

Number: 87 — 1

Date: January 16, 1987

Subject:

**Definition and Requirements of An Affidavit Project
in the City of Boston**

Determination:

Part I

1. The purpose of this bulletin is to amplify the requirements for affidavit projects as authorized by Section 108.5, 108.6 and 127 of the Massachusetts State Building Code, Fourth Edition (780 CMR) and to clarify their application to the City of Boston.
2. This Bulletin supersedes Commissioner's Bulletin No. 180 as revised on September 7, 1984. Projects currently under construction at the date of this bulletin shall continue with respect to the requirements of Bulletin No. 180. Projects undergoing approval or which have been newly applied for shall be subject to this Bulletin.
3. This Bulletin may be referred to as Commissioner's Bulletin No. 87-1, January 16, 1987, or as the *Affidavit Project Bulletin*, and shall be effective as of the date of this Bulletin.

Part II

4. It is established policy that affidavits are to be filed with the Inspectional Services Department prior to the issuance of the building permit for all buildings or structures the cost of which exceeds a fair cost of \$950,000 or which, in the opinion of the Chief of the Plans & Permits Division, may be classified as "complex structures." (Please see Bulletin #86-6, December 15, 1986, for criteria of fair cost.)

Notwithstanding these requirements, the Chief of the Plans & Permits Division, with the approval of the Commissioner, may require individual affidavits, such as structural or mechanical affidavits, on projects with complex portions which may not otherwise be designated as "Affidavit Projects".

Signed:


COMMISSIONER
INSPECTIONAL SERVICES

APPENDIX A

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

Pursuant to Sections 108.6 and 127.4 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 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 his approval of the Representative previously given if, in his 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.

5. With respect to "complex structures", the Chief of the Plans & Permits Division shall, in determining whether a proposed building may be designated as an "Affidavit Project", set forth his reasons in a memorandum to the Commissioner who may approve or disapprove the recommendation that it be so included. If approved, the Chief of the Plans & Permits Division may then proceed per the remainder of this bulletin.
6. When a project is, according to the previously stated criteria, designated as an "Affidavit Project", the following affidavits shall be required:
 - A. *Design Affidavits*
 1. Architectural Design Affidavit
 2. Structural Design Affidavit
 3. Mechanical Design Affidavit
 4. Electrical Design Affidavit
 - B. *Inspectional and/or Final Affidavits*
 5. Inspection Affidavit
 6. Licensed Builder Affidavit
 7. Inspection Final Affidavit (Architect or Engineer)
 8. Architectural Final Affidavit
 9. Structural Final Affidavit
 10. Mechanical Final Affidavit
 11. Electrical Final Affidavit
 12. Licensed Builder Final Affidavit

The formats of these affidavits are attached and made a part of this Bulletin.

7. The Inspection Affidavit Architect or Engineer (See Affidavit No. B-5 in Item 6 above) or Engineer shall be in the employ of the Owner, Design Architect or Design Engineer and not in the employ of the General Contractor or acting as the General Contractor.
8. In pursuance of the affidavit system, the Owner or the Inspection Affidavit Architect or 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 responsible to the Affidavit Contractor. However, the Clerk of the Works, in addition to all other responsibilities, shall be under the direct authority of the Commissioner of Inspectional Services, who shall, in addition, approve the appointment of the Clerk of the Works prior to the issuance of the 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 requirement of a full-time Clerk of the Works may be waived by the Commissioner, if in his opinion, full-time, on-site observation is not required. In such event, the duties of the Clerk shall be performed by the Inspection Affidavit Architect or Engineer during his weekly site visit.

9. The Inspecting Affidavit Architect or Engineer shall make at least one site visit per week to the building or structure for which the application was approved until the work is completed. He shall make a report monthly to the Commissioner of his visits.

In addition, the Clerk of the Works, as described in No. 8 above, shall maintain a daily log in a form and with such detail as shall be described and authorized by the Department of Inspectional Services.

10. The affidavit contractor, or his agent, must, prior to the issuance of any permit and before the affidavit project is approved, submit to the Chief of the Plans & Permits Division a copy of an approved Street Occupancy Permit received from the Boston Transportation Department. The details of application and the criteria for approval are contained in the Transportation Department's CONSTRUCTION MANAGEMENT PROGRAM report of December, 1986 from page 9 to the end of the booklet, and are a part of this Bulletin by reference. For further details contact the Boston Department of Transportation, Traffic Management Division, Room 721, City Hall, Boston.

19. The Commissioner of Inspectional Services may, upon written request of applicant, waive any part or all of this bulletin. The request shall include permit number, address, description of the proposed project including estimated cost and the specific reasons for the waiver requested. The Commissioner shall approve or reject the written request. In the case of approval, the Commissioner shall state the limits of the waiver and identify the specific conditions of the project which render the affidavit process or waived part thereof unnecessary or impossible.
20. In addition to all other requirements, the owner of the contractor shall present to the Department proof of a contract for rodent extermination which will show that extermination will take place before, during and at the completion of demolition. Rodent extermination is required for all excavation, foundation, basement and first floor work and on additional floors if they have been vacant.
21. It should be understood that this Bulletin does not apply to an applicant who applies and qualifies under the "Fast Track Permit Procedures" as outlined in Commissioner's Bulletin No. 86-5, December 10, 1986.

INSTRUCTIONS FOR MAINTAINING THE LOG BOOK

1. The Inspectional Services Department shall require the Affidavit Engineer or Architect to keep a log of his weekly visits until the final affidavit is filed. The log sheets shall be filed in a standard 3-ring loose-leaf binder with each page numbered.
2. The Log Book shall be signed by all Inspectional Services Department inspectors, all personnel for the testing lab, clerk of works, Affidavit Engineer and his consultants, and daily by the Licensed Builder.
3. The Log Book shall be kept in a neat and orderly manner and at a location where all required personnel shall have access to it.
4. The Clerk of the Works shall note conditions of weather, noting maximum wind velocity, maximum and minimum temperature and low temperature of preceeding 24-hour period. He shall also note maximum wind velocity and minimum temperatures for holidays and weekends when no construction operations take place.
5. The Log Book shall not be used as a visitor's registration book.
6. Whenever there is a change in the principal personnel of the project, all changes shall be duly noted, with the appropriate dates, on a new title sheet, marked Revision #1, etc. In addition, these changes should be mailed directly to the Commissioner of Inspectional Services.
7. After the final affidavit is signed and before the Certificate of Occupancy is granted, the Log Book shall be returned to the Inspectional Services Department.

