



City of Cambridge

(AMENDED CALENDAR ITEM NO. 3)

COUNCILLOR DAVID SULLIVAN

IN CITY COUNCIL

October 15, 1984

- ORDERED: That the City Council understands that the Inspectional Services Department will carry out the policies described in Order No. 12 of June 11, 1984, as amended, except for those issues on which the opinion of the City Solicitor has been requested, namely liability for faulty inspections and ability to require re-occupancy by tenants forced to vacate, said order as amended, which reads as follows:
- WHEREAS: The inspectors of the City's Inspectional Service Department (Department) are responsible for enforcement of the State Sanitary Code and Building Code; and
- WHEREAS: Tenants in Cambridge have sometimes encountered serious problems when trying to get the inspectors of the Inspectional Services Department to enforce these laws; and
- WHEREAS: It is essential that further erosion of the quality of rental housing stock be halted; and
- WHEREAS: Improper enforcement of the State Codes is a basic cause of this erosion; therefore be it
- ORDERED: That the City Manager inform the Inspectional Services Commissioner that it is the sense of the City Council that the Department adhere to the following policies:
1. Members of the Inspectional Services Department or agents or employees of the City should not notify landlords (or their employees, agents, or relatives) of a pending inspection until after the inspection has been completed.
 2. Members of the Department should honor and respond to all telephone requests for inspections within 24 hours as per state law. Under no circumstances should members of the Department require a written request for inspection or on office visit before they respond to a telephone request for inspection.
 3. The Housing Inspection Report and Order form presently used in Cambridge should be revised to comply with the State guidelines. Specifically, all important provisions of the Sanitary Code should be listed. Beside each provision there should be two boxes - one box for "yes the violation is present", the other box for "no, this provision is not violated". Inspectors should be required to check one of the two boxes for each provision.

4. When a tenant first contacts the Inspectional Services Department to request an inspection, the following statement should be read aloud (in substance):

"You have the legal right to a complete inspection of the entire unit and public spaces to document all code violations. You have the legal right to appeal the findings of the inspection if upon its completion you find the report inaccurate, or inadequate, or for any other reason. You have the right to appeal this inspection at a later date if you feel that its findings were not properly and vigorously enforced. At the end of the inspection you will be given an information sheet, along with a copy of the inspection report. It explains your legal rights."

When a member of the Department arrives to do an inspection he, or she, should ask the tenant if they were informed of their rights at the time they requested the inspection. If they were not so informed the member of the Department doing the inspection should read the above statement aloud (in substance) before the inspection begins.

The above statement of tenants rights should be included, in print that is easy to read, at the bottom of all inspection forms. Before signing, the tenant should be asked to check the report form and read the statement of tenants rights. The tenant's signature will signify that at that point the tenant has been properly informed of his, or her rights.

5. The Department should rewrite the information sheet of legal remedies to be more informative. It should include the address and telephone number of the State Division of Community Sanitation. The revised information sheet should be available in the native language of all Cambridge tenants.
- 6(A). Inspectors should give tenants no advice which could be interpreted as discouraging the tenant from seeking to go ahead with the inspection. If inspectors are in doubt about how their advice could be interpreted, they should give none at all. Under no circumstances should tenants be discouraged from having a complete general inspection done.
- 6(B). The Department should give no extensions on the repair deadlines prescribed by the State for each provision of the Code, unless the landlord makes written application and shows that there were circumstances beyond his control. Tenants should be notified, in writing, that such application has been made, and that they have the right to a hearing on the landlord's application within five days.

7. Upon receipt of written application of a valid reason for a work delay from the landlord, and providing that no hearing has been requested by the tenant, the Department may grant one, and only one, extension limited to the original time permitted by the State Code for that particular violation.
8. If violations have not been corrected completely and properly on the deadline date, the Inspectional Services Department should take legal action against the landlord within twenty-four hours. This legal action must at a minimum include an injunction against the landlord.
9. All female tenants should be informed that they have the right to request a female member of the Inspectional Services Department to do the inspection of their unit if they so desire. They should be informed that they have a right to have a female inspector at the time they make the request for an inspection.
10. The Inspectional Services Department should develop and implement an affirmative action plan with specific provisions for hiring not less than two female inspectors.
11. The Department should not exercise its right to make tenants vacate unsafe units unless there is a high probability or certainty that they will suffer physical injury or serious illness if they remain. The Department should not make any tenant vacate a unit without first obtaining an injunction requiring the repair of that unit.
12. The Department should recommend a procedure to guarantee that an occupancy permit will be re-issued for the unit only if the tenant forced to vacate is returned to that unit, or if the tenant swears to a statement that they have found equal housing elsewhere and that they have not been coerced into giving up their right to return to the unit.

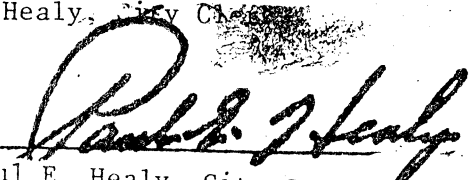
In City Council October 15, 1984.

