



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2020 - 01
Date: May 18, 2020

Subject: Construction Site Return-to-Work Protocols and Requirements

Purpose: The purpose of this Commissioner's Bulletin is outline and implement new protocols and job site safety practices that contractors are required to adhere to in advance of and for the duration of conducting site work in light of the public health emergency caused by the spread of COVID-19.

Determination:

Effective April 27, 2020, the City of Boston has implemented new protocols for essential construction work in the City of Boston due to the public health emergency caused by the spread of COVID-19 (coronavirus). For the health and safety of workers, their families, and our communities, all permitted construction will be required to adhere to COVID-19 best practices during this public health emergency.

This policy is effective for active permitted projects and for all future permit applications moving forward, including, but not limited to, Alterations, Amendments, Erect Building, Use of Premises, Short Form, Electrical (Temp Service, Low Voltage, Fire Alarm, and general), Plumbing and Gas permits.

General Requirements:

For projects permitted by the Inspectional Services Department as-of the effective date of this Commissioner's Bulletin, contractors/permittees must upload COVID-19 Safety Affidavits and COVID-19 Safety Plans prior to resuming work.

For new applications for permits to be issued by the Inspectional Services Department, contractors/applicants must include a COVID-19 Safety Affidavit and a COVID-19 Safety Plan with their permit application submission.

Contractors are required to have printed copies of both the COVID-19 Safety Affidavit and COVID-19 Site Safety Plan on hand at the job site, posted in a conspicuous place to the extent possible.



COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON

Number: CB2025-03
Date: June 10th, 2025

Subject: Citywide Standard for Off Hours Construction Permits – Interpretation of “Public Safety or Welfare” in BMC Section 16-26.4

Purpose: This bulletin establishes ISD’s citywide standard for interpreting and applying **Boston Municipal Code Section 16-26.4**, which restricts construction activities outside of regular hours—defined as 7:00 a.m. to 6:00 p.m. on weekdays—except when permitted by the Commissioner in the **interest of public safety or welfare**. The criteria established in this bulletin will guide the review and issuance of **Off Hours Construction Permits** across all neighborhoods.

Statutory Reference

BMC Section 16-26.4 states, in relevant part, that:

“No erection, demolition, alteration or repair of any building and excavation in regard thereto, except between the hours of 7:00 a.m. and 6:00 p.m., on weekdays or except in the interest of public safety or welfare, upon the issuance of and pursuant to an Off Hours Permit from the Commissioner, Inspectional Services Department, which may be renewed for one or more periods of not exceeding one week each.”

ISD Interpretation of “Public Safety or Welfare”

ISD will interpret “in the interest of public safety or welfare” to include the following types of work:

- Emergency Repairs**

Work required to address immediate threats to public safety or property, including but not limited to fire, flood, structural failure, utility failure, or hazardous material response.

2. **Essential Utility and Infrastructure Work**

Projects conducted by or on behalf of public utilities, including water, gas, electric, or telecommunications providers, that are:

- Time-sensitive and cannot be completed during regular hours without compromising service continuity, and
- Coordinated with relevant City agencies and/or public safety departments.

3. **Work Supporting Critical Public Services**

Construction associated with hospitals, emergency shelters, transportation infrastructure, schools, public or affordable housing, or other essential public functions, where off-hours work is necessary to minimize disruption of critical services.

4. **Interior Work Without Significant External Impact**

Interior-only projects that do not generate significant noise, dust, or light visible or audible from the exterior of the building or other units within the same building or structure, and which will not disturb nearby residents.

In high-density residential areas, such interior work requests will be closely scrutinized to ensure that cumulative or indirect disturbances do not negatively impact the quality of life for abutters.

5. **Other Exceptions**

At the Commissioner's or their designee's discretion, other projects may be permitted if a compelling case is made that off-hours work is the only reasonable option to maintain safety or deliver a public benefit. These requests must be clearly documented.

Requests based solely on project timeline delays, schedule slippage, or contractor availability will not be considered a sufficient public interest justification.

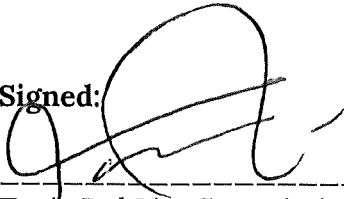
Application and Enforcement

All requests for Off Hours Construction Permits must include:

- A justification for how the project meets the criteria above;
- A mitigation plan for noise, light, or other disruptions;
- A designated contact person (i.e. a licensed construction supervisor, site supervisor, or designee) responsible for fielding community concerns.

Applications not aligned with this standard should be denied or referred to the Inspector of Buildings for further review.

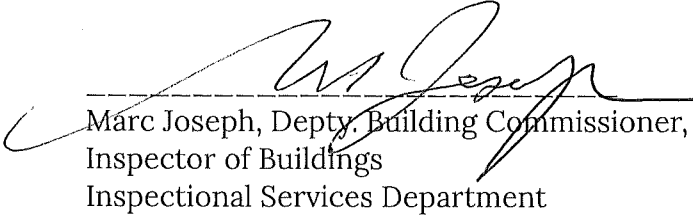
Signed:



Tania Del Rio, Commissioner
Inspectional Services Department

6/9/2025

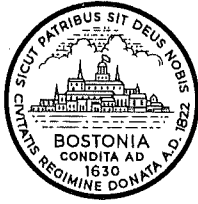
Date



Marc Joseph, Depty. Building Commissioner,
Inspector of Buildings
Inspectional Services Department

6/9/2025

Date



COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON

Number: 2025-02
Date: April 14th, 2025

Subject: Off Hours Permits on Holidays

Purpose: This Commissioner's Bulletin is issued to clarify the policy for off hours building permits during holidays.

City of Boston, Chapter 16-26.4, Regulation of Construction Hours, limits construction to the hours of 7:00 A.M. and 6:00 P.M., on weekdays, unless an off hours permit has been issued. This bulletin clarifies that the Inspectional Services Department will not consider national holidays to be a regular weekday and will therefore require an off-hours permit for the erection, demolition, alteration, or repair of any building and excavation on national holidays.

Signed.

Tania Del Rio, Commissioner
Inspectional Services Department

4/14/2025

Date

Marc Joseph, Depty. Building Commissioner,
Inspector of Buildings
Inspectional Services Department

4/14/2025

Date

Homeowner Waivers:

For projects for which a homeowner waiver has been filed, a COVID-19 Safety Affidavit and COVID-19 Site Safety Plan is not required; provided however, that any associated permits issued to a contractor or a subcontractor for homeowner waiver projects must have an associated COVID-19 Safety Affidavit and COVID-19 Site Safety Plan submitted along with the permit application.

Documentation Requirements:

For a jobsite to be permitted by the Inspectional Services Department the following additional documents must be attached to your permit:

COVID-19 Safety Plan:

This document will detail the job site practices that the contractor will follow to protect worker safety. There are six key elements the City will be looking for in each plan:

- 1.) steps taken before shifts start to ensure workers are healthy;
- 2.) practices to ensure social distancing that can be achieved on the job site;
- 3.) materials provided to ensure job site hygiene;
- 4.) protocols for the use of personal protective equipment;
- 5.) communications and training practices to ensure everyone is informed; and
- 6.) procedures in case there is COVID-19 exposure on the job site.

[Link: [COVID-19 Safety Plan](#)]

COVID-19 Safety Affidavit:

This affidavit attests that the contractor has created, provided to the City, and will implement its COVID-19 Safety Plan. It follows the same requirements as the Safety Plan. Failure to adhere to the policy may result in approval to work being revoked.

[Link: [COVID-19 Safety Affidavit](#)]

Instructions for Uploading Safety Affidavits and Safety Plans to Existing Issued Permits:

1. Log on to the ISD's Online Permitting Portal [link: [Boston Permits & Licenses Portal](#)]
2. Navigate to the permit application through Search or Recent Activity links
3. Scroll down to the Attachments section, and click the "Upload Attachments" link
4. Upload both the Safety Affidavit and Safety Plan, and any additional related information, as separate attachments
5. Save the attachments

Instructions for Uploading Safety Affidavits and Safety Plans to New Permit Applications:

1. Log on to the ISD's Online Permitting Portal [link: [Boston Permits & Licenses Portal](#)]
2. Upload both the Safety Affidavit and Safety Plan, and any additional related information, as separate attachments, with your permit application

Requirements for Inspectors:

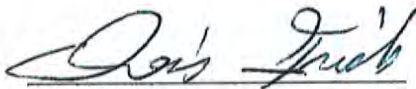
Inspectional Services Department Inspectors should review a jobsite's COVID-19 Safety Affidavit and COVID-19 Safety Plan when inspecting the site to confirm that protocols and procedures outlined in the Safety Plan are being adhered to.

Penalties:

Jobsites found to be operating without submitting a COVID-19 Safety Affidavit and/of COVID-19 Safety Plan to the Inspectional Services Department may result in suspension or termination of work in progress or revocation of the Department's permit for such work; provided, however, that the Department reserves the right to allow the Contractor the opportunity to immediately correct or cure violations prior to the Department issuing a suspension or termination of work in progress or revocation of the Department's permit for such work.

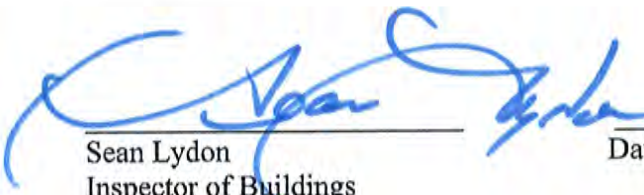
Jobsites found to be not operating according to the provisions laid out in their COVID-19 Safety Plan may result in suspension or termination of work in progress or revocation of the Department's permit for such work; provided, however, that the Department reserves the right to allow the Contractor the opportunity to immediately correct or cure violations prior to the Department issuing a suspension or termination of work in progress or revocation of the Department's permit for such work.

Signed:



Dion Irish
Commissioner

5/18/2020
Date



Sean Lydon
Inspector of Buildings

5/19/2020
Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2020 - 02
Date: July 6, 2020

Subject: Procedure for Off-Hours Inspections/Assignment ("Details") Requests; Payment of Fees

Purpose: The purpose of this Bulletin is to properly administer the Department's public health and safety mission during non-working hours of the Department. Letter from Inspectional Services Commissioner, dated September 1, 2006 regarding "*charging and billing for requested inspections/assignments ("details") paid for by third parties*" is rescinded and replaced by Bulletin 2020-02 upon publication of the latter. Commissioner's Bulletin 2003-3, "Procedure for Off-Hours Inspection Requests and Third Party Billing" is rescinded and replaced.

Determination:

Any party requesting an inspection/assignment (hereinafter, "detail") by any Division during any time other than regular business hours for the Boston Inspectional Services Department must comply with the following procedure:

1. The party requesting such an application completes an "Off-Hours Employment Request" Form and presents the application to the Division performing the detail.
2. The submitted request is reviewed for approval by the Commissioner, the Commissioner's designee, or a supervisor at the grade of MM08 or above, or the supervisor's designee. The supervisor shall keep a log of each request and note whether it has been denied or approved. The supervisor shall then ensure that the applicant is notified that the request has been denied or approved.
3. The supervisor will inform the applicant of the detail fee, as prescribed by the following:
 - a. The fee shall be \$250 for all off-hours details, as set forth in City of Boston Code, Ordinances, Section 18-1.1A.
 - b. The applicant shall pay the fee prior to the supervisor signing the approved application for final authorization. Upon signature, the supervisor shall schedule the off-hour detail.
4. For all off-hour details:
 - a. The employee to whom the detail is assigned shall present the form signed by the supervisor to the requesting party upon completion of the detail for the party's signature confirming completion.

- b. The employee shall present the form, signed by the requesting party, to the authorizing supervisor upon completion of the detail.

- 5. Either each day, but not less frequently than each week, the supervisor in each division shall submit to the Administration & Finance Division all the completed "Off-Hours Employment Request Forms," receipts for fee payments and a tally log. All requests for off-hours access to buildings within the control of the Department shall be treated as "Off-Hours Details Requests" and require prior approval and payment of associated fees prior to providing such access. No employee shall take payment on behalf of the Department during off-hours details. All fee payments must be made in advance.

Signed:



Dion Irish
Commissioner

7/7/2020
Date



Sean Lydon
Inspector of Buildings

July 7, 2020
Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2020 - 03
Date: October 27, 2020

Subject: Investigation & Enforcement Team (I&E Team) Complaint Investigation and Inspection Protocols Relative to COVID-19

Purpose: This Bulletin outlines the process through which the Investigation & Enforcement Team (“I&E Team”) intakes, investigates and responds to complaints regarding noncompliance with COVID19-specific guidance, restrictions and/or regulations.

Determination:

In furtherance of Mayor Martin J. Walsh's directive to increase enforcement of house parties and large gatherings that violate local and state public health mandates that are intended to reduce the spread of the COVID-19 virus during the public health emergency, ISD is temporarily dedicating the Investigations & Enforcement Team to coordinate our enforcement.

I&E Team:

Housed within the Constituent Services Division of the Inspectional Services Department (ISD) and under the direction of the Assistant Commissioner – Constituent Services, the Investigation & Enforcement Team (I&E Team) is charged with addressing public safety, public health, and quality of life issues through coordination and collaboration with the City of Boston's public health and public safety agencies including, the Boston Police Department, the Boston Fire Department, and the Boston Public Health Commission. Following receipt of a complaint, whether from the public, a City or State agency or department, and/or a government or elected official, the I&E Team shall work with partner agencies to investigate and address reported COVID-19-related issues pursuant to the protocol detailed in this Bulletin.

COVID19 Complaint Intake:

The I&E Team may receive COVID19-specific complaints through any of the following:

- Report from a constituent/member of the public via phone, email, ISD call center, 311 hotline;
- Report from other agency or department including, but not limited to the Mayor's Office, the Boston Police Department, the Boston Fire Department, the Office of Neighborhood Services, the Boston Licensing Board and the Boston Public Health Commission;
- Report from an external organization including, but not limited to a college, university or other academic institution, a nongovernmental organization such as a neighborhood or civic organization;
- Report from any other public or elected official and their staff.

Following receipt of a complaint or request for investigation, the Assistant Commissioner of Constituent Services or their designee shall note the complaint, its source, the date & time received, the associated location, and any other relevant information in a central repository and assign said complaint out to the I&E Team leader for investigation. For complaints received from the Boston Police Department, if possible, I&E should obtain a copy of the Boston Police Department Incident Report. Copies of all reports should be forwarded to the Assistant Commissioner of Constituents Services or her designee.

COVID19 Complaint Investigation:

Following the assignment of a complaint, the I&E Team shall coordinate and conduct an investigation, using all available information, historic and current, specific and contextual, with relevant City departments and agencies. Investigations may include a site visit to the property.

In investigating and responding to complaints, the I&E Team shall follow Department policy and procedure relative to entry into occupied residential buildings, as outlined in Commissioner’s Bulletin 2005-02, *Policies and Procedures for Making Entry to an Occupied Residential Dwelling for Purposes of an Administrative Inspection*, including without limitation, obtaining proper written consent before making entry into any dwelling unit.

COVID19 Warnings, Violations, Fines:

Upon finding of a violation, at the discretion of the Assistant Commissioner of Constituent Services, the I&E Team shall determine whether a formal warning or notice of violation is appropriate, based on the context of said violation. For an initial violation for which the Assistant Commissioner makes the determination that a warning is appropriate, the I&E Team shall prepare a written warning on the appropriate form and serve it in a manner consistent with the requirements for Service of Process in the State Sanitary or Building Codes. For egregious or second or subsequent findings of violations, the I&E Team shall prepare a written notice of violation on the appropriate form and serve it in a manner consistent with the requirements for Service of Process in the State Sanitary or Building Codes. All violations must include a properly executed Return of Service on the form provided. A copy shall also be retained by the Department. For written warnings, the I&E Team should mail a copy of said warning to the property owner, in cases where the unit is non-owner-occupied. In instances where notices of violation are left at the premises, the I&E Team should also mail a copy to the owner, USPS Priority Mail, Signature Required.

COVID19 Complaint Investigation Follow Up & Reporting:

Following all investigations, the I&E Team shall record notes, outcomes and any other relevant information in the centralized complaint repository. Information contained within the complaint repository may be reported in a publicly accessible format, at the direction of the Commissioner of Inspectional Services.

Signed:



Dion Irish
Commissioner

10/27/2020
Date



Aisha Miller
Assistant Commissioner,
Constituent Services Division

10/28/2020
Date



COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON

Number: 2021-01
Date: March 26, 2021

Subject: Re-establishment of the Ethics Committee to assist the Inspectional Services Department and its employees in ensuring strict compliance with G.L. c.268A and G.L. c.268B

Purpose: To re-establish an Ethics Committee within the Inspectional Services Department to assist the Inspectional Services Department in ensuring strict compliance with G.L. c.268A and G.L. c.268B by, among other things: planning and implementing ethics policies and standards of conduct for all employees; providing ethics training seminars for all Inspectional Services Department employees; and making official inquiries into allegations of violations of G.L. c.268A and G.L. c.268B.

This Bulletin rescinds and replaces *Commissioner's Bulletin 1999-04 "Ethics Committee establishment to assist the Inspectional Services Department and its employees in ensuring strict compliance with G.L. c.268A and G.L. c.268B"*

Determination:

1. Every person conducting business with the Inspectional Services Department is entitled to be treated equally and fairly, and every member of the public must be confident that the conduct of Inspectional Services Department employees is above reproach. High standards of ethics and conduct ensure that employees of the Inspectional Services Department will carry out their obligations honestly and fairly when serving the public.
2. The Ethics Committee assists the Inspectional Services Department in maintaining the confidence of the public and in maintaining high ethical standards of conduct of Inspectional Services Department employees by:
 - a. Planning and implementing policies to ensure strict compliance with G.L. c.268A and G.L. c.268B;
 - b. Developing and presenting training seminars for all Inspectional Services Department employees regarding the legal obligations that G.L. c.268A and G.L. c.268B place on public employees;
 - c. Inquiring into allegations of violations of G.L. c.268A and G.L. c.268B and reporting its findings and recommendations to the Commissioner of the Inspectional Services Department who, when warranted, shall take appropriate action; and

- d. Assisting employees with getting answers to ethical questions, including but not limited to directing them on where and how they can file disclosures and or in seeking opinions from the State Ethics Commission.
 3. The Ethics Committee shall be a four-member Committee composed of the Chief of Staff, who shall serve as chairperson ex officio, the Director of Human Resources, the General Counsel and one employee to be designated by the Commissioner. The Ethics Committee shall meet at least once per month and shall establish such administrative procedures that it deems necessary to effect its stated purpose.
 4. Administrative assistance to the Ethics Committee, if needed, shall be made available by the Commissioner of Inspectional Services.
 5. Legal assistance to the Ethics Committee, if needed, shall be provided by the Legal Division.
 6. The nature, existence and records of any proceeding of the Ethics Committee concerning G.L. c.268A or G.L. c.268B shall be kept confidential. The Ethics Committee may, however, provide relevant information concerning a complaint or inquiry to a court of competent jurisdiction or law enforcement agency.
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Signed:


Dion Irish, Commissioner
Inspectional Services Department
Boston, MA

3/26/21
Date



COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON

Number: 2021-02
Date: May 28, 2021

Subject: Modified Construction Site Return-to-Work Protocols

Purpose: This Bulletin rescinds and replaces *Commissioner's Bulletin 2020-01 "Construction Site Return-to-Work Protocols"*

Determination:

Effective May 29, 2021, the Inspectional Services Department will no longer require submission of the COVID19 Safety Affidavit or COVID19 Site Specific Safety Plan as required by Commissioner's Bulletin 2020-01 "*Construction Site Return -to-Work Protocols*" dated 05/18/2020.

In order to ensure safe and healthy work sites, the Department **strongly recommends** that permit holders continue to follow the best practices outlined in *Exhibit A – City of Boston COVID-19 Construction Site Safety Best Practices Worksheet*.

Signed:


Sean Lydon, Commissioner
Inspectional Services Department
Boston, MA


Date



**COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON**

Number: 2021-03
Date: June 17, 2021

Subject: Establishment of Application Requirements, Administrative Procedures and Administrative Regulations regarding the Permitting of Retail Residential Kitchens pursuant to City of Boston Code, Ordinances Chapter 9-9.15

Purpose: This bulletin is issued to establish application requirements, administrative procedures and administrative regulations regarding the permitting of Retail Residential Kitchens.

Determination:

As part of the Department's ongoing efforts to implement an equitable and sustainable recovery, ISD is implementing a regulatory and permitting framework for food production small businesses to be operated out of residential kitchens. This bulletin outlines the application requirements, application process, inspection requirements, inspection process, and administrative procedures for ISD Health Division.

Pursuant to the *State Sanitary Code 105 CMR 590* and *City of Boston Code, Ordinances Chapter 9-9.15 - An Ordinance to Establish Guidelines for Permitting Retail Residential Kitchens*, a Retail Residential Kitchen Permit is required for any Cottage Food Operation to prepare and produce non-time/temperature control for safety baked goods, jams, jellies, and other non-time/temperature control for safety foods in a kitchen inside a residential unit.

A Retail Residential Kitchen may not prepare finished products that require hot or cold holding for safety, including meat or fish that is raw or heat-treated, certain cut produce including melons, leafy greens, and tomatoes.

Prior to applying for a Retail Residential Kitchen Permit from ISD, please review [Massachusetts Department of Public Health's Frequently Asked Questions regarding Retail Residential Kitchens](#). (also attached to this Bulletin as Exhibit A)

A. Procedure for Obtaining a Retail Residential Kitchen Permit

To obtain a Retail Residential Kitchen Permit, an operator must complete (1) a plan review, (2) submit a completed application to ISD Health Division, and (3) an opening inspection with an ISD Health Inspector prior to obtaining a final operating permit. The submission requirements for the plan review and application, and minimum inspection requirements are as follows:

I. Retail Residential Kitchen Permit Plan Review:

Residential Kitchen Plan Review Procedures: (By Appointment Only)

- Complete a Residential Kitchen Health Division application
- Application requires the following documents:
 - 2 sets of plans (minimum size: 11" x 17")
 - A completed [Retail Residential Kitchen Plan Review Application Worksheet](#)
 - A copy of proposed menu indicating items to be prepared
- Contact ISD Health Division to schedule a plan review appointment
 - Request by phone: 617.635.5326
 - Request by email: ISDHealth@boston.gov

II. Retail Residential Kitchen Permit Application:

Application steps for a Retail Residential Kitchen Health Permit:

- Complete a Retail Residential Kitchen Permit Plan Review (as described in *Subsection I*)
- Complete the [Retail Residential Kitchen Health Permit Application](#)
- Application requires the following documents:
 - A copy of a letter or email from the property owner verifying that they acknowledge this business operating out of their property
 - A copy of the Full Time onsite Certified Food Managers certificate and a copy of the Allergen Awareness Training certificate.
 - Certification as food protection manager (as indicated by passing a test that is part of an accredited program recognized by the Department of Public Health)
 - Certificate of Food Allergen Awareness Training
- Pay Retail Residential Kitchen Health Division fee (\$100.00)
- Request an opening inspection from the Health Division
 - Request by phone: 617.635.5326
 - Request by email: ISDHealth@boston.gov

III. Inspection Requirements and Procedures:

The following operational procedures and inspection requirements must be adhered to by any operator of a Retail Residential Kitchen:

Purchasing – Food may only from a vendor approved by the state.

