
- 2.2.5. If the ISD staff person present is authorized by the department to speak the occupant's language then continue with step six (6) below, otherwise contact a manager via Nextel radio to obtain a translator. Once the translator is on-scene or able to communicate with the person via Nextel radio or phone, continue with step six (6) below.
- 2.2.6. Inform the occupant, in the occupant's language, of the need to sign a consent form before entering the dwelling. Present the appropriate form, written in the occupant's language, to the occupant for completion by the occupant. (The official consent form is attached as Exhibit A.)
- 2.2.7. Inform the occupant, in the occupant's language, the particular areas to be inspected and that the occupant has the right to refuse the inspection by having relevant sections of the consent form read to the occupant. Also, inform the occupant that only if it is found by a court of law that there is probable cause to believe conditions on the property exist that violate the law an administrative search warrant may issue. At that time the occupant would be required to hold the property open for an inspection pursuant to the Court's order.
- 2.2.8. If the occupant decides to sign the consent form after being

properly informed of the options the inspector should have the occupant fill out the relevant sections; name and address and sign the form. The translator, if on-site, should fill out the information on the reverse side of the form. If not on the scene the inspector should fill out the information for the translator and obtain the translator's signature upon returning to the office. If consent to entry is denied see section 2.3 below.

2.3 Consent to Entry Denied by Occupant:

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

2.3.1. Securing Administrative Search Warrants:

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

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

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

2.3.1.1. Inspections are performed under the terms of issued permits; or

2.3.1.2. Inspections are required for annual certification and/or Certificates of Inspection.

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

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

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

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

4.0 General Exceptions to Consent Requirements:

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

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

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

Signed: _____

William J. Good, III
Commissioner

Date

Gary P. Moccia
Inspector of Buildings

Date

CONSENT FOR ADMINISTRATIVE CONSENT

I, THE UNDERSIGNED, UNDERSTAND THAT I MAY HAVE A constitutional right to refuse to allow an inspection of the premises situated at _____

unit # _____, Boston, Massachusetts without an administrative search warrant.

I understand this right and I hereby waive the necessity of an administrative inspection warrant. I authorize employees of the City of Boston Inspectional Services Department to conduct an inspection of the above-described premises, without an administrative inspection warrant, under the authority of, and for compliance with, the State Building Code, State Sanitary Code, the City of Boston Zoning Code and all other ordinances, codes, regulations and statutes that the Boston Inspectional Services Department is authorized to enforce.

I, the undersigned, hereby represent that I am the owner-occupant-property manager (other) _____ of the above-described premises.

I am eighteen (18) years of age or older.

I am signing this form voluntarily, without threats or promises of any kind.

Signature: _____

Print name: _____

Witnessed: _____

Date: _____

NOTE TO INSPECTOR: If an interpreter is needed, please do not enter the premises. Inform your supervisor of the language needed and an arrangement will be made to have an interpreter accompany you to the property at manager a later date.

**INSPECTIONAL
SERVICES
DEPARTMENT**

Memo

To: All ISD Senior Staff
From: William J. Good, III; Commissioner
Date: December 4, 2006
Re: Commissioner's Bulletin

Attached please find Commissioner's Bulletin # 2006-1 dated November 30, 2006. This bulletin is an update of existing bulletin 2002-18, combining it with the existing dress code policy.

It is to take effect immediately.

This bulletin does not change any responsibilities of ISD Personnel, it does, however, update the bulletin to reflect existing Department staffing and resources.

Please ensure that your staff is aware of their responsibilities as reflected in this bulletin.

Commissioner's Bulletin: 2006-1

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

Purpose: Boston Inspectional Services personnel are charged with substantial responsibility and trust in ensuring the safety, health and well being of the public. Many ISD personnel are issued badges as a symbol of that public trust and responsibility. Personnel may also be issued other pieces of equipment to effectively carry out professional duties in the field and in the office. Employees must be accountable for their actions at all times, which extends to the proper use and care of Department issued equipment.

Note:

- **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.
- This bulletin updates and replaces the previous bulletin on the Standard Rules and Procedures for Issue, Use and Care of ISD Equipment dated: June 24, 2002, Number: 2002-18.

THE STANDARD RULES AND PROCEDURES FOR THE ISSUE, USE AND CARE OF DEPARTMENT ISSUED EQUIPMENT ARE AS FOLLOWS:

§1. Department Issued Equipment: ISD personnel shall limit use of equipment issued by the Department to those times in which they are performing a task required by their professional duties. The following list is not all-inclusive, but shall serve as a general guide of equipment that may be issued to or made available to ISD personnel:

- Jackets with Department (ISD) or Division (e.g. Housing Inspector) identification lettering;
- Video and digital photography cameras;
- Plastic Gloves;
- Nextel radios/phones;
- Two-way radios;
- Automation tablets or handhelds;
- Breathing apparatus;
- Tools, plywood, and weights and measures proofing equipment;
- Stamps for approving plans, permits and applications of any kind;
- Notices of violations, 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 carry out legally authorized enforcement duties.

§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 proper care, proper use and safe return of 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 employee and 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, which will include the employee's statement, with the Commissioner's office without exception.

2b. ISD personnel shall be responsible for reporting any instances when equipment or property issued by the Department is observed being inappropriately used or cared for as outlined in this bulletin. ISD personnel failing to report any inappropriate use or care of equipment may also be subject to discipline. Managers shall be responsible for properly reprimanding and taking steps to correct inappropriate use of equipment or property.

2c. ISD personnel must return any and all equipment or property issued to them upon separation of service, especially anything that may identify the individual as an employee of ISD or the City of Boston.

§ 3. Display of ISD issued identification. All ISD personnel are issued identification cards and/or badges and 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 and personal vehicles used in the field shall be put away when not performing official duties.

Vehicle placards shall at no time be displayed except when operating the vehicle to perform official business for ISD. ISD personnel issued placards for personally owned vehicles shall ensure that the placard is installed in such a way that the placard can be taken down easily if the vehicle is used for both personal and official ISD business.

Use of any identification equipment issued by ISD shall be 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 badge, even for official purposes. Administration & Finance shall keep a master list of all badges and placards issued with the number of the badge and/or placard and to whom it was issued. ISD personnel are forbidden from possessing ISD badges or placards unless they were issued for official purposes.

3b. Loss of badges, I.D. cards and/or Vehicle Placards: All ISD personnel shall immediately notify a manager when an ISD issued identification card, badge, or vehicle placard has been lost or stolen. ISD personnel shall also contact the Boston Police Department to file a report about the lost or stolen property. The replacement identification card, badge or vehicle placard will be issued after the employee pays the replacement cost.