PROJECT ADDRESS

LICENSED BUILDER: _____

Company: _____

Address: _____

Phone: _____

Class: _____ Lic. No. _____

AFFIDAVIT ENGINEER or ARCHITECT: _____

Company: _____

Address: _____

Phone: _____

Mass. Reg. No. _____

PERMITS:

NUMBER

CONTRACTOR

ADDRESS

Building _____

Electrical _____

Gas _____

Plumbing _____

Sprinkler _____

Elevator _____

LOG BOOK

Log Book Sheets

YEAR: _____

SHEET: _____

PROJECT ADDRESS: _____ WARD: _____ PERMIT NO. _____

DATE	NAME	TIME		COMPANY/POSITION	ACTIVITY/FINDINGS
		IN	OUT		

PROJECT LOCATION

LICENSED BUILDER: _____

Class: _____ Lic. No. _____

AFFIDAVIT ENGINEER or ARCHITECT: _____

Mass. Reg. No. _____

PERMITS:

NUMBER

CONTRACTOR

Building _____

Electrical _____

Gas _____

Plumbing _____

Sprinkler _____

Elevator _____

**AFFIDAVIT
ARCHITECTURAL DESIGN**

Permit No. _____

To the Commissioner, Inspectional Services Department.

Re: _____ Ward _____

I certify that to the best of my knowledge, information and belief, the plans and computations accompanying the attached application concerning the locus at

_____ Ward _____ are in accordance with the requirements of the Massachusetts State Building Code and all other pertinent laws and ordinances.

ARCHITECT — MASS. REG. NO.

ADDRESS

PHONE

_____ 19 _____

Then personally appeared the above-named _____ and made oath that the above statement by him is true.

Before me,

My Commission expires

_____ 19 _____

**AFFIDAVIT
STRUCTURAL DESIGN**

Permit No. _____

To the Commissioner, Inspectional Services Department.

Re: _____ Ward _____

I certify that to the best of my knowledge, information and belief, the plans and computations accompanying the attached application concerning the locus at

_____ Ward _____ are in accordance with the requirements of the Massachusetts State Building Code and all other pertinent laws and ordinances.

ENGINEER — MASS. REG. NO.

COMPANY

ADDRESS

PHONE

_____ 19 _____

Then personally appeared the above-named _____ and made oath that the above statement by him is true.

Before me,

My Commission expires
_____ 19 _____

**AFFIDAVIT
MECHANICAL DESIGN**

Permit No. _____

To the Commissioner, Inspectional Services Department.

Re: _____ Ward _____

I certify that to the best of my knowledge, information and belief, the plans and computations accompanying the attached application concerning the locus at

_____ Ward _____ are in accordance with the requirements of the Massachusetts State Building Code and all other pertinent laws and ordinances.

ENGINEER — MASS. REG. NO.

COMPANY

ADDRESS

PHONE

_____ 19 _____

Then personally appeared the above-named _____ and made oath that the above statement by him is true.

Before me,

My Commission expires

_____ 19 _____

**AFFIDAVIT
ELECTRICAL DESIGN**

Permit No. _____

To the Commissioner, Inspectional Services Department.

Re: _____ Ward _____

I certify that to the best of my knowledge, information and belief, the plans and computations accompanying the attached application concerning the locus at

_____ Ward _____ are in accordance with the requirements of the Massachusetts State Building Code and all other pertinent laws and ordinances.

ENGINEER — MASS. REG. NO.

COMPANY

ADDRESS

PHONE

_____ 19 _____

Then personally appeared the above-named _____ and made oath that the above statement by him is true.

Before me,

My Commission expires
_____ 19 _____

INSPECTION AFFIDAVIT

Permit No. _____

To the Commissioner, Inspectional Services Department.

Re: _____ Ward _____

I certify that I shall make at least one site visit per week from start to completion of construction to observe compliance with the Code and the approved plans and will make a report of my visits and findings. There will be a representative in my employ or in the employ of the owner on site, as outlined in Commissioner's Bulletin No. 86-revised, during construction operations. He will maintain a daily log of construction activities and report any discrepancies noted to me for my action or for my reporting to Inspectional Services Department. If the need or the situation warrants, I may substitute a Massachusetts registered architect or engineer for me subject to the written approval of the Inspectional Services Commissioner.

ARCHITECT OR ENGINEER — MASS. REG. NO.

COMPANY

ADDRESS

PHONE

_____ 19 _____

Then personally appeared the above-named _____
and made oath that the above statement by him is true.

Before me, _____

My Commission expires _____

_____ 19 _____

**AFFIDAVIT
LICENSED BUILDER**

Permit No. _____

To the Commissioner, Inspectional Services Department.

Re: _____ Ward _____

I certify that I am duly licensed to take personal charge of work under the provisions of the Massachusetts State Building Code and that I shall perform only that work described on the Building Permit application and in accordance with the plans approved by the Inspectional Services Department. I further certify that this work shall be done in accordance with the provisions of the Massachusetts State Building Code and that I will be on the site at all times

during the construction of operations at _____

LICENSED BUILDER

LICENSE NO.

CLASS

WHEN EXPIRES

COMPANY

ADDRESS

PHONE

_____ 19 _____

Then personally appeared the above-named _____
and made oath that the above statement by him is true.

Before me,

My Commission expires

_____ 19 _____

INSPECTION FINAL AFFIDAVIT

To the Inspectional Services Commissioner:

I certify that I, or my authorized representative, have inspected the work associated with Permit No. _____, dated _____, locus _____

Ward _____ (on the dates used below or on at least _____ occasions during construction), and that to the best of my knowledge, information, and belief the work has been done in conformance with the permit and plans approved by the Inspectional Services Department and with the provisions of the Massachusetts State Building Code and all other pertinent laws and ordinances.

ARCHITECT OR ENGINEER — MASS. REG. NO.

COMPANY

ADDRESS

Inspection Dates:

_____ 19 _____

Then personally appeared the above-named _____ and made oath that the above statement by him is true.