Storage - Separate dry and cold storage for the business and personal food items in the kitchen is required. This may be achieved by utilizing a separate shelf or designated spot for business food that is separate from your personal food.

Labeling - If an operator of a Retail Residential Kitchen is packaging food, it must also meet requirements set forth in 105 CMR 520.00 for labeling, which differ for Retail and Wholesale. See also [MDPH's brief summary of Labeling Requirements for packaged food](#). (also attached to this Bulletin as Exhibit B)

Hygiene – Retail Residential Kitchen operators must follow the same health, hygiene, hand washing, and toilet use requirements as those required for a standard commercial kitchen.

Equipment and Utensils – All equipment and utensils need to be made of safe materials and kept in good repair. Generally standard kitchen equipment is sufficient, as long as it is in a condition where it can be properly sanitized.

Food Contact Surfaces - All surfaces that may come into contact with food, like counters, sinks, work surfaces, and more, need to be made of smooth, non-absorbent materials that are easily cleanable. Again, this requirement is generally easily met in a home kitchen as long as the counter top is free from cracks and everything that food will come into contact with can be properly cleaned and sanitized.

Cleaning and Sanitizing - The same rules apply for cleaning and sanitizing as for a commercial kitchen, but there are some looser exceptions that allow for the use of a residential dishwasher, as long as the highest setting of sanitizing possible for that machine is used, and the temperature rises to 150 degrees, which needs to be tested every day, with records kept for 30 days.

Employees and Brokers - Only immediate family members residing in the household can prepare food for sale. No outside employees can be used. Brokers, wholesalers or warehouses also cannot be used.

Insects and Rodents - As in any kitchen, steps must be taken to avoid having insects and rodents in the kitchen.

Pets - Massachusetts does allow a household with pets to license their home kitchen, however, those pets must be kept out of the kitchen and preparation areas at all times during food preparation.

Laundry - If there is a clothes washer or dryer located in the kitchen, it can remain there, but these appliances cannot be used during food preparation.

Guests - The kitchen and cooking facilities cannot be used by guests while food is being prepared for the business.

Trash - Cans used for trash must have lids that seal securely.

B. Other Requirements

Compliance with Other Laws and Regulations - Retail Residential Kitchens must comply with the provisions of State Sanitary Code 105 CMR 590.008

Display Permit - All permittees must display the ISD-issued Retail Residential Kitchen Permit at all times during the use of the kitchen to produce Cottage Foods for sale

Advertising - All permittees must include the ISD-issued permit number on all advertisements and advertising materials promoting the Cottage Food Operation

Signage - No exterior signage shall be allowed unless such signage is permitted and approved under the City of Boston Zoning Code or City of Boston Code, Ordinances Chapter 16-33

Annual Renewal - Retail Residential Kitchen Permits must be renewed annually

C. Violations and Penalties

Any person found to be operating a Retail Residential Kitchen in violation of Section 9-9.15 of the City of Boston Code or found to be in violation of the terms of their permit may be subject to a fine of up to three hundred (\$300.00) dollars per day for each day said violation exists.

Signed:



Sean Lydon, *Commissioner*
Inspectional Services Department
Boston, MA

7-1-2021
Date



Daniel Prendergast, *Assistant Commissioner*
Health Division
Inspectional Services Department
Boston, MA

7-1-2021
Date

Food Protection Program:

Residential Kitchen Questions and Answers

The MA Department of Public Health's Food Protection Program works in conjunction with Local Boards of Health to ensure a safe and wholesome food supply in Massachusetts by promulgating and enforcing regulations related to food safety, conducting foodborne illness complaint investigations, and responding to other food emergency incidents.

Individuals who produce food in their home kitchen for sale to others may have to get a state or local permit and comply with certain rules and limitations. The following is provided to assist individuals in complying with state regulations related to the production and sale of food made in a kitchen in a residence. Depending on what foods are produced in the Residential Kitchen, and how those foods will be sold or distributed, a Residential Kitchen may require a Wholesale License or Permit, a Retail Permit, or both.

What is a Residential Kitchen?

A Residential Kitchen is a kitchen in a private home. Most Residential Kitchens, including those in a private home where individuals are cooking for their family or for charitable purposes, like a bake sale, do not require a permit. Certain food-based activities in Residential Kitchens require a license or permit either as a Retail Residential Kitchen or as a Wholesale Residential Kitchen. If a Retail permit is required, the Residential Kitchen must comply with certain requirements in the Retail Food Code (105 CMR 590). If a wholesale license is required, the Residential Kitchen must comply with certain requirements in the regulations for Good Manufacturing Practices (105 CMR 500).

What Activities in a Residential Kitchen Require a Permit?

- Anyone producing food for sale "direct to the consumer" is considered a **Retail Residential Kitchen** and is required to have a permit under 105 CMR 590.
 - "Direct to the consumer" includes events like farmers markets, craft fairs, and sales by internet or mail.
 - Anyone that makes food in a Residential Kitchen in Massachusetts that wants to sell in another state should confirm that they are in compliance with both Federal law and the state laws where they are doing business.
- Anyone producing food for sale at wholesale, for example, to a supermarket or restaurant that will re-sell to the ultimate consumer, is considered a **Wholesale Residential Kitchen** and is required to have a License or Permit under 105 CMR 500.

Who Issues the Required Permits?

- **Retail Residential Kitchen** operations are inspected and permitted by the local board of health in the city or town where the Residential Kitchen is located. 105 CMR 590.010 (F) (2) (a). They are permitted as "Cottage Food Operations."
- **Wholesale Residential Kitchen** operations may sell their products to retail stores, grocery stores, restaurants, etc., and are inspected and licensed by the Massachusetts Department of Public Health, Food Protection Program. 105 CMR 500.015 (B)

What Foods May Be Produced in A Residential Kitchen?

- **Retail Residential Kitchen** may only make "Cottage Food Products." These are foods that can be safely held at room temperature, including baked goods, jams, and jellies. 105 CMR 590.001(C); FC 1-201.10 (B)
- **Wholesale Residential Kitchen** operations selling wholesale may only produce foods that can be safely held at room temperature and foods that do not require refrigeration. 105 CMR 500.015 (D) (1)
- **Retail or Wholesale Residential Kitchens** may not prepare finished products that require hot or cold holding for safety, including meat or fish that is raw or heat-treated, certain cut produce including melons, leafy greens, and tomatoes.

Examples of food products that may not be prepared or sold by a Residential Kitchen: cream-filled pastries, cheesecake, custard, cut fruit and vegetables, tomato and barbeque sauce, pickled products, relishes and salad dressings [105 CMR 590.001(C); FC 1-201.10(B)], 105 CMR 500.015(D)(1) and (3).

What types of processing operations are prohibited in a Residential Kitchen?

For both **Retail and Wholesale Residential Kitchen** operations, processing operations that are prohibited include: acidification, hot fill, thermal processing in hermetically-sealed containers, vacuum packaging, and curing/smoking. The only exception is jams and jellies that are thermal-processed in hermetically-sealed containers. [105 CMR 590.001(C); FC 1-201.10(B)], 105 CMR 500.015(D)(1) and (3)

Could there be a circumstance where laboratory testing of a food product may be required?

Yes. For both **Retail and Wholesale Residential Kitchen** operations, the Licensee or Permit Holder or applicant may be required to provide laboratory evidence to the regulator in order to determine whether the food poses a food safety risk if not held or stored at a certain temperature.

The laboratory testing may include analysis of pH, water activity (A_w), toxin formation or other tests as appropriate. [105 CMR 590.001(C); FC 1-201.10(B)], (105 CMR 500.003). If required to provide laboratory testing, the Residential Kitchen operator should reach out to a private food laboratory and determine which testing may be appropriate to establish that a product does not require hot or cold holding to maintain food safety.

Must a Residential Kitchen operator use a standard recipe for each batch of product?

Since each recipe has a different set of risks, preparing multiple products in a Residential Kitchen may require multiple laboratory evaluations to show that the products do not pose a food safety risk. Using a single standardized recipe that has been evaluated by a food laboratory helps the person in charge of the Residential Kitchen to meet food safety requirements while maintaining consistent food quality.

If I need a License or Permit, what standards must my Residential Kitchen comply with?

- **Retail Residential Kitchens:** For a list of provisions that all Residential Kitchens permitted under the Food Code must adhere to, please see guidance issued by the Department titled *Retail Food Code Standards for Permitted Residential Kitchen* available at www.mass.gov/lists/retail-food.
- **Wholesale Residential Kitchens:** Please see section 105 CMR 500.015: *Supplemental Regulations for Residential Kitchens: Wholesale Sale*, for specific requirements related to Wholesale Residential Kitchen operations, available here: <https://www.mass.gov/files/documents/2017/09/11/105cmr500.pdf>

Do I need a License or Permit for making food in my Residential Kitchen to sell at a bake sale?

If the Residential Kitchen is preparing food for sale or service at a function such as a religious or charitable organization's bake sale, no permit is required as long as:

- The food that is not time/temperature control for safety; and
- The consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority.

Additionally, the school, church or other location that distributes or sells the food that is made in the Residential Kitchen for a charitable purpose, such as the site of the school bake sale, does not require a permit. M.G.L. c. 94 §328; [105 CMR 590.001(C); FC 1-201.10(B)], 105 CMR 500.015(A)(2).

Do I Need a Permit to Donate Food that I make in my Residential Kitchen to a Charity?

A Residential Kitchen preparing food for distribution to a charitable facility does not require a permit, as long as that facility is a non-profit corporation that distributes the food for free or only charges an amount sufficient to cover the cost of handling the food. M.G.L. c. 94, §328. (Note: No permit is required even if the Residential Kitchen is preparing foods that pose a food safety risk.) [105 CMR 590.001 (C); FC 1-201.10 (B)], 105 CMR 500.015 (A)(2).



For Any Questions, please contact your Local Board of Health or the Massachusetts Department of Public Health, Bureau for Environmental Health's Food Protection Program at 617-983-6712 | Fax: 617-983-6770 | TTY: 617-624-5286 | Email: FPPDPH@state.ma.us

If you would like a copy of the state regulations or additional information concerning the retail food code, please visit: mass.gov/lists/retail-food

April, 2019



CITY OF BOSTON INSPECTIONAL SERVICES DEPARTMENT

OFF HOUR EMPLOYMENT REQUEST

Date: 6. / 30 / 2021

Customer Name: francesca for structure tone

Customer ID# _____ Tax ID# _____

Billing Address: 711 atlantic ave, boston, ma 02111

Reason for Request: Stair presurization test. w BFD

OFFICE USE ONLY:	
BLDG:	<u>XX</u>
Elec.:	_____
Mech.:	_____
Health:	_____
P&Z:	_____
CE:	_____
Other:	_____
ISD APPROVAL: (Reviewed By)	

Personnel use only:	
BILLING #:	_____

Date: 6. / 30 / 2021 Start Time: 530 pm _____ AM _____ PM Anticipated End Time: _____ AM _____ PM

LOCATION OF WORK SITE: 399 Washington Street - B-9 floor

Contact Name: Anthony Paige (official who will be available on site)

Phone # 617-413-7672 Permit # ALT843417

Customer/Contractor Signature: francesca dirico

ON SITE CONFIRMATION OF WORK:

Inspection Date: ____/____/____

Start Time: _____ Finish Time _____ Actual Hours Worked: _____

Customer Representative (print): _____ Signature: _____

Inspector Name (print): _____ Signature: _____

Inspector ID#: _____

HR#3

1010 MASSACHUSETTS AVENUE, BOSTON, MA 02118 (617) 635-5300

Food Allergen Labeling

The Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA) addresses the labeling of foods that contain any of the eight major food allergens.

FALCPA defines "major food allergens" as

Milk
Egg
Peanuts
Soybeans
Fish
Crustacean Shellfish
Tree Nuts
Wheat

All ingredients that contain a major food allergen must be labeled, even if they are exempted from labeling by being a spice, flavoring, coloring or incidental additive.

FALCPA requires the labeling of food allergens in one of two ways.

1. In the ingredient statement, include the common or usual name of the food source, followed by the name of the allergen in parentheses. For example: Ingredients: Flour (wheat), whey (milk)
2. After the ingredient statement, place the word "Contains:" followed by the name of the food allergen. For example: *Contains: Wheat, Milk*

FALCPA requires that:

- For Tree Nuts, the specific type of nut must be declared.
Example: almonds, pecans, walnuts
- For Fish and Crustacean Shellfish, the species must be declared.
Example: cod, salmon, lobster, shrimp

FALCPA's requirements apply to all packaged foods sold in the United States, including both domestically manufactured and imported foods.

Resource Information on Labeling

Principal display panel
105 CMR 520.101
21 CFR 101.0

Information panel
105 CMR 520.102
21 CFR 101.2

Identity labeling of food
105 CMR 520.103
21 CFR 101.3

Nutrition labeling
105 CMR 520.109
21 CFR 101.9

Misbranding of food
105 CMR 520.118
MGL C. 94 sec. 187
21 CFR 101.18

Mandatory labeling information
105 CMR 520.020

Natural and organic labeling
105 CMR 520.116

Trans Fat
<http://www.cfsan.fda.gov/~dms/transgui.html>

Allergens
Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA) (Public Law 108-282) Guidance for Industry
<http://www.cfsan.fda.gov/~dms/alrguid4.html>

NOTE: This brochure is only a guide.

Since regulations are amended from time to time, it is the responsibility of licensees to know and abide by all current labeling regulations. Always consult official Massachusetts and federal regulations to ensure labels are in full compliance.

Massachusetts Minimum Requirements for Packaged-Food Labeling



WHEAT BREAD

Ingredients: Flour (bleached wheat flour, malt barley, flour, niacin, iron, potassium thiamine, thiamine mononitrate, riboflavin, folic acid), Sugar, Eggs, Water, Milk, Margarine (liquid soybean oil, partially hydrogenated soybean oil, water, salt, whey, soybean lecithin, vegetable mono & diglycerides, sodium benzoate as a preservative, potassium caseinate [a milk protein], artificially colored, FD&C Red #3, artificially flavored, vitamin A, dalmite added), Yeast, Salt

Contains: Wheat, Eggs, Milk, Soy

Sell by: 9/22/08

Net Weight: 1 pound (16 oz.)

The Bakery
412 Main Street
Anytown, MA 01234



Food Protection Program
Bureau of Environmental Health
Massachusetts Department of Public Health
July 2008, 4th edition

Minimum Requirements for Packaged-food Labeling

The Massachusetts Food Protection Program has prepared this guide to help you develop a food label that complies with Massachusetts and federal labeling requirements. For additional information, please refer to the resources listed on the back panel.

Foods that Require Labeling

All packaged foods must be labeled in accordance with Massachusetts and federal labeling regulations, including all foods intended for retail sale that are manufactured in licensed residential kitchens.



For interpretations and assistance with labeling regulations, please contact:

Food Protection Program
Bureau of Environmental Health
Massachusetts Department of Public Health
305 South Street
Jamaica Plain, MA 02130

Phone: 617-983-6712
Fax: 617-983-6770
TTY: 617-624-5286
Web: www.mass.gov/dph/fpp

Or the U.S. Food and Drug Administration
<http://www.cfsan.fda.gov/label.html>
Office of Nutritional Products, Labeling, and
Dietary Supplements: 301-436-2371

Minimum Information Required on a Food Label

The Massachusetts and federal labeling regulations require the following information on every food label:

- Common or usual name of the product.
- All ingredients listed in descending order of predominance by weight, and a complete listing of sub-ingredients.

Example of a sub-ingredient: Flour (bleached wheat flour, malt barley, flour, niacin, iron, potassium thiamine, thiamine mononitrate, riboflavin).

- Net weight of product.

Dual declaration of net weight, if product weighs one pound or more.

Example: 1 pound [16 oz.]

- "Keep refrigerated" or "Keep frozen" (if product is perishable).
- All perishable or semi-perishable foods require open-dating and recommended storage conditions printed, stamped, or embossed on the retail package.
- Once an open-date has been placed on a product, the date may not be altered.
- Name and address of the manufacturer, packer, or distributor. If the company is not listed in the current edition of the local telephone book under the name printed on the label, the street address must also be included on the label.
- Nutrition labeling.
- If a food product has a standard of identity, the food must meet the standard in order to be offered for sale under that product name.
- All FDA certified colors.

Example: FD&C Yellow #5, FD&C Red #3

Massachusetts Open-dating Regulation

To comply with the Massachusetts open-dating labeling regulation, a "sell-by" or "best-if-used-by" date is required if the product has a recommended shelf life of fewer than 90 days.

Foods exempt from this requirement include: fresh meat, poultry, fish, fruits, and vegetables offered for sale unpackaged or in containers permitting sensory examination, and food products pre-packaged for retail sale with a net weight of less than 1½ ounces.

Foods may be sold after the open-date if the following conditions are met:

- It is wholesome and good quality.
- The product is segregated from food products that are not "past date," and the product is clearly marked as being "past date."

Health Claims

Health claims allowed by the FDA on a label are limited to the following relationships between diet and disease:

1. Calcium and reduced risk of osteoporosis.
2. Sodium and increased risk of hypertension.
3. Dietary saturated fat and cholesterol and increased risk of heart disease.
4. Dietary fat and increased risk of cancer.
5. Fiber-containing grain products, fruits, and vegetables and reduced risk of cancer.
6. Fruits/vegetables and reduced risk of cancer.
7. Fruits, vegetables, and grain products that contain fiber, particularly soluble fiber and reduced risk of heart disease.
8. Soluble fiber from certain foods and reduced risk of heart disease.
9. Folic acid and reduced risk of neural tube defects.
10. Soy protein & reduced risk of heart disease.
11. Stanols/sterols and reduced risk of heart disease.
12. Dietary non-cariogenic carbohydrate sweeteners and reduced risk of tooth decay.



COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON

Number: 2022-01
Date: March 8, 2022

Subject: Further Modified Procedures for Off-Hours Inspections/Assignment ("Details") Requests; Payment of Fees

Purpose: The purpose of this Bulletin is to properly administer the Department's public health and safety mission during non-working hours of the Department. Commissioner's Bulletin 2020-02, "Procedure for Off-Hours Inspections/Assignments ("Details") Requests; Payment of Fees", is rescinded and replaced.


Determination:

Any party requesting an inspection/assignment (hereinafter, "detail") by any Division during any time other than regular business hours for the Boston Inspectional Services Department must comply with the following procedure:


1. The party requesting such an application completes an "Off-Hours Employment Request" Form and presents the application to the Division performing the detail. Forms must be submitted no later than 12:00pm daily.
2. The submitted request is reviewed for approval by the Commissioner, the Commissioner's designee, or a supervisor at the grade of MM08 or above, or the supervisor's designee. The supervisor shall keep a log of each request and note whether it has been denied or approved. The supervisor shall then ensure that the applicant is notified that the request has been denied or approved.
3. The supervisor will inform the applicant of the detail fee, as prescribed by the following:
 - a. The fee shall be \$250 for all off-hours details, as set forth in City of Boston Code, Ordinances, Section 18-1.1A.
 - b. The applicant shall pay the fee prior to the supervisor signing the approved application for final authorization.

4. Upon signature, the Off Hours Inspection(s) forms will be submitted to Personnel, no later than 2:00 PM daily, for distribution. Off Hours Details shall be distributed by Personnel. Personnel shall distribute the Off Hours Details according to the rotation as outlined in each applicable Collective Bargaining Agreement, and shall track all accepted and declined Off Hours Details in an Online Google Sheets Form that is accessible to all employees within each bargaining unit.
5. For all off-hour details:
 - a. The employee to whom the detail is assigned shall present the form signed by the supervisor to the requesting party upon completion of the detail for the party's signature confirming completion.
 - b. The employee shall present the form, signed by the requesting party, to the authorizing supervisor upon completion of the detail.
6. Either each day, but not less frequently than each week, the supervisor in each division shall submit to the Administration & Finance Division all the completed "Off-Hours Employment Request Forms," receipts for fee payments and a tally log. All requests for off-hours access to buildings within the control of the Department shall be treated as "Off-Hours Details Requests" and require prior approval and payment of associated fees prior to providing such access. No employee shall take payment on behalf of the Department during off-hours details. All fee payments must be made in advance.

Signed:


Sean Lydon
Commissioner

3/8/2022
Date


Marc Joseph
Inspector of Buildings

3/8/2022
Date



COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON

Number: 2022-01
Date: March 10, 2022

Subject: Certification of Roof Decks

Purpose: The purpose of this Bulletin is to establish guidelines for the certification of roof decks in accordance with City of Boston Code, Ordinances Chapter 9-9.13, *Regulating Access to Roof Areas of Buildings with Residential Units*. Commissioner's Bulletin 2008-01, "Certification of Roof Decks", is rescinded and replaced.

Determination:

City of Boston Code, Ordinances, Chapter 9-9.13, *Regulating Access to Roof Areas of Buildings with Residential Units* ([CBC 9-9.13](#)), regulates the use of roofs as areas of recreation and as places of assembly. The purpose of this Ordinance is to protect and preserve public safety, security, and quiet enjoyment of occupants, abutters, and neighborhoods by (i) discouraging the inappropriate use of flat roof areas of residential buildings and (ii) regulating the use of and/or assembly of persons on flat roof areas and/or roof decks.

Pursuant to the requirements defined in CBC 9-9.13, this Bulletin outlines the administrative procedures and requirements related to the certification of roof decks in the City of Boston.

1. Policy

- a. All roof decks, or flat roofs without structures used in the comparable manner, shall be required to be certified every five (5) years beginning with the effective date of the ordinance.
- b. 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.
- c. 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:

- a. Owner occupied one and two family dwellings (as defined by the Massachusetts State Building Code 780 CMR).
- b. Roof decks accessed through a single access point within owner-occupied units.
- c. Roofs not accessible to tenants or alarmed in accordance or alarmed in accordance with CBC 9-9.13.

3. Existing Roof Decks, Compliance Schedule

- a. Existing roof decks which have been previously permitted through the Inspectional Services Department (ISD) must comply with the ordinance by having the premises certified.
- b. Once a roof deck has been completed and/or documented with ISD, the roof deck must be recertified as required in section 4(d) below, every five (5) years.