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 in professional organizations, drivers license renewal or other situations 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 or restaurants, or
- gain any benefit by virtue of their employment at ISD.

The public trust inherent to ISD issued identification 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 and 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, it must be reported as outlined in 3b above.

This section should also be read to guide the use of any stamps, seals, forms, business cards, or any symbol used to show or to exercise 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: Special Equipment not regularly issued to individuals is to be issued as needed by Divisions, and returned, accounted for, and secured after each use.

Special equipment stored in vehicles shall be recorded as to type, quantity, and location on an inventory list. Personnel using the vehicles shall provide a report to their supervisor verifying that the equipment was present at the beginning of each rotation; and, at the end of each rotation with any notations for breakage, loss, replenishment, or any other problems or needs. These reports shall be filed with the supervisor, who shall store them in an organized manner that is easily accessible after taking whatever action necessary based on the report.

Supervisors will be responsible for creating an inventory checklist for personnel to use to expedite the accounting of equipment by vehicle operators. Supervisors shall provide the Deputy Commissioner with a copy of all checklists at the end of each month.

§ 5. Clothing/dress code: ISD personnel shall present themselves in a professional manner at all times, including their 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 are damaged in the field, not due to negligence, should report this to their manager for replacement of the item(s) at no cost. ISD employees will not be authorized to wear any issued clothing or uniform that is ripped, tattered or heavily soiled as this could represent a poor reflection on the professionalism of the employee and the Department.
- All office staff must report to work in professional business attire, which means no jeans, shorts, sneakers, or t-shirts. According the City of Boston policy on casual Fridays in the summer, "casual attire does not include jeans sweat suits, tank tops, tee-shirts and other clothing not appropriate in an office or business environment."
- Field inspectors are allowed to wear acceptable attire that is appropriate for the scheduled field environment and in accordance with Division policy.

This policy is not affected by the weather, as long as conditions are such that staff are expected at work, they will be expected to adhere to the dress code. Anyone working during a declared emergency is not subject to this policy.

5a. Infractions of the dress code will be treated as follows:

- Anyone found in violation of the dress code will be sent home to change at the expense of their accumulated leave (use of sick time will not be an option).
- Employees will be given a reasonable amount of time to accomplish this mission. If they fail to return by the prescribed time they will be carried as AWOL and be docked (not paid) and the time will be negatively recorded for purposes of Managing Attendance.
- The employee may also be subject to progressive discipline under existing union contracts.

Any requests for exemption to this policy must be presented to the Human Resources Director and approved in advance.

§6. Compliance/Failure to Comply. 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. ISD personnel failing to follow any equipment-specific rules and procedures issued by the Department shall be subject to discipline, up to and including termination. Criminal liability may also result for the failure to follow the guidelines in this bulletin. ISD managers may also be subject to discipline for failing to reprimand and/or failing to take steps to correct inappropriate use of equipment or property.

Signed:



William J. Good, III
Commissioner

Dated: 1 December 2006

ISD EQUIPMENT AND PROPERTY
ACKNOWLEDGEMENT OF RECEIPT

DATE _____

I, _____, employee ID # _____
(print name)
of the _____ Division, accept a

List of any accessories:

I acknowledge receipt and accept responsibility for the above, which extends to the proper use and care of the equipment. I also agree to notify my direct supervisor as soon as possible if the above equipment is lost, stolen or broken.

I understand that I may be subject to discipline, up to and including termination, for failure to comply with the STANDARD RULES AND PROCEDURES FOR ISSUE, USE AND CARE OF ISD EQUIPMENT, Commissioner's Bulletin 2006-1.

Signed: _____
(Employee)

Number: 2007- 02
Effective Date: October 5, 2007

Page 1 of 2

Subject: Demolition (takedown) Permits

Purpose: The purpose of this bulletin is to establish guidelines for the demolition (takedown) of structures or portions thereof

1. Applications for removal of all or part of a structure shall be submitted to the Building and Structures Division using either a long or short form permit application. If filing a short form application, all of the required materials must be obtained and submitted with the application at time of filing. All long form demolition (takedown) applications are required to have the following items prior to issuance of the permit:

1.1. Article 85 Review

- 1.1.1. No permit for the demolition of a structure or portion of a structure may be issued until the applicant has either obtained approval from the Landmarks Commission of the City of Boston Environment Department, in accordance with Article 85 of the Boston Zoning Ordinance, or evidence that the building or structure is exempt from Article 85.

1.2. Shut off notices

- 1.2.1. Applications for the takedown of an entire structure must be accompanied by shut off notices from all utility companies that provide service to the affected structure.
- 1.2.2. Partial demolition applications shall include a letter from the utility company, consulting engineer or subcontractor for the respective trades that the service will be cut or modified, (through permits issued for the associated work) or that the proposed work will have no effect on the service.

1.3. Bond

- 1.3.1. Applications shall be accompanied by a performance bond, letter of credit, or a certified check equal to the estimated cost of the demolition which will be returned at the completion of the work provided there is no damage sustained to any abutting property, public or private.

1.4. Notice of intent

- 1.4.1. In accordance with the Massachusetts State Building Code (780 CMR) Section 3320.1, the applicant shall deliver written notice of the proposed project to the owner of each potentially affected adjoining lot, building or structure at least seven days prior to commencement of work.
- 1.4.2. In addition to this notice a project information sign shall be erected or posted at the site seven days prior to commencement of work in accordance with Commissioner's Bulletin 2007-1. The sign shall contain the following information:
 - Project name
 - Project address & ISD Building Permit information
 - Brief description (# of stories, residential, commercial, etc)
 - Developer's name and phone number
 - Emergency phone (evenings/weekends)
 - Anticipated completion date

2. Other Requirements

- 2.1. A letter or an invoice from an exterminating contractor and notice shall be provided to the Environmental Sanitation (rodent control) division of ISD. Extermination must be performed before during and after completion of the work.
- 2.2. A copy of the Fire Prevention demolition permit from the Boston Fire Department.
- 2.3. Additional building code requirements under the state building code (780CMR, Section 3310).
- 2.4. Department of Environmental Protection and/or Boston Public Health Commission permits for the removal of asbestos or any other hazardous materials.

3. Records retention and return of Bond

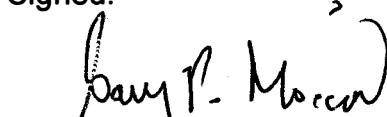
- 3.1. At the completion of the work and final sign off of the permit the bond or security shall be returned to the permit holder and all documents forwarded to the document room for scanning and archiving.