Before me,

My Commission expires

_____ 19 _____

ARCHITECTURAL FINAL AFFIDAVIT

To the Inspectional Services Commissioner:

I certify that I, or my authorized representative, have inspected the work associated with Permit No. _____, dated _____, locus _____

Ward _____ (on the dates used below or on at least _____ occasions during construction), and that to the best of my knowledge, information, and belief the work has been done in conformance with the permit and plans approved by the Inspectional Services Department and with the provisions of the Massachusetts State Building Code and all other pertinent laws and ordinances.

ARCHITECT — MASS. REG. NO.

COMPANY

ADDRESS

PHONE

Inspection Dates:

_____ 19 _____

Then personally appeared the above-named _____
and made oath that the above statement by him is true.

Before me,

My Commission expires

_____ 19 _____

STRUCTURAL FINAL AFFIDAVIT

To the Inspectional Services Commissioner:

I certify that I, or my authorized representative, have inspected the work associated with Permit No. _____, dated _____, locus _____

Ward _____ (on the dates used below or on at least _____ occasions during construction), and that to the best of my knowledge, information, and belief the work has been done in conformance with the permit and plans approved by the Inspectional Services Department and with the provisions of the Massachusetts State Building Code and all other pertinent laws and ordinances.

ENGINEER — MASS. REG. NO.

COMPANY

ADDRESS

PHONE

Inspection Dates:

_____ 19 _____

Then personally appeared the above-named _____
and made oath that the above statement by him is true.

Before me,

My Commission expires

_____ 19 _____

MECHANICAL FINAL AFFIDAVIT

To the Inspectional Services Commissioner:

I certify that I, or my authorized representative, have inspected the work associated with Permit No. _____, dated _____, locus _____

Ward _____ (on the dates used below or on at least _____ occasions during construction), and that to the best of my knowledge, information, and belief the work has been done in conformance with the permit and plans approved by the Inspectional Services Department and with the provisions of the Massachusetts State Building Code and all other pertinent laws and ordinances.

ENGINEER — MASS. REG. NO.

COMPANY

ADDRESS

PHONE

Inspection Dates:

_____ 19 _____

Then personally appeared the above-named _____ and made oath that the above statement by him is true.

Before me,

My Commission expires

_____ 19 _____

ELECTRICAL FINAL AFFIDAVIT

To the Inspectional Services Commissioner:

I certify that I, or my authorized representative, have inspected the work associated with Permit No. _____, dated _____, locus _____

Ward _____ (on the dates used below or on at least _____ occasions during construction), and that to the best of my knowledge, information, and belief the work has been done in conformance with the permit and plans approved by the Inspectional Services Department and with the provisions of the Massachusetts State Building Code and all other pertinent laws and ordinances.

ENGINEER — MASS. REG. NO.

COMPANY

ADDRESS

PHONE

Inspection Dates:

_____ 19 _____

Then personally appeared the above-named _____ and made oath that the above statement by him is true.

Before me,

My Commission expires

_____ 19 _____

LICENSED BUILDER FINAL AFFIDAVIT

To the Inspectional Services Commissioner:

I certify that I, or my authorized representative, have inspected the work associated with Permit No. _____, dated _____, locus _____

Ward _____ (on the dates used below or on at least _____ occasions during construction), and that to the best of my knowledge, information, and belief the work has been done in conformance with the permit and plans approved by the Inspectional Services Department and with the provisions of the Massachusetts State Building Code and all other pertinent laws and ordinances.

LICENSED BUILDER — LICENSE NO.

COMPANY

ADDRESS

PHONE

Inspection Dates:

_____ 19 _____

Then personally appeared the above-named _____ and made oath that the above statement by him is true.

Before me,

My Commission expires

_____ 19 _____



Number: 87-2Date: April 28, 1987**Subject:****CONTROL FOR READY MIX CONCRETE
(Section 817.0 of Massachusetts State Building Code)****Determination:**

1. Control for ready mix concrete shall conform to the requirements of American Concrete Institute 318 and American Society for Testing and Materials C94 as stated in Section 817.0 of the Massachusetts State Building Code.
2. An "approved" testing laboratory is one which has been certified by the National Bureau of Standards, Cement and Concrete Reference Laboratory, Washington, D.C. 20234. This certification must be renewed every two years.
3. The concrete testing laboratory must be engaged and paid for by the building or structure owner and not the contractor. Copies of all laboratory reports must be sent to the owner, the contractor, the ready mix concrete supplier, the structural engineer or architect and the Commissioner of Inspectional Services to arrive within seven days of the laboratory test. No building permit shall be issued without evidence that an approved laboratory has been engaged. In the case of an owner-contractor, the laboratory must be mutually agreeable to the owner-contractor and the Commissioner of Inspectional Services.
4. The design of the concrete mix shall be the responsibility of the affidavit engineer where one is required. Where no affidavit engineer is required the design of the concrete mix shall be the responsibility of the engineer or architect whose professional seal appears on the approved plans.

Signed:


Commissioner
Inspectional Services

5. Test samples shall be taken of the ready mixed concrete as it is delivered at the jobsite and in the manner and under conditions set out in the standards referred to in number one above. Test samples at the batch plant are optional to the owner or owner-contractor. However, the Commissioner of Inspectional Services may require that test samples be taken at the batch plant where the results of testing samples taken at the job site reveal continuing or uncorrected problems.
6. Commissioner's Bulletin #179 (April 2, 1971) is hereby rescinded.

Number: 87-3

Date: April 29, 1987

Subject: REGULATIONS GOVERNING THE REGISTRATION OF THE SERVICING AND TESTING
OF COMMERCIAL WEIGHING AND MEASURING DEVICES

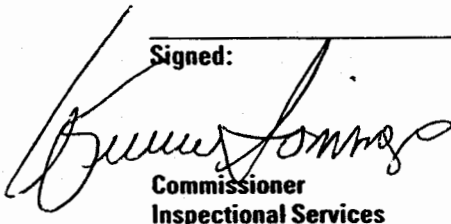
Determination:

Based on the authority contained in Massachusetts General Laws, Chapter 98, Section 34, Statute 1965, Chapter 656 as well as authorization contained in the Ordinances of 1981, Chapter 19, the attached rules and regulations are hereby adopted.