4. New, Replacement or Renovated Roof Decks

- a. New, replacement or renovated roof decks are subject to the following permitting provisions:
 - i. Applications for new roof decks 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.
 - ii. Existing roof decks, with the exact dimensions as previously permitted, being repaired will be considered for Short Form replacement. Engineer's reports by a Commonwealth of Massachusetts registered engineer must be provided at the time of the final inspection.
 - iii. Existing roof decks, with the exact dimensions as previously permitted, requiring replacement due to roof repair work will be considered for Short Form replacement. Engineer's reports by a Commonwealth of Massachusetts registered engineer must be provided at the time of the final inspection.
- b. The Long Form building permit application must be accompanied by a plot plan and plans depicting the existing or proposed dimensions and location of the roofdeck and the applicable setbacks. The plot plan and plans must be stamped, signed, dated and approved 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.

- c. Evidence of compliance with any other Historic or Design Review requirements, including but not limited to Boston Planning and Development Agency and/or Boston Landmarks Commission approval must also be submitted with the application or prior to issuance of the permit.
- d. At the completion of the project the owner must file an affidavit from a Commonwealth of 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.
 - i. 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 on Same Building

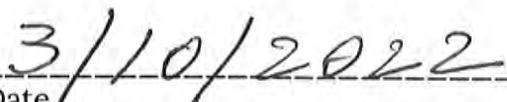
Buildings with multiple roof decks, whether or not in common ownership, shall have all roof decks or similar areas certified under the same affidavit if applicable.

Signed:


Sean C. Lydon
Commissioner


Date


Marc A. Joseph
Inspector of Buildings


Date



COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON

Number: 2023-01
Date: January 5, 2023

Subject: Definition and Requirements of an Affidavit Project in the City of Boston

Purpose: The purpose of this Bulletin is to update certain definitions and requirements related to Affidavit Projects authorized by the Massachusetts State Building Code (780 CMR). Commissioner's Bulletin 1997-07, *Definition and Requirements of an Affidavit Project in the City of Boston*, is rescinded and replaced.

Determination:

The purpose of this bulletin is to amplify the requirements for affidavit projects as authorized by the Massachusetts State Building Code (780 CMR), and to clarify their application to the City of Boston.

The Inspectional Services Department (ISD) establishes this policy pursuant to [780 CMR 107.6](#) (107.6.2).

Projects currently under construction on the effective date of this bulletin shall continue with respect to the requirements of bulletin 1999-07. Projects currently under review or in the approval process shall be subject to the requirements of this bulletin.

1. Affidavit Projects; Defined

It is established policy that affidavits are to be filed with Inspectional Services prior to the issuance of the building permit for certain buildings or structures, as of 01/03/2023, with the implementation of IBC 2015 and 9th Edition of Mass Amendments. This will remain the policy when the estimated cost of the project exceeds a fair market estimated cost of \$6,000,000.00 (six million dollars) or when the project, in the opinion of the head of the Plan Review Division, is determined to be a "complex structure". Notwithstanding these requirements, the head of the Plan Review Division, with approval of the Commissioner, may require individual affidavits, such as structural or mechanical affidavits, if deemed necessary, on projects which may not otherwise qualify as "Affidavit Projects".

2. Affidavit Projects; Requirements

When a project is, under the above criteria, designated as an "Affidavit Project", the following affidavits shall be required:

- A. Design Affidavits
 - a. Architectural Design Affidavit
 - b. Structural Design Affidavit
 - c. Mechanical Design Affidavit
 - d. Electrical Design Affidavit
- B. Inspection and Final Affidavits
 - a. Inspection Affidavit
 - b. Licensed Builder Affidavit
 - c. Inspection Final Affidavit (Architect and/or Engineer)
 - d. Architectural Final Affidavit
 - e. Structural Final Affidavit
 - f. Mechanical Final Affidavit
 - g. Electrical Final Affidavit
 - h. Licensed Builder Final Affidavit

Copies of these affidavits are attached and made part of this bulletin

3. Affidavit Architect or Engineer Requirement

The inspection Affidavit Architect or Engineer shall be in the employ of the Owner, Design Architect or Design Engineer, and not in the employ of the General Contractor (Licensed Builder), or acting as the General Contractor.

4. Cost of Construction

When the estimated cost of any project is expected to exceed \$6,000,000.00, or the project in the opinion of the head of the Plan Review Division may be classified as a complex structure, the Owner, Inspection Architect, or Inspection Engineer shall appoint a qualified person to be the Clerk of the Works for the proposed project. In no case shall the Clerk of the Works be employed by or be responsible to the General Contractor (Licensed Builder). However, the Clerk of the Works, in addition to all other responsibilities, shall be under the direct authority of the Commissioner of Inspectional Services or his designee, who shall approve the appointment of the Clerk of the Works prior to the issuance of the building permit. The Clerk of the Works shall submit a resume to the Commissioner or his designee, indicating his technical qualifications. Upon approval by the Commissioner, there shall be executed an Appointment and Approval form which is attached to this bulletin as Appendix A.

The Commissioner or his designee may waive the requirement of a full time Clerk of the Works if in his opinion full time or site observation is not required. In such an event, the Inspection Architect or Engineer shall assume the duties of the Clerk during his weekly site visit.

5. Site Visits; Reports; Logs

The inspection Architect or Engineer or their representative shall make at least one site visit per week to the building or structure until the completion of the project. A report shall be filed monthly with the Commissioner or the local building inspector.

In addition, the Clerk of the Works, as described above, shall maintain a daily log in a form as furnished or approved by the Inspectional Services Department.

6. Log Book Requirements Detailed

With respect to the log book, as required by item #5, the following requirements shall be in force:

- A. The log book must contain detailed information for all sign-ins so that a summary record of the project will be obtained. A copy of a sample log sheet is attached as an example.
- B. Substantial changes in design, as well as, significant problems in construction, must be reported to the Commissioner with proposed modifications or proposed problem solutions before they are affected.
- C. Regular reports on progress and problems during construction are to be sent to the Commissioner on a monthly basis by the Licensed Builder or by the inspection affidavit engineer or architect.
- D. An up-to-date project listing is to be filed with the Commissioner's office containing the following information:
 - a. Work site phone number
 - b. Name, address and phone number of on-the-job Licensed Builder, Architect, Structural Engineer, etc...
 - c. Name, address and phone number of owner and owner's representative
- E. The fully documented project log must be accompanied by the request for a Certificate of Occupancy. Moreover, any change in the estimated "Fair Cost" of the project shall be settled before a Final Certificate of Occupancy is issued.

7. More Frequent Site Visits Authorized

The Commissioner of Inspectional Services, at their discretion, may require that the Inspection Affidavit Architect or Engineer visit the project on a more frequent basis than that required in No. 5 above.

8. Required Notification to Commissioner

The Inspection Affidavit Architect or Engineer and the Clerk of the Works shall promptly notify the Commissioner regarding any of the following events or conditions, which they observe in the course of performing their duties: code violations, changes which affect code compliance, the use of any materials, assemblies, components, or equipment prohibited by code, major or substantial changes between approved plans and specifications and the work in progress, or any condition which he identifies as constituting an immediate hazard to the public.

9. Final Affidavits

Upon substantial completion of the project and prior to the issuance of a Certificate of Occupancy, a final affidavit will be required to be filed with the Department by the Inspection affidavit or engineer, as well as, the other affidavit personnel. No final affidavit will be waived. However, a final affidavit may, upon good cause shown and at the discretion of the Commissioner, be furnished and accepted from an architect, engineer(s) and builder other than the one who first filed the Inspection Affidavit.

10. Architect and Engineer Registration Required; Provided Services Consistent with Massachusetts State Building Code and other applicable laws, rules and regulations

All architects or engineers, as mentioned above, must be registered in the Commonwealth of Massachusetts. They shall perform all services required under this Bulletin in a non-negligent manner in accordance with pertinent provisions of the Massachusetts State Building Code and other applicable laws, rules and regulations. Nothing contained in the bulletins or in the affidavits required hereunder shall be deemed to reduce, extend or modify the standard of professional care set forth in the foregoing sentence.

11. Additional Requirements for Complex Projects/Structures/Systems

Certain plans and computations of complex structures or systems may be required by the Inspectional Services Department, to undergo examination by a second engineer or architect registered in the Commonwealth of Massachusetts. The expense of the second examination shall be borne by the owner. It shall consist of an examination by an impartial engineer or architect who, upon their examination and conference with the designer, will send a letter to the Commissioner of Inspectional Services stating that they have checked the details, computations, stress diagrams and other data necessary to describe the construction and basis of calculations and further stating that in their judgment the requirements of the code have met with respect to the design.

Signed:


Sean C. Lydon
Commissioner

Date 1/5/2023


Marc A. Joseph
Inspector of Buildings

Date 01/05/2023

APPENDIX A

ORDER OF THE COMMISSIONER OF INSPECTIONAL SERVICES CONCERNING ACCEPTANCE OF CLERK OF WORKS & REPORT REQUIREMENTS ON PROJECT

Pursuant to Sections 107.6, 1706.2.2 of the Commonwealth of Massachusetts State Building Code (the "Code") and Commissioner's Bulletin, the following procedure for construction inspection reporting is hereby required during construction of the project.

The Project Representative (the "Representative") engaged by the Architect or owner to fulfill the requirements of this bulletin respecting a Clerk of the Works shall be subject to the approval of the Commissioner, which approval shall not be unreasonably withheld or delayed. The Commissioner may withdraw their approval of the Representative previously given if, in their reasonable judgment, the Representative is not discharging the responsibilities required by this Order with the professionalism required for a job of the size and complexity of the Project. Any replacement of the Representative shall be subject to the provisions of this paragraph concerning approval and withdrawal of approval by the Commissioner.

The Representative shall submit written reports directly to the Commissioner on the 1st day of each month. The reports shall contain a summary of construction activities on the Project site during the preceding month, including work in progress and work completed, and a summary of all material deviations from the plans and specifications upon which said Building Permits were issued, or the requirements of Code, observed during such period and the disposition thereof. In addition to such monthly reports, the Representative shall advise the Commissioner, whenever, in his professional judgment, a condition arises in the course of construction of the Project which is a material deviation from the plans and specifications upon which said Building Permits were issued, or the requirements of the Code, the remedy or correction of which cannot be or is not being undertaken in the ordinary course. Such advice shall be in writing and shall be hand delivered to the Commissioner.

**ORDER OF THE COMMISSIONER OF INSPECTIONAL SERVICES CONCERNING
ACCEPTANCE OF CLERK OF WORKS & REPORT REQUIREMENTS ON PROJECT**

The Representative shall make available to the Commissioner for inspection at the site office for the Project all diaries and logs, records and reports of test procedures and results, and similar records maintained by the Representatives during the course of construction.

Signed for the Owner:

Signed for Department of Inspectional Services:

COMMISSIONER

Print Name: -----
Company: -----
Address: -----

Phone: -----
Date: -----
Email: -----

Signed for the Affidavit Architect:

Print Name: -----
Company: -----
Address: -----

Phone: -----
Date: -----
Email: -----

Signed by Designated Clerk of the Works:

Print Name: -----
Company: -----
Address: -----

Phone: -----
Date: -----
Email: -----

PROJECT ADDRESS

Licensed Builder: -----
Company: -----
Address: -----
Phone: ----- Email: -----
Class: ----- Lic. No.: -----

Affidavit Engineer or Architect: -----
Company: -----
Address: -----
Phone: ----- Email: -----
Mass. Reg. No.: -----

PERMITS:	NUMBER	CONTRACTOR	ADDRESS
Building:	-----	-----	-----
Electrical:	-----	-----	-----
Gas:	-----	-----	-----
Plumbing:	-----	-----	-----
Sprinkler:	-----	-----	-----
Elevator:	-----	-----	-----
Sheet Metal:	-----	-----	-----

NFPA Provided: YES or NO



COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON

Number: 2023-02
Date: July 18, 2023

Subject: Compliance Documents Required Prior to Issuance of Certificate of Occupancy for Projects Located within Floodplain Districts

Purpose: The purpose of this Bulletin is to update requirements for the issuance of Certificates of Occupancy for certain projects located within the Floodplain District.

Determination:

All new construction and substantial rehabilitation/improvement projects requiring a building permit issued by the Inspectional Services Department located within the Floodplain District must comply with the documentation requirements outlined in this Bulletin in order to obtain a Certificate of Occupancy.

Definitions:

For the purposes of this Bulletin, the following definitions shall apply:

Floodplain District, the Floodplain District is a type of special purpose overlay district established pursuant to Section 3-1A of the Boston Zoning Code. The District includes all special flood hazard areas within the City of Boston designated as Zone A, AE, AH, AO, A99, V, or VE on the Suffolk County Flood Insurance Rate Map ("FIRM") issued by the Federal Emergency Management Agency ("FEMA") for the administration of the National Flood Insurance Program (NFIP). (see Boston Zoning Code, [Article 25 "Flood Hazard Districts"](#))

New construction means the construction of any structure or building, including the installation and/or construction of a tool or storage shed or other similar accessory structure, requiring a building permit issued by the Inspectional Services Department.

Substantial rehabilitation/improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which is more than fifty percent (50%) of the physical value of the structure or structures. Physical value shall be based on the assessed value, as recorded on the assessment rolls of the City as of the January 1 preceding the date of the filing of an application for a building permit with the Inspectional Services Department.

Required Documentation:

In addition to all other documents required for a Certificate of Occupancy, projects subject to this Bulletin located within the Floodplain District must submit, as part of the Certificate of Occupancy application, an Elevation Certificate regarding the **as-built finished construction condition** of the project, using [FEMA Form FF-206-FY-22-152 \(formerly 086-0-33\)](#), a copy of which can be found at www.fema.gov/flood-insurance/find-form/underwriting, or the most up-to-date form as may be amended from time to time by FEMA.

Signed:



Sean C. Lydon
Commissioner

Date 7/19/2023



Marc A. Joseph
Inspector of Buildings

Date 7/19/2023



COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON

Number: 2023-03
Date: October 4, 2023

Subject: Fast Track Program

Purpose: This Bulletin outlines the procedures and requirements for permit applications submitted for review under the Fast Track Program

General Considerations:

The Inspectional Services Department (ISD), 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 in effecting the timely issuance of permits for an expanded number of buildings. In this regard, the Fast Track program will be further expanded to include permit applications submitted pursuant to 780 CMR 105.11, which meet the eligibility criteria set forth below.

Determination and Authorization:

Commissioner's Bulletin 2003-05 - *Expansion of the Fast Track Program*, is hereby rescinded and replaced by this Bulletin. Under the authority of the Massachusetts State Building Code, Section 102.2 and the City of Boston Code, Ordinances, Chapter 9, as amended, there is hereby established within ISD 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.

01. Eligibility for Participation in the Fast Track Program

All permits for proposed work which are in substantial compliance with all applicable building regulations and standards and do not require:

- a. A zoning determination
- b. A change of use or occupancy, or an expansion of an existing use
- c. Substantial alterations to the building structure

02. Documents Required for the Fast Track Program

Applicants for the Fast Track Program shall submit a fully completed long form permit application. The application must be accompanied by the following documentation:

- a. Payment for the permit fee.
- b. One electronic set of complete plans and specifications, including, if relevant, layout of sprinkler heads and compliance with other applicable fire prevention and other necessary requirements.
- c. A letter from the building owner(s) or authorized agent indicating approval of the plans as submitted.
- d. A signed affidavit from the approved independent Massachusetts registered architect or engineer who is required to visit the work site periodically to ensure that construction is consistent with the permit as issued and all applicable laws and requirements. The dedicated independent professional shall keep a log of visit which shall include comments and instructions given regarding construction conformance. This independent professional shall meet the requirements set forth in Section 03 below.
- e. All affidavits signed by those professionals associated with the proposed project (e.g. architects, engineers, mechanical/electrical engineers, etc.) shall make the following assurances as applicable:
 - i. the submitted plans conform to all applicable building, zoning and fire codes;
 - ii. the proposed construction does not constitute a “substantial alteration” of the building structure or a change of use or occupancy of the building as defined in applicable codes;
 - iii. structural alteration and floor loading complies with applicable building and fire codes;
 - iv. installation of fire alarms, smoke detectors, etc. as required by applicable codes have been, or will be, provided.
- f. The name, address, day & night phone number, email address, and license information of the builder in charge of work site operations.

Note: Incomplete applications will not be accepted for the Fast Track Program.

03. Requirements of the Independent Professional

The Inspector of Buildings or their designee must approve any professional associated with the project who is required to submit an 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, the permit number and address for the project. The Inspector of Building, or their 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.

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 their professional seal. The professional shall be independent of the contractor(s) doing the work. The professional shall not be an employee or associate of the architect/engineer of record unless requested by the owner and approved by the Inspector of Building or their designee. Such records and logs of the independent professional shall be made available to the Inspector of Buildings or their designee upon request.

04. Processing Fast Track Applications

Fast Track applications shall be submitted in the same manner as long form permit applications and shall be initially examined at the time of submission to ensure that basic criteria have been met and that all required documentation is included. If these requirements have been met, the submission shall be determined to have been received under the Fast Track Program and will be assigned to a Plans Examiner for review.

If the submitted application is determined to include all applicable documentation as being in order, the applicant will be notified within seven (7) working days that the building permit is ready for issuance.

No work under the Fast Track Program may begin until a building permit has been issued.

No Fast Track Program permit application may be amended if the amendment will take the scope of the proposed project outside the criteria of the Fast Track Program. Any amendment to a Fast Track Program permit application shall reference the application number and scope of work of the original Fast Track Program permit application. Any amendment that fails to meet the Fast Track Program 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.

The Plans Examiner to whom the application is assigned may also reject the application as ineligible or incomplete after submission if the facts warrant. ISD reserves the right, and has the obligation, to make a more detailed review of the Fast Track Program permit application at any time after the permit has been issued.

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 and all permit fees.

05. Certificate of Occupancy

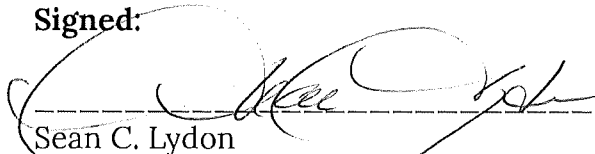
When the work is completed, the owner or the owner's representative shall file an application for a Certificate of Use & Occupancy ("CO") for the completed construction accompanied by fee payment. The application must be accompanied by an affidavit signed by the independent professional attesting that:

- a. the site has been visited periodically during the construction, giving dates and times 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 all of the Fast Track Program requirements identified in this Bulletin.

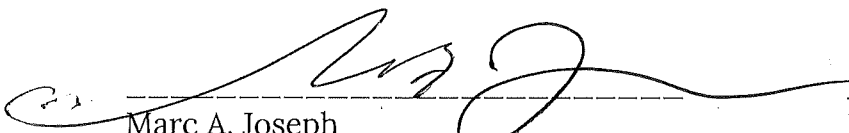
Any approved amendments to the original plans must be reflected in any affidavit submitted and bear the similar certification as noted above.

All of the current requirements and timeframes for obtaining a Certificate of Use & Occupancy are applicable to Fast Track Program applications.

Signed:


Sean C. Lydon
Commissioner

10/4/2023
Date


Marc A. Joseph
Inspector of Buildings

10/4/2023
Date



COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON

Number: 2023-04
Date: November 29, 2023

Subject: Implementation of An Ordinance Governing Construction and Demolition Operations in the City of Boston

Purpose: This Bulletin outlines the procedures and requirements regulation of Construction and Demolition Operations in compliance with City of Boston Code, Ordinances, Chapter 16-65.

01. Determinization and Authorization:

Pursuant to City of Boston Code, Ordinances, Chapter 16-65, *Ordinance Governing Construction and Demolition Operations in the City of Boston*, Subsection 16-65.8, the Commissioner of Inspectional Services promulgates these rules and regulations related to the implementation said Ordinance. A copy of said Ordinance is attached hereto as *Appendix A*.

The purpose of said Ordinance is to ensure that all construction and demolition operations in the City of Boston are conducted in a manner that protects the health, welfare, and safety of the general public and to protect public and private property from any potential dangers that may result from construction or demolition operations in the City.

No provision of this Ordinance requires the Inspectional Services Department, or any other City entity, to interpret or enforce any existing Occupational Safety and Health Administration ("OSHA") health and safety regulation that governs the safety of persons employed in construction or demolition operations.

02. Applicability:

This Ordinance and Commissioner's Bulletin apply to all demolition and construction operations in the City of Boston except for those permitted under a Homeowner Waiver as issued by the Inspectional Services Department, as it pertains to the safety of the public and property. The administrative regulations outlined below apply to new permit applications, subject to the provisions of the Ordinance, submitted on or after the effective date of this Bulletin.

03. Definitions:

For the purposes of this Bulletin, the following definitions shall apply:

- Competent Person: One who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.
- Qualified Person: One who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his/her ability to solve or resolve problems relating to the subject matter, the work, or the project.
- Demolition: The dismantling, razing or destroying of any building or structure or any part thereof
- OSHA: The Federal Occupational Safety and Health Administration. The agency is charged with ensuring safe and healthful working conditions for workers by enforcing workplace safety standards and by providing training, outreach, education and assistance to private employers.
- OSHA 30-Hour Training Program: A comprehensive safety program authorized by the Federal Occupational Safety and Health Administration (OSHA) that trains workers and employers on recognition, avoidance, abatement and prevention of safety and health hazards in the workplace.
- Site Safety Coordinator: A site safety coordinator is a person with at least an OSHA 30-hour training that is designated by the owner, agent, construction manager, or general contractor at all construction projects larger than 50,000 square feet and all demolition projects for buildings 4 stories or larger to perform the duties defined in this Ordinance.
- Site Safety Plan: A project-specific, site-specific safety plan that defines planned protections from potential hazards to people on the project site, the public and property.
- Site Safety Plan Affidavit: A sworn statement on a form determined by the Department certifying that the permit holder or their designee has prepared and will implement a project specific, site safety plan that defines planned protections from the potential hazards to people on the project site, the public, and property from construction and demolition operations and meets the applicable requirements defined by the Department. As part of the affidavit, the permit holder or their designee will attest that their project will comply with all applicable OSHA health and safety regulations.
- Permit: A permit for the construction, alteration, or demolition of a structure issued by the Inspectional Services Department. For the purposes of this Bulletin, a permit shall not include any permit issued under a Homeowner Waiver, or any trades permits (electrical, plumbing, gas, mechanical), provided however, that any workers engaged on a site conducting trades work subject to a trades permit, shall be included in the Site Safety Orientation and Site Safety Refresher.
- Permit Holder: An individual or entity that has secured a permit from the Inspectional Services Department for construction work and is responsible for the work conducted pursuant to that permit. The Permit Holder is the individual whose specific license is associated with the issuance of the applicable permit.