Signed:



William J. Good, III
Commissioner

Signed:



Gary P. Moccia
Assistant Commissioner of
Building & Structures



Number: 2007- 01
Effective Date: June 1, 2007

Page 1 of 2

Subject: Construction Site Temporary Informational Signage

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

1.0 Criteria for Signage

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

2.0 Location, Material and Dimensions

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

3.0 Information Required

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

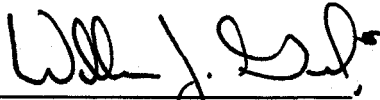
4.0 Posting and Removal

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

5.0 Other Public Notice Requirements

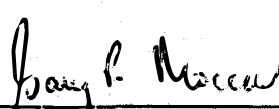
- 5.1 Compliance with this bulletin does not constitute compliance with the Massachusetts State Building Code, section 3310.0 Notice of intent (applicable to demolition and/or excavations).

Signed:



William J. Good, III
Commissioner

Signed:



Gary P. Moccia
Assistant Commissioner of
Building & Structures



THOMAS M. MENINO
Mayor

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

Number: 2008-1
Issued: March 5, 2008
Effective: March 12, 2008

Subject: CERTIFICATION OF ROOF DECKS

Purpose: This bulletin is issued to establish guidelines for the certification of roof decks in accordance with **CBC 9-9.13 Regulating Access to Roof Areas of Buildings with Residential Units**

Determination:

1. Policy

The City of Boston has enacted an ordinance to regulate the use of roofs as areas of recreation and as places of assembly. This ordinance was created in the interest of the public health, safety and quality of life of residents of the City. To ensure compliance with this ordinance the following policy is hereby established and will be effective 30 days from its issuance:

- 1.1 All roof decks, or flat roofs without structures used in a comparable manner, shall be required to be certified every five (5) years beginning with the effective date of this ordinance.
- 1.2 The Inspectional Services Department (ISD) will compile a database containing the records of these certifications to ensure that property owners are in compliance with this ordinance.
- 1.3 For purposes of this bulletin the term "roof deck" shall include a flat roof with no structure, but that is accessible and may be used for recreational purposes (refer to CBC 9-9.13).

2. Applicability

This ordinance is not applicable in the following circumstances:

- 2.1 Owner-occupied one and two family dwellings (as defined by the Massachusetts state Building Code 780 CMR).

- 2.2 Roof decks accessed through a single access point within owner-occupied units.
- 2.3 Roofs not accessible to tenants or alarmed in accordance with CBC 9-9.13

3. Existing Roof Decks – Compliance Schedule

- 3.1 Existing roof decks which have been previously permitted through the Inspectional Services Department must comply with the ordinance by having the premises certified (see section 4.4 below) by the following relevant dates:

<u>WARD</u>	<u>CERTIFICATION DATE</u>
1, 3, 5, 7, 9	June 30, 2009
2, 4, 6, 8, 10	June 30, 2010
11 through 15	June 30, 2011
16 through 22	June 30, 2012

- 3.2 Once a roof deck has been completed and/or documented with ISD the roof deck must be re-certified as required in section 4.4 below every five (5) years.

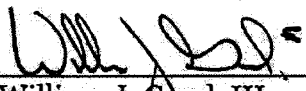
4. New, Replacement or Renovated Roof Decks

- 4.1 Applications for new roof decks, or roof decks that are undergoing replacement or repairs, or for roof areas without structures that are intended to be used for recreational purposes shall be submitted to ISD as a long form building permit.
- 4.2 The application must be accompanied by plans stamped by a Commonwealth of Massachusetts registered architect or engineer and show compliance with the requirements of the State Building Code and the City of Boston Zoning Code.
- 4.3 Evidence of any other requirements such as BRA and/or Landmark Commission approvals must also be submitted with the application or prior to issuance of the permit.
- 4.4 At the completion of the project the owner must file an affidavit from a Massachusetts registered architect or engineer certifying that the roof deck is in compliance with the applicable regulations at the time of the original permit issuance.

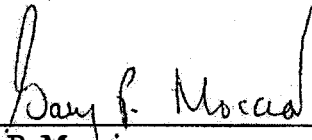
4.4.1 This certification shall cover all public safety aspects including live load requirements, handrail requirements (height, balusters, applied loads, etc.) access and egress requirements.

5. Multiple Roof Decks
Buildings with multiple roof decks whether or not in common ownership shall have all roof decks or similar areas certified under the same affidavit if applicable.

Signed:



William J. Good, III
Commissioner
Inspectional Services Department



Gary P. Moccia
Inspector of Buildings
Inspectional Services Department

Inspectional Services Department

Boston, Massachusetts

Commissioner's Bulletin Number: 2008-03

Date: December 1, 2008

Subject: OCCUPANCY COMMITTEE

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

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

1. Determination of Need for Review by Occupancy Committee

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

- 1.1.1 If the proposed occupancy conforms to the Boston Zoning Code, to file an application to change occupancy
- 1.1.2 If the proposed occupancy does not conform to the Boston Zoning Code to go before the Zoning Board of Appeal in order to effect a change in occupancy
- 1.1.3 If the proposed occupancy was, in the opinion of the applicant, in use before passage of the current zoning ordinance and thus a pre-existing non-conforming use, to file to have the occupancy validated through a review by the Occupancy Committee.

1.2 When an applicant decides to utilize the administrative process, (item C above) he or she must file a long form building permit application to legalize occupancy and submit documentation to substantiate that the occupancy claimed was in effect prior

to November 23, 1984 (enactment of Article 27 of the Boston Zoning Code, Interim Overlay Planning Districts).

2 Occupancy Committee Policy and Procedure

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

2.1.1 The committee shall review documentation supplied by the occupant in support of the request such as, but not limited to, the following:

2.1.1.1 City of Boston tax bills for the location prior to November 23, 1984, which show occupancy or refer to it by indicating the number of meters, etc.

2.1.1.2 Copies of utility bills prior to November 23, 1984, which show occupancy or refer to it by indicating the number of meters, etc.

2.1.1.3 Affidavits by prior owners as to the occupancy prior to November 23, 1984

2.1.1.4 Affidavits by abutting property owners who have knowledge of how the property in question was occupied as shown prior to November 23, 1984.

2.1.1.5 Legal documents such as deeds, title searches, mortgages, leases, appraisals, abatements, insurance policies, licenses, permit applications, etc. that show occupancy prior to November 23, 1984.

2.2 The Occupancy Committee shall also review the following Departmental records in considering the legalization of occupancy:

2.2.1 existing building jacket

2.2.2 use and occupancy records

2.2.3 egress records

2.2.4 building inspector's field inspection report

2.3 The Occupancy Committee shall consider the evidence and render its decision. The decision will be forwarded to the Commissioner or his designee who will have final approval.