Adopted as amended by the affirmative vote of 8 members.

Attest:- Paul E. Healy, City Clerk

A true copy;

ATTEST:-


Paul E. Healy, City Clerk



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To Robert W. Healy, City Manager

Date September 7, 1984

From Joseph Cellucci, Inspectional Services
Commissioner

Reference

Subject Re: Council Order #41 dated August 15, 1984

The information requested concerning the above captioned subject matter is as follows:

Item 1

Inspectional Services Department policy is to not notify landlords or their agents until after a tenants unit has been inspected. However a landlord is notified when access to a common area is needed to complete the inspection.

Item 2

All requests for inspections are responded to as quickly as possible. However as of August 31, 1984 a backlog of 67 housing inspections exists due to a shortage of personnel. The addition of one more housing inspector and the possibility of expanded office hours would reduce the backlog of complaints. The Inspectional Services Department produced a negative tax balance in excess of one million (1,000,000) dollars for FY 84 which should justify the addition of 1 housing inspector. In addition the aggressive inspection posture of the department coupled with public awareness of reporting code violations has significantly increased the number of complaints to be processed. Requests for housing inspections may be made by telephone and complaints in writing are not required. However if a tenant will not be present when an inspection is made a letter must be submitted authorizing the tenant's representative or agent be in attendance. This policy is in effect to protect inspectors against accusations of missing property or valuables. If no entry is gained after two attempts a notice is then left requesting that a tenant confirm in writing the next inspection time.

Items 3,4,5

These items address the actual Inspection Report Form. The form presently used by the Inspectional Services Department is 4 part NCR with an attachment for legal rights and remedies. Attached as addendum 3 is a copy of the present housing inspection report and order. The City Solicitor's Office should meet with State Officials to gain approval design of a revised form. A revised form would use the Yes - No checking of boxes which correspond by article to the Housing Code. In addition the Solicitor's Office could review and incorporate any additional legal or native language necessary to help tenants better

understand their rights.

Item 6A

Any instance of an inspector discouraging a tenant from proceeding with an inspection should be reported directly to myself or my Executive Assistant. Any past documentation or specific instances where inspectors have discouraged full inspections should be forwarded to my office.

Item 6B

It is an overburden to existing clerical staff to request landlords to make written request for extension and then require notice to tenants. This would both slow down the inspection process and would probably necessitate the addition of one clerical person to the budget.

Item 7

This item takes from the discretionary authority of the Inspector and is not reasonable. The State Sanitary Code adequately addresses the issue of extension dates for particular violations.

Item 8

If violations are not corrected properly by the deadline date the Inspectional Services Department has the legal option of seeking enforcement via the civil process and court injunction. However the courts would not look favorable on a constant caseload of legal work due to late completion dates. Instead this tool could be used more effectively in severe cases where all other approaches have been attempted. An example is 66 Bishop Allen Drive where eventually the Attorney General ruled in favor of demanding necessary repairs be made.

Item 9

The Inspectional Services Department presently has 2 positions open for Sanitary Inspectors. However the Housing division does not have any unfilled positions. As mentioned in Item 2 the Inspectional Services workload justifies one additional housing inspector. Subsequently all open housing and sanitary vacancies should be representative of female inspectors being hired. When female inspectors are hired request by women tenants can be accommodated. The availability of women inspectors would be added to tenants rights section of any revised Inspection Report Form.

Item 10

As discussed in Item 2 and 9 no new staff have been hired as either Housing or Sanitary Inspectors since the merger of Inspectional Services. Presently 2 Sanitary vacancies exists and one additional Housing Inspector will be requested. All efforts will be made to recruit qualified minorities and women for these positions. However these positions are subject to Chapter 31 requiring Civil Services approval of female names from eligibility lists. In addition the last three

Inspectional Services vacancies have resulted in minority appointments. Two of these three positions filled were Building Inspectors and one position was a Clerk Typist.

Item 11

The Inspectional Services Department will only issue a vacate order when there exists a dangerous situation to life safety of the occupants. The Commissioner of Inspectional Services after a total review of the facts is responsible for the judgement in determining a vacate order.

Item 12

A Certificate of Occupancy is issued when a property is in compliance of related building, housing, and zoning codes. There is no exception in the law which makes issuance of a Certificate of Occupancy contingent upon a tenant recoccupying a unit. The City Solicitor should further research the legality of a tenant's right to return to a vacated unit under these circumstances.

Note: Attached addendums are as follows:

- Addendum 1 Housing Code checklist presented by tenants to the City Council on June 11, 1984.
- Addendum 2 Housing Code checklist used by the former Health Department 8-10 years before the Inspectional Services merger.
- Addendum 3 Present form used for housing inspection report with attachment of tenants legal rights.
- Addendum 4 Previous form for housing inspection report used by Health Department before the Inspectional Services merger.
- Addendum 5 Council Order - F. Duehay 8/15/84 Calendar Item #41
- Addendum 5B Council Order & Amendments - D. Sullivan 6/25/84 Calendar Item #10
- Addendum 5C Council Order - D. Sullivan 6/11/84 Calendar Item #12

City of Cambridge

41.