04. Documentation Requirements:

For **all permit applications subject to this Bulletin**, the following documentation must be submitted to the Inspectional Services Department as part of the permit application:

- a. Site Safety Plan Affidavit, signed by the Licensed Individual/permit holder. A copy of said Affidavit is attached to this Bulletin as *Appendix B*.
 - i. The Site Safety Plan Affidavit shall be uploaded to the permit application, via the online permitting portal, prior to the issuance of the permit.
 - ii. The Site Safety Plan Affidavit shall be signed and dated by the Permit Holder who is the Licensed Individual associated with the permit.

For **construction/renovation projects in excess of 50,000 square feet and demolition projects for buildings 4-stories or larger**, the following shall be submitted to the Inspectional Services Department prior to the commencement of work:

- a. Notice of Primary Site Safety Coordinator, any Alternate Site Safety Coordinator, or Change of Primary Site Safety Coordinator, using the form attached to this Bulletin as *Appendix C*.
 - i. Said form shall be submitted to the Inspector of Buildings **prior** to the commencement of work **OR immediately upon any change** in the designated Primary Site Safety Coordinator.
 - ii. Initial Notification must be made via uploading the "Notice of Primary Site Safety Coordinator" Form to the applicable permit application. Upon any change to the Primary Site Safety Coordinator, additional notice must be made via email to the appropriate Ward Building Inspector, using the subject line "Designation of Site Safety Coordinator for Permit (insert the applicable permit number)".
 1. A list of Ward-assigned Building Inspectors can be found on ISD's website at: <https://www.boston.gov/departments/inspectional-services/inspectional-services-contacts#building>

05. Operational Requirements:

For **all permit applications subject to this Bulletin**, the following operations are required:

- a. Site Safety Orientation - Each permit holder shall ensure that each construction or demolition worker employed or otherwise engaged at such site by the permit holder or performing subcontracted work for or on behalf of such permit holder receives a site safety orientation reviewing the contents of the Site Safety Plan.
- b. Site Safety Orientation Refresher - Each worker employed or otherwise engaged at such site by the permit holder or performing subcontracted work for or on behalf of such permit holder shall receive a site safety refresher if such worker (i) has performed construction or demolition work at such site for one year or more and (ii) one year or more has elapsed since such worker received a site safety orientation or refresher with respect to such site.
 - i. Site safety orientations and refreshers required by this section shall include a review of safety procedures at such site and any hazardous activities to be performed at

such site. In addition, information pertaining to the site safety training shall be made available to each worker in a language that they understand.

- c. Pre-Shift Safety Meetings - Each permit holder shall ensure that each construction or demolition worker employed or otherwise engaged at such site by the permit holder or performing subcontracted work for or on behalf of such permit holder takes part in a safety meeting at the beginning of such worker's shift, but before such worker commences any construction or demolition work in such shift. The pre-shift safety meeting shall include a review of activities and tasks to be performed during the shift, including specific safety concerns or risks associated with fulfilling such work.
- d. Ongoing Updates - As work progresses, the permit holder will modify their briefings to address current conditions and expectations. If changed conditions render any attestations on the Site Safety Plan Affidavit inaccurate, then the permit holder shall re-submit an updated version of their Site Safety Plan Affidavit.

For **construction/renovation projects in excess of 50,000 square feet and demolition projects for buildings 4-stories or larger**, the Site Safety Coordinator shall be responsible for:

- a. Presence at Site - The Site Safety Coordinator shall be present at the site during all times while active work is occurring and through all phases of work, beginning with excavation and continuing until the building is enclosed and all temporary protective measures are removed. For the demolition of a building, the Site Safety Coordinator shall be present at the site during all times while active work is occurring and through all phases of work, beginning with the removal of any glass, asbestos, or façade and, for a full demolition, continuing until the site has been backfilled to grade, or for a partial demolition until the building is enclosed and all temporary protective measures are removed.
- b. Weekly Safety Meeting - The Site Safety Coordinator shall lead a safety meeting with the designated representative of the general contractor, construction manager, and each subcontractor to ascertain that all contractors and subcontractors are complying with the site safety plan. Such meetings shall occur at least once a week while active work is occurring.
- c. Spot Checks - The Site Safety Coordinator shall personally perform spot checks of the site on a regular basis throughout the day for compliance with the site safety plan.
- d. Inspections - Weekly inspections conducted by the Site Safety Coordinator
- e. Keeping of Site Safety Log - The Site Safety Coordinator shall maintain and keep a site safety log at the site. The log is not required to be submitted to the Inspectional Services Department, but must be kept and maintained on site and available for inspection by the Department. The log, or where there is more than one log, the logs in total, shall, at a minimum, contain the following information:
 - i. Date and location of inspections performed in accordance with this Ordinance;
 - ii. Date and names of individuals met with to satisfy the requirements of the Weekly Safety Meeting;
 - iii. Any unsafe conditions, and dates and locations of said unsafe conditions;
 - iv. Companies and representatives notified of unsafe conditions;
 - v. Dates of notification of unsafe conditions;

- vi. Dates of correction of unsafe conditions and nature of correction; and
 - vii. Any violations, stop work orders, or summonses issued by the Inspectional Services Department, including date issued and date lifted or dismissed.
- f. Recording of Change in Safety Coordinator - If at any point during the day an Alternate Site Safety Coordinator acts as the Primary Site Safety Coordinator, this shall be noted in the log, and the Alternate Site Safety Coordinator shall log in. If a Site Safety Coordinator is relieved of his or her responsibilities at the site, or a Site Safety Coordinator leaves the site for any reason, this shall be indicated in the site safety log, and another Site Safety Coordinator shall assume the duties of such relieved or absent Site Safety Coordinator by signing in.
- g. Reportable Hazardous Conditions (pursuant to CBC 16-65.5(b)(iii)) - The Site Safety Coordinator shall immediately notify the Inspectional Services Department directly, via email to ISDcommissioner@boston.gov, if he or she discovers any such hazardous or dangerous conditions or incidents, including any unpermitted work or use of unpermitted equipment. The Site Safety Coordinator shall report violations of federal workplace safety regulations to OSHA or the applicable federal department or agency in the manner that those departments and agencies have deemed appropriate.
- h. Conditions to be noted in Site Safety Log (pursuant to CBC 16-65.5(b)(ii)) - In the event the Site Safety Coordinator discovers a violation of the Site Safety Plan, he or she shall immediately notify supervisory personnel of the general contractor or subcontractor responsible for creating the violation and inform them of the corrective work necessary to abate any unsafe conditions. All such violations and corrective work shall be recorded in the Site Safety Log as defined above. Where unsafe work or an unsafe condition relates to an item which a registered design professional or special inspection agency is responsible for implementing or verifying, the Site Safety Coordinator must also notify the responsible registered design professional or special inspection agency of the unsafe work or condition.

06. Procedures for ISD Staff

Prior to the issuance of a permit subject to this Bulletin, employees reviewing permit applications shall confirm that a signed and dated Site Safety Plan Affidavit is attached to said permit application.

Following the issuance of **any permit subject to this Bulletin** and commencement of permitted work, ISD Field Inspectors shall:

- a. Upon inspection, confirm that the Site Safety Plan is available for review on site
- b. Upon inspection, review records of Site Safety Orientation, Annual Refresher, and Pre-Shift Safety Meetings, required to be kept by the Primary Site Safety Coordinator
 - i. Site Safety Orientation - a dated record of orientation on the contents of the Site Specific Safety Plan, that includes:
 - 1. the name, title and company affiliation of each worker who participated
 - 2. the name, title and company affiliation of the Qualified Person who conducted the orientation, with their signature

- ii. *Record of Annual Refresher* - a dated record confirming the Site Safety Orientation has been completed annually for all workers who have been at the site for one year or more and one year has elapsed since said worker has received the Site Safety Orientation
- iii. *Record of Pre-Shift Safety Meeting* - a dated record of Pre-Shift Safety Meetings conducted before each worker's shift that includes:
 - 1. the name, title and company affiliation of each worker who participated
 - 2. the name, title and company affiliation of the Competent Person who conducted the meeting, with their signature

For **Construction Projects larger than 50,000 square feet and all demolition projects of buildings four stories or larger**, ISD Field Inspectors shall:

- a. Upon inspection, confirm the presence of the Primary (or Alternate) Site Safety Coordinator
- b. Upon inspection, review records of the Site Safety Log, Log of Weekly Meetings, Log of Unsafe Conditions, Log of any Violations, Stop Work Orders, or Summonses issued by ISD
 - i. *Site Safety Log* - a dated record of all inspections performed at the site.
 - ii. *Log of Weekly Meetings* - a dated record of pre-shift safety meetings that includes:
 - 1. the name, title and company affiliation of each worker who participated
 - 2. the name, title and company affiliation of the competent person who conducted such meeting, along with such person's signature.
 - 3. Said log shall include a record of one pre-shift safety meeting per week for the duration of the project.
 - iii. *Log of Unsafe Conditions* - dated record of identified unsafe conditions, including the location of said unsafe condition, companies and representatives notified, and correction of said unsafe condition and the nature of said correction
 - iv. *Log of Any Violations, Stop Work Orders or Summonses issued by ISD* - dated record that must include the date said Violation, Stop Work Order or Summons was issued and the date said Violation, Stop Work Order or Summons was lifted or dismissed.

07. Enforcement

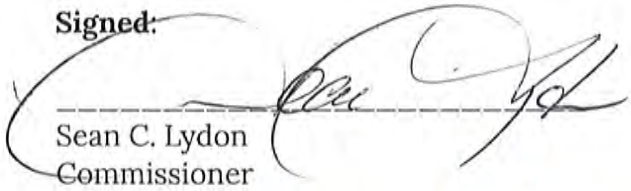
Pursuant to City of Boston Code, Ordinances, Chapter 16-65.7, the Inspectional Services Department may issue violations, Stop Work Orders, revoke permits and impose fines upon permit holders, developers, general contractors/construction managers, and subcontractors found to be in non-compliance with this Ordinance.

- a. Violations, Stop Work Orders and the revocation of permits may be imposed by the assigned Building Inspector.
- b. Fines may be imposed by the Commissioner of the Inspectional Services Department at the recommendation of the Inspector of Buildings as follows:
 - i. Fines to a maximum of three hundred dollars (\$300.00) for each violation. A violation occurs where a general contractor/ construction manager or subcontractor has not complied with this Ordinance. Each day of noncompliance shall be considered a separate violation. The provisions of this section may be enforced in accordance with the noncriminal disposition process of M.G.L. c. 40, s. 21D, and, if applicable, by seeking to restrain a violation by injunction or other court proceeding.

08. Appendices

- Appendix A: City of Boston Code, Ordinances, Chapter 16-65, *Ordinance Governing Construction and Demolition Operations in the City of Boston*
 - Appendix B: Site Safety Plan Affidavit
 - Appendix C: Notice to Department of Primary Site Safety Coordinator/Alternate Site Safety Coordinator/Change of Primary Site Safety Coordinator
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Signed:


Sean C. Lydon
Commissioner

Date 11/30/2023


Marc A. Joseph
Inspector of Buildings

Date 11/30/2023



City of Boston Code, Ordinances, Chapter 16-65 - *An Ordinance Governing Construction and Demolition Operations in the City of Boston*

16-65 Safe Construction and Demolition Operations in the City of Boston

16-65.0 Definitions.

For the purpose of subsection 16-65.0 through 16-65.8, the following definitions shall apply:

Commissioner. Commissioner of the Inspectional Services Department or a designee.

Department. The Inspectional Services Department.

Demolition. Demolition is the dismantling, razing, destroying of any building or structure or any part thereof.

Inspector of Buildings. The individual charged with the administration and enforcement of the Massachusetts State Building Code in accordance with M.G.L. c. 143, §§ 3 and 3A.

OSHA. The federal Occupational Safety and Health Administration. The agency charged with ensuring safe and healthful working conditions for workers by enforcing workplace safety standards and by providing training, outreach, education and assistance to private employers.

OSHA 30-Hour Certification. A comprehensive safety program authorized by the Federal Occupational Safety and Health Administration (OSHA) that trains workers and employers on recognition, avoidance, abatement and prevention of safety and health hazards in the workplace.

Site Safety Plan Affidavit A sworn statement on a form determined by the Department certifying that the permit holder or their designee has prepared and will implement a project specific, site safety plan that defines planned protections from the potential hazards to people on the project site, the public, and property from construction and demolition operations and meets the applicable requirements defined by the Department. As part of the affidavit, the permit holder or their designee will attest that their project will comply with all applicable OSHA health and safety regulations.

Site Safety Coordinator. A site safety coordinator is a person with at least an OSHA 30-hour certification that is designated by the owner, agent, construction manager, or general contractor at all construction projects larger than 50,000 square feet and all demolition projects for buildings 4 stories or larger to perform the duties defined in this Ordinance.

Permit. A permit for the construction, alteration, or demolition of a structure issued by the Inspectional Services Department.

Permit Holder. An individual or entity that has secured a permit from the Inspectional Services Department for construction work and is responsible for the work conducted pursuant to that permit.



16-65.1 Purpose and Scope.

The purpose of this Ordinance is to ensure that all construction and demolition operations in the City of Boston are conducted in a manner that protects the health, welfare, and safety of the general public and to protect public and private property from any potential dangers that may result from construction or demolition operations in the City. No provision of this Ordinance requires the Inspectional Services Department, or any other City entity, to interpret or enforce any existing OSHA health and safety regulation that governs the safety of persons employed in construction or demolition operations.

This Ordinance applies to all demolition and construction operations in the City of Boston except for those permitted under a Homeowner Waiver as issued by the Inspectional Services Department, as it pertains to the safety of the public and property.

16-65.2 Responsibility for Safety.

Nothing in this chapter shall be construed to relieve persons engaged in construction or demolition operations from complying with existing OSHA safety regulations or other applicable provisions of law, nor is it intended to alter or diminish any obligation otherwise imposed by law on any party engaged in a construction or demolition operation, including but not limited to the owner, construction manager, general contractor, sub-contractors, material men, registered design professionals, or other party to engage in sound design and engineering, safe construction or demolition practices, including but not limited to debris removal, and to act in a reasonable and responsible manner to maintain a safe construction or demolition site.

16-65.3 Fire Prevention Code.

In addition to the requirements of this chapter, construction or demolition operations shall also be conducted in conformance with the City of Boston Fire Prevention Code.

16-65.4 Site Safety Plan Affidavit Required.

Except in instances where a permit is issued with a Homeowner Waiver, no permit for the construction, alteration or demolition of any structure subject to the requirements of this Ordinance shall be issued until a Site Safety Plan Affidavit, on a form as determined by the Department, has been submitted to the Commissioner or the Inspector of Buildings or their designee.

16-65.5 Site Safety Monitoring Plan Required.

Each permit holder shall enact and maintain a site safety monitoring program to implement the site safety plan attested to in their affidavit. The site safety monitoring program shall, at a minimum, include:

- (a) Site safety orientation and refresher. Each permit holder shall ensure that each construction or demolition worker employed or otherwise engaged at such site by the permit holder or performing subcontracted work for or on behalf of such permit holder receives a site safety orientation and refresher reviewing the contents of the site safety plan.



(i) *Site safety orientation.* Each worker employed or otherwise engaged at such site by the permit holder or performing subcontracted work for or on behalf of such permit holder shall receive a site safety orientation on the contents of the site safety plan before such worker commences any construction or demolition work at such site.

(ii) *Site safety refresher.* Each worker employed or otherwise engaged at such site by the permit holder or performing subcontracted work for or on behalf of such permit holder shall receive a site safety refresher if such worker (i) has performed construction or demolition work at such site for one year or more and (ii) one year or more has elapsed since such worker received a site safety orientation or refresher with respect to such site.

(iii) *Site safety orientation and refresher content.* Site safety orientations and refreshers required by this section shall include a review of safety procedures at such site and any hazardous activities to be performed at such site. In addition, information pertaining to the site safety training shall be made available to each worker in a language that they understand.

(iv) *Records.* A record of all orientations conducted for the site shall be maintained by the permit holder and kept at the site. Such record shall include for each such orientation or refresher: 1. The date and time of such orientation or refresher; 2. The name, title and company affiliations of each worker who participated; and 3. The name, title and company affiliation of the qualified person who conducted such orientation or refresher, along with such person's signature.

(b) Pre-shift safety meetings. Each permit holder shall ensure that each construction or demolition worker employed or otherwise engaged at such site by the permit holder or performing subcontracted work for or on behalf of such permit holder takes part in a safety meeting at the beginning of such worker's shift, but before such worker commences any construction or demolition work in such shift.

(i) *Pre-shift safety meeting.* Pre-shift safety meetings shall be conducted at the beginning of each worker's shift, but before such worker commences any construction or demolition work in such shift, by a person designated by the permit holder, or where so authorized by the permit holder, by a person designated by the subcontractor. Such person shall have the ability to communicate with each worker who takes part in such meeting.

(ii) *Pre-shift safety meeting content.* The pre-shift safety meeting shall include a review of activities and tasks to be performed during the shift, including specific safety concerns or risks associated with fulfilling such work.

(iii) *Records.* The permit holder shall maintain, for each worker, a record of one pre-shift safety meeting per week. Such record shall include for each such meeting:

1. The date and time of each such meeting;
2. The name, title and company affiliation of each worker who participated; and
3. The name, title and company affiliation of the competent person who conducted such meeting, along with such person's signature.



- (c) Ongoing Updates to Plans and Briefings. As work progresses, the permit holder will modify their briefings to address current conditions and expectations. If changed conditions render any attestations on the Site Safety Plan Affidavit inaccurate, then the permit holder shall re-submit an updated version of their Site Safety Plan Affidavit.

16-65.6 Site Safety Coordinator Required.

- (a) Site safety coordinator to be designated. A site safety coordinator shall be designated by the owner, agent, construction manager, or general contractor at all construction projects larger than 50,000 square feet and all demolition projects for buildings 4 stories or larger. The designated site safety coordinator must have at least an OSHA 30-hour certification. Where more than one site safety coordinator is to serve at the site, all such entities shall agree to designate one such site safety coordinator as the primary site safety coordinator, or where there is only one site safety coordinator, such coordinator shall automatically be designated as the primary site safety coordinator. The primary site safety coordinator shall carry out all duties and responsibilities assigned to the site safety coordinator by this Ordinance.
- (i) *Notification to the department of the primary site safety coordinator.* The Inspectional Services Department shall be notified of the primary site safety coordinator prior to the commencement of work. In the event that an alternate site safety coordinator will be acting in place of the primary site safety coordinator for a period longer than two consecutive weeks, the department must be so notified. Any permanent change of the primary site safety coordinator requires immediate notification to the Inspectional Services Department.
- (ii) *Presence at the site.* For the construction or alteration of a building, the site safety coordinator shall be present at the site during all times while active work is occurring and through all phases of work, beginning with excavation and continuing until the building is enclosed and all temporary protective measures are removed. For the demolition of a building, the site safety coordinator shall be present at the site during all times while active work is occurring and through all phases of work, beginning with the removal of any glass, asbestos, or façade and, for a full demolition, continuing until the site has been backfilled to grade, or for a partial demolition until the building is enclosed and all temporary protective measures are removed.
- (iii) *Alternate site safety coordinator.* Where the primary site safety coordinator is unable to be at the site, an alternate site safety coordinator shall act in place of the primary site safety coordinator and carry out all duties and responsibilities assigned to the site safety coordinator by this Ordinance and rules promulgated by the commissioner. Such shall be recorded in the site safety log, as defined in part (d) of the section, and notification shall be provided to the Inspectional Services Department.
- (iv) *Limitation on primary site safety coordinator serving at another site.* No site safety coordinator designated as the primary site safety coordinator at a site shall serve as a site coordinator at any other site.
- (b) Site safety coordinator's duties. The site safety coordinator shall monitor compliance with the site safety plan and perform all other safety duties assigned by the owner or general contractor to meet legal requirements.
- (i) *Weekly safety meeting.* The site safety coordinator shall lead a safety meeting with the designated representative of the general contractor, construction manager, and each subcontractor to ascertain that all



contractors and subcontractors are complying with the site safety plan. Such meetings shall occur at least once a week while active work is occurring.

(ii) *Notification of violations.* In the event the site safety coordinator discovers a violation of the site safety plan, he or she shall immediately notify supervisory personnel of the general contractor or subcontractor responsible for creating the violation and inform them of the corrective work necessary to abate any unsafe conditions. All such violations and corrective work shall be recorded in the site safety log, as defined in part (d) of the section. Where unsafe work or an unsafe condition relates to an item which a registered design professional or special inspection agency is responsible for implementing or verifying, the Site Safety Coordinator must also notify the responsible registered design professional or special inspection agency of the unsafe work or condition. All such unsafe conditions, work, notices, orders, and corrective action must be recorded in the site safety log, as defined in part (d) of this section.

(iii) *Notification of conditions to the department.* The site safety coordinator shall immediately notify the Inspectional Services Department directly, in a manner determined by the Commissioner, if he or she discovers any such hazardous or dangerous conditions or incidents as determined reportable by the Commissioner in any rules or regulations promulgated pursuant to this Ordinance, including any unpermitted work or use of unpermitted equipment. The site safety coordinator shall report violations of federal workplace safety regulations to OSHA or the applicable federal department or agency in the manner that those departments and agencies have deemed appropriate.

(iv) *Spot checks.* The site safety coordinator shall personally perform spot checks of the site on a regular basis throughout the day for compliance with the site safety plan.

(v) *Inspections.* The following inspections shall be performed and documented by the site safety coordinator:

1. Daily, weekly, and other checks as specified in rules promulgated by the commissioner.

(c) Record of inspections. A record of all such required inspections conducted pursuant to this Ordinance shall be maintained by such site safety coordinator in the site safety log.

(d) Site safety log. The site safety coordinator shall maintain and keep a site safety log at the site. The log, or where there is more than one log, the logs in total, shall, at a minimum, contain the following information:

1. Date and location of inspections performed in accordance with this Ordinance;
2. Date and names of individuals met with to satisfy the requirements of the Weekly Safety Meeting;
3. Any unsafe conditions, and dates and locations of said unsafe conditions;
4. Companies and representatives notified of unsafe conditions;
5. Dates of notification of unsafe conditions;
6. Dates of correction of unsafe conditions and nature of correction;
7. Any violations, stop work orders, or summonses issued by the Inspectional Services Department, including date issued and date lifted or dismissed; and
8. Other relevant information as may be required by the Department.

(e) Recording inspections in the site safety log. Inspections shall be recorded by the end of the day by the site safety coordinator who performed the inspection. The site safety log, or where there is more than one log, each individual log, shall be completed and signed by the site safety coordinator.



- (f) Recording change in site safety coordinator. If at any point during the day an alternate site safety coordinator acts as the primary site safety coordinator, this shall be noted in the log, and the alternate site safety coordinator shall log in. If a site safety coordinator is relieved of his or her responsibilities at the site, or a site safety coordinator leaves the site for any reason, this shall be indicated in the site safety log, and another site safety coordinator shall assume the duties of such relieved or absent site safety coordinator by signing in.