Adoption of these rules is based on an advertised public hearing held on April 6, 1987. The minutes and results of that public hearing, together with copies of public notice, are on file with the Boston City Clerk.

The rules and regulations which follow are effective as of July 1, 1987.

Signed:


Commissioner
Inspectional Services

REGULATION
GOVERNING THE REGISTRATION OF THE SERVICING
AND TESTING OF COMMERCIAL
WEIGHING AND MEASURING DEVICES

SECTION ONE. Policy.

Pursuant to the authority contained in Massachusetts General Laws Chapter 98 s.34 and Statute 1965 Chapter 656, it shall be the policy of the Department of Inspectional Services of the City of Boston through its Division of Weights and Measures to require the registration of individuals and entities engaged in the activity of installing, servicing, repairing, reconditioning or testing commercial weighing or measuring devices within the City of Boston.

For the benefit of the users, manufacturers, and distributors of commercial weighing and measuring devices, it shall be the policy of the Commissioner of Inspectional Services, hereinafter referred to as Commissioner, to register individuals and entities which provide acceptable evidence of: (1) qualification by training or experience to install, service, repair, or recondition a commercial weighing or measuring device; (2) a thorough working knowledge of all appropriate weights and measures laws, orders, rules, and regulations; and (3) possession of or availability for use, and agreement to use, calibrated weights and measures standards and testing equipment appropriate in design and adequate in amount.

No employee of local, state or federal government shall be eligible for registration.

The Commissioner, through the Division of Weights and Measures, shall verify the qualifications of each applicant.

A Certificate of Registration, issued in accord with these regulations, shall be required to propose the removal of Condemned Tags placed on Commercial Weighing and Measuring Devices by authorized Weights and Measures officials, to propose placement in service of repaired Devices that were rejected, or to propose placement in service of Devices that have been newly installed, in compliance with these regulations, within the City of Boston.

The Commissioner shall not guarantee the work or fair dealing of a Registrant. He may, however, remove from the registration list any Registrant which violates any section of these regulations.

Failure to notify the Commissioner that a Condemned Tag is proposed to be removed or a Device is proposed to be placed in service, pursuant to these regulations, or unauthorized removal of a Condemned Tag or unauthorized placement in service of a device shall constitute a violation of these regulations and may be grounds for immediate suspension or revocation of registration. Furthermore, unauthorized removal of a Condemned Tag or unauthorized placement in service of a Device shall be considered obstruction of the sealer in performance of his duty and shall be subject to the penalties contained in G.L.c.98 s.34.

3.3 Registered Apprentice Serviceperson. An applicant for registered apprentice serviceperson shall submit: (1) appropriate evidence of less than four years of training and/or experience in servicing Commercial Weighing and Measuring Devices; (2) at least two references as to professional and personal qualifications; and (3) sponsorship by a Registered Serviceperson or Agency.

3.4 Registered Agency. Any non-individual applicant shall be considered, for purposes of these regulations, to be an agency. Any agency applicant shall submit the names and registration numbers of all Servicepersons and Apprentice Servicepersons employed by and/or associated with it and engaged in any activity covered by these regulations within the City of Boston. As a condition of Agency registration, registration of individual Servicepersons and Apprentice Servicepersons who are employed by and/or associated with the Agency and engaged in any activity covered by these regulations within the City of Boston shall be required.

SECTION FOUR. Registration Procedure.

An individual or agency seeking to perform any of the activities covered by these regulations in the City of Boston shall apply for registration to service Commercial Weighing Devices and Measuring Devices on an application form supplied by the Commissioner. Said form shall include a signed, sworn statement by the applicant that the individual or agency is fully qualified to install, service, repair, or recondition whatever Devices for the service of which competence is being registered, has in possession or available for use, and will use, all necessary testing equipment and standards, and has full knowledge of all appropriate weights and measures laws, orders, rules, and regulations.

SECTION FIVE. Registration Fee and Application.

The Registrant, when so designated by the Commissioner, shall be charged a fee consistent with the fee set forth in the City of Boston Code.

SECTION SIX. Certificate of Registration.

Upon approval by the Commissioner, he shall issue to the applicant a Certificate of Registration which shall expire one (1) year after the date of issuance, unless sooner suspended or revoked.

15D
4/27/87

A Registrant shall also furnish the Commissioner with a statement of what disposition has been made of the Commercial Weighing and Measuring Device within ten days of any such disposition.

SECTION TEN. Examination And Calibration Or Certification Of Standards And Testing Equipment.

A Registrant shall submit, at least annually, to the Massachusetts State Division of Standards, for examination and certification, any standards and testing equipment that are used, or are to be used, in the performance of the service and testing functions with respect to Commercial Weighing and Measuring Devices for which competence is registered. A Registrant shall not use in servicing Commercial Weighing and Measuring Devices any standards or testing equipment that have not been certified by the State Division of Standards. Equipment calibrated by another State's Weights and Measures Laboratory that can show traceability to the National Bureau of Standards will also be recognized as equipment suitable for use by Registrant pursuant to these regulations.

SECTION ELEVEN. Suspension or Revocation of Certificate of Registration.

11.1 The Commissioner is authorized to suspend or revoke a Certificate of Registration for good cause which shall include but is not limited to: Violation of any section of these regulations; failure to have test equipment or standards certified; failure to use adequate testing equipment; and failure to adjust Commercial Weighing and Measuring Devices to comply with Handbook 44 subsequent to service or repair.

11.2 Where the Commissioner determines that it would be detrimental to the public interest and states reasons therefor, the Commissioner may revoke or suspend a registration prior to hearing. Thereafter, the Commissioner must schedule a hearing within seven working days of the revocation or suspension.

11.3 Except as otherwise provided in Section 11.2, after refusing to issue a registration or prior to revoking or suspending a registration, the Commissioner shall designate a hearing officer and a hearing shall be held.

11.4 At least five working days prior to the hearing, the Commissioner shall notify the Registrant in writing, return receipt requested, of the specific grounds for the Commissioner's proposed action and the date, time and place of the hearing.