IN CITY COUNCIL
August 15, 1984

COUNCILLOR DUEHAY

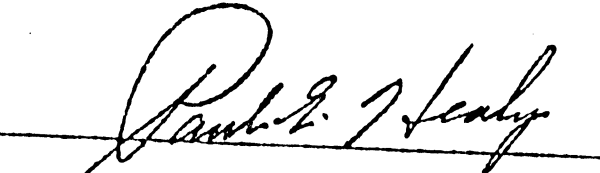
ORDERED: That the City Manager be and hereby is requested to conduct a study of City Council Order # 12 dated June 11, 1984, as well as suggestions made on August 15, 1984 dealing with citizen suggestions relative to improving the procedures in the Inspectional Services Department; said study should be forwarded to the City Council as soon as possible and should contain the City Manager's recommendations as to which items should be adopted and/or rejected, together with reasons for his recommendations, as well as projected costs which would be related to the implementation of his recommendations; and be it further

ORDERED: That the City Manager provide a management analysis of the Department and/or any changes he would recommend.

In City Council August 15, 1984.
Adopted by the affirmative vote of 8 members.
Attest:- Paul E. Healy, City Clerk.

A true copy;

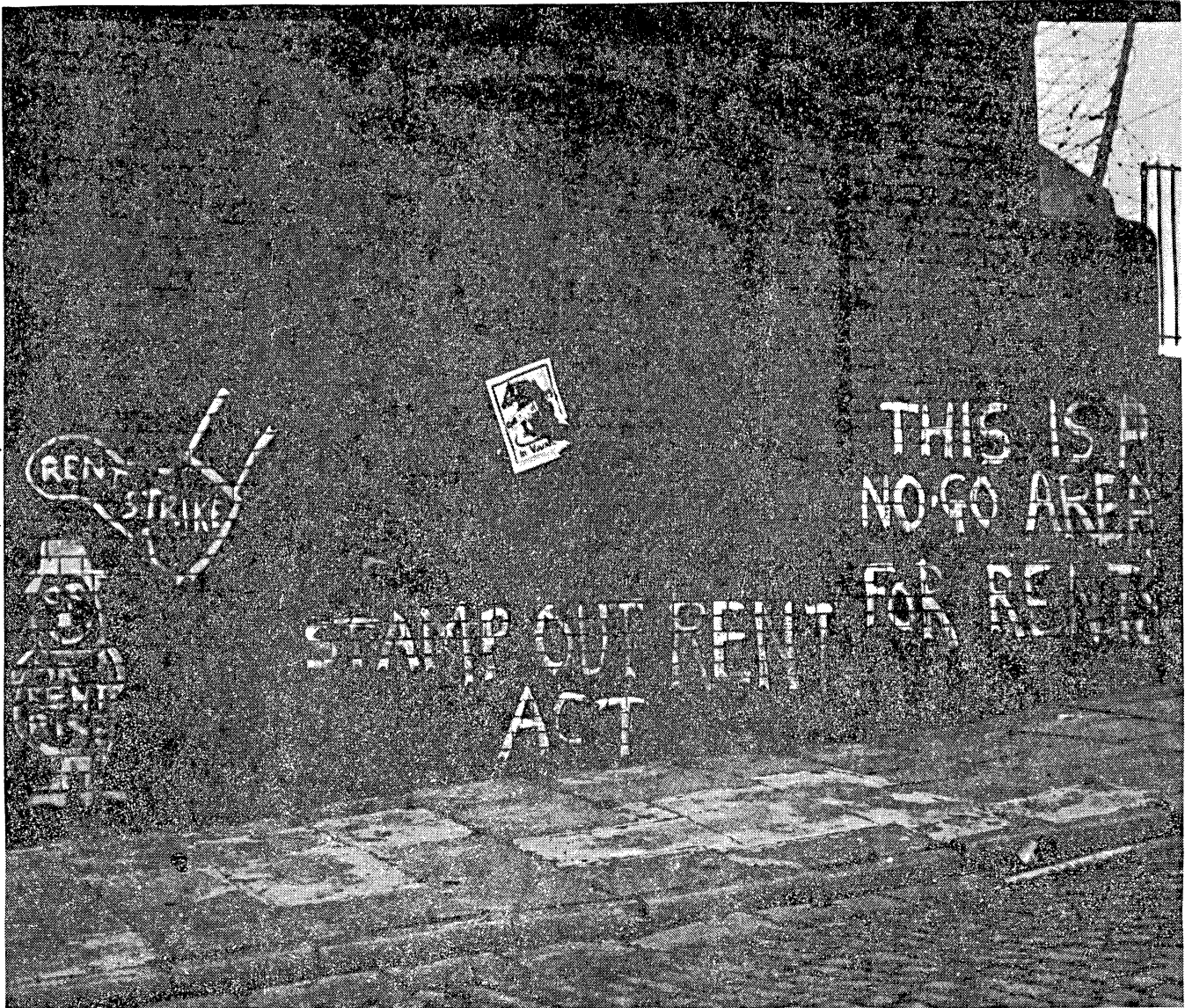
ATTEST:-



Paul E. Healy, City Clerk.