16-65.7 Enforcement.

The Inspectional Services Department shall have the power to issue violations, stop work, revoke permits and impose fines upon permit holders, developers, general contractors/construction managers, and subcontractors found to be in non-compliance with this Ordinance.

Violations, stop work orders and the revocation of permits may be imposed by the assigned Building Inspector.

Fines may be imposed by the Commissioner of the Inspectional Services Department at the recommendation of the Inspector of Buildings as follows:

(a) Fines to a maximum of three hundred dollars (\$300.00) for each violation. A violation occurs where a general contractor/ construction manager or subcontractor has not complied with this Ordinance. Each day of noncompliance shall be considered a separate violation. The provisions of this section may be enforced in accordance with the noncriminal disposition process of M.G.L. c. 40, s. 21D, and, if applicable, by seeking to restrain a violation by injunction or other court proceeding.

(b) Creation of a record of non-compliance with City policy that may be considered when awarding future construction contracts on City-Funded Projects and future permits.

16-65.8 Regulations.

The Commissioner of Inspectional Services may promulgate rules and regulations to carry out the provisions of this section.



Construction & Demolition Safety Ordinance - Site Safety Plan Affidavit

The undersigned Permittee ("Permit Holder") certifies the following under the pains and penalties of perjury:

The Permit Holder hereby acknowledges the City's concerns regarding safety at project worksites, and that the City has implemented new regulations to reduce accidents on and around worksites. The Permit Holder agrees that it has read and understands the City of Boston Code, Ordinances, Chapter 16-65, Ordinance Governing Construction and Demolition Operations in the City of Boston ("the Ordinance") and will conduct its operations in strict compliance with all applicable obligations, guidelines, and requirements imposed by said Ordinance.

The Permit Holder understands that it is the Permit Holder's responsibility to develop, maintain, and follow a written project-specific Safety Plan specifying how it will meet its obligations.

The Permit Holder acknowledges that no provision of the Ordinance requires the Inspectional Services Department, or any other City entity, to interpret or enforce any existing Occupational Safety and Health Administration ("OSHA") health and safety regulation that governs the safety of persons employed in construction or demolition operations and that compliance with OSHA regulations is the sole responsibility of the Permit Holder.

The Permit Holder certifies that it has created and implemented a Site Safety Plan for the site subject to the permit that complies with, and will satisfy, all regulations obligations, guidelines, and requirements imposed by the Ordinance. Specifically, the Permit Holder certifies that the Safety Plan for this site defines planned protections from the potential hazards to people on the project site, the public, and property from construction and demolition operations and meets the applicable requirements defined by the Department, as set forth in Commissioner's Bulletin CB2023-04. The Permit Holder also certifies that each Subcontractor, Sub-subcontractor, and other parties that will perform work on the Project worksite will also comply and will satisfy these requirements. The Permit Holder acknowledges that it is their sole responsibility to ensure that its subcontractors comply with the Ordinance.

The Permit Holder certifies that it will comply with all applicable operational requirements of the Ordinance and the associated Commissioner's Bulletin's administrative procedures, including Site Safety Orientations, Annual Refreshers, Pre-Shift Safety Meetings, keeping of relevant logs and records, making required notifications, and providing required documentation, pursuant to the Ordinance, upon request by the Inspectional Services Department and/or its Inspectors and Building Officials.

The Permit Holder acknowledges and agrees that non-compliance with any of the requirements above, including failure to abide by its own Site Safety Plan, may result in suspension or termination of work in progress or revocation of the City's permit for such work; provided, however that the City reserves the right to allow the Permit Holder the opportunity to immediately correct or cure violations prior to the City issuing a suspension or termination of work in progress or revocation of the City's permit for such work.

Name of Permit Holder	Signature	Date

Project Address



Construction & Demolition Safety Ordinance - Notice of Site Safety Coordinator

Pursuant to City of Boston Code, Ordinances, Chapter 16-65.6(a)(i), for **construction/renovation projects in excess of 50,000 square feet and demolition projects for buildings 4-stories or larger**, prior to the commencement of work, the Permit Holder shall notify the Inspectional Services Department of the Designated Primary Site Safety Coordinator and, if applicable, any Alternate Site Safety Coordinator (if acting in place of the Primary Site Safety Coordinator for a period longer than two consecutive weeks). Following the commencement of work, the Permit Holder shall notify the Inspectional Services Department of any permanent change in the Primary Site Safety Coordinator.

Primary Site Safety Coordinator

Name: _____ Title: _____
Company: _____ Permit No: _____
Project Site: _____ OSHA-30 No. _____
Email: _____ Phone No. _____

Alternate Site Safety Coordinator (if applicable)

Name: _____ Title: _____
Company: _____ Permit No: _____
Project Site: _____ OSHA-30 No. _____
Email: _____ Phone No. _____

Signature of Permit Holder

Name: _____ Project Site: _____
Title: _____ Permit No: _____
Company: _____ Date: _____
Signature: _____

This form **MUST** be completed by the Permit Holder and submitted to the Inspectional Services Department as part of the building permit application via the online permitting portal. Any change to the Primary Site Safety Coordinator after the permit has been issued, must be made via email to the Ward Building Inspector. When sending, please use the subject line "Designation of Site Safety Coordinator for Permit (insert the applicable permit number)".



**COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON**

Number: 2024-05
Date: December 4, 2024

Subject: Establishment of Application Requirements, Administrative Procedures and Administrative Regulations regarding the Licensing of Keeping of Honey Bees pursuant to City of Boston Code, Ordinances Chapter 16-1.27

Purpose: This bulletin is issued to establish application requirements, administrative procedures and administrative regulations regarding the licensing of honey bee keeping operations.

Determination:

Pursuant to City of Boston Code, ordinances, Chapter 16-1.27, the Inspectional Services Department promulgates these rules and regulations regarding the registration of beekeeping operations in the City of Boston. All properties seeking to keep honey bees shall be subject to the following requirements.

A. Definitions

- I. For the purposes of this Bulletin, definitions shall be consistent with definitions described in City of Boston Code, Ordinances, Chapter 16-1.27(b), in addition to the following definitions:
 - A. *Ground level beekeeping operation* - shall mean any beekeeping operation on the ground level of a property, including in or on a front yard, side yard, or rear yard or a property accessible from the property level equal to the street/sidewalk abutting the property.
 - B. *Rooftop beekeeping operation* - shall mean any beekeeping operation on a rooftop or other structure.
- II. Beekeeping operations are not allowed on decks or porches other than at ground level or rooftop.

B. Procedure for Registering a Beekeeping Operation

All beekeeping operations shall abide by the following protocol:

I. Confirm whether a building permit is required:

- *Ground level beekeeping operations* - no additional building permit required. Ground level beekeeping operations shall proceed directly to the Inspectional Services Department Health Division to fill out a registration form, pursuant to section II of this Bulletin.
- *Rooftop beekeeping operations* - shall require one of the following:
 - **For pre-existing, permitted roof decks** - a short form building permit is required to add beehives to a pre-existing, permitted roof deck. The application should include an assessment of load (weight) capacity by a professional engineer to certify that the additional weight of the beehives will not compromise the pre-existing structure
 - **For new roof decks, or beekeeping operations to be added to a roof not otherwise permitted for occupancy** - a long form building permit is required to establish the appropriate methods of rooftop access, safety systems, and occupant load
 - All rooftop beekeeping operations shall be subject to Commissioner's Bulletin CB2022-02 - *Regulating Access to Roof Areas of Buildings with Residential Units*

II. Beekeeping Registration Form:

Complete a Beekeeping Registration form with ISD's Health Division ("*Application for Permit to Keep Honey Bees*")

- Application requires the following documents:
 - A completed registration form
 - A sketch of the proposed hives:
 - Sketch may be hand drawn to scale showing all applicable setbacks outlined in CBC 16-1.27(D)
 - Sketch must include all dimensions in height and cubic feet in size, and include notation of all walls, fences and/or barriers between the subject property and adjacent properties, including setbacks from property lines.
 - Registration form must include the address of nearest adjacent abutters
 - Registration form must indicate whether the beekeeping operation is located on a roof/structure, and if so, must include the permit issued by the Inspectional Services Department Building Division indicating approval of said beekeeping operation on a rooftop structure for the subject property
 - Registration form must describe the flyway that will be in place for the beekeeping operation

- Sketches do not need to be stamped by a Massachusetts Registered Design Professional
- Submit application and sketch to ISD's Health Division via email to ISDHealth@boston.gov, or in person on the 4th Floor of 1010 Massachusetts Avenue, Boston, MA 02118

III. Beekeeping Registration; Payment of Fees:

- The fee for all beekeeping registrations shall be \$25.00

IV. Inspection Requirements and Procedures:

The Inspectional Services Department may inspect any beekeeping operation, either prior to approval or upon request via a complaint submitted to the Department, and may enforce any violations of regulations pursuant to the authority of City of Boston Code, Ordinances, Chapter 16-1.27, including through the issuance of a written warning for compliance, cancellation of registration, and/or proceeding to restrain a violation of the terms of a permit through injunction.

C. Other Requirements

Compliance with Other Laws and Regulations - Beekeeping Operations situated on rooftops must comply with City of Boston Code, Ordinances Section 9-9.13, Regulating Access to Roof Areas of Buildings with Residential Units and Commissioner's Bulletin CB2022-01, Regulating Access to Roof Areas of Buildings with Residential Units.

D. Violations and Penalties

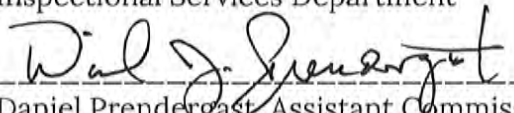
Any person found to be operating a Bee Keeping Operation in violation of Section 16-1.27 of the City of Boston Code or found to be in violation of the terms of their registration may be issued a written warning and/or revocation of the registration. Provided that the City of Boston may proceed to restrain a violation of the terms of the registration by injunction.

Signed:



Tania Del Rio, Commissioner
Inspectional Services Department

12/4/2024
Date



Daniel Prendergast, Assistant Commissioner
Health Division
Inspectional Services Department

12/4/2024
Date



**COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON**

Number: 2025-01
Date: March, 31st, 2025

Subject: Revised/Amended of Standard Rules of Practice and Procedure for Field Division Operations

Purpose: This Bulletin updates standards for all field divisions within the Inspectional Services Department to support the fair and consistent administration of the laws and regulations ISD is legally obligated to enforce. This bulletin memorializes the standard operating procedures within each Division to ensure greater accountability, clarity, and consistency, and to provide direction to division staff. This Bulletin rescinds and replaces previously issued Bulletins regarding Standard Rules of Practice and Procedure as itemized below.

General Considerations:

Boston Inspectional Services Department ("ISD") personnel are charged with great responsibility and trust in ensuring the well-being of the public health, welfare and safety. Consistent, clear and efficient operational protocols are essential to ensuring that Department personnel fairly and effectively administer the law that ISD is legally obligated to enforce. Memorializing a clear set of Standard Rules of Practice and Procedure for each field division will support accountability from both employees and managers and ensure fairness in the workplace and in the administration of the law. To the extent these written Stand Rules of Practice and Procedure conflict with City of Boston Workplace Policies, the City's Workplace Policies override the Stand Rules of Practice and Procedure.

Creation and Purpose:

Each field division shall develop and operate under Standard Rules of Practice and Procedure published by Commissioner's Bulletin to serve as the standard for proper day to day operation of the division. These written Standard Rules of Practice and Procedure will be the controlling standard operating procedure for each field division. There shall be no deviation from these Standard Rules of Practice and Procedure without special circumstances and approval from the Commissioner's office. Any employee who is given an order from a supervisor that the employee thinks is inconsistent with the division's Standard Rules of Practice and Procedure shall state the objection to the supervisor and the basis for the objection. The employee shall continue to follow the directions of the supervisor if that supervisor decides to reject the objection, unless a supervisor of higher authority provides a different order of action. The employee may note the

objection in writing to the Commissioner's office or the Personnel Director to resolve the conflict of interpretation. The written objection should state the supervisor's name, circumstances, time, date and location and the basis for the objection. Each field division shall publish a set of Standard Rules of Practice and Procedure by Commissioner's Bulletin as follows:

- *CB2025-01A Standard Rules of Practice and Procedure for the Building Department Personnel*
- *CB2025-01B Standard Rules of Practice and Procedure for Environmental Services Division Personnel*
- *CB2025-01C Standard Rules of Practice and Procedure for Health Division Personnel*
- *CB2025-01D Standard Rules of Practice and Procedure for Housing Division Personnel*
- *CB2025-01E Standard Rules of Practice and Procedure for Weights and Measures Division Personnel*

Development of Standard Rules and Procedures:

The Assistant Commissioner in each division shall be responsible for developing, updating and ensuring the implementation of the standard rules and procedures for the division under their charge. The Assistant Commissioner shall be responsible for ensuring the standard rules and procedures in the Bulletin are consistent with existing laws and regulations.

1. **Content:** The legal standards established in the Massachusetts General Laws and Code of Massachusetts Regulations administered by each division shall serve as the basis for defining the standards, procedures, process and jurisdiction for the standard day to day operation of each division within the Inspectional Services Department. Each division's standard rules and operating procedures shall reflect the relevant legal authority in clearly defining, at a minimum, the following:
 - a. **Public Integrity Policy:** This section shall spell out the Department's policy as that of the division. Chain of Command for the Division and Department: The command structure of the division including its managers and the responsibilities of those managers shall be described.
 - b. **Staff schedules:** Employee work day hours and breaks shall be described.
 - c. **Process for making Interdivision Referrals, Media Inquiries, Requests for Interpretation, and Use of ISD Issued Equipment policies** shall be stated for the division consistent with ISD policy.
 - d. **Intake procedures:** This section shall describe the process for handling the intake of complaints, questions or applications for permits licenses or certificates issued by the Division. The section shall also define how to classify a situation in either the emergency or non-emergency category and the necessary response for each. Response time to such issues shall also be stated.
 - e. **Inspections:** This section shall state the legal authority for when the division shall perform inspections. The objective, scope and procedure for all inspections shall be defined here in accordance with the relevant law.

- f. **Violations:** This section shall state the legal authority setting the standard for the issuance of violation notices, fines, and the legal process for executing such. Laws and regulations may be incorporated by reference where they are too numerous or cumbersome to detail here.
- g. **Condemnations, revocations or suspensions:** This section shall state the legal standard for any condemnation, permit/license revocation or suspension or any other legally authorized action that may be taken by the division. The process for executing such actions shall be stated here and include citation to the proper legal authority for such action or process. The division's process for lifting such action shall also be stated.
2. **Updates:** The assistant commissioner of each division shall be responsible for updating the division's standard rules and procedures as needed to conform with staff changes, changes in the law or operation changes to the Division.

Process for issuing Standard Rules of Practice and Procedure:

Each assistant commissioner shall submit a draft Bulletin containing the division's standard rules and procedures to the Commissioner's office for review. The Commissioner's office and the assistant commissioner for the division shall review the document for completeness, efficiency, clarity and proper legal basis of authority. The draft of the document shall then be published following any necessary editing. The assistant commissioner shall then present the published version of the Bulletin in writing to the division staff, and make it accessible to them for future reference. The assistant commissioner must then submit, within 30 days of publication, and once a year thereafter, a list, signed and dated by all division employees, acknowledging receipt and understanding of the division's published Commissioner's Bulletin.

Failure to Comply:

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

Revocation of Previous Bulletins:

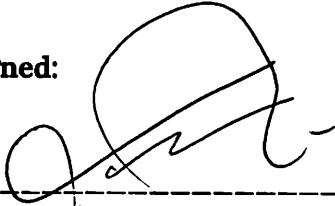
All previous Commissioner's Bulletins or documents guiding the standard day to day operating procedure of any division are revoked upon publication of this Bulletin.

Commissioner's Bulletins CB2002-06, CB2002-06A, CB2002-06B, CB2002-06C, CB2002-06D, CB2002-06E and CB2002-06F are hereby rescinded and replaced as follows:

- CB2025-01 replaces CB2002-06, *Establishment of Standard Rules of Practice and Procedure for Field Division Operations*
- CB2025-01A replaces CBCB2002-06A, *Standard Rules of Practice and Procedure for Building, Electrical & Mechanical Inspectors and Building & Structures Division Employees*
- CB2025-01B replaces CBCB2002-06B, *Standard Rules of Practice and Procedure for Environmental Services Inspectors and Employees*

- CB2025-01C replaces CBCB2002-06C, *Standard Rules and Procedures for Health Division Personnel*
 - CB2025-01D replaces CBCB2002-06D, *Standard Rules and Procedures for Housing Inspectors and Housing Inspection Division Employees*, and CBCB2002-06E, *Standard Rules and Procedures for Housing Inspectors and Housing Inspection Division Employees*
 - CB2025-01E replaces CBCB2002-06F, *Standard Rules of Practice and Procedure for Weights and Measures Division (WMD) Personnel*
-

Signed:



Tania Del Rio, Commissioner
Inspectional Services Department

3/31/2025

Date



**COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON**

Number: 2025-01A
Date: March 31st, 2025

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

Purpose: This Bulletin reestablishes the responsibilities and duties for the position of Building, Electrical and Mechanical Inspectors, and updates standard rules of practice and procedure for Building & Structures Division (BSD) employees to follow when they are performing their official duties.

Note: All specific references to Building Code sections pertain to the edition in vigor of the Massachusetts State Building Code 780 CMR, the International Building Code (IBC), or its referenced codes and standards.

Determination:

General Considerations:

This bulletin reestablishes the responsibilities and duties for the position of Building, Electrical & Mechanical Inspectors and updates standard rules of practice and procedure for Building & Structures Division employees to follow when they are performing their official duties.

This Building & Structures Division policy is part of the overall policy and procedures for the Department. It aims to ensure the Division is intrinsically incorporated into the Department's mission to protect the health and safety of Boston's business and residential communities by enforcing building, housing, health, and environmental regulations effectively and consistently.

Article I. Public Integrity Policy

Section 1.0: Policy

It is the policy of BSD that every action of ISD as an organization, and those individuals, who act on its behalf, to reflect the highest standards of honesty and integrity in all of our interactions, whether with the general public, or with each other, to act in accordance with the ethical standards established by the City of Boston and the Public Integrity Policy for the Department, established in [CB2002-17](#). It is the responsibility of BSD and its employees to prevent detect and correct instances of misconduct, whether administrative or in violation of law or the public trust.

Section 2.0: Compliance with Public Integrity Policy

It shall be the duty and responsibility of each and every inspector and employee to become familiar with and conduct themselves in accordance with the public integrity policy as stated in bulletin CB2002-17, and any other published policy statements or Commissioner's Bulletins regarding the Public Integrity Policy or ISD.

Section 3.0: Chain of Command

Article II. Standard Rules of Practice for Inspectors

General Considerations:

All BSD employees shall conduct themselves in a professional manner at all times. Inspectors shall be prepared at all times for the proper discharge of their official duties. They shall be impartial in the use of their legal authority in enforcing the code, shall avoid all conflicts of interest and appearances of impropriety; and shall exhibit the utmost respect for the legal rights of all. ISD employees shall comply with the following standard rules of practice and procedures when performing their official duties.

Office hours are from 8:00 AM to 4:00 PM. The workweek consists of 35 hours. All special work schedule requests must be submitted to their direct supervisor and shall only take effect when approved. Field inspectors shall set aside the first and last hours of the day for office time to allow for scheduling, meeting with the public, and returning messages.

Furthermore, this division's policy is to nurture an environment of good customer service, courtesy, impartiality, discipline, mutual respect, and teamwork. In order to benefit those seeking our services, our Inspectors/ Employees are expected to follow the following procedures:

- All employees must arrive to work on time and to respect our attendance policy.
- Inspectors are expected to be in the office from 8:00 a.m. to 9:00 a.m. and from 3:00 p.m. to 4:00 p.m. to do inspection related paperwork and to meet customers seeking to have conversations with their respective inspectors.
- Inspectors must do their due diligence to issue their assigned ward short form permit applications in a timely period if all conditions and requirements are met.
- Inspectors must return all inquiries within 48 hours to set up all inspection requests coming from the Call Center and elsewhere.
- Counter Duty: There must be an inspector at the counter daily to receive and greet customers. All inspectors are expected to be in monthly meetings so they can be aware of the department's information, new policies, regulations, and rules.

Section 1.0: Scheduling of Inspections - 780 CMR 115.0

1.1 *General Inspections*

Upon receipt of a request for an inspection, the Inspector shall make every effort to accommodate this request within 48 hours. In the event that the district inspector cannot accommodate the request, they shall notify their supervisor so the

supervisor can reassign the work. When the request is taken by someone other than the specific inspector, the person taking that request shall obtain the name and daytime phone number of a contact person. The inspector shall call to confirm, or rearrange the time of inspection if needed. Inspectors shall enter the result of their inspections in the data management system no later than the end of the next business day after the inspection was performed.

1.2 *Complaints*

All Complaints shall be referred to a BSD clerk for data entry, unless coming from the central complaint center 311. The ISD clerk assigned to the task must proceed with proper tracking, triaging, and distribution. Once entered, complaints should be transmitted to the appropriate district inspector for proper inspection and investigation.

Any request for inspection that alleges that conditions exist that may endanger or impair the health or safety of occupants or the general public are to be referred to a Chief Building Inspector, who shall determine whether it is an emergency. Emergency complaints must be scheduled for an immediate inspection. Inspectors shall enter the result of their inspections in the data management system no later than the end of the next business day after the inspection was performed.

All requests for inspections of alleged violations of the State Building, Electrical or Mechanical Code, or City of Boston Zoning Code that do not meet the criteria of an emergency complaint are to be designated as non-emergency complaints. These shall be referred to the district inspector who shall investigate and report their findings to their supervisor within three business days and close said complaint in the data management system no later than the next business day after the investigation is completed.

1.3 *Violations*

If an inspection reveals that a violation of the Building, Electrical, Mechanical or Zoning Code does exist, a written violation notice to correct with specific remedy must be prepared by the inspector, reviewed, approved and signed by their supervisor, and served upon the owner, owner's agent or contractor, in the manner provided by law.

Said order to correct must contain a compliance time frame of 24 hours for emergency conditions. Non-emergency orders to correct must contain a compliance time frame of 30 days.

All written violations must be monitored for status until completely corrected. Violations shall be sworn out in court no later than 60 days after service if not completely corrected.

The above shall be carried out in a manner consistent with Commissioner's Bulletin [CB2002-05](#) (Time Standards for processing Legal Notices of Violations of the State Building Code) and [CB2002-19](#) (Standard Rules for the Alternative Disposition of Legal Notices of Violation).