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4/21/84

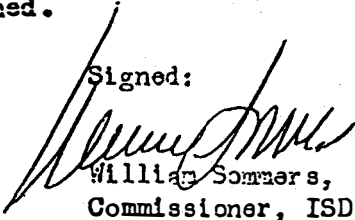
The Boston Herald, Friday, February 27, 1987

PUBLIC HEARING
Boston, Massachusetts.
Notice is hereby given
that at 10:00 a.m. on
Monday, April 6, 1987 a
public hearing will be
held by the Inspectional
Services Department of
the City of Boston in the
Conference Room on the
fifth floor at 1010 Massa-
chusetts Avenue, Bos-
ton, Ma. 02118, upon the
proposed regulation re-
quiring the registration
of individuals and enti-
ties engaged in the ac-
tivity of installing, ser-
vicing, repairing and
reconditioning or test-
ing commercial weigh-
ing devices within the
City of Boston (pursuant to the
authority contained in
Chapter 98 Section 34
and Statutes 1965 Chap-
ter 656 of Massachusetts
General Laws). Copies
of the proposed regula-
tion may be inspected
at the Department of
Inspectional Services,
Division of Weights and
Measures, fifth floor,
1010 Massachusetts Av-
enue, Boston, Ma. Be-
tween the hours of 8:00
a.m. and 4:00 p.m. every
weekday until the public
hearing. Feb 25 28 27

On Monday April 6, 1987, at 10:15 a.m. a public hearing regarding the proposed regulation requiring the registration of individuals and entities engaged in the activity of installing, servicing, repairing and reconditioning or testing commercial weighing or measuring devices within the City of Boston (Pursuant to the authority contained in Chapter 98 Section 34 and Statutes 1965 Chapter 656 of Massachusetts Laws). The hearing was held at 1010 Massachusetts Avenue in the fifth floor Conference Room of the Inspectional Services Department. Present at the hearing were William A. Sommers, Commissioner, and Paul H. Manning, Executive Secretary of Weight and Measures. None other than the parties specified above were in attendance. The hearing was closed at 10:30 a.m.

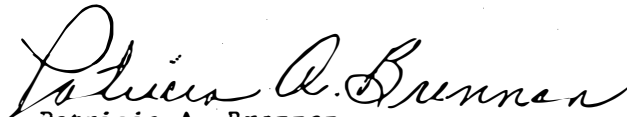
This is to certify that the public hearing as described above was held and that I, personally, chaired the public hearing on the date above mentioned.

Signed:


William Sommers,
Commissioner, ISD

4/9/87

Then appeared before me the above named William Sommers, Commissioner of the City of Boston Inspectional Services Department and swore that the above statement is true.


Patricia A. Brennan
Notary

My Commission expires May 4, 1987

4/9/87

Number: 87-4

Date: May 14, 1987

Subject:

**RODENT EXTERMINATION REQUIREMENTS FOR BUILDING
DEPARTMENT PERMIT APPLICATIONS**

Determination:

1. In accordance with Authority granted to the Commissioner of Inspectional Services by the Massachusetts State Sanitary Code, Chapter II, 105 CMR 410.550 and under Section 108.6 of the State Builders Code it is hereinafter established that extermination for rodents shall be required for issuance of permits for demolition, excavation, foundation and basement rehabilitation. The purpose of this policy is to reduce or eliminate rodent infestation.
2. Applicants who file for work as defined in #1 above must file a certificate of rodent extermination from a licensed exterminator with the application indicating that extermination will be carried out before, during and at completion of such work.

With the approval of the owners, any premises impacted upon within three hundred (300)-feet of such work shall be exterminated. Only the premise exterior need be baited.

3. Licensed exterminators shall indicate by first and second inspections (before and during construction activity, respectively) that no rodent activity is identified. Compliance with this policy will be monitored by the Rodent Control Unit of the Inspectional Services Department.
4. No Certificate of Occupancy will be issued where noncompliance with this policy is identified.
5. This policy shall be effective upon the issuance date of this Bulletin.

Signed:


William Sommers
Commissioner
Inspectional Services

Number: 87-5

Date: August 31, 1987

Subject:

Requirements for Plan Submission and Microfilming Requirements (Temporary)

Determination:

1. The requirements that are hereby adopted in what follows are considered a temporary measure by the Department of Inspectional Services until such time as permanent measures for microfilming are put into effect.

2. PLAN REQUIREMENTS:

Two sets of plans are required for all applications. Certified plot plans are required for all applications requiring zoning review. The plans must be of reproducible quality and the legal street address and permit number clearly printed in the lower corner of each page. A title page with index of plans is also required (see sample format on last page).

3. MICROFILM PROCEDURE:

It shall be the responsibility of the applicant or their authorized agent to arrange for the microfilming of approved plans for all projects which involve plans with more than five (5) sheets. For projects involving plans with five (5) sheets or fewer the applicant can have the microfilming done by ISD at a rate of \$2.00 per sheet. On projects with more than five (5) sheets the applicant or agent will be provided with the approved plans at the time the permit or amendment is issued. The applicant or agent must have the plans microfilmed in "Data Card Format" (see sample on following page) with the information typed on each card as shown.

Signed:


William Sommers
Commissioner
Inspectional Services

Street Name	Number	Ward	Permit No./Yr	Card No.
WASHINGTON ST	4873	20	0793/87	00F17

MMM 5001 FILMSORT® Brand Aperture & Camera Cards and DUPLICARO® Brand Copy Cards - Product of 3M, St. Paul, Minn.

The microfilmed plans must be returned to the Plans & Permits Division, ISD within two calendar weeks of receipt of the permit. The approved set of plans with more than ten (10) pages must be on the site in the same two weeks time period. Applicants with ten (10) or fewer pages of plans will be provided with a second set of approved plans at the time the permit or amendment is issued. This second set of approved plans must be on the site at the time construction is started.

4. PENALTIES:

Failure to return the microfilmed plans or have the approved plans on site within the required time period will be cause for revocation of the permit or amendment. This time limit can only be extended by the written authorization of the Commissioner of ISD or Chief of Plans and Permits Division.

5. BFD MICROFILM:

A duplicate set of microfilmed plans shall be required and provided by the applicant or their authorized agent when the Boston Fire Department requires that plans be kept on file. This duplicate set of microfilmed plans will also be returned to the Plans and Permits Division, ISD within the same two week period and with the same information on each card as is listed above. The requirement for the Boston Fire Department plans will be noted on the approved permit application.