2.4 The application will then be returned to the Plans and Zoning division for any further action required or issued and scanned to files which will become the official record of the decision reached.

2.5 If the applicant does not agree with the decision of the committee or the Commissioner, he or she may appeal the decision to the Zoning Board of Appeal under provisions of Section 8, Chapter 665 of the Acts of 1956 as amended.

2.6 Commissioner's Policy Statement Number 85-1 with respect to single-family dwellings is also hereby rescinded. A request to confirm occupancy as a single family dwelling may be approved by the Director of Building and Structures or the Director of Plans and Zoning, without a meeting of the committee following a review of the building jacket and assessing records provided there is no evidence that the premises were occupied for any other use.

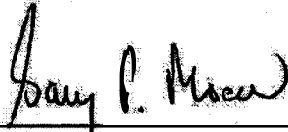
Signed:



William J. Godd, III
Commissioner

1-9-09

Date



Gary P. Moccia
Inspector of Buildings

1/9/09

Date



Number: 2009 -01
Date: December 31, 2009

Subject: PROCEDURES FOR ISSUING CITATIONS FOR VACANT AND/OR FORECLOSED PROPERTIES

Purpose: On March 3, 2008 the City of Boston passed an "Ordinance Regulating the Maintenance of Vacant and/or Foreclosing Properties." This ordinance was created in response to the drastic rise in the number of foreclosures across the city resulting in homes left vacant and unmaintained and often creating a public nuisance. This Policy and Procedures memorandum is issued to establish procedures to be followed by ISD personnel when issuing citations to properties that are vacant and/or foreclosed pursuant to the afore-mentioned ordinance.

Determination:

1. As required by the ordinance vacant and foreclosed properties are to be registered with the Inspectional Services Department to increase mortgage lender accountability and to ensure that properties are being maintained in accordance with the sanitary and building codes and relevant local regulations concerning property maintenance.
2. Whether responding to a complaint or as a result of observation, when an ISD inspector or code enforcement officer finds a property in violation of the sanitary or building code or relevant local regulations and the property is vacant a citation will no longer be posted on the property.
 - 2.1 All citations will be brought back to ISD where they will be mailed to the owner or an identified management company.
3. Ownership of the property will be established through ISD and City of Boston databases. If ownership of the property is listed as a bank, lending institution or property management company, the citation will be sent to that business address.
4. A citation will be issued for \$300 for "Failure to Maintain the Property" as outlined in the ordinance, in addition to any citation(s) for conditions observed on site.

5. All other applicable violations under the ordinance must be cited as well, including:
 - 5.1. Failure to register vacant and/or foreclosed properties - \$300. fine
 - 5.2. Failure to post the name of a local individual or management company - \$300. fine
 6. If after fourteen (14) days the violation still exists the Code Enforcement Unit may issue an additional citation pursuant to the ordinance.
 7. If after thirty (30) days the violation continues to exist with no response from the responsible party the case will be transferred to the Foreclosure Unit in the Legal Division to initiate the lien process.
 8. A *Notice of Intent to Lien* will be issued listing for all outstanding violations and fines.
 9. If there has been no response from the responsible party after sixty (60) days following the *Notice of Intent to Lien* a lien will be placed on the property.
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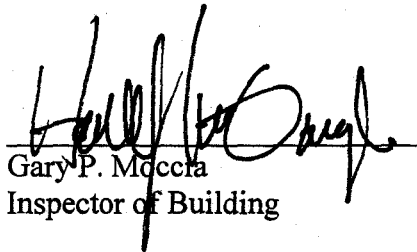
Signed:



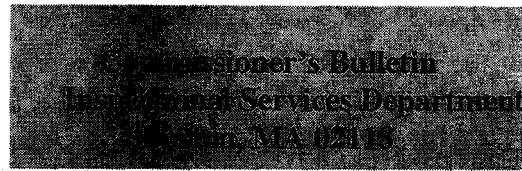
William J. Good, III
Commissioner

12-31-2009

Date


for Gary P. Moccia
Inspector of Building

Date



Number: 2009-02
Date: November 1, 2009

Subject: PROCEDURE FOR THE WRITING AND ISSUANCE OF ALL VIOLATIONS FOR PAYPHONE INSTALLATION

Purpose: This Commissioner's Bulletin is issued to standardize procedure when writing and issuing citations for noncompliance of the Building Code and Electrical Code for payphone installation.

Determination:

1. Payphones installed after January 1, 1987 require permitting from ISD.
 - 1.1. Payphones installed after January 1, 1987 are required to have an electrical permit before installation of the phone.
2. As of March 15, 2006 the City of Boston has regulated the installation of indoor and outdoor payphones through the zoning code.
 - 2.1 Payphones installed after March 15, 2006 require a variance from the Zoning Board of Appeal.
 - 2.2 Payphones installed after March 15, 2006 are also required to have a building (indoor) or use of premises (outdoor) permit.
3. If an electrical contractor comes to ISD to file for an electrical permit for a payphone the permit application unit needs to determine whether a use of premises application needs to be submitted for approval and issued prior to issuance of the electrical permit.
 - 3.1. Additionally, the permit application unit should check for building and/or electrical violations.
4. All complaints, concerning payphone installations must be forwarded to both the Building and Electrical Divisions.
5. If, after inspection, it is determined that no electrical permit was issued prior to installation, the electrical inspector is required to write a violation for "non-compliant installation of payphone" as required by the electrical code.
 - 5.1. If the installation was made after March 15, 2006 and no building permit is on file the building inspector is required to write a violation for "failure to secure a permit".

Signed:

William J. Good, III
Commissioner

11-1-09

Date

Gary P. Moccia
Inspector of Buildings

11-1-09

Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2009-03

Date: December 31, 2009

Subject: ADMINISTRATIVE PROCEDURE FOR ANSWERING REQUESTS
FOR PUBLIC DOCUMENTS

Purpose: This Commissioner's Bulletin is issued to ensure the City of Boston Inspectional Services Department (ISD) effectively and consistently complies with the requirements of the Massachusetts Public Records Law, G.L. c. 66 §10, which provides access to governmental records to members of the public. It replaces Commissioner's Bulletin 2000-04.