1.4 *Stop Work Orders/Revocations*

1.4.1 *Stop Work Orders*

If an inspection reveals conditions at a construction site that present an imminent health or safety hazard to the workers or to the general public, ISD inspectors must immediately notify their direct supervisor and inform them of the conditions observed. The inspector shall then post the site with a Stop Work Order citing the reasons for issuing the order, in accordance with the proper Section of the State Building Code, and follow up in writing as the code required. The inspector shall immediately issue a building code violation citing the reasons for the Stop Work Order and setting forth the remedy required to lift the order.

In the case that the contractor refuses to obey the order, the inspector, in consultation with the supervisor, may impose a fine up to one thousand dollar (\$1,000.00) per day until a remedy is put in place.

1.4.2 *Revocations*

If conditions in the field or information obtained relative to an issued permit are found to be inconsistent with the documents on file, the inspector shall revoke the permit in accordance with the prescription of the State Building Code 780 CMR, after a supervisor has reviewed the facts and given authorization for such action. The inspector shall immediately issue a building code violation citing the reasons for the revocation and setting forth the remedy required to lift the order. The inspector shall also post the site as outlined in paragraph I, listed above. Permit revocation shall require the permit holder to resubmit an application for new permit subject to a double fee or, at the discretion of the Building Commissioner, to submit an application amendment as set forth in 780 CMR Ch1 to properly correct any misrepresentation.

Section 2.0: *Obtaining Legal Entry for Inspections*

2.1 *Administrative Inspection Consent Forms*

It shall be the duty and responsibility of inspectors to familiarize themselves with the rules set forth in Commissioner's Bulletin Number 1999-05 and Number 2000-02 regulating the manner in which inspectors may obtain access in order to perform inspections. Inspectors shall strictly adhere to the procedures and requirements set forth in this bulletin.

This bulletin outlined the procedure to provide occupants with notice of their right to refuse to consent to an administrative inspection and further sets forth the procedures to be followed in obtaining an administrative inspection warrant if an occupant refuses a legal request to enter by an inspector in accordance with Chapter 1 of the Mass. State Building Code.

2.2 *Language Access*

ISD will provide interpreters as needed. Whenever an inspector is unable to communicate with a client or customer due to a language barrier, they will avail themselves of the [over-the-phone and/or video remote interpretation services](#) available to the Department. No inspection is to be made at the time until proper arrangement is made with the client for an interpreter to be scheduled and present in the near future. Once an interpreter is available, the inspector may proceed with their inspection.

Section 3.0: Conduct of Inspections

3.1 *Inspections*

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

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

Applicants shall be informed of the required points of inspection at the time of application in accordance with proper section of CH. 1 of the Mass. State Building Code. All inspections shall be conducted in accordance with 780 CMR ch.1 and any other applicable legal requirements. It is the duty and responsibility of each inspector to familiarize themselves with the above-mentioned requirement as well as all other regulations and ordinances that ISD is required to enforce

3.2 *Emergency Inspections*

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

3.3 *Reporting Requirements for Emergency Cases*

All emergency complaints received via complaint line (Mayor's 24 hour 311 or ISD Call Center) or via in the field must be reported to a supervisor in the appropriate inspection division (i.e., building, electrical, mechanical). The unit supervisor will dispatch an inspector who will report on emergency conditions observed during that inspection, and awaits further instructions before leaving an emergency site. The inspector will inform a Supervisor and the Building Commissioner of the situation where conditions warrant.

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

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

4.1 *Condemnations*

All condemnations shall be referred to the Housing Inspection Division and/or the Investigative and Enforcement Division (Special Operations) and conducted in accordance with 105 CMR 410.650 and 900.

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

4.2 *Exit Orders*

In accordance with Ch. 10.0 of the Building Code, in any building not provided with the proper exit facilities and in which the exits are deemed hazardous or dangerous to life and limb, the Building Official shall declare such building unsafe in accordance with proper Section within ch. 1 of the State Building Code and issue a Vacate Order, if deemed necessary. All relocation of occupants shall be conducted in accordance with Commissioner's Bulletin [CB2001-6](#), which establishes procedures to be followed by inspectors when relocating occupants from buildings is required because of dangerous or life-threatening conditions.

Section 5.0: Inter-Division Issues/Referral

All BSD personnel shall understand their responsibility to report possible violations found in the field that may be under the jurisdiction of another ISD division and/or any other issue concerning the conduct of ISD personnel to their immediate supervisor for proper referral and/or action.

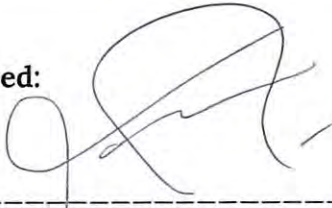
Section 6.0: Building & Structures Division Organization

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

Plans and Zoning Division
Buildings and Structures Field Inspection
Building Administration Division

The responsibilities and personnel assigned to the Assistant Commissioners are as outlined in this [organizational chart](#).

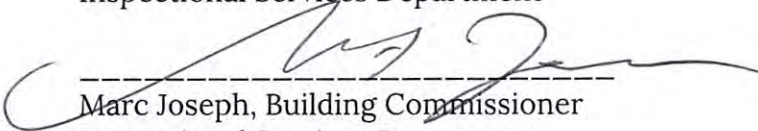
Signed:



Tania Del Rio, Commissioner
Inspectional Services Department

Date

3/31/2025



Marc Joseph, Building Commissioner
Inspectional Services Department

Date

3/31/2025



**COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON**

Number: 2025-01B

Date: March, 31st, 2025

Subject: Standard Rules of Practice and Procedures for Environmental Services Division Inspectors and Employees

Purpose: This Bulletin reestablishes the responsibilities and duties for the position of Environmental Services Inspectors, and to reestablish standard rules of practice and procedure for Environmental Services Division employees to follow when they are performing their official duties.

Determination:

General Considerations:

Article I. Public Integrity Policy

Section 1.0: Policy

It is the policy of BSD that every action of ISD as an organization, and those individuals, who act on its behalf, to reflect the highest standards of honesty and integrity in all of our interactions, whether with the general public, or with each other, to act in accordance with the ethical standards established by the City of Boston and the Public Integrity Policy for the Department, established in [CB2002-17](#). It is the responsibility of BSD and its employees to prevent detect and correct instances of misconduct, whether administrative or in violation of law or the public trust.

Section 2.0: Compliance with Public Integrity Policy

It shall be the duty and responsibility of each and every inspector and employee to become familiar with and conduct themselves in accordance with the public integrity policy as stated in bulletin [CB2002-17](#), and any other published policy statements or Commissioner's Bulletins regarding the Public Integrity Policy or ISD.

Article II. Standard Rules of Practice for Inspectors

Section 1.0: Chain of Command

All employees shall follow the ISD chain of command. The Assistant Commissioner, who reports to the Senior Deputy Commissioner of Inspectional Services, is responsible for the Division. The Assistant Commissioner shall be responsible for operational management, compliance with policies and procedures, developing innovations, ensuring proper staff training, deployment and discipline. The Principal Administrative Assistant is second in command with responsibility for the day to day operations, including compliance with all regulations, laws, policies and procedures in day to day operations. In the absence of either the Assistant Commissioner or the Principal Administrative Assistant, the Commissioner of Inspectional Services leads the Division. In the field, authority is granted to the manager or manager's designee.

Section 2.0: Staff Schedules

The regular workweek for full-time employees is thirty-five (35) hours and the regular workday shall be seven (7) hours. The regular workweek shall consist of five (5) consecutive days. The parties recognize that for alternative workweeks employees shall not work more than their normal scheduled work hours (i.e., 35 hour employees shall be scheduled to work 35 hours). All employees shall be scheduled to work on regular work shifts, which shall be defined as the hours an employee is required to work during a workday, and each work shift shall have a regular starting time, quitting time and reporting location. Work schedules, which shall be defined as the workdays an employee is required to work during the work week, shall be posted on all department bulletin boards at all times. Employees shall be given reasonable notice of any change in their work shift, work schedule or reporting location. Reasonable notice, except in extreme circumstances, shall be fourteen (14) calendar days in writing to the employee and copied to the Union.

The working hours for the Division are 8:00am.- 4:00p.m. Staff schedules may be specified in the collective bargaining agreement and the work rules of Inspectional Services to accomplish necessary ESD rodent abatement tasks. Regardless of the scheduled hours assigned, each employee shall work five days a week for seven hours a day with one hour for lunch and one fifteen minute break per 3.5 hours of work. These breaks can be taken only after the 3.5 hours have been worked, unless prior approval from a manager is obtained.

Section 3.0: Use and Care of Equipment and Supplies

3.1 General Use

All employees issued equipment by ISD to perform their essential duties are responsible for complying with Commissioner's Bulletin 2002-18 "Standard Rules and Procedures For Issue, Use and Care of ISD Equipment" while using the equipment. All pest applicators accurately document the use of pesticides, including the quantity, type and location of the use, on the baiting sheets provided for annual reporting purposes to the Commonwealth of Massachusetts. Any equipment needed is logged out and/or accounted for during each shift. The employee using the equipment is the person responsible for it. The supervisors are responsible for ensuring day to day compliance with the use of equipment. Any pertinent

information that will affect later use of equipment shall be reported immediately to a supervisor. In addition, all employees use vehicles, even vehicles assigned on a one time or random basis, in compliance with [Commissioner's Bulletin CB2002-04](#) "Standard Rules for the use of ISD motor vehicles." Any loss, misuse or damage of equipment or vehicles, including the unauthorized taking home of vehicles or equipment, must be reported in writing immediately to the Assistant Commissioner who will in turn alert the Deputy Commissioner for Administration and Finance.

3.2 *Rodent Control Vehicles*

Each vehicle contains one case of Victor Snap Traps, one Burrow RX machine, two pails of Selontra machine and three boxes of Contract Block for baiting sewers and areas adjacent to waterways. Surgical gloves, sewer baiting wire, galvanized nails, sledge hammers, regular hammers are distributed on an as needed basis approved by a supervisor. All equipment used complies with Commissioner's Bulletin 2002-18, with special regard for the accounting of all equipment at the beginning and the end of each shift on a standard form provided by ESD.

3.3 *Environmental Services Board Up Truck*

The Truck is stocked at all times with 40 sheets of plywood, 20 2x3 boards and 20 2x4 boards. When operational, the vehicle will also contain a Dewalt Combo Kit consisting of a portable skill saw and 18-Volt Dewalt drill, 3" and 4" sheet rock screws, nails and carriage bolts for high security board up jobs. Additional equipment, including the surplus of stock materials such as wood, fasteners, landscape equipment and other pertinent supplies, are stored off-site. Any time the truck is put into use or off-site equipment is used, it is done in compliance with 2002-18, with special regard for the accounting of all equipment. The same applies to use of any Department equipment in support of the Basic Services Team or Project Pride operations.

Section 4.0: Conduct and Field Assistance

Each employee is required to report to their immediate supervisor situations that may be under the jurisdiction of another Division or other city agency. All employees are required to report to their supervisor any allegations of misconduct by any city employee or observations of alleged misconduct in their day to day duties. A report will then be made to the Personnel Director and/or their direct supervisor. Failure to report such misconduct may result in disciplinary action under the respective collective bargaining agreements.

Section 5.0: Media Inquiries/On-scene Presence

All media inquiries in the office or in the field are immediately referred to the Commissioner's Office. There are to be no exceptions to this rule. It is acceptable for the individual to secure the name and a way of contacting the media outlet for referral purposes only, but no comments are to be issued either personally or on behalf of the department without the consent of the Commissioner's Office.

Article III. Standard Practice and Procedure for Environmental Services Staff

Section 1.0: Intake and Scheduling of Inspections

1.1 *Emergency Complaints*

Environmental Services Division employees shall treat the following situations as emergencies:

1.1a *Report of a rat bite or rat free in a residential dwelling:*

Immediately after any call describing a potential rat bite or rat free in a dwelling, ESD staff will alert the Housing Division for dispatch of a housing inspector. An ESD inspector may report to the scene at the direction of an ESD or Housing Division manager to conduct appropriate pest control measures in accordance with the Code of Massachusetts Regulations for pest control applications. See Section 3.3 Pest Control below

1.1b. *Building Security / re-securing*

ESD personnel shall respond immediately to requests from a manager, including the on-call manager, to secure a building condemned by ISD. Inspectors are required to secure all openings identified by the contact person on-scene. When the property is secured, the inspectors are required to record the amount and type of material used, number of man hours, designating the number of overtime hours if applicable, required to complete the job. This information shall be presented to the Budget office for invoicing the following business day. ESD shall be responsible for the disposition of all secured buildings in accordance with Commissioner's Bulletin 2001-8

1.2 *Non Emergency Complaints*

All complaints to ESD other than those identified as emergency complaints in section 1.1 shall be non-emergency complaints and may come from constituent phone calls to the Department or the Mayor's 24 hour hotline, or basic correspondence from a constituent, another ISD division or a city department. Non-emergency complaints shall receive a field response no later than the end of the following business day. The Principal Health Inspector will assign these complaints to the local inspector. Typical non-emergency complaints are handled as follows:

1.2a *Rodent Complaint*

The inspector responding to such complaints applies the Integrated Pest Management approach. Each inspector explains any finding to the complainant or the owner/agent of the property where the alleged activity is to have occurred. At all times the inspector is to act courteously and professionally when they address the party in interest. The inspector may issue notices of violation for 105 CMR 410.550 or others as set out in Section 3.2 above.

1.2b *Trash and refuse complaints*

When assigned such a complaint an inspector may issue notices of violation for 105 CMR 410.600-620. These complaints are also referred immediately upon receipt to the Code Enforcement Police for collateral enforcement

efforts. Inspectors notify supervisors if added resources are needed to remove trash or any rodent harborage.

1.3 *Compliance inspections*

Site Cleanliness licenses. ESD inspectors perform an annual inspection of all authorized bulk refuse containers and the area surrounding them licensed under the Site Cleanliness Ordinance. The inspectors examine the area for compliance with the Site Cleanliness plan on file with the Department and general compliance with the State Sanitary Code. These inspections will be conducted for issuing a new Site Cleanliness License or the annual renewal. The Code Enforcement Police and the Environmental Services Division will monitor these locations across the city.

Section 2.0: Obtaining Legal Entry for Inspection

2.1 *Required Consent*

No ESD inspector enters onto private land or into a private dwelling without first obtaining a signed administrative inspection form providing consent to such lawful entry. If consent is not granted then see Section 2.3 of this document. The consent requirement does not preclude inspectors from making observations from a public way or area held open to the public of conditions in existence on the land.

2.2 *Foreign Language Interpretation*

If an individual or group is unable to understand the particular spoken or written word of ISD personnel because of a language barrier, the inspector requests an interpreter who speaks the specific language through the Inspectional Services staff or by contacting the Mayor's Office of Neighborhood Services. The inspection shall not proceed until an interpreter has arrived at the scene.

2.3 *Warrants*

If an inspector cannot gain consent to enter the land or premises, then upon such denial the inspector shall notify a supervisor for the purposes of coordinating the process of obtaining a search warrant with the Division of Investigative and Regulatory Enforcement and/or the Law Department.

Section 3.0: Inspections and Other Field Conduct

3.1 *Presenting Identification*

All field personnel are required to present Department issued identification upon presenting themselves for any inspection or other official duties including after hours and weekend work. Identification is used for official purposes or verification of employment, membership for professional organizations or as a second means of identification.

3.2 *Inspections*

All inspections are conducted in a clear and methodical manner, taking legible notes. Inspectors conduct complete inspections. ESD staff may inspect any property for which it receives a complaint pursuant to 105 CMR 410.600-620 (residential

property); 105 CMR 590.020-021 (commercial property), Site Cleanliness Ordinance CBC c. 9-9.8. All inspections are assigned to local inspectors based on complaints except for annual Site Cleanliness inspections and when needed Construction site inspections.

3.3 *Pest Control*

Pest control measures are used only on public property unless rodent activity on private property is causing a public nuisance or emergency situation and expressed written consent is provided to ESD inspectors to perform such duties by the private property owner. All pest control measures shall only be performed by licensed pest applicators on the exterior of any dwelling or building to address a violation of 105 CMR 410.550. Pest control measures shall comply with M.G.L. c. 132B; 333 CMR 10.00, 105 CMR 410.550(D) and other laws.

Section 4.0: Violations

4.1 *Issuance of Violations*

ESD Inspectors issue notices of violation to the owner and /or occupant upon observing the conditions violating provisions of the State Sanitary Code stated in Section 3.2 above within 24 hours of taking notice of such violations. An ESD supervisor signs all notices prior to their service to ensure accuracy and proper citation. Violations are written neatly and legibly. Each inspector writes out the violation witnessed and code section violated. Inspectors make an effort to record the conditions either through written description or photographs to supplement any future prosecution. All inspectors make an effort to schedule re-inspections with the offending party at the time of the initial inspection. All violations shall be given two response time categories:

4.1a *24 hour response requirement*

Any violation of 105 CMR 410.550 requires the property owner to correct the violations or at least make a good faith effort to do so within 24 hours of notice pursuant to 105 CMR 410,830. Interior violations of 105 CMR 410.550 are referred immediately to the Housing Division,

4.1b *7-day response requirement*

All other violations noticed by ESD inspectors as set forth in section 3.2 above require the property owner to correct the violations within seven days of notice pursuant to 105 CMR 410.830. All such violations are also referred to the Code Enforcement police for collateral enforcement through the process set forth in G.L. c. 40 § 21D.

4.2 *Re-inspection and Failure to correct within time period authorized*

Upon expiration of the time allowed to correct a violation, inspectors execute a re-inspection scheduled at the time of the initial violation when possible. Inspectors shall be responsible for all follow up on violations issued by them, unless otherwise directed by a manager. All re-inspection results are reported to the Principal Health Inspector for closure, a hearing or prosecution, ESD holds administrative hearings

for uncorrected violations. The hearings are conducted consistent with Commissioner's Bulletin 2002-02 and 2A, the hearing officer issues a written decision consistent with the same, filed with the building jacket and mailed to the owner.

4.3 *Failure To Comply With Hearing Decision, Notice to legal*

Failure to comply with the hearing officer's written decision results in referral of the case to the Legal Division for prosecution. The inspector conducting the initial inspection shall monitor the property for decision compliance and over all sanitary conditions, a follow up inspection may be scheduled. It shall be the responsibility of the ESD to highlight problem properties and recommend them to the legal division with all supporting documentation.

4.4 *Site Cleanliness violations*

Any party using a bulk refuse container without a valid Site Cleanliness License or a failure to comply with a valid Site Cleanliness License or any part of the Ordinance is issued a violation. Failure to correct a violation results in subsequent violations each day the violation continues. After three violations, the violator is sent a written hearing notice stating with particularity the issues being considered at the hearing, the time, place and date of the hearing. The hearing officer may order remedial steps and impose a \$1000 a day per fine after the bearing. A hearing officer issues a written hearing decision that is served either in person or sent through regular mail to the violator. All hearings comply with Commissioner's Bulletin 2002-2, 2A. For failure to comply with the hearing decision see Section 4.3.

Section 5.0: Revoking or Suspending Permits or Licenses

5.1 Environmental Services Division enforcement action may result in the suspensions or revocations in the following way:

5.1a *Site Cleanliness Licenses*

A site cleanliness license may be suspended under the authority of the City of Boston Site Cleanliness Ordinance. All aggrieved parties shall petition EDS for a hearing on the matter

5.1b *Unabated rodent activity on construction site*

Failure to abate any rodent activity caused by the demolition, drilling or construction of a building or on a parcel of land shall be reported to the Principal Inspector, who shall make a weekly report to the Building Division pursuant to [Commissioner's Bulletin 1987-4](#) "Rodent Extermination Requirements for Building Department Permit Applications," Such cases referred to the Building Division shall be reviewed for potential issuance of a stop work order pursuant to 780 CMR 115 until the rodent problem is abated.

5.1c *TSOP of Health Permit*

Any permitted food service establishment may be subject to the Temporary Suspension of its Operating Permit in accordance with 105 CMR 590.014, after repeated citation the improper storage of trash or other sanitary

violations. EDS inspectors shall refer all food establishments receiving violations from ESD inspectors to the Health Division for inspection to ensure compliance in daily food service with public health provisions for food service as set forth in 105 CMR 590.00.

Section 6.0: Failure to Comply

Any failure to comply with this bulletin or any Department or City policy may result in discipline against any violating employee, including managers. For employees with membership in a union, employee discipline shall be in accordance with the respective collective bargaining agreement between the employee's union and the City of Boston.

Signed:



Tania Del Rio, Commissioner
Inspectional Services Department

3/31/25

Date



John Ulrich, Assistant Commissioner
Environmental Services Division
Inspectional Services Department

3/31/25

Date



**COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON**

Number: 2025-01C
Date: March 31st, 2025

Subject: Standard Rules of Practice and Procedures for Health Division Inspectors and Employees

Purpose: This Bulletin reestablishes the responsibilities and duties for the position of Health Inspectors, and to reestablish standard rules of practice and procedure for Health Division employees to follow when they are performing their official duties.

Determination:

General Considerations:

Boston Inspectional Services Department (ISD) personnel are charged with great responsibility and trust in ensuring the well being of the public health, welfare and safety. Consistent, clear and efficient operational protocols are essential to ensuring that Health Division personnel fairly and effectively administer the law. Health Division personnel must use these rules and sound professional judgment in performing all duties with the overriding themes of integrity and honesty.

Article I. Public Integrity Policy

Section 1.0: Policy

It is the policy of BSD that every action of ISD as an organization, and those individuals, who act on its behalf, to reflect the highest standards of honesty and integrity in all of our interactions, whether with the general public, or with each other, to act in accordance with the ethical standards established by the City of Boston and the Public Integrity Policy for the Department, established in [CB2002-17](#). It is the responsibility of BSD and its employees to prevent detect and correct instances of misconduct, whether administrative or in violation of law or the public trust.

Section 2.0: Compliance with Public Integrity Policy

It shall be the duty and responsibility of each and every inspector and employee to become familiar with and conduct themselves in accordance with the public integrity policy as stated in bulletin [CB2002-17](#), and any other published policy statements or Commissioner's

Bulletins regarding the Public Integrity Policy or ISD.

Article II. Health Division Operations

Section 1.0: Chain of Command

The Assistant Commissioner is in charge of the Health Division and shall report to the Senior Deputy Commissioner of Inspectional Services. They shall conduct their duties pursuant with City of Boston policies and Ordinances as well as those mandated in the Massachusetts General Laws. They are responsible for all aspects of the Health Division's operation, development of enforcement strategies and innovations. They shall be aware of issues that need to be addressed in the field or for the Department. They shall be responsible for the day to day activities of the Director of Health, Principal Health Inspectors, Health Inspectors, and clerical staff.