6. MICROFILMING SOURCES:

Microfilming services can be obtained from the following companies:

All State Ltd.
160 North Washington St.
Boston, MA 02114
Vincent Brunetti 227-5767

Applied Microfilmed
26 Bedford St.
Waltham, MA 02254
John X. Doherty 893-7863

General Microfilming Co.
70 Coolidge Hill Rd.
Watertown, MA 02172
926-5557

Spaulding Co., Inc.
80 Hawes Way
Stoughton, MA 02072
828-8090

However, this listing is given as a customer service and should not be considered an endorsement nor a requirement; services may also be available from other companies as well. Consult the Yellow pages of your phone book. Should you or a microfilming company have any questions concerning the department requirements for microfilm, please call 442-1345.

7. SAMPLE INDEX OF PLANS:

<u>Page No.</u>	<u>Contents or Description</u>
T-1	Title Pg/Index of Plans
D-1	Demolition Plan
A-1	1st & 2nd Floor Plans
A-2	Elevations - Sections
S-1	Structural Details
E-1	Electrical Plan

Number: 87-5

Date: August 31, 1987

Subject:

Requirements for Plan Submission and Microfilming Requirements (Temporary)

Determination:

1. The requirements that are hereby adopted in what follows are considered a temporary measure by the Department of Inspectional Services until such time as permanent measures for microfilming are put into effect.

2. PLAN REQUIREMENTS:

Two sets of plans are required for all applications. Certified plot plans are required for all applications requiring zoning review. The plans must be of reproducible quality and the legal street address and permit number clearly printed in the lower corner of each page. A title page with index of plans is also required (see sample format on last page).

3. MICROFILM PROCEDURE:

It shall be the responsibility of the applicant or their authorized agent to arrange for the microfilming of approved plans for all projects which involve plans with more than five (5) sheets. For projects involving plans with five (5) sheets or fewer the applicant can have the microfilming done by ISD at a rate of \$2.00 per sheet. On projects with more than five (5) sheets the applicant or agent will be provided with the approved plans at the time the permit or amendment is issued. The applicant or agent must have the plans microfilmed in "Data Card Format" (see sample on following page) with the information typed on each card as shown.

Signed:


William Sommers
Commissioner
Inspectional Services

THE UNIVERSITY OF CHICAGO

MEMORANDUM

TO: THE BOARD OF TRUSTEES
FROM: THE PRESIDENT

Number: 87-6Date: September 22, 1987

Subject:

Construction License Exemption Form for Homeowner(s)

Determination:

1. The Boston Code of Ordinances requires that every structure built in the City must be under the supervision of a licensed builder.
2. However, section 109.1.1 of the State Building Code, Fourth Edition (780 CMR) authorizes municipalities to waive this requirement for owner-occupied dwellings of six units or less and allows a home owner to engage a person who does not have a license. In these cases, however, the owner must act as supervisor.
3. The Department of Inspectional Services, Buildings and Structures Division, in accord with the Code, does hereby waive the requirement as indicated in number 1. above, provided that
 - a. The homeowner submits to the Department at the time of application a certification showing the owner accepts the waiver with the full knowledge that the owner shall be responsible for all such work performed as described in the building permit.
 - b. The form for this certification is attached. Only this form will be accepted and must be fully completed and signed with the countersignature of the responsible building official.
4. In order to clarify the administration of such waivers homeowner is defined as follows:

Signed:


William Somers
Commissioner

- a. a person or persons who owns a parcel of land on which he or she resides or intends to reside, and on which there is, or is intended to be, a dwelling of six units or less and attached or detached structure accessory to such use.
 - b. A person or persons who constructs more than one home in a two year period shall not be considered a homeowner.
5. It is expressly understood that any homeowner, in receiving the exemption as hereinbefore described, shall assume all responsibility and be liable for the compliance of the building with State Building Code, all other applicable codes and city ordinances, and shall operate consistent with the established minimum inspection procedures and requirements of the Buildings and Structures Division of Department of Inspectional Services.
6. The granting of the exemptions under this Bulletin does not imply or authorize similar waivers for electrical, plumbing or gas installations. Persons who are engaged in these installations must still have the proper license and make application for the proper permits.

City of Boston
Inspectional Services Department
Division of Building & Structures
Construction License Exemption for Home Owner(s)

Please print.

DATE _____

JOB LOCATION _____
 Number Street Address Ward

"HOMEOWNER" _____
 Name Home phone Work phone

PRESENT MAILING ADDRESS _____

City/Town State Zip code

The current exemption for "homeowners" was extended to include owner-occupied dwellings of six units or less and to allow such homeowners to engage an individual for hire who does not possess a license, provided that the owner acts as supervisor. (State Building Code Section 109.I.I).

DEFINITION OF HOMEOWNER:

Person(s) who owns a parcel of land on which he/she resides or intends to reside, on which there is, or is intended to be, a one to six family dwelling, attached or detached structures accessory to such use and/or farm structures. A person who constructs more than one home in a two-year period shall not be considered a homeowner. Such "homeowner" shall submit to the Inspectional Services Department on a form acceptable to the Building Official, that he/she shall be responsible for all such work performed under the building permit. (Section 109.I.I)

The undersigned "homeowner" assumes responsibility for compliance with the City of Boston Building and Structures Division minimum inspection procedures and requirements and that he/she will comply with said procedures and requirements, as noted on the back of the Building Card.

HOMEOWNER'S SIGNATURE _____

APPROVAL OF BUILDING OFFICIAL _____

Note: All Structures 35,000 cubic feet, or larger, will be required to comply with State Building Code Section 127.0, Construction Control.