Add. 1

The Housing Code Checklist



produced by Cambridge Tenants' Organization, Somerville Tenants' Union, City Life (Jamaica Plain) and Cambridge Hatian American Association with the assistance of the Urban Planning Aid Community Group.

FOR MORE INFORMATION CALL: CTOC-CITY LIFE

661-9312

In order to combat deterioration in our housing—which is slow, but can reach a critical point in a building—there must be a *strict* and *vigorous* enforcement of the State Sanitary Code and other building and health codes. Experience has shown that the best way for tenants to get this kind of enforcement is to work together through tenant organizations, tenant unions, or simply by working together with other tenants in your building.

State and city codes define the “minimum standards of fitness for human habitation” for your apartment and define a landlord’s responsibilities for the upkeep and maintenance of his/her building.

This **Housing Code Checklist** is a basic tool for tenants to exercise their rights.

How To Use This Checklist

You should go through your apartment and the common areas of your building marking down what code requirements are not being met. In a multi-unit building, there are probably similar problems in the other apartments and it is best if the other tenants also use the **Checklist** to go through their apartments.

The next step is making some phone calls or visits to: (1) your local tenant organization to get a fuller understanding of tenants’ rights and the benefits of collective action; (2) your landlord, to give him/her notice of the conditions which need correction in your apartment and building; and, (3) your local Housing Inspection Department or Board of Health (usually operating out of your local City Hall) to get an official report listing the code violations in your apartment and building. Getting a housing inspection is not as easy as it should be. Keep trying if the inspector doesn’t come and get other tenants from the building to call for inspections also. Have your **Checklist** prepared for when the inspector comes and make sure to show him/her everything you have checked-off and be sure that he/she writes everything down in his/her report.

Knowing and using the State Sanitary Code and the **Housing Code Checklist** allows tenants to use their other rights: the right to have an inspection, the right to withhold rent, the right to use rent money to repair serious code violations, and the right to bring criminal complaints against your landlord for code violations. Housing laws, though, can be confusing. Call your local tenant organization before trying to enforce any of these rights.

The Checklist

The column to the right of the code requirement gives the source of that requirement. If only a number is listed, the source is the State Sanitary Code. If the source says “ch”, then it is from the state statute cited.

Conditions That Materially Endanger The Health And Safety Of The Occupants

If any of the following violations exist in your apartment (or common areas), they are considered to “materially endanger” the health of you and your family. The presence of any of these violations means that you can legally withhold your rent and that you also have many other rights you can enforce. But before acting, contact your local tenant organization for more details on the legal procedures you must follow.

The Housing Code Checklist

Date landlord knew about violation	Check if violation exists		
.....	<input type="checkbox"/>	Failure to provide heat, or improper venting of space heater, or water heater.	410.200,201, 351,202
.....	<input type="checkbox"/>	Shut-off or failure to restore electricity or gas.	410.620
.....	<input type="checkbox"/>	Failure to supply required electrical facilities or common area lighting.	410.250,253A, 253B,254
.....	<input type="checkbox"/>	Failure to provide a safe supply of water.	410.180
.....	<input type="checkbox"/>	Failure to provide a toilet and maintain a sewage disposal system in operable condition.	410.450,451
.....	<input type="checkbox"/>	Failure to provide adequate exits, or the obstruction of any exit, passageway, or common area which prevents exit in case of emergency.	410.450,451
.....	<input type="checkbox"/>	Failure to provide adequate locks for entry doors into buildings and apartments.	410.480B,480C
.....	<input type="checkbox"/>	Failure to comply with any requirements of the Code when this failure leads to accumulation of garbage, filth, or other causes of sickness which may provide a food source or harborage for rodents, insects, or other pests or otherwise contribute to accidents or to the creation or spread of disease.	410.750I
.....	<input type="checkbox"/>	Presence of lead paint accessible to child under age six.	410.502
.....	<input type="checkbox"/>	Roof, foundation, or other structural defects that may expose the occupant to fire, burns, shock, accident, or other dangers to health or safety.	410.500,501, 503
.....	<input type="checkbox"/>	Failure to install or maintain electrical, plumbing, heating, and gas-burning facilities in a proper manner, when such failure exposes the occupant or anyone else to fire, burns, shock, accident, or other danger or impairment to health or safety.	410.351,351A
.....	<input type="checkbox"/>	Any other violation of the Sanitary Code which the inspector finds to be a danger to occupants' health and safety.	410.750N
.....	<input type="checkbox"/>	Failure to supply hot or cold water in sufficient quantity, pressure, and temperature if this failure lasts for a period of 24 hours or longer.	410.180,190

Conditions That Are Required To Be Corrected Within Five Days

Any of the following violations that are not corrected within five days *becomes* a condition that materially endangers the health and safety of the apartment's occupants. If five days have lapsed and these have not been repaired, you then have the same rights noted in the previous section. Again, though, you should contact your local tenant organization before taking any actions.