In the event that the Assistant Commissioner is absent, the Director of Health shall assume these duties. The Assistant Commissioner shall be responsible for all staff training, developing policy, the efficiency of enforcement, and the oversight of the Director of Health and Principal Health Inspectors day to day operations. The Director of Health and the Principal Health Inspectors shall report directly to the Assistant Commissioner. The Director of Health and the Principal Health Inspectors shall have executive responsibility for ensuring the procedures, protocols, policies and orders of the Assistant Commissioner and those of the Department are effectively and consistently followed in the day to day deployment and performance of Health Division personnel.

The Director of Health and the Principal Health Inspectors shall ensure consistency in all matters of operation and procedures to make sure Health Division personnel are following the same policy. Health Inspectors shall report directly to their assigned Principal Health Inspector or in their absence another Principal Health Inspector. All Health Division personnel, when responding to an emergency, shall report to the incident commander, Commissioner or Commissioner's designee.

Section 2.0: Staff Schedule

Regular business hours for the Health Division are 8:00 AM to 4:00 PM, Monday through Friday. Principal health inspectors shall assign daily inspections and route assignments to all health inspectors. All health inspectors shall draft a proposed Daily Activity Report at the start of each workday and submit it to their assigned principal health inspector for their approval. All health inspectors shall accurately complete the Daily Activity Report at the end of the workday and submit it to their principal health inspector for approval. Health inspectors shall be assigned an inspection area by City ward and these wards shall be rotated every two years. Health inspectors are allowed a fifteen (15) minute rest period during each one-half (1/2) work day. The rest period shall be scheduled at the middle of each one-half (1/2) work day when feasible. Breaks shall not be taken immediately prior to or after the lunch period unless approved in advance by a manager.

Section 3.0: Use of Equipment

The Health Division shall adhere to Commissioner's Bulletin [CB2002-18](#) "Standard Rules and Procedures for Issue, Use and Care of ISD Equipment". Health Division personnel shall limit the use of equipment to times in which they are performing a task required by their professional duties. They shall be accountable for the proper use and care of ISD equipment. Health Division personnel shall be responsible for all assigned equipment and forms such as: calibrated metal stem thermometers, thermo-couples, alcohol wipes, flashlights, thermo-labels, hair restraints, test kits, specimen bags, DPD Pool test kits and cooler, inspection forms, codes and regulations, assigned jacket and cap, and any other assigned equipment.

Section 4.0: Inter-Division Issues/Referral

All Health Division personnel shall understand their responsibility to report possible violations found in the field that may be under the jurisdiction of another ISD division and/or any other issue concerning the conduct of ISD personnel to their immediate supervisor for proper referral and/or action.

Section 5.0: Media Inquiries

It is the policy of ISD to refer all media inquiries to the Commissioner's Office or the Commissioner's media designee. The purpose of this policy is to ensure one informed response that encapsulates all the pertinent facts involved in an issue of media interest and also to limit the legal liability of unattended misstatements by those solicited.

Section 6.0: Safety

Health Division personnel shall consider safety precautions during all inspections and shall notify a supervisor if there are safety concerns regarding persons and/or equipment.

Article III. Standard Rules of Practice and Procedure for Health Division Personnel

Section 1.0: Scheduling of Mandatory Inspections

Health Division mandatory inspections are assigned to inspectors by ward. Inspectors must work to balance hours required to inspect the total number of establishments within each assigned ward. Inspectors shall complete inspections required by State Sanitary Code 105 CMR 590.013 and other inspections according to dates stipulated on the monthly report form. If an inspector encompasses problems completing inspections on time, they shall notify a Principal Health Inspector at least seven (7) days before the deadline. Completions of the required initial inspections are reviewed and updated monthly by principal health inspectors.

Food Establishments

105 CMR 590.013 "Inspection and Correction of Violations" states that a regulatory authority shall inspect a food establishment at least once every six months. The regulatory authority may increase the interval between inspections beyond six months if the food establishments are assigned a less frequent inspection frequency based on a written

risk-based inspection schedule that is being uniformly applied throughout the jurisdiction. The frequencies of inspections are risk based and require timely inspections.

High risk establishments

Includes highly susceptible populations such as hospitals, nursing homes, childcare centers, elderly feeding programs, food processors, commissaries, and non highly susceptible population establishments such as those who have multiple food preparation processes, deemed compliance risks with three or more repeated risk factors or unsanitary conditions and those closed for sanitary violations must be inspected at least three times, medium risk establishments such as those with a limited menu of prepared unpackaged food, those where most products are prepared, cooked and served immediately, and those with hot and/or cold food holding of potentially hazardous food products for a single meal must be inspected at least two times, low risk establishments, such as those with pre-packaged foods only, limited preparation of non-potentially hazardous food products, and service of alcoholic beverages only must be inspected at least one time annually.

Recreational Camps for Children

105 CMR 430.000 states that no recreational camp for children shall receive a license to operate in each year until it has been inspected by the local board of health and found by the board to meet all the requirements of 105 CMR 430.000. Recreational Camps for Children shall be inspected at least once annually.

Swimming Pools

105 CMR 435.000 states that the board of health and the Department of Public Health or the authorized agent or representative of either are authorized to develop and adopt plans for the systematic, periodic inspection of swimming pools. Swimming pools shall be inspected at least once annually.

Baths

M.G.L. - Chapter 140, Section 51 and *A Regulation Regarding Bathing Establishments* , Section 4.00 (3) (c) state that a licensee shall permit authorized inspectors and agents of the Department to visit and inspect the establishment at reasonable times in order to ascertain whether it is in compliance with laws, including this regulation. Bath Establishments shall be inspected at least once annually.

1.1 *Complaint Intake*

All complaints received by the Division of Health Inspections are deemed priorities and shall be responded to appropriately depending on the category of threat to public health and safety. Intake personnel will strive to obtain all the information necessary to properly respond to each individual complaint in a manner that will allow inspectors to understand and solve the complainant's issues. All complaints whether food service, bath establishment, recreational camps for children, swimming pools and commercial property will receive equal priority by intake personnel. Intake personnel shall log complaints and give complaints to a principal health inspector who will refer to the appropriate inspector for investigation.

1.2 *Emergency Complaints*

A complaint that is considered to be a possible imminent health hazard such as a food alert due to a possible foodborne illness, no water, sewage backup, no electricity, fire and/or smoke damage, which poses a significant threat or danger to health shall receive inspection priority and will be responded to within one day. A complaint that is not considered an imminent health hazard will be responded to within one to two days.

1.3 *Initial and Compliance Inspections - Purpose*

The purpose of the initial inspection is to ensure that the establishment is in compliance with all relevant codes and is operating in a safe and sanitary manner. Should the initial inspection find violations that would create an imminent health hazard, an administrative action (refer to section 4.0) could occur. The purpose of a compliance inspection is to ensure that any violations cited in the initial inspection have been corrected. Should the compliance inspection reveal uncorrected violations a hearing (refer to Section 3.4) and/or other administrative action (refer to section 4.0) could occur.

1.4 *Establishment Participation During Inspections*

Health Division personnel shall ask the person in charge to accompany them during the entire duration of the inspection. It is required that the person in charge demonstrate the proper knowledge necessary to operate an establishment in a safe and sanitary manner.

Section 2.0: Obtaining Legal Entry for Inspections

No prior notice of inspection is required so long as the regulatory authority presents official credentials and provides notice of the purpose and intent to conduct an inspection. The person in charge shall allow the regulatory authority entry to determine if the establishment is in compliance, allowing inspection, and providing information and records specified to which the regulatory authority is entitled according to law, during the establishments' hours of operation and other reasonable times.

2.1 *Administrative Inspection Consent Forms - Right To Access*

If denied access to an establishment for an authorized purpose, the regulatory authority shall inform the establishment that: the permit holder is required to allow access to the regulatory authority as specified under 105 CMR 400.100 and/or 105 CMR 590.012 and shall be in compliance with Commissioner's Bulletin [CB1999-05](#) "Administrative Inspection Consent Forms" and Commissioner's Bulletin [CB2000-02](#) "Right of Entry Policy". Access is a condition of the acceptance and retention of an establishment's permit to operate as specified under 105 CMR 400.100 and/or 105 CMR 590.012. If access is denied, an order by the appropriate authority allowing access, hereinafter referred to as an administrative warrant, may be obtained and make a final request for access.

2.2 *Language Access*

ISD will provide interpreters as needed. Whenever an inspector is unable to communicate with a client or customer due to a language barrier, they will avail

themselves of the [over-the-phone and/or video remote interpretation services](#) available to the Department. No inspection is to be made at the time until proper arrangement is made with the client for an interpreter to be scheduled and present in the near future. Once an interpreter is available, the inspector may proceed with their inspection.

2.3 Warrants Process

If denied access to an establishment for an authorized purpose and after complying with 105 CMR 400.100 and/or 105 CMR 590.012, the regulatory authority may issue, or apply for the issuance of, an administrative warrant in compliance with Commissioner's Bulletin 1999-06 " Effective Warrant Management" to gain access as provided in law.

Section 3.0: Conduct of Inspections

Health Division personnel shall present themselves in professional business attire at all times. The professional but personal approach is the tone that sets a positive balance for the inspection process. Health Division personnel shall establish a good rapport and show a genuine interest in the establishment, which shall be helpful in conveying the Health Division's goals of ensuring public health and safety.

3.1 Presenting Identification

Health Division personnel will upon entering the establishment request to speak with the person in charge (PIC). Make proper introductions, present department issued identification, and state the intent of the visit.

3.2 Inspections - Standards, Scope, Completeness

At the time of the initial inspection, under 105 CMR 590.000, the inspector will inform the owner or PIC, in writing of the existence of any violations. The inspection form serves as an order of correction. Correction of "Core" violations shall be corrected by an agreed to or specified compliance date, routinely within a one to two-week period.

A "Priority" Violation means improper practices or procedures, which have been identified by the Center for Disease Control and Prevention (CDC), through epidemiological data as the most prevalent contributing factors of foodborne illness or injury. A "Priority Foundation" Violation is a violation that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental health hazards.

A "Core" Violation does not seriously affect public health. If the inspector finds only 3 or fewer "Core" violations that do not affect the safe operation of the establishment, they may elect to file these violations and there will not be a scheduled compliance inspection. "Core" violations must be corrected prior to the next initial inspection. Requests for extensions beyond the specified or agreed date

require documentation to be attached to the original inspection forms and approved by the supervisor.

If an imminent health hazard exists, the inspector contacts a supervisor to review possible closure procedures (refer to section 4.0). Inspectors will follow the Health Division Temporary Suspension of Permit (TSOP) procedures under 105 CMR 590.000. Operators must be notified of their right to submit a request for a hearing at the time of the action. At the time of the compliance inspection, the inspector will ensure that all "Priority" violations have been corrected. If the compliance inspection reveals only minor violations that do not affect the proper sanitary operation of the establishment, the inspector may elect to file these violations for review at the next sanitary inspection. If the compliance inspection reveals a failure to correct critical violations, if new "Priority" violations are noted or if an accumulation of violations resulting in unsanitary conditions exists, an administrative hearing (refer to section 3.4) may be scheduled within seven to fourteen calendar days. A pre-hearing inspection will be made before the scheduled hearing, usually the same day. If all violations are corrected, the owner will be in compliance, the hearing will be cancelled, and no further action will be taken. If all violations are not corrected, the owner/operator must appear at the hearing as scheduled. Principal Health Inspectors will ensure t.:000 and/or 105 CMR 400.000.

3.2a HACCP Inspections

The Hazard Analysis Critical Control Point (HACCP) approach inspection process under 105 CMR 590.000 examines an operation as a total process by identifying "risk factors/ critical control points" (Cooking, Cooling, Hot and Cold Holding, and Reheating) in an attempt to prevent food safety hazards from occurring (i.e., conditions at the establishment, which could lead to foodborne illness).

3.2b Pre-Operational Procedures

All plan review, pre-operational, and remodeling requests must be scheduled with a Principal Health Inspector who specializes in those functions. Area inspectors will conduct pre-operational initial inspections provided the proper Certificate of Occupancy /Inspection has been filed, criteria for Certified Manager if applicable, as well as the permit application. This inspection will ensure that all areas of the establishment are in compliance with the relevant codes and/or ordinances prior to the inspector's approval for opening. This inspection is required after the completion of all construction and before opening to the public. Inspectors will conduct follow-up and other compliance inspections as required.

3.3 Violations - Process, Notice, Follow-up, Referral to Legal, Closing of Business

The inspection process under 105 CMR 590.000 and/or 105 CMR 400 is not complete until all violations have been corrected and/or filed. Minor non-critical violations that do not endanger the public health may be filed/closed out, but will be addressed during the next inspection. Any violation cited by the Division of

Health Inspections such as Nuisance Notices, M.G.L. Chapter 111, Sections 122, 123 and 125 and properly served by person, by constable, by certified mail or posting under 105 CMR 400.400 that is not corrected shall be referred to the Legal Division of Boston Inspectional Services for prosecution.

3.4 *Hearings*

The Health Division shall adhere to Commissioner's Bulletin No. 2002a "Standard Rules of Practice and Procedures for Inspectional Services Department Hearings" and Commissioner's Bulletin No. 2002-02 "Designation of Inspectional Services Department Hearing Officer(s)".

At the Administrative Hearing, an individual owner or partner must appear at the hearing or be represented by a responsible person with written authorization signed by the owner or the partner. A corporation must be represented by an officer or by a responsible person with written authorization to represent the corporation, signed by an officer. The person appearing at the hearing may be accompanied by legal counsel and by an interpreter if English is not spoken. A request may be made that the hearing not be public. The owner will be afforded the opportunity to show cause as to why the establishment should not be closed and/or publicized. The Hearing Officer will preside over the hearing to address uncorrected violations. The inspector who cited the violations shall complete all administrative hearing forms. During the hearing, the inspector clearly conveys the compliance status of the establishment, The public health reasons for citing the violations and possible preventative actions. Acceptable alternatives and time frames for compliance are established during this hearing.. The person in charge of the establishment at the time of the inspection should be the establishment representative at the hearing. The Hearing Officer may establish a date for final inspection of the establishment or order the establishment's permit to operate suspended. Final inspections will be scheduled at the discretion of the hearing officer. Failure to appear at the hearing shall be reason for immediate action by the Division of Health Inspections. The owner will be served with a notice of hearing decision by certified mail.

If a Final Inspection reveals uncorrected critical violations or an accumulation of violations resulting in unsanitary conditions, the permit to operate will be immediately suspended, the establishment will be required to close, and the public will be notified of these actions by the Health Division.

Nothing in this policy shall preclude the Health Division from immediate closure of any establishment presenting an imminent danger to the public health as defined by 105 CMR 590.00 and /or any other required Codes and Ordinances.

Section 4.0: Revoking or suspending permits, activity or occupancy of premises

In accordance with M.G.L. 111, § 30, the Board of Health or its authorized agent, as determined by the board of health, may, without a prior hearing, suspend a permit to operate when an imminent health hazard is found to exist and/or as the result of an administrative hearing decision. Permits to operate may be revoked if an establishment has

shown, by its continuous failure to correct violations cited by the Health Division, that its continued operation would pose a serious health threat to the safety of the public. A permit may be summarily suspended (M.G.L. 111, § 30), without prior notice, notice of at hearing, or a hearing, provided that the right to a hearing is afforded within three business days of the request. The permit holder shall file a written request for a hearing within ten days of receipt of the summary suspension order.

4.1 *Standards and Process for making determination embargoes, civil disposition, recommendations for prosecution.*

The Health Division shall take such steps as necessary, pursuant to M.G.L. c. 94, §§ 146 or 189A, to affect the condemnation and disposal of any food product found to be unfit for human consumption. The Health Division will ensure that all embargo procedures are in compliance with Commissioner's Bulletin [CB2002-15](#) regarding "Standard Rules and Procedures for the Embargo and Handling of Property".

4.2 *Duration*

All administrative actions under 105 CMR 590.000 and/or 105 CMR 400:000 shall remain in effect until all violations have been corrected and/or have complied with the written decision of the Hearing Officer.

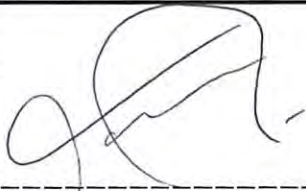
4.3 *Rights of the Aggrieved*

The person appearing at any administrative action may be accompanied by legal counsel and by an interpreter if English is not spoken. Any person aggrieved by the final decision of a board of health may seek relief in a court of competent jurisdiction in the Commonwealth.

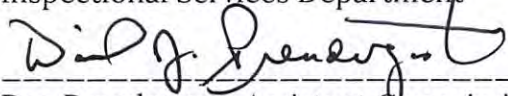
4.4 *Lifting the Action Taken*

All administrative actions taken by the Division of Health Inspections shall remain in effect until the conditions cited in the order are corrected and their correction is confirmed by the Division of Health Inspections through reinspection and other means as appropriate.

Signed:



Tania Del Rio, Commissioner
Inspectional Services Department



Dan Prendergast, Assistant Commissioner
Health Division
Inspectional Services Department

4/1/2026

Date

4/1/2025

Date



**COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON**

Number: 2025-01D
Date: March 31st, 2025

Subject: Reestablishment of Standard Rules of Practice and Procedures for Housing Division Inspectors and Employees

Purpose: This Bulletin reestablishes the responsibilities and duties for the position of Housing Inspectors, and to reestablish standard rules of practice and procedure for Housing Division employees to follow when they are performing their official duties.

Determination:

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

General Considerations:

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

Article I. Public Integrity Policy

Section 1.0: Policy

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

misconduct, whether administrative or in violation of law or the public trust.

Section 2.0: Compliance with Public Integrity Policy

It shall be the duty and responsibility of each and every inspector and employee to become familiar with and conduct themselves in accordance with the public integrity policy as stated in bulletin [CB2002-17](#), and any other published policy statements or Commissioner's Bulletins regarding the Public Integrity Policy or ISD.

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

General Considerations:

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

Section 1.0: Reporting, Review and Scheduling of Inspections - 105 CMR 410.620

1.1 *General Questions*

- a. Upon receipt of a request for an inspection of alleged code violation(s), the Housing Inspection Division employee taking the complaint shall advise the complainant to notify the Property Owner or Agent of the alleged violation(s) in addition to requesting an inspection from ISD. If the complainant fails or refuses to notify the property owner or agent of the alleged violation(s) that will not prevent ISD from fulfilling its responsibility to investigate alleged violations of the State Sanitary Code.
- b. During intake Housing Division employees must create 311 (Lagan) and Hansen cases accurately and as completely as possible, and must schedule appointments for the district inspectors.

1.2 *Emergency Complaints*

- a. Any request for inspection that alleges that conditions exist that may endanger or impair the health or safety of occupants or the general public, as listed in 105 CMR 410.630(A), shall be deemed to be an emergency complaint. Approval from a HID supervisor is required before designating a complaint as an emergency complaint.
- b. Emergency complaints must be scheduled for an inspection within 24 hours of receipt of the request.

1.3 *Non-Emergency Complaints*

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

1.4 *Compliance Inspections*

- a. If an inspection reveals that a dwelling does not comply with the provisions of Article II of the State Sanitary Code, a written order to correct must be prepared by the inspector and served upon the owner of the dwelling or the owner's agent in the manner provided by law.
- b. Said order to correct must contain a compliance time frame of 24 hours for emergency conditions. Non-emergency orders to correct must contain compliance time frames of 7, 14, 21 or 30 days.
- c. Emergency orders to correct must be inspected for compliance within 48 hours from the date of service of the order to correct.
- d. Non-emergency orders to correct must be inspected for compliance within 5 days after the date for compliance.
- e. A compliance inspection report must be completed and submitted by all HID inspectors, for every compliance inspection conducted.
- f. The HID inspector must notify the property owner or agent of the results of a compliance inspection by telephone communication, email or by mailing a copy of the compliance inspection report to the property owner or agent. The aforementioned notification must be accomplished in no more than 5 days after the date of the compliance inspection. Notification via telephone must be direct and must be noted on the compliance inspection form and must be placed in that particular file.
- g. The HID inspector must timely respond to all email and telephone inquiries from the property owner or agent regarding the status of any open violations and notify the owner of the intent to recommend a violation for prosecution prior to doing so. The HID inspector must make reasonable efforts to document these communications and to copy their supervisor when notifying the property owner or agent of their intent to recommend a violation for prosecution..

1.5 *Landlord Participation During an Inspection*

- a. It is the policy of ISD to allow property owners and/or agents to be present during inspections for alleged violations of the State Sanitary Code and during inspections for compliance with the State Sanitary Code. If said inspection is being conducted in

a dwelling unit, the occupant of that dwelling unit must approve that the owner and/or agent can accompany the ISD inspector.

- b. ISD Inspectors cannot guarantee the property owner or agent entry during an inspection and must, at all time respect the occupants right to have an inspection conducted solely with ISD inspectors.

Section 2.0: Obtaining Legal Entry for Inspections

2.1 Administrative Inspection Consent Forms

- a. It shall be the duty and responsibility of each inspector to familiarize themselves with the rules set forth in Commissioner's Bulletin Number [CB1999-05](#) and Number [CB2005-02](#) regulating the manner in which inspectors may obtain access in order to perform inspections. Inspectors shall strictly adhere to the procedures and requirements set forth in this bulletin.
- b. This bulletin provides occupants with notice of their right to refuse to consent to an administrative inspection. And further sets forth the procedures to be followed in obtaining an administrative inspection warrant if an occupant refuses a legal request to enter by an inspector.

2.2 Language Access

ISD will provide interpreters as needed. Whenever an inspector is unable to communicate with a client or customer due to a language barrier, they will avail themselves of the [over-the-phone and/or video remote interpretation services](#) available to the Department. No inspection is to be made at the time until proper arrangement is made with the client for an interpreter to be scheduled and present in the near future. Once an interpreter is available, the inspector may proceed with their inspection.

Section 3.0: Conduct of Inspections

3.1 Presenting Identification

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

3.2 Inspections

- a. All inspections shall be conducted in accordance with 105 CMR 410.620 and any other applicable legal requirements. It is the duty and responsibility for each inspector to familiarize themselves with the above-mentioned requirement as well as all other regulations and ordinances that HID is required to enforce.
- b. All HID inspections shall include at minimum the conditions alleged to be in violation. General Examinations are to be conducted in all non emergency cases, provided that full access to the dwelling and dwelling unit is allowed
- c. All occupants must be informed of their right to a comprehensive inspection at the beginning of every inspection.
- d. A written summary of the conditions noted during the inspection shall be provided to the occupant or the occupant's representative at the conclusion of every inspection on a form approved by ISD.

3.3 *Emergency Inspections*

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

3.4 *Reporting Requirements for Emergency Cases*

- a. All emergency complaints received via intake or via inspectors in the field must be entered into the required Housing Division's data management system(s), immediately upon receipt.
- b. Inspectors must immediately notify a supervisor of emergency conditions observed during an inspection, and await further instructions before leaving an inspection site.
- c. Supervisors and inspectors must ensure that all complaints are properly followed through to compliance or court enforcement; and that the applicable databases are updated daily.
- d. At no less than one hour before the end of every business day each assistant director must submit a report of all the emergency inspections and re-inspections conducted during that particular business day to the Assistant Commissioner of the Housing Inspection Division or their designee.
- e. Said report must contain at minimum the address, the complainant's information, the conditions observed, the action taken, and a recommendation for any further action that may be necessary.