Number: 87-8

Date: September 3, 1987

Subject:

Modified Requirements for Certified Plot Plans

Determination:

1. In order to simplify the permitting procedure and reduce the cost to applicants who purpose small renovations, additions or remodelings, the Department of Inspectional Services has adopted simplified requirement on the submission of the certified plot plans.
2. Effective the date of this Bulletin, applicants may locate certain structures, defined in #3 below, on an existing certified plot plan, mortgage plan or professionally drawn site plan without having the additions certified by a registered professional surveyor or engineer.
 - A. The applicant may draw in the structure, addition, etc. on an existing certified plot plan, mortgage plan or professionally drawn site plan, providing the scale of the plan is not less than one inch equals forty feet.
 - B. The applicant must place the structure, addition, etc. neatly and to scale on the plot plan showing the new dimensions clearly.
 - C. The applicant must file with the plot plan a notarized certification attesting the factual accuracy of what the applicant has drawn onto the existing plot plan. A copy of the certification is attached.
3. Plot plans described in #1 and #2 above shall be accepted for the following types of structures:

Signed:**Commissioner
Inspectional Services**

decks	sheds
roof decks	inground pools
dormers	fences
garages	additions to one and two family dwellings
	additions to allowed uses in a
	local business (L) districts
	additions within the footprint of the
	existing building

4. If in the judgement of the Zoning Administrative the structure(s) drawn onto the existing plot plan is unclear, without proper scale or dimensions the Department may require that the applicant submit a redrawn plot plan.

AFFIDAVIT FOR OWNER LOCATED STRUCTURE(S) ON CERTIFIED PLOT PLAN

Date: _____

To Inspectional Services Commissioner of the City of Boston

I certify that I will install the structure(s) located on the certified plot plan at _____, Ward _____, as I have specified on the attached plans.

To the best of my knowledge, information, and belief the structure(s) that I have located on the plot plan is accurate with regard to distance from property lines and dimensions. I accept full liability for the plans that I have submitted locating the proposed structure(s) and agree to take whatever steps are necessary including demolition of the proposed structure(s) should the information I have provided on the attached plot plan proves to be inaccurate and zoning violations are found to exist.

I further state that I have neatly located the proposed structure, and have drawn the plans to the specified scale.

Signature of Owner or Applicant

Name (print or type)

Address

Then personally appeared the above-named _____

and made oath that the above statement by him is true.

Before me.

My Commission expires

Number: 87-9

Date: September 22, 1987

Subject:

To provide for the restoration of buildings raised to their foundation under an order of the Commissioner of Inspectional Services Department.

Determination:

1. The Boston Zoning Code provides that a non-conforming structure, when raised to its foundations whether by fire or by direct demolition, loses its status of non-conformance. Any rebuilding or reconstruction in these cases must conform with existing code requirements.
2. However, the Boston Zoning Code, under Section 4-1, article 4 declares that when a structure is declared unsafe by the Commissioner of Inspectional Services and is ordered razed, nothing in the code shall prevent a restoration to its original and safe condition.
3. In consideration of these features of the Zoning Code and mindful of the fact that many buildings damaged by fire have been ordered razed to their foundations by the Commissioner of Inspectional Services in the interest of public safety, it has been determined as follows:
 - a. When a building is ordered razed to the foundations by the Commissioner of Inspectional Services in the interests of public safety because of fire or act of nature or public calamity, the owner may restore the building to its original status.
 - b. Such restoration shall be done on application for building permit and shall be reviewed and approved in accordance with the State Building Code and other applicable codes save the reference to the applicability of the Zoning Code as indicated in number 2 above.

Signed:


William Sommers
Commissioner

- c. The owner or owner's agent shall submit sufficient proof to substantiate the size, shape, footprint and use of the structure prior to its having been razed.
- d. The restoration as authorized under this Bulletin shall have begun construction based on validly issued permit within three years of date of the order of the Commissioner to raze the building.

Number: 87-9

Date: September 22, 1987

Subject:

To provide for the restoration of buildings raised to their foundation under an order of the Commissioner of Inspectional Services Department.

Determination:

1. The Boston Zoning Code provides that a non-conforming structure, when raised to its foundations whether by fire or by direct demolition, loses its status of non-conformance. Any rebuilding or reconstruction in these cases must conform with existing code requirements.
2. However, the Boston Zoning Code, under Section 4-1, article 4 declares that when a structure is declared unsafe by the Commissioner of Inspectional Services and is ordered razed, nothing in the code shall prevent a restoration to its original and safe condition.
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Signed:


William Sommers
Commissioner

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 - a. When a building is ordered razed to the foundations by the Commissioner of Inspectional Services in the interests of public safety because of fire or act of nature or public calamity, the owner may restore the building to its original status.
 - b. Such restoration shall be done on application for building permit and shall be reviewed and approved in accordance with the State Building Code and other applicable codes save the reference to the applicability of the Zoning Code as indicated in number 2 above.

Signed:


William Sommers
Commissioner

- c. The owner or owner's agent shall submit sufficient proof to substantiate the size, shape, footprint and use of the structure prior to its having been razed.
- d. The restoration as authorized under this Bulletin shall have begun construction based on validly issued permit within three years of date of the order of the Commissioner to raze the building.

Number: 87-10Date: October 20, 1987

Subject:

THE USE OF CPVC AND POLYBUTYLENE PIPES FOR WET SPRINKLER USEDetermination:

1) The Department of Inspectional Services has determined, in accordance with the National Fire Protection Association Codes and Standards National Fire Codes 1985, that the use of chlorinated polyvinyl chloride (CPVC) and polybutylene pipe and fittings is acceptable in specified instances for use as piping for wet sprinkler installation. NFPA Code and Standards National Fire Code 1985 NFPA 13 Chapter 3-1.1.5 states "other types of pipe or tube may be used, but only those investigated and listed for this service by a testing and inspection laboratory." Underwriter's Laboratories Incorporated has approved PVC and polybutylene pipe to be allowed for use on wet sprinkler systems.

However, in order for a sprinkler contractor to use plastic pipe some basic limitations must be adhered to prior and during the installation. These limitations must be checked for during any inspection and be strictly adhered to in order for plastic pipe to be used in any installation. These are the limitations that must be followed in order to use plastic pipe:

A. Plastic pipe and fittings are intended for use in sprinkler systems in the following types of occupancies:

1. Residential occupancies as defined in the sprinkler systems in one and two family dwellings, NFPA 13D.
2. Light Hazard Occupancies as defined in the Standard for Installation of Sprinkler Systems, NFPA 13.

Signed:


William Sommers
Commissioner

B. Protection should be provided for CPVC and polybutylene pipe and fittings. The minimum protection shall consist of one layer of 3/8 inch gypsum wallboard, (for polybutylene - 1/2 inch gypsum wallboard), or acoustical ceiling panels classified as to surface burning characteristics, or 1/2 inch plywood soffits. For residential occupancies defined in NFPA 13D, the minimum protection may consist of one layer of 1/2 inch plywood.