Date landlord knew about violation	Check if violation exists		
.....	<input type="checkbox"/>	Lack of kitchen sink or oven and stove, or a defect which makes either of these inoperable.	410.750M1
.....	<input type="checkbox"/>	Lack of sink or tub/shower in the bathroom, or a defect which makes either of them inoperable.	410.150A(3)
.....	<input type="checkbox"/>	Failure to provide safe handrails or protective railings on porches, roofs, stairways, etc.	410.500,503
.....	<input type="checkbox"/>	Any defect in electrical, plumbing or heating systems which violates "generally accepted standards" but does not create an immediate hazard.	410.750M3
.....	<input type="checkbox"/>	Cockroach, insect, or rodent infestation.	410.550

Conditions That Are Required To Be Corrected Within Thirty Days Or Less

ALL violations of the Sanitary Code *become* conditions that materially endanger the health and safety of the apartment's occupants if the owner does not correct them within the time he/she is ordered to do so by the Board of Health inspector. This time period can never be more than thirty days. Once these conditions become legally "materially endangering", the tenant has the right to withhold his/her rent and has other rights that can be enforced. Your local tenant organization should be contacted for more information before doing anything, though.

The following is an up-to-date list of the things your landlord must do, according to state laws and regulations. Unless the condition is one that is considered to "materially endanger" your health (as listed above), your only remedy is to have the housing inspector do his/her job of enforcing the code against your owner. But if the violation is in the "materially endangering" category or *becomes* one when the owner fails to repair it within the required time, you have the remedies discussed above that you (or, better yet, you and other people in your building with similar conditions) can follow.

Date
landlord
knew about
violation

Check
if
violation
exists

KITCHEN

Sink

- | | | | |
|-------|--------------------------|---|----------|
| | <input type="checkbox"/> | must be large enough to wash dishes | 410.100 |
| | <input type="checkbox"/> | must have proper drainage | 410.350A |
| | <input type="checkbox"/> | All sinks, gas and water pipes, gas and oil burning equipment must be maintained free from leaks, obstructions, or other defects. | 410.351A |
| | <input type="checkbox"/> | At least one electric light fixture and one wall outlet. | 410.251 |
| | <input type="checkbox"/> | Floors must be constructed of smooth, non-corrosive, non-absorbent, and water-proof material. | 410.504 |

BATHROOM

- | | | | |
|-------|--------------------------|---|-------------|
| | <input type="checkbox"/> | One toilet, free from defects. | 410.150A(1) |
| | <input type="checkbox"/> | One wash basin, free from defects. | 410.150A(2) |
| | <input type="checkbox"/> | One shower or bathtub, free from defects. | 410.150A(3) |
| | <input type="checkbox"/> | One electric light fixture in good repair. | 410.252 |
| | <input type="checkbox"/> | Adequate ventilation (see that section). | 410.280 |
| | <input type="checkbox"/> | Floors and walls to a height of 4 feet must be constructed of non-absorbent, easily-cleanable material. | 410.504 |

WATER

- | | | | |
|-------|--------------------------|--|---------|
| | <input type="checkbox"/> | Enough water, with adequate pressure, to meet your ordinary needs | 410.180 |
| | | Hot water: | |
| | <input type="checkbox"/> | Enough at 120°F with adequate pressure for your ordinary use unless written lease requires you to provide it | 410.190 |
| | <input type="checkbox"/> | Heater (unless electrical) must be vented to a chimney or duct leading outdoors (the old open-flame water heaters are illegal) | 410.202 |
| | <input type="checkbox"/> | Toilet, wash basin, kitchen sink, shower or bathtub must be properly connected to drain line | 410.350 |

HEAT

From September 16 to June 14 landlord must provide facilities to heat every room (including bathrooms) to at least:

- | | | | |
|-------|--------------------------|---|-------------|
| | <input type="checkbox"/> | 68°F between 7 a.m. and 11 p.m. | 410.200,201 |
| | <input type="checkbox"/> | 64°F between 11 p.m. and 7 a.m.
(Temperature to be read at a height of 5 feet above floor level at any point in room more than 5 feet inside of every exterior wall. | 410.200,201 |
| | <input type="checkbox"/> | Heating equipment must be maintained in good working order | 410.351 |
| | <input type="checkbox"/> | Space heaters (unless electrical) must be vented to a chimney or duct leading outdoors | 410.202 |

VENTILATION AND LIGHT

- | | | | |
|-------|--------------------------|---|--------------|
| | <input type="checkbox"/> | Each room must have either: windows, skylights, floors or transoms in the exterior wall or roof that can easily be opened to a minimum of 4% of the floor area of that room (BOCA 507.2 says 5%); OR adequate mechanical ventilation systems . | 410.280 |
| | <input type="checkbox"/> | Each room (except a kitchen smaller than 70 square feet, or bathroom) must have transparent or translucent glass which emits light from the outdoors and which is equal in area to no less than 8% of the floor area of the room (any area of glass which is obstructed by an outside structure less than 3 feet away does not count toward meeting this requirement). | 410.250A,257 |