Determination:

1. The public records law is administered by the Secretary of State who has issued guidelines for compliance with the law. The guidelines contained in this Commissioner's Bulletin comply with the guidelines published by the Secretary of State.
2. The public records law presumes that all records and documents, in possession of a governmental agency, are public. The public records law permits government agencies to redact exempt information so that they can comply with the law, although there are exceptions to this general principle.
3. To comply with public records law effectively and ensure consistency among divisions in answering requests for records, the following procedures are established:
 - 3.1 The supervisor of the Document Room is hereby designated the General Keeper of Records for the entire department.
 - 3.2 Each division in ISD shall appoint a designated Division's Keeper of Records who will be responsible for collecting records within that division.
 - 3.3 The General Keeper of Records is authorized to appoint a Deputy General Keeper of Records.
 - 3.4 All such designations shall be posted in the document room for public viewing.
 - 3.5 The General Keeper of Records shall oversee the processing of all record requests, including, but not limited to, the gathering of record requests by individual divisions.
 - 3.6 The document room shall serve as a central location in the department where members of the public will be able to schedule appointments, view records and pick up requested copies.
 - 3.7 A member of the public may request a copy and view the records.

Requests may be either oral (in person or by telephone) or written (fax, letter or email).

- 3.8 In order to expedite the request process, members of the public are asked to complete a public request records request form. The purpose of this form is to assist ISD in assembling the requested records and to inform the person making the request of both the costs associated with fulfilling requests and of the required response time.
 - 3.9 The person requesting a record is not legally required to provide his or her name or address on the request form. Therefore, employees shall complete the form in all circumstances where the member of the public either withholds name and address or requests a document by telephone.
 - 3.10 Upon receipt of request or letter all public records requests shall be responded to within ten (10) calendar days. Requested documents must be assembled and ready for delivery or appointments to view documents must be scheduled within the allotted ten-day period.
 - 3.11 If the ISD employee responsible for completing public records requests believes that the records requested or portions thereof, are not public, he or she shall consult his/her supervisor. The supervisor shall consult with the legal division of this department to determine whether the requested records may be released. If it is determined that the requested records are not public records as defined by M.G.L. c. 66, § 10, then the General Keeper of Records shall notify the person requesting the records within ten (10) days of the receipt date of the records request. The notification shall be in writing and contain the specific legal reasons why the requested documents will not be released.
 - 3.12 Pursuant to the Code of Massachusetts Regulations, Title 950 § 32.06 (2), if the estimated cost of copying and locating the records is greater than \$10.00, the person requesting the records shall be contacted, where possible, and informed of the expected cost.
 - 3.13 Copied records may be picked up in person or mailed to the petitioner upon receipt of payment.
4. Attached to this bulletin are copies of the Inspectional Services Department public request form.
 5. The above policy is effective immediately.

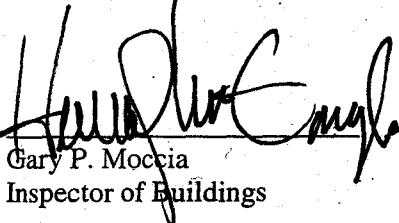
Signed:



William J. Good, III
Commissioner

12.31.2009

Date



FW

Gary P. Moccia
Inspector of Buildings

12/31/2009

Date

Boston Inspectional Services Department

Public Record Request Form
M.G.L. c. 66, § 10

Name: _____

Address: _____

City, State, Zip: _____

Contact Number: (____) _____

Please Check: Owner __ Occupant __ Legal Representative __
 News Media __ None of the above __

Please indicate the location of the property for which you are requesting records.

Address: _____

Neighborhood: _____ Ward: _____

Business Name (if applicable): _____

I am requesting records from the following division(s):

Building __ Environmental Services/ Code Enforcement __ Health __

Housing __ Legal __ Weights and Measures __

Please identify the documents requested, including the relevant time frame of the request:

1010 Massachusetts Avenue, Boston, MA 02118 · (617) 961.3500

Fees:

The cost for copies of records will be .20¢ per page for photocopies and computer printouts. However, Massachusetts Regulations Title 950 § 32.06 (2) provides the Keeper of the Records may charge the applicant a fee based on the time it took to search, segregate, redact and photocopy the requested documents. This charge is based on the hourly wage of the lowest paid employee capable of performing the task.

Note:

Pursuant to M.G.L. c. 66 §10, all records and documents in possession of a government agency are public records. However, government agencies must redact from all documents exempt information as defined by M.G.L. c.4, §7, 26th clause.

Research of documents may incur additional fees:

In addition to the per page charge, the time for locating, pulling, copying and re-shelving the records, together with the time expended to delete exempt data from the public portion of a record, can be charged at the hourly rate of the lowest paid employee capable of performing the service. Please be advised that hourly rates are subject to change. The fee for computer search is the actual cost of that search. The cost of postage, if any, may also be charged.

Building	\$14.93 per hour
Environmental Services/Code Enforcement	\$14.93 per hour
Health	\$16.79 per hour
Housing	\$14.93 per hour
Legal	\$21.25 per hour
Weights and Measures	\$16.79 per hour

All requested documents dated three years or older are stored in an off-site storage facility. Please be further advised that any and all documents requested from this offsite facility will be subject to additional costs associated with and the document retrieval, return and transportation. *(Please see below.)*

Retrieval fee	\$1.00
Return	\$1.00
Transportation	\$1.00



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2009-04

Date: December 31, 2009

Subject: PROCEDURE TO BE FOLLOWED FOR THE PERMITTING OF
ROOFTOP AGRICULTURAL SYSTEMS OR ROOF GARDENS

Purpose: This Commissioner's Bulletin is issued to establish procedures for the construction and/or installation of rooftop agricultural systems.

Determination:

Environmental testing has shown that rooftop gardens and landscaping help reduce the amount of pollutants and dust particles in the air and water. Additionally, vegetation on roof tops helps reduce the urban heat island effect by keeping buildings cooler. The City of Boston, therefore, encourages the concept of rooftop agriculture through various means including hydroponic farming.

Definitions:

1. A "Rooftop Garden" is presumed to be accessible to the public.
 - 1.1 Additional requirements will be established, such as
 - 1.1.1 the installation of barriers (railings) (780 CMR),
 - 1.1.2 exits from the rooftop (780 CMR),
 - 1.1.3 total dead and live calculations, in accordance with the Massachusetts State Building Code (780 CMR),
 - 1.1.4 raising of exhausts and plumbing vents (248 CMR),
 - 1.1.5 handicapped access in accordance with the Architectural Access Regulations (521 CMR).
 - 1.2 Roof gardens accessory to residential occupancies other than one or two family dwellings are subject to the requirements of CBC 9-9.13 (certification of roof decks).
2. A "Green Roof" is presumed not to be accessible to the public and access will only be provided for maintenance.