Section 4.0: Condemnation Placarding and Vacating Residences- 105 CMR 410.900

- a. All condemnations must be conducted in accordance with 105 CMR 410.650 and 410.900.
- b. Approval must be obtained from the Assistant Housing Commissioner or their designee, before a condemnation order or a vacate order is issued.
- c. All condemnations conducted by the Housing Division must be entered in the Housing Inspection Division emergency Google sheet, under the category of condemnation.
- d. The Inspector shall include in the emergency order the language in 105 CMR 410.900, sections (1), (2) and (3). This language must also be included in the hearing decision.

Section 5.0: Housing Division Organizational Chart

The attached [organizational chart](#) outlines and memorializes the management structure of the Housing Inspection Division.


Signed:



Tania Del Rio, Commissioner
Inspectional Services Department

3/31/2025

Date



Evangeline Maxwell-Davis, Assistant Commissioner
Housing Division
Inspectional Services Department

4/1/2025

Date



**COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON**

Number: 2025-01E

Date: March, 31st, 2025

Subject: Standard Rules of Practice and Procedures for Weights & Measures Division
Inspectors and Employees

Purpose: This Bulletin reestablishes the responsibilities and duties for the position of Weights & Measures Inspectors, and to reestablish standard rules of practice and procedure for Weights & Measures Division employees to follow when they are performing their official duties.

Determination:

General Considerations:

All Inspectional Services Department (ISD) personnel are charged with great responsibility and trust in ensuring the well being, health and safety of our citizens. Consistent, clear and efficient operational protocols are essential to ensuring that ISD fairly and effectively administers the law. WMD employees, in carrying out the functions of ISD, shall direct their best efforts to accomplish that end intelligently and efficiently and shall hold themselves in readiness at all times to respond to requests for assistance from the general public and the management team. They shall conduct their affairs in a manner consistent with the policies of ISD and reflect the highest standards of honesty, integrity and fairness at all times when performing their official duties. They shall exercise care and good judgment in the use of official City of Boston equipment. WMD inspectors must present themselves in a professional manner at all times when performing official duties.

Article I: Public Integrity Policy

Section 1.0: Policy

It is the policy of BSD that every action of ISD as an organization, and those individuals, who act on its behalf, to reflect the highest standards of honesty and integrity in all of our interactions, whether with the general public, or with each other, to act in accordance with the ethical standards established by the City of Boston and the Public Integrity Policy for the Department, established in [CB2002-17](#). It is the responsibility of BSD and its employees to prevent detect and correct instances of misconduct, whether administrative or in violation of law or the public trust.

Section 2.0: Compliance with Public Integrity Policy

It shall be the duty and responsibility of each and every inspector and employee to become familiar with and conduct themselves in accordance with the public integrity policy as stated in bulletin [CB2002-17](#), and any other published policy statements or Commissioner's Bulletins regarding the Public Integrity Policy or ISD.

Article II: Division/Department Operations

Section 1.0: General Operations

1.0 *Chain of Command*

The Assistant Commissioner/Sealer of Weights and Measures is in charge of the WMD. They shall conduct their duties pursuant with City of Boston policies as well as those prescribed in the Massachusetts General Laws. They shall be responsible for the day to day activities of the WMD, including but not limited to, the assignments of Deputy Sealers and Head Clerk, the enforcement of violations of MGL relating to weights and measures, various reports required by ISD and the Commonwealth, staff development, etc. Also, the Assistant Commissioner/Sealer of Weights and Measures shall ensure that all staff under their supervision is made aware and follows this bulletin and City of Boston policies. In the event that the Assistant Commissioner/Sealer is absent, the Chief Deputy Sealer shall assume these duties. The Assistant Commissioner/Sealer of Weights and Measures shall report directly to the Senior Deputy Commissioner of Inspectional Services.

1.1 *General Duties*

The duties of the Division are set forth in the Massachusetts General Laws, Chapter 6, 94 through 98, 101 and 885, with amendments and additions thereto. Generally, they state the requirements regarding the testing, sealing or condemning of all weighing and measuring devices used for buying and selling foods, wares, or merchandise for public weighing or for hire or reward. The Division also enforces Laws and Ordinances pertaining to: Giving false or insufficient weight or measures; all metering systems for fuel; gas and oil deliveries (retail and wholesale); taxi metering; proper measurement of all products sold by weight or measure; electronic check-out systems (scanners); pricing regulations; visibility of cash registers; all apothecary and jewelers scales; heavy capacity scales; all truck scales; hawkers, peddlers and transient vendors; motor fuel laws, side guards for large trucks, syringe return service availability, and the investigation of all complaints and prosecution of all violations of the Weights and Measures Laws and Ordinances.

1.2 *Certification*

The Assistant Commissioner/Sealer of Weights and Measures, Chief Deputy Sealer, and all Deputy Sealers of Weights and Measures shall be certified by the Commonwealth of Massachusetts, Division of Standards and shall participate in continuing education programs stipulated by the State Certification Committee as required by MGL c. 98 § 29.

1.3 *Inspection Procedures*

All inspections, tests and code applications shall be conducted following the procedures laid out in National Institute of Standards and Technology (NIST) Handbook (s) 44, 130 and 133, NIST Publication 19 (Price Verification), applicable Commonwealth of Massachusetts Regulations (CMR) promulgated the State Division of Standards and applicable Massachusetts General Laws relating to weights and measures.

1.4 *Complaint Investigations*

It is the duty of the WMD, generally within 24 hours, to promptly investigate every complaint brought before it by a consumer or merchant. All complaints shall be thoroughly investigated. All Chief Deputy Sealers and Deputy Sealers assigned to investigate a complaint shall submit a written report detailing the findings of their investigation and submit said report to the Sealer for their endorsement.

1.5 *Violations*

All Chief Deputy Sealers and Deputy Sealers shall report violations of MGL (as outlined in Section 1.1 General Duties) to the Assistant Commissioner/Sealer or their designee, who will coordinate the appropriate action in response (Notice of Non-Compliance, Civil Citation, Administrative Hearing or Criminal Complaint).

1.6a *Increased Enforcement and the Issuance of Civil Citations*

It is the goal of the WMD to maintain compliance and provide equity in the marketplace. The WMD shall afford all clients due process and attempt to inform, educate and warn those found to be in violation of laws under WMD statutory jurisdiction. When necessary the Assistant Commissioner/Sealer or their designee only, shall issue civil citations for violations of weights and measures law. The appropriate enforcement action shall be based on the following factors; a) compliance history with violator or at location, b) evidence of intent c) evidence of gross negligence d) verbal or physical abuse of an inspector

1.6b *Appeal of Civil Citations*

A person aggrieved by a citation may appeal the citation by filing a notice of appeal with the City of Boston Inspectional Services Department, Weights and Measures Division, attn: Appeals, 1010 Massachusetts Avenue, Boston, MA, 02118, within seven (7) days of the receipt of the citation. All persons filing an appeal shall be granted a hearing before the designated hearing officer of the Inspectional Services Department. All appeal hearings shall be conducted according to G. L. c. 30A and Commissioners Bulletin # 2002-2 and #2002-2A! There will be no change to the date/time of the hearing scheduled by the hearing officer. A person aggrieved by a decision of the hearing officer may file an appeal in the superior court. If a person fails to pay any civil penalty provided thereby within 21 days of the date of issuance of such violation, or within 30 days following the decision of the hearing officer if such citation has been appealed, excluding any time during which judicial review of the hearing officer's decision remains pending, the Sealer of Weights and Measures may apply for a criminal complaint against such person for the violation, or may initiate a civil action in the district court.

Section 2.0: Schedules, Equipment, Vehicles

2.0 *Staff Schedule*

The regular workday of the WMD for all staff is 8:00 a.m. to 4:00 p.m. Monday through Friday. The Assistant Commissioner/Sealer assigns inspections. Chief Deputy Sealers and Deputy Sealers shall draft a daily activity report at the start of each workday, endorse it and submit it to the Assistant Commissioner/Sealer. Chief Deputy Sealers and Deputy Sealers shall accurately complete the daily activity report at the end of the workday and submit it to the Assistant Commissioner/Sealer.

2.1 *Use of Department Equipment*

Due to the nature of its inspection specialty, the WMD is required to employ the use of City of Boston issued equipment on a constant basis. Therefore, the WMD are bound to adhere to the "Standard Rules and Procedures for Issue, Use and Care of ISD Equipment" as set forth in Commissioners Bulletin [CB2002-18](#). In addition, from time to time, the WMD is required to use certain specialty equipment that shall be secured after each use. Such equipment shall include, but not be limited to the octane analyzer and precision weights used for jewelry/pharmacy scale inspections and glassware.

2.3 *Use of City of Boston Vehicles*

Due to the nature of its inspection specialty, the WMD uses City of Boston vehicles in all of its activities. Therefore the WMD is bound to adhere to the "Standard Rules and Procedures for Operation of Department Motor Vehicles", as set forth in Commissioners Bulletin [CB2002-4](#).

Section 3.0: Referrals, Media Inquiries, Safety

3.0 *Referrals*

Whenever WMD staff discovers actual or potential violations/problems overseen by another ISD Division they shall immediately report such violation/problem to their direct supervisor for referral.

3.1 *Media Inquiries*

It is the policy of ISD to refer all media inquiries to the Commissioner's Office or the Commissioner's media designee. The purpose of this policy is to ensure one informed response that encapsulates all the pertinent facts involved in an issue of media interest and also to limit the potential claim of legal liability of unintended misstatements by those solicited.

3.2 *Safety*

Chief Deputy Sealers and Deputy Sealers shall consider safety precautions in every inspection. Deputy Sealers shall notify their direct supervisor if any safety equipment is needed or in need of repair.

Article III: Standard Rules of Practice and Procedure for Weights & Measures Inspectors

Section 1.0: Inspections

1.0 *Scheduling of Inspections*

Deputy Sealers, when assigned inspections by district or discipline, shall schedule those inspections in an efficient manner, taking into account the travel, size and scope of the inspection planned. Deputy Sealers shall be prepared with alternative inspection "stops" if circumstances warrant a deviation from their daily schedule.

1.1 *Compliance Inspections - Devices*

When conducting annual compliance inspections of weighing and measuring devices, Chief Deputy Sealers and Deputy Sealers shall be aware and diligent in inspecting all aspects of their weights and measures jurisdiction at the location, i.e. pricing, net weight, cash register visibility and motor fuel laws, Whereas, since many compliance inspections generally take place once a calendar year, it is imperative that Deputy Sealers verify that all responsibilities under their jurisdiction are in compliance. When assigned to districts, Chief Deputy Sealers and Deputy Sealers shall be aware to investigate any new or unfamiliar establishments for usage of any weighing or measuring device or any law/regulation under their weights and measures regulatory control. Chief Deputy Sealers and Deputy Sealers should note any device rejected which requires a possible re-inspection. Chief Deputy Sealers and Deputy Sealers shall be responsible for follow-up on inspections they performed.

1.2 *Compliance Inspections - Laws & Regulations*

When conducting any compliance inspection of weights and measures laws and regulations, Chief Deputy Sealers and Deputy Sealers shall also be aware and diligent in inspecting all aspects of their weights and measures jurisdiction at the location, i.e. cash register visibility, new devices and store notice posting requirements. When inspecting home heating oil deliveries, they shall collect all pertinent information required.

1.3 *Inspection Reports*

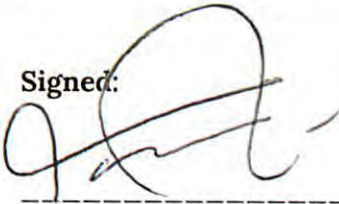
All required inspection reports shall be accurately completed. Billing and contact information is critical to accurately managing the operation of the WMD. Particular care shall be given to completing all reports in a timely manner at the conclusion of the workday. Inspectors shall log and maintain notes of locations requiring a re-inspection or any other follow-up action.

1.4 *Conduct of Inspections*

Chief Deputy Sealers and Deputy Sealers shall professionally present themselves during every inspection. They are representing the City of Boston, ISD, and the WMD.

- 1.5 *Participation of Owner/Manager During Inspection*
Chief Deputy Sealers and Deputy Sealers are encouraged to educate owner/managers as to the scope of the inspection(s) being performed. At the very least, they shall inform the owner/manager of the result(s) of their inspection.
- 1.6 *Presenting Identification*
Chief Deputy Sealers and Deputy Sealers shall always be in possession of their official identification and present that identification prior to every inspection. Lost or missing identification must be reported immediately to a supervisor. Massport identification (Logan Airport Security Access) shall always be kept secure.
- 1.7 *Language Access*
ISD will provide interpreters as needed. Whenever an inspector is unable to communicate with a client or customer due to a language barrier, they will avail themselves of the [over-the-phone and/or video remote interpretation services](#) available to the Department. No inspection is to be made at the time until proper arrangement is made with the client for an interpreter to be scheduled and present in the near future. Once an interpreter is available, the inspector may proceed with their inspection.
- 1.8 *Confiscation of Weighing and Measuring Devices*
Law that provides for the confiscation of weighing and measuring devices without a warrant, being used as evidence in criminal complaints. Therefore the WMD is bound to adhere to the "Standard Rules and Procedures for the Embargo and Handling of Property", as set forth in Commissioners Bulletin [CB2002-15](#).

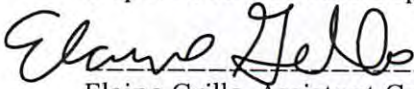
Signed:



Tania Del Rio, Commissioner
Inspectional Services Department

4/1/2025

Date



Elaine Grillo, Assistant Commissioner
Weights & Measures Division
Inspectional Services Department

4/1/2025

Date



**COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON**

Number: 2025-02
Date: April 14th, 2025

Subject: Off Hours Permits on Holidays

Purpose: This Commissioner's Bulletin is issued to clarify the policy for off hours building permits during holidays.

City of Boston, Chapter 16-26.4, Regulation of Construction Hours, limits construction to the hours of 7:00 A.M. and 6:00 P.M., on weekdays, unless an off hours permit has been issued. This bulletin clarifies that the Inspectional Services Department will not consider national holidays to be a regular weekday and will therefore require an off-hours permit for the erection, demolition, alteration, or repair of any building and excavation on national holidays.

Signed.

Tania Del Rio, Commissioner
Inspectional Services Department

4/14/2025

Date

Marc Joseph, Depty. Building Commissioner,
Inspector of Buildings
Inspectional Services Department

4/14/2025

Date



COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON

Number: CB2025-03
Date: June 10th, 2025

Subject: Citywide Standard for Off Hours Construction Permits – Interpretation of “Public Safety or Welfare” in BMC Section 16-26.4

Purpose: This bulletin establishes ISD’s citywide standard for interpreting and applying **Boston Municipal Code Section 16-26.4**, which restricts construction activities outside of regular hours—defined as 7:00 a.m. to 6:00 p.m. on weekdays—except when permitted by the Commissioner in the **interest of public safety or welfare**. The criteria established in this bulletin will guide the review and issuance of **Off Hours Construction Permits** across all neighborhoods.

Statutory Reference

BMC Section 16-26.4 states, in relevant part, that:

“No erection, demolition, alteration or repair of any building and excavation in regard thereto, except between the hours of 7:00 a.m. and 6:00 p.m., on weekdays or except in the interest of public safety or welfare, upon the issuance of and pursuant to an Off Hours Permit from the Commissioner, Inspectional Services Department, which may be renewed for one or more periods of not exceeding one week each.”

ISD Interpretation of “Public Safety or Welfare”

ISD will interpret “in the interest of public safety or welfare” to include the following types of work:

- Emergency Repairs**

Work required to address immediate threats to public safety or property, including but not limited to fire, flood, structural failure, utility failure, or hazardous material response.

2. **Essential Utility and Infrastructure Work**

Projects conducted by or on behalf of public utilities, including water, gas, electric, or telecommunications providers, that are:

- Time-sensitive and cannot be completed during regular hours without compromising service continuity, and
- Coordinated with relevant City agencies and/or public safety departments.

3. **Work Supporting Critical Public Services**

Construction associated with hospitals, emergency shelters, transportation infrastructure, schools, public or affordable housing, or other essential public functions, where off-hours work is necessary to minimize disruption of critical services.

4. **Interior Work Without Significant External Impact**

Interior-only projects that do not generate significant noise, dust, or light visible or audible from the exterior of the building or other units within the same building or structure, and which will not disturb nearby residents.

In high-density residential areas, such interior work requests will be closely scrutinized to ensure that cumulative or indirect disturbances do not negatively impact the quality of life for abutters.

5. **Other Exceptions**

At the Commissioner's or their designee's discretion, other projects may be permitted if a compelling case is made that off-hours work is the only reasonable option to maintain safety or deliver a public benefit. These requests must be clearly documented.

Requests based solely on project timeline delays, schedule slippage, or contractor availability will not be considered a sufficient public interest justification.

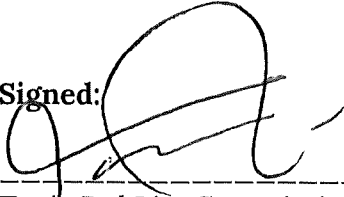
Application and Enforcement

All requests for Off Hours Construction Permits must include:

- A justification for how the project meets the criteria above;
- A mitigation plan for noise, light, or other disruptions;
- A designated contact person (i.e. a licensed construction supervisor, site supervisor, or designee) responsible for fielding community concerns.

Applications not aligned with this standard should be denied or referred to the Inspector of Buildings for further review.

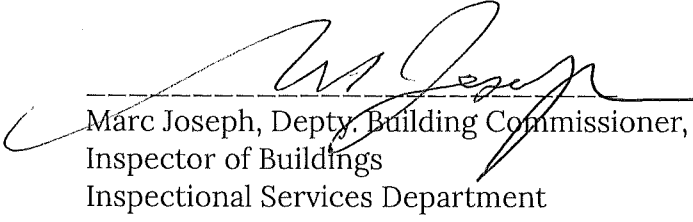
Signed:



Tania Del Rio, Commissioner
Inspectional Services Department

6/9/2025

Date



Marc Joseph, Depty. Building Commissioner,
Inspector of Buildings
Inspectional Services Department

6/9/2025

Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: CB2026-01
Date:

Subject: Minimum Square Footage requirements for Dormitory rooms under 105 CMR 410.420(D)

Purpose: This Commissioner's Bulletin is to clarify Minimum Square Footage requirements for Dormitory rooms under 105 CMR 410.420(D) and to align with existing occupancies approved under the Massachusetts State Building Code and Boston Zoning Code.

Applicable Definitions under 105 CMR 410.010

Rooming House means every residence or part thereof which contains one or more rooming units in which space is rented for compensation by the owner or operator to four or more persons not within the second degree of kindred to the person compensated, rental of which is based on a contractual agreement between owner and an individual or household for rent of a rooming unit and use of shared facilities. Rooming houses include, but are not limited to, boarding houses, hotels, motels, inns, lodging houses, bed and breakfast operations, ***dormitories***, fraternity and sorority houses, hostels, and other similar residences.

Rooming Unit means the room or group of rooms used for sleeping and living in a rooming house that are rented to an individual or household.

Determination:

This Bulletin will only apply to dormitories, which are included within the definition of a rooming house under the State Sanitary Code, primarily used for sleeping and living and, as such, appropriately classified as rooming units. Accordingly, this directive should not be misconstrued to apply to bedrooms in residential occupancies.

The current language of 105 CMR 410.420(D)(2) establishes minimum square footage requirements for rooming units used for living and sleeping purposes with one occupant (100 square feet), but does not establish the minimum square footage required for rooming units with multiple occupants. However, this provision should not be interpreted to limit occupancy in dormitory units to only a single occupant.

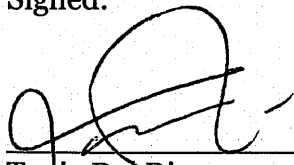
Where there is ambiguity in the State Sanitary Code that would otherwise render provisions unenforceable, the Inspectional Services Department (ISD) must be able to enforce uniform standards. ISD must apply a consistent standard across all dormitory facilities in the City of Boston based on a reasonable interpretation of the existing code to resolve this ambiguity.

To achieve this consistent and reasonable application, ISD must look to the explicit formulas provided elsewhere within the code, while also harmonizing with the Massachusetts State Building Code (780 CMR). 105 CMR 410.420(D)(4) establishes the standard for multiple occupants in a residence, dictating that each room used for sleeping by more than one occupant shall contain at least 50 square feet of floor space for each occupant. While applying this Sanitary Code metric means a double-occupancy room requires a minimum of 100 square feet (50 sq ft + 50 sq ft), the State Building Code establishes a stricter minimum of 120 square feet for such occupancies. To ensure consistency with current building, life safety and accessibility standards, ISD should enforce the more restrictive 120 square foot minimum to maintain existing approved occupancies.

Effective immediately, to resolve any ambiguity in the current State Sanitary Code and ensure uniform enforcement, ISD will apply a coordinated standard using 105 CMR 410.420(D)(4) and the State Building Code. ISD will require multiple-occupancy dormitory units to contain at least 50 square feet of habitable floor space for each occupant, with the explicit condition that any double-occupancy unit must contain an absolute minimum of 120 square feet to

maintain existing occupancies approved under historical standards.¹ Practically applied, this means a double-occupancy dormitory room must be at least 120 square feet. A triple-occupancy room must be at least 150 square feet (50 square feet multiplied by three occupants), as the Sanitary Code metric overtakes the Building Code minimum. Each additional occupant beyond three requires an additional 50 square feet of habitable space in the unit.

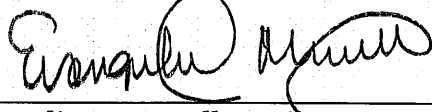
Signed:



Tania Del Rio
Commissioner, ISD

6/17/2026

Date



Evangeline Maxwell-Davis
Assistant Commissioner
ISD Housing Division

6/18/2026

Date

¹ This coordinated application of 120 square feet for a double-occupancy unit provides practical continuity with historical housing standards in the Commonwealth. Under the previous iteration of the Massachusetts State Sanitary Code (former 105 CMR 410.400), rooming units required a minimum of 60 square feet per occupant for multiple-occupancy sleeping rooms. This historically yielded an identical 120-square-foot baseline for dual occupancy. While the Inspectional Services Department strictly enforces only the current, active provisions of the Sanitary and Building Codes to maintain approved occupancies, this alignment demonstrates that 120 square feet has long been the accepted and reasonable standard for protecting occupant health and safety in both the old Sanitary Code, the current Building Code, and is a reasonable interpretation of the current Sanitary Code.