ELECTRICITY AND WIRING

- | | | | |
|-------|--------------------------|---|----------------|
| | <input type="checkbox"/> | The electrical service supplying each dwelling unit, rooming house, and/or rooming unit shall provide sufficient amperage to meet the reasonable needs of the occupant. | 410.255 |
| | <input type="checkbox"/> | For each room other than the kitchen and bathroom, either two separate electrical wall outlets or one electric light fixture and one wall outlet must be provided.
Electric light fixtures must be provided and so located that illumination will be available for the safe and reasonable use of every: | 410.250 |
| | | laundry | 410.253A |
| | <input type="checkbox"/> | pantry | 410.253A |
| | <input type="checkbox"/> | foyer or community corridor | 410.253A |
| | <input type="checkbox"/> | closet or storage space | 410.253A |
| | <input type="checkbox"/> | cellar | 410.253B |
| | <input type="checkbox"/> | porch | 410.253B |
| | <input type="checkbox"/> | exterior stairway | 410.253B |
| | | Illumination of at least 3 lumens per square foot (3 foot-candles) at all times must be provided in every part of all: (BOCA says 3 lumens, 626.2 and 514.3) | |
| | <input type="checkbox"/> | interior passageways | 410.254 |
| | <input type="checkbox"/> | hallways | 410.254 |
| | <input type="checkbox"/> | stairways | 410.254 |
| | | Wiring: | |
| | <input type="checkbox"/> | May not pass under rugs or through doorways | 410.256 |
| | <input type="checkbox"/> | Temporary wiring may not be used (but extension cords to portable appliances or fixtures are OK) | 410.256 |
| | <input type="checkbox"/> | Buildings with ten or more units must have an auxiliary emergency lighting system independent of the conventional lighting system | Ch.143 sec.21D |

SAFETY**Exits:**

- There must be at least two exits from each apartment, more if necessary for "safe passage of all people" 410.450
- Exits for more than one unit must be kept free from obstruction 410.451
- Buildings in which 10 or more persons reside above, or which have 8 rooms or more above, the second story, must be provided with:
- proper exits or other means of escape from fire sufficient for the use of all persons resident therein; they must be kept unobstructed, in good repair and ready for use Ch.143 sec.24
- working fire extinguishers on each floor and in the basement Ch.143, sec.24
- Buildings with more than 3 apartments must have:
- main front door that closes and locks automatically (with anti-friction and anti-jimmy devices) 410.480C
- locks on all other exterior doors 410.480B
- locks on all exterior windows 410.480E
- Buildings over 70 feet high must have an automatic sprinkler system Ch.148 sec.26A
- Landlords must maintain all pipes, oil and gas burning equipment and electrical equipment free from leaks, obstructions or other defects 410.351
- Buildings with ten or more units must have lighted signs indicating both a primary and secondary means of exit by diagram Ch.143 sec.21D

STRUCTURAL MAINTENANCE

The landlord must maintain "in good repair and in every way fit for the use intended":

- foundations: weather-tight, insect and rodent proof 410.500
- floors: free of holes, cracks, loose mortar or other defects 410.500
- interior walls: free from holes, cracks, and loose plaster; must be cleanable and weathertight 410.500
- exterior walls: free from holes, cracks, warping, loose or rotting boards or other accident hazards 410.500
- ceilings: free of holes, cracks, and loose plaster; must be cleanable and weather-tight 410.500
- doors and windows: weathertight 410.501
- roof: free from holes, cracks; must be weathertight 410.500
- chimneys and other structural elements 410.500
- staircases: stable (with handrail and bannister if stairs rise 30 inches or higher) 410.500,503
- wall or protective railing: at least 3 feet high required for every porch, balcony, or roof over 30 inches above ground and used by tenants 410.503

GENERAL MAINTENANCE

- Apartment must be kept weathertight and in good repair 410.500,501
- Absentee landlord (unless manager or agent lives in the building) must keep a sign inside the building giving name, address, and phone of himself and any agent 410.481
- Landlords may not turn off or interfere with your water, hot water, heat, light, power, gas, telephone service, or interfere with your "quiet enjoyment" 410.620
- Mailboxes: in buildings with 3 or more units, must be one per apartment, kept locked and in good repair (regulations from Federal Postal Regulations, "Apartment House Mail Receptacles") A(1)a,E(1,2,4)
- Screens are required on all doors and windows opening to the exterior 410.551
- Appliances: the following must be maintained free from leaks, obstructions, or other defects:
- water-heating facilities, gas pipes, gas-burning equipment, oil-burning equipment, water pipes 410.351

continued on page 7

- landlord-installed dishwashers and clothes-washing machines 410.351
- catch-basins, vents and all other similar fixtures supplied by the landlord 410.351
- connections to the water, sewer and gas lines; and the subsurface sewage disposal system, if any 410.300
- Exterior stairways must be kept free of snow and ice 410.452