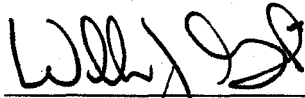
3. Permits and Zoning Requirements

- 3.1 Applicants will need to apply for the appropriate permits at the Inspectional Services Department (ISD).
- 3.2 Plans stamped by a Massachusetts registered architect or structural engineer must be submitted for review by the Plans and Zoning division of ISD.
- 3.3 Two sets of plans must be submitted containing the following information:
 - 3.3.1 the existing roof conditions with the location of all structures, e.g. penthouses, mechanical equipment, chimneys, etc.,
 - 3.3.2 structural information including weight capacity of the roof (snow load, wet and dry plant load) and framing plans if required,
 - 3.3.3 a drawing of the proposed garden/green roof containing all plant and soil information, drainage and/or irrigation systems, and;
 - 3.3.4 any modifications to building systems that are required (raising of vent stacks, etc).

4. Review by Other Agencies

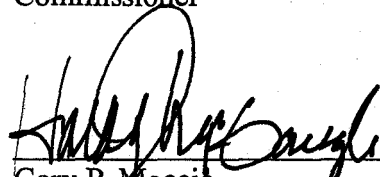
- 4.1 Applications submitted to ISD for any proposed rooftop project shall be accompanied by approvals from any other City of Boston agency having jurisdiction, including, but not limited to, the Environmental Department, the Landmarks Commission, Boston Water and Sewer and the Boston Fire Department.

Signed:



William J. Good, III
Commissioner

12-31-2009
Date



Gary P. Moccia
Inspector of Buildings

12/31/2009
Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2010-01
Date: February 10, 2010

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

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

Determination:

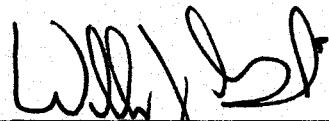
1. Under the authority of the Massachusetts State Building Code, Section 780 CMR, the following procedures for the establishment of allowable occupant loads in places of assembly are to be implemented effective February 10, 2010.
2. This policy will apply to all new assembly occupancies and any existing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

Procedures:

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

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

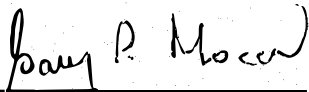
Signed:



William J. Good III
Commissioner

2.10.2010

Date



Gary P. Moccia
Inspector of Buildings

2/11/10

Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2010 - 02
Date: February 23, 2010

Subject: APPEAL PROCESS: VACANT AND FORECLOSED PROPERTIES
ORDINANCE

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

Determination:

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

1. Administrative Hearings

1.1 Right to Hearings

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

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

1.2 Hearing Notice

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

1.3 Time for Hearing

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

1.4 Hearing of Petition

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

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

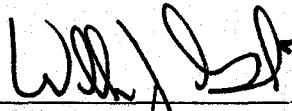
Within seven (7) days after the conclusion of the hearing, ISD shall sustain, modify or withdraw the Notice of Violation and shall notify the petitioner, in writing, of its decision and the reasons therefore. If the department sustains or modifies the Notice of Violation said violation shall be remedied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

2 Judicial Appeals

2.1 Relief from a Court of Competent Jurisdiction

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

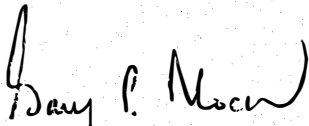
Signed:



William J. Good, III
Commissioner

2-18-2010

Date



Gary P. Moccia
Inspector of Buildings

2/18/10

Date



Number: 2010-03
Date: June 24, 2010

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

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

Determination:

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

1. Public Rights of Way

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


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

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

2. Private Property

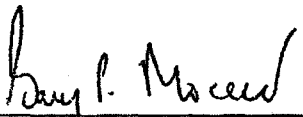
2.1 The same signs on private property require a use of premises permit and may be subject to other building regulations.

Signed:



William J. Good, III
Commissioner

6.24.2010
Date



Gary P. Moccia
Inspector of Buildings

6/24/10
Date



Commissioner's Bulletin
Inspectional Services Department
Boston, Massachusetts

Number: 2010-05
Date: May 17, 2010

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

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

Determination:

1. ADMINISTRATION

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

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

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

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

2. DEFINITIONS

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

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

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

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

3. IMPLEMENTATION

3.1 Identification of Development within the scope of the Ordinance:

- 3.1.1 Notification: Landlord's Election of Remedies and request for a Crime Prevention Survey
- 3.1.2 Identification of Development within the Scope of the Ordinance:

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

3.13 Notification to Landlords:

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

3.14 Landlord Election of Alternatives:

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

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

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

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

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

3.15 Crime Prevention Surveys:

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

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

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

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

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

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

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

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

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

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

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

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

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

3.4 Required Meetings:

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

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

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

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

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

3.5 Modified Security Plan:

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

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

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

4. HEARING PROCESS:

4.1 Submission of Security Plans or Petitions for a Modified Security Plan

Following the posting of notice to tenants as required by section 503 of the ordinance, the landlord shall submit, in writing, the security plan or the petition for a modified security plan, whichever is applicable, to the Commissioner of the Inspectional Services Department for approval.

4.2 Hearings:

Upon receipt of a security plan or petition for a modified security plan the Commissioner of the Inspectional Services Department shall hold a hearing on each plan or petition

- 4.2.1 Such hearings shall be held at a convenient time and place. The Commissioner or clerk shall give at least ten (10) days advance notice of the time and place of each hearing to all parties and shall give notice to anyone else requesting notice as provided for in section I (9). Notice of the hearing date shall be given to any tenants' organization which exists in the development and shall be posted by the landlord in a conspicuous location at the development.
- 4.2.2 Said hearings shall be held no later than thirty (30) days after the Commissioner's receipt of the security plan or petition for a modified security plan. Any such party may appear in person, or by agent or by attorney at such hearing.
- 4.2.3 Failure to hold a public hearing within thirty (30) days shall not affect the validity of the hearing or any decision rendered. The Commissioner in the hearing conducted under the ordinance shall not be bound by the strict rules of evidence prevailing in courts of law or equity. At the hearing the landlord and the tenants shall be given an opportunity to be heard, to present witnesses and/or to submit documentary evidence as to why the security plan or petition should be approved or modified.

4.3 Consultation with Boston Police Department:

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

4.4 Criteria for Approval of a Security Plan:

- 4.4.1 Following the hearing and based on the evidence presented to the hearing officer the Commissioner shall approve or modify the security plan, consistent with recommendations of the crime prevention survey and the security needs articulated by tenants. Such plan shall be deemed to be in full compliance with these regulations and the security ordinance provided that:
 - 4.4.2 the security plan mandates, at the very least, the provision of the security measures recommended in the crime prevention survey; and
 - 4.4.3 the tenants have not articulated security needs which are not adequately addressed by the survey or the plan.
- 4.4.4 If the crime prevention survey indicates that no security measures are needed additional to those already in effect at the development, the security plan shall be deemed to be sufficient so long as the landlord, in such plan, agrees to keep in effect all existing security measures.

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

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

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

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

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

4.6 Decision:

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

4.7 Stay of Proceedings:

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

5. ENFORCEMENT

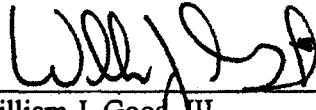
5.1 General:

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

5.2 Investigations:

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

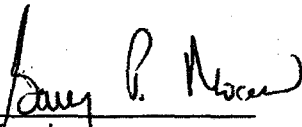
Signed:



William J. Good, III
Commissioner

6. 7. 2010

Date



Gary P. Moccia
Inspector of Buildings

6 / 1 / 10

Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2010-06
Date: June 21, 2010

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

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

Determination:

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

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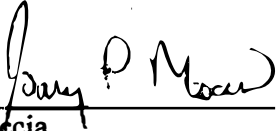
Signed:



William J. Good, III
Commissioner

6-21-10

Date



Gary P. Moccia
Inspector of Buildings

6/21/10

Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2010-07
Date: June 10, 2010

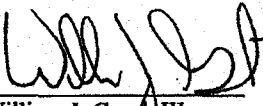
Subject: DEFINITION OF "STREET": BOSTON ZONING CODE ARTICLE 2, § 44 AND ARTICLE 2A;

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

Determination:

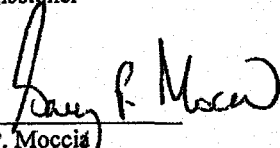
1. ISD employees are to use the following Zoning Code definition and interpretation when determining if a private way is a "street".
2. The Boston Zoning Code, Article 2, § 44 and Article 2A both define "street" as: *a public way, alley, lane, court, sidewalk and such parts of public squares and public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

Signed:



William J. Good III
Commissioner

6-23-10
Date



Gary P. Moccia
Inspector of Buildings

6/23/10
Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2010-07
Date: June 10, 2010

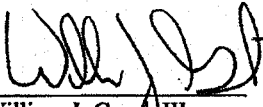
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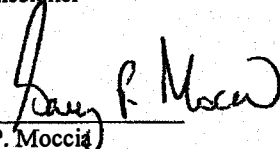
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6. This bulletin memorializes and is consistent with past and existing practice.

Signed:


William J. Good, III
Commissioner

6-23-10
Date


Gary P. Moccia
Inspector of Buildings

6/23/10
Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2010-07
Date: June 10, 2010

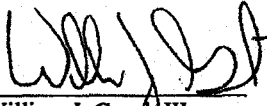
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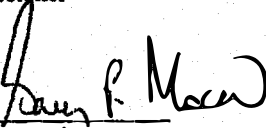
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Signed:


William J. Goody III
Commissioner

6-23-10
Date


Gary P. Moccia
Inspector of Buildings

6/23/10
Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2010-10
Date: November 8, 2010

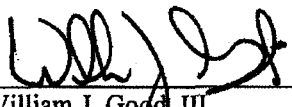
Subject: REQUIRED PERMITTING FOR ALL DRILLING OPERATIONS
WITHIN THE CITY OF BOSTON

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

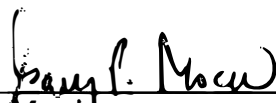
Determination:

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

Signed:


William J. Good, III
Commissioner

11-10-2010
Date


Gary P. Moccia
Inspector of Buildings

11/10/10
Date

ATTACHMENT A

Address:
Date:
Permit Number:

Part I To be completed at time of issuance or permit

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

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

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

Signed by licensed builder or registered engineer

Part II To be completed at time of completion of project

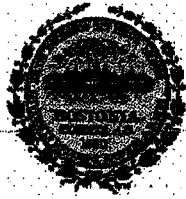
The drilling was completed on _____

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

Signed by licensed builder or registered engineer

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

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



Number: 2011-03
Date: August 18, 2011

Subject: CONSTRUCTION SITE TEMPORARY INFORMATIONAL SIGNAGE

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

Determination:

1.0 Criteria for Signage

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

2.0 Location, Material and Dimensions

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

3.0 Information Required

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

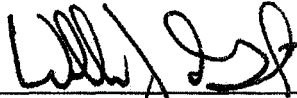
4.0 Posting and Removal

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

5.0 Other Public Requirements

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

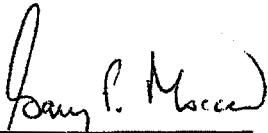
Signed:



William J. Good, III
Commissioner

8-18-2011

Date



Gary P. Moccia
Inspector of Buildings

8/17/11

Date



Number: 2011-04

Date: August 17, 2011

Subject: OCCUPANCY COMMITTEE

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

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

1. Determination of Need for Review by Occupancy Committee

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

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

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

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

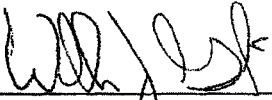
2. Occupancy Committee Policy and Procedure

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

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

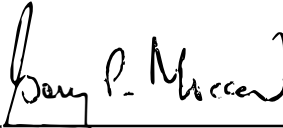
be approved by the Director of Building and Structures or the Director of Plans and Zoning, without a meeting of the committee following a review of the building jacket and assessing records provided there is no evidence that the premises were occupied for any other use.

Signed:



William J. Good, III
Commissioner

8-13-2011
Date



Gary P. Moccia
Inspector of Buildings

8/17/11
Date



Number: 2012-01

Date: February 17, 2012

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

Purpose: 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. This memorandum shall be followed in all instances where Boston Police do not take custody of property and the embargo of property by ISD is needed. It rescinds and replaces Commissioner's Bulletin 2002-15.

1. Definitions:

- 1.1 **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.
- 1.2 **Property** – shall refer only to personal property embargoed by ISD personnel.
- 1.3 **Crime Scene** – shall be defined, for the purposes of this bulletin only, as the 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.
- 1.4 **Criminal Evidence** – any item or paraphernalia that is potentially illegal or relevant to an investigation by the Boston Police or any other law enforcement agency, including but not limited to guns, weapons, ammunition, needles, drugs, or substantial amounts of human blood.

2. Standard Rules and Procedures for the Embargo of Property

- 2.1 **Authorization for Embargo:** When the Boston Police do not take custody of property ISD personnel may embargo property only when legally authorized to

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 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 purpose of this bulletin.