RATS AND ROACHES

- No rats or roaches or other insects. Landlord must exterminate them when they are found in common areas or in any individual apartment. 410.550

GARBAGE

- In buildings with 3 or more units, landlord must provide enough watertight cans and tightly fitting covers "to contain the accumulation before final collection" 410.600C
- Common areas must be maintained in a clean and sanitary condition 410.602D

LEAD PAINT

- No lead paint (containing 1/2 of 1% lead by weight) may now be used inside apartments 410.502
- Existing lead paint must be removed or covered by the landlord if you have a child under age six. This must be done up to a height of four feet from floor level. Repainting with a non-lead-based paint is not good enough. MGL ch.111,sec.197

For tests, analysis, and removal, contact the **Lead Poisoning Prevention Center**, Boston City Hospital, 424-4000 or 424-5196.

NOTES

Add. 2

HOUSING CODE INSPECTION FORM

ADDRESS					DATE			
OWNER					CONSTRUCTION			
OWNER'S ADDRESS					HEIGHT			
HOW OCCUPIED	1F	2F	MD	LH	MISC.	OWNER OCCUPIED	Y	N

INSPECTION NO.

EXTERIOR

STUDENT HOUSE	
MULTI OWNER	
BLOCK	

CODE REGULATION

	YES	NO	IN GOOD REPAIR	NEEDS REPAIR	SATISFACTORY	UNSATISFACTORY	HOUSING CODE VIOLATION	
FOUNDATION	X	X			X	X		(4.1.a)
WALL	X	X			X	X		(4.1.b)
WINDOWS--DOORS--HATCHWAYS	X	X			X	X		(4.2)
STAIRS--PORCHES	X	X			X	X		(4.3)
ROOF--GUTTERS--CONDUCTORS	X	X			X	X		(4.1.b)
ROOF PLATFORM--BRIDGES	X	X			X	X		(4.1.b)
PENTHOUSE	X	X			X	X		(4.1.b)
FENCES--WALKS	X	X			X	X		(4.1.e)
RAILINGS AROUND PORCHES/BALCONIES	X	X			X	X		(4.6)
PAINTING	X	X			X	X		(4.11)
BALCONY ESCAPE	X	X			X	X		(3.9)
GRADE	X	X			X	X		(10.1.f)
SCREENS	X	X			X	X		(6.4.5)
APPROVED FIRE ESCAPE	X	X			X	X		(3.7)
RAIL FOR THREE RISERS	X	X			X	X		(4.4)
GER CONTAINERS	X	X			X	X		(9.1.2.3) (9.5)
LITTERING	X	X			X	X		(9.4)
INFESTATION	X	X			X	X		(10.1.e)
<u>BASEMENT OR CELLAR</u>								
BASEMENT	X	X			X	X		(2.3)
CELLAR	X	X			X	X		(2.4)
LITTERING	X	X			X	X		(9.4)

REGULATION 410.850 HEARING

(This is a summary of Regulation 410.850.) Any party affected by the issue of an inspection report and order of compliance may be entitled to an administrative hearing before the Health Department. If you wish a hearing, please call the Health Department for details.

REGULATION 410.810 ACCESS FOR REPAIRS AND ALTERATIONS

410.810 Every occupant of a dwelling, dwelling unit, or rooming unit shall give the owner thereof or his agent or employees, upon reasonable notice, reasonable access, if possible by appointment, to the dwelling, dwelling unit or rooming unit for the purpose of making such repairs of alterations as are necessary to effect compliance with the provisions of these minimum standards.

THE FOLLOWING IS A BRIEF SUMMARY OF SOME OF THE LEGAL REMEDIES TENANTS MAY USE IN ORDER TO GET HOUSING CODE VIOLATIONS CORRECTED.

1. Rent Withholding (General Laws Chapter 239 Section 8A)

If Code Violations Are Not Being Corrected you may be entitled to hold back rent payments. You can do this without being evicted if:

- A. You can prove that your dwelling unit or common areas contain code violations which are serious enough to endanger or materially impair your health or safety and that your landlord knew about the violations before you were behind in your rent.
- B. You did not cause the violations and they can be repaired while you continue to live in the building.
- C. You are prepared to pay any portion of the rent into court if a judge orders you to pay it. (For this it is best to put the rent money aside in a safe place.)

2. Repair and Deduct (General Laws Chapter 111 Section 127L).

The law sometimes allows you to use your rent money to make the repairs yourself. If your local code enforcement agency certifies that there are code violations which endanger or materially impair your health, safety or well-being and your landlord has received written notice of the violations, you may be able to use this remedy. If the owner fails to begin necessary repairs (or to enter into a written contract to have them made) within five days after notice or to complete repairs within 14 days after notice you can use up to four months' rent in any year to make the repairs.

3. Retaliatory Rent Increases or Evictions Prohibited (General Laws Chapter 186, Section 18 and Chapter 239, Section 2A).

The owner may not increase you rent or evict you in retaliation for making a complaint to your local code enforcement agency about code violations. If the owner raises your rent or tries to evict within six months after you have made the complaint he or she will have to show a good reason for the increase or eviction which is unrelated to your complaint. You may be able to sue the landlord for damages if he or she tries this.

4. Rent Receivership (General Laws Chapter 111 Sections 127C-H).

The occupants and/or the board of health may petition the District or Superior Court to allow rent to be paid into court rather than to the owner. The court may then appoint a "receiver" who may spend as much of the rent money as is needed to correct the violation. The receiver is not subject to a spending limitation of four months' rent.

5. Breach of Warranty of Habitability.

You may be entitled to sue your landlord to have all or some of your rent returned if your dwelling unit does not meet minimum standards of habitability.

6. Unfair and Deceptive Practices (General Laws Chapter 93A).

Renting an apartment with code violations is a violation of the consumer protection act and regulations for which you may sue an owner.

THE INFORMATION PRESENTED ABOVE IS ONLY A SUMMARY OF THE LAW. BEFORE YOU DECIDE TO WITHHOLD YOUR RENT OR TAKE ANY OTHER LEGAL ACTION, IT IS ADVISABLE THAT YOU CONSULT AN ATTORNEY. IF YOU CANNOT AFFORD AN ATTORNEY, YOU SHOULD CONTACT THE NEAREST LEGAL SERVICES OFFICE WHICH IS:

CAMBRIDGE & SOMERVILLE LEGAL SERVICES		492-5520
(NAME)		(TELEPHONE NUMBER)
24 THORNDIKE STREET	CAMBRIDGE, MASSACHUSETTS	02141
(ADDRESS)		

Add. 4



CITY OF CAMBRIDGE
DEPARTMENT OF HEALTH, HOSPITAL AND WELFARE
16 CAMELIA AVENUE CAMBRIDGE, MASSACHUSETTS 02139

No 6681

Telephone 498-1463 498-1464

HOUSING INSPECTION REPORT AND ORDER

ADDRESS OF PREMISES: 147 Columbia St. # 2
Number Street Apartment Number

OCCUPANT: Burns John TELEPHONE: 876-7357
Last Name First Middle I.

OWNER: Yogel Murray TELEPHONE: LA-7-0862
Last Name First Middle I.

OWNER'S ADDRESS: 11 Marymount Rd Abundant
Number Street City

INSPECTION REQUESTED BY: Tenant DATE: 10/6/82

DATE OF INSPECTION: MO. 10 DAY 7 YEAR 82 HOUR 11¹⁰

ROOM(S)/VIOLATIONS REGULATION 105 CMR 410.
Exterminate the apt and building
for roaches.

Corrected QC

QC
(INITIAL)

One or more of the violations cited above is a condition which may materially impair the health, safety or well-being of the occupant(s) as determined by Regulation 410.750 of the State Sanitary Code or the authorized inspector.

The Owner is hereby ordered to remedy the above cited violations within 7 days or face prosecution by the City of Cambridge.

RECEIPT OF THIS INSPECTION REPORT BY THE Owner IS NOTICE AS REQUIRED BY MASSACHUSETTS GENERAL LAWS CHAPTER 239 SECTION 8A.

SIGNED UNDER PAINS AND PENALTIES OF PERJURY: A. Cavello APPROXIMATE DATE & TIME OF REINSPECTION 10/15/82

CERTIFIED TRUE COPY

I THIS DAY DELIVERED A TRUE COPY WITHIN
IN HAND TO Burns ON 10/7 TIME 11⁴⁵
A. Cavello CONSTABLE OF CITY OF CAMBRIDGE

Melvin H. Chalfen, M.D.
Commissioner



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To Joseph Cellucci, Commissioner
Inspectional Services Department
Date September 26, 1984

From Joseph E. Connarton, Deputy City Clerk *JEC* Reference

Subject City Council hearing scheduled for October 15, 1984

Please be advised that the City Council, at its meeting of September 17th scheduled a public hearing, relative to the operations of the Inspectional Services Department. Said hearing to be held on Monday, October 15, 1984 at 6:00 p.m. in the City Council Chamber. Your presence, or that of your appropriate designee, is hereby requested at this time.

Your very kind attention in this matter will be greatly appreciated, both by the City Council and this office.

Said hearing had originally been scheduled for Monday, October 1st, but as of today the hearing was officially rescheduled to Monday, October 15th.

JEC/mh



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

September 17, 1984

To the Honorable, the City Council:

With respect to City Council Order No. 41 of August 15, 1984,
enclosed please find copy of a report from Joseph Cellucci, Inspectional
Services Commissioner.

Very truly yours,

Robert W. Healy
City Manager

RWH/mbf
Enc.

S-577A

Re: operations of the Inspectional Services Dept.

Hearing Rescheduled
to

October 15/84

AT

- 6 PM -

90/15/84

Hearing Held

See Enclosure Order

#3 Adopted & Reconsidered

In City Council,

September 17, 1984

9/17/84

Hearing 10/1/84

BT

6 PM

letter sent to Inspectional Services
Commissioner Joseph Colucci notifying
him of hearing 9/29/84 with paper within
(reflecting change of hearing date)