- 2.2 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 an ISD/Code Enforcement/violation citation. The report should contain:
- 2.2.1. Date, time and location of the embargo, names of persons involved with the embargo, legal basis and reasons for the embargo and the authorizing manager.
 - 2.2.2. 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
 - 2.2.3. Time, date of transfer from the embargo scene and persons transporting to ISD custodial facility and location of the custodial facility
 - 2.2.4. The property owner's name, contact information and the type of documentation showing proof of ownership and identity. If the owner or the 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.
 - 2.2.5. ISD personnel, when possible, should photograph the scene and property at time of embargo. All embargo reports shall be kept as public records of the embargo by the embargoing division at ISD and the department designee.
 - 2.2.6. ISD personnel shall 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 the 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 the scene attesting to the accuracy of the facts stated in the report.

- 2.3 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 the embargo report 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 located on the following page. 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 department designee shall be charged with ensuring proper notice is sent to the party providing contact information on an ISD/CEP violation citation at all points where notice is required.

Notice shall inform the owner, on the embargo reports, of the right to a hearing, the need to improve ownership and pay all costs incidental to the embargo before release of the property from ISD control. The 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 filling out ISD/CEP Violation Citation. If more than one party provides information and the information for at least one person is accurate then the waiver shall not apply.

2.4 Custody of Embargoed Property: Once property has been properly identified, an ISD/CEP violation/citation completed and the property marked for identification then ISD personnel shall be responsible for getting the property to an ISD authorized custodial facility. 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 the Boston Police. For procedures for handling illegal paraphernalia or criminal evidence see section 3.0 of this bulletin.

2.5 ISD Property Record: ISD shall maintain a Property/Evidence Record for the purposes of 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 department designee shall be charged with ensuring the Property/Evidence Record is sufficiently maintained. The record shall also contain all completed embargo reports pursuant to section 2.3 of this memorandum. No person, including any ISD personnel, shall access the property room established in section 2.8 of this memorandum 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 property needs 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 the removal, and the expected date of return and signature of removing personnel. Only the department shall make entries into 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 section 2.5 of this memorandum.

- 2.6 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 to the City of Boston and associated with the embargo, before the property can be released.

Where ownership is doubtful, no property shall be released until the Commissioner 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 30 days after the embargo date if the owner is unknown and 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 of 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 30 days. Once property has been classified as abandoned the department designee **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.

- 2.7 ISD Property Room:** ISD shall have a secure property room located at 1010 Massachusetts Avenue, accessible only by the department designee or personnel who have been properly entered into the Record as outlined in section 2.5 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 department designee shall be responsible for maintaining the Record for showing the secure chain of custody and accurate inventory of property at both locations

- 2.8 Accounting of Property in the Record:** Once a month the department designee shall provide to the Commissioner or his designee, an accounting of all property in the control and custody of the Inspectional Services Department as a result of a lawful embargo. The Commissioner shall provide the department designee with the resources necessary for the proper implementation of this memorandum 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 Commissioner or his designee may inspect at any time the condition of such property and the manner in which it is being stored.

2.9 Duty of Care for Embargoed Property: The Boston Inspectional Services Department shall afford all property embargoed by the department due care in maintaining the property within such condition as it was embargoed with the exception of perishable goods.

3.0 Entry to Potential Crime Scene: ISD personnel shall not enter a crime scene without authorization from the Boston Police or any other law enforcement agency charged with investigating the crime. ISD personnel shall immediately contact the Boston Police once it becomes apparent that a location or premises may be a crime scene. Once it becomes apparent that a premise which ISD personnel have entered may be a crime scene, ISD personnel must immediately exit the area, secure it from access and post outside until the police arrive. ISD personnel must assume responsibility for maintaining the site securely until the police respond. Re-entry to the premises by ISD personnel is forbidden without authorization from the appropriate 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 this memorandum only.

3.1 Compliance Failure: Any ISD personnel failing to follow the standard rules and procedures outlined in this bulletin may be subject to progressive discipline as outlined in their union contracts, up to and including termination.

Signed:

Bryan Glascock
Acting Commissioner

Date

Gary P. Moccia
Inspector of Buildings

Date

**Boston Inspectional Services Department
1010 Massachusetts Avenue
Boston, MA 02118**

Embargoed Property Report

ATTN: Rights of person claiming ownership are attached

1. **Property embargoed and description:** _____
(type, quantity, appearance, distinguishing features and other relevant information)

Pictures ? Y/N _____

2. **Date:** _____ **Time:** ____ : ____ **Location:** _____

Basis: G.L. c. 101 s. 14 G.L. c. 98 s. 54-55 G.L. c. 111 s. 122 105 CMR 590.016 780 CMR

other _____ (explain basis) _____

Authorizing Manager: _____ **Persons Present:** _____
(ISD personnel, other gov't agencies, owner)

3. **The property was taken from:** a. owner/agent b. person in possession c. no one
Contact information: (If a or b above refuses to disclose – document on “name” line)

Name: _____
(First) (m.i.) (last)

Address: _____
(number and street) (city/town) (state) (zip code)

DOB: ____ / ____ / ____ **Driver's License:** ____ - ____ - ____ **Phone:** () _____

Contact Information verified: Y / N **I.D. used to verify**

4. **Transport of Property:** _____
(ISD custodial facility, date, time and person transporting. **NOTE:** record any damage to property during transport)

5. The circumstances and embargoed property have been accurately described:

ISD employee (print name)

date

ISD employee (sign name)

Signature of attesting to accuracy of this report:

Name: owner ____ possessor ____ other ____

date:

NOTICE

The Boston Inspectional Services Department has embargoed property described on the preceding page. At the time of the embargo the person identified in section 2.3 expressed an ownership interest in the property. The person identified in section 2.3, or any person, must comply with the following requirements to gain release of the embargoed property from the care and custody of ISD:

- Provide documentation to the satisfaction of the Boston Inspectional Services Department showing ownership of the embargoed property
- Pay to the City of Boston all storage and transport costs identical to the embargo of the property
- The above-mentioned requirements must be completed within 60 days of the embargo date or risk having the property disposed of as "abandoned property". A notice of disposition will go to the person identified in section 2.3 within 60 days. **Refusal to provide any contact information or to provide accurate information in section three will constitute waiver of notice of disposition subjecting owner to loss of the property.**
- Any person seeking a return of embargoed property may request a hearing in writing addressed to: Boston Inspectional Services Department
Attn: Assistant Commissioner, Environmental Division
1010 Massachusetts Avenue
Boston, MA 02118

If you or any party seeking the return of property have any questions regarding this embargo please call the Boston Inspectional Services Department at (617) 635-5300 during the hours of 8:00 am to 4:00 pm. Ask to speak to the manager who authorized the embargo as indicated in section 2.2 on the preceding page.