C. CPVC and polybutylene pipe and fittings are intended for installation in areas having a maximum ambient temperature of 120 degrees fahrenheit.

D. CPVC and polybutylene piping are intended for use in wet sprinkler systems only.

E. CPVC and polybutylene are intended for use in interior applications only.

F. CPVC and polybutylene are intended for use with sprinklers having a temperature rating not exceeding the ordinary rating as defined in NFPA 13.

G. CPVC and polybutylene requires special requirements for hanger spacing, assembly of piping and fittings, pipe and sprinkler restraint and location.

H. CPVC and polybutylene piping requires special procedures for field acceptance testing.

I. CPVC and polybutylene piping and fittings incorporate different friction loss characteristics.

J. CPVC and polybutylene piping are not suitable for use in combustible concealed spaces where sprinklers are required as referenced in NFPA 13.

2) Requirements for Pipe Markings

Each length of pipe must be marked with the following:

1. Listee's name or identifying symbol
2. Type of pipe, "CPVC" or "PB"
3. Size, pressure rating (175 P.S.I.) and temperature rating (120 degrees Fahrenheit)
4. Standard dimensional ratio (CPVC-SDR 13.5), (PB-SDR 11) and specification (CTS or IPS)
5. Material designation
6. Date, shift, and extruder code of manufacture .

The packing for the brand of piping and fittings approved, at this time, includes the marking which states "Install Pipe and Fittings in accordance with installation instructions (see instructions inside packaging)." A copy of the installation instructions is provided inside the packaging. All installation must be completed according to the installation instructions. Polybutylene piping shall be packaged to protect the pipe from sunlight during shipping and storage.

3) Fitting Requirements

Each fitting must be marked with the following:

1. Listee's name or identifying symbol
2. Size of fitting
3. Material designation
4. Year of manufacture
5. Dimensional specification (CTS or IPS) - for polybutylene piping

4) Important notice:

ALL PIPING USED MUST BE APPROVED BY UNDERWRITER'S LABORATORY OR FACTORY MUTUAL LABORATORY.

- 5) This Bulletin is intended to supersede and replace Commissioner's Bulletin No. 86-4 of April 14, 1986.

Number: 87 - 11

Date: November 6, 1987

Subject:

Chapter 354 - AN ACT REQUIRING INSURANCE COVERAGE
FOR PLUMING AND GAS FITTING CONTRACTORS.

Determination:

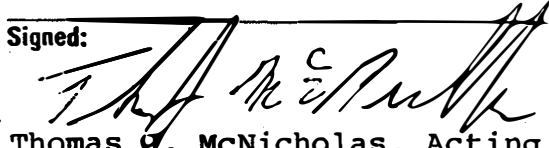
In order to implement the Commonwealth of Massachusetts GL Chapter 142. Sec. 21, 21a the following permit processing steps are required.

Policy effective November 9, 1987.

1. Re-establish the ISD Log Books for licensed gas fitters and plumbers with the following information:
 - A. Signature of gas fitter or plumber
 - B. licensed number
 - C. Address
 - D. Bond/other type of liability on file with ISD
2. Each permit application must be accompanied by a "completed operation" work cost break-down sheet.
3. Post bond or other type of indemnity against liability.

Attached copy of MGL/s667

Signed:


Thomas G. McNicholas, Acting
Commissioner

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-seven

AN ACT REQUIRING INSURANCE COVERAGE FOR PLUMBING AND GAS FITTING CONTRACTORS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 142 of the General Laws is hereby amended by inserting after section 21 the following section:-

Section 21A. Notwithstanding the provisions of any general or special law to the contrary, no permit for the performance of plumbing and gas fitting work pursuant to this chapter shall be issued by any city or town unless the licensee provides proof of liability insurance, including "completed operation" coverage, which has been issued by an insurance company licensed to do business within the commonwealth, or a bond or other type of indemnity against liability providing substantially equivalent coverage.

House of Representatives, August 6, 1987.

Passed to be enacted, George Kuvshinov, Speaker.

In Senate, August 6, 1987.

Passed to be enacted, Walter Breen, Acting President.

August 11, 1987.

Approved.

Richard D. White, Governor.

Number: 88-6

Date: July 6, 1988

Subject:

EXISTING HAZARDOUS MATERIALS

Determination:

Policy effective August 1, 1988

Applicants for all permits must answer questions relative to the existence of all hazardous materials which are directly involved with the applicant.

Such materials include, but are not limited to asbestos. Nothing in this notification relieves anyone who violates any statute prior to August 1, 1988.

Questions will include:

1. Are any known hazardous materials involved, such as asbestos, P.C.B., etc.?

NO _____

YES
(explain) _____

2. If applicable, the applicant must state what preparation(s) and/or notification(s) have been made.

Signed:



Commissioner (Acting)
Inspectional Services

Number: 88-6

Date: July 6, 1988

Subject:

EXISTING HAZARDOUS MATERIALS

Determination:

Policy effective August 1, 1988

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Such materials include, but are not limited to asbestos. Nothing in this notification relieves anyone who violates any statute prior to August 1, 1988.

Questions will include:

1. Are any known hazardous materials involved, such as asbestos, P.C.B., etc.?

NO _____

YES
(explain) _____

2. If applicable, the applicant must state what preparation(s) and/or notification(s) have been made.

Signed:



Commissioner (Acting)
Inspectional Services

Number: 89-1Date: Feb. 8, 1989**Subject:**

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

Determination:**Section I ADMINISTRATION**

1.) **Title:** These regulations (Commissioner's Bulletin # 89-1) shall be known as the City of Boston Regulations for the implementation of the Security Ordinance for Elderly/Handicapped Housing Developments.

2.) **Scope:** These regulations in accordance with the City of Boston Code, Ordinance 9, as amended by Chapter 26 of the Ordinances of 1984 and Chapter 39 of the Ordinances of 1984, Chapter 4 of the Ordinances of 1989 shall control the Security Requirements for Elderly/Handicapped Multi-Family Housing Developments within the City of Boston.

3.) **Applicability:** The provisions of these regulations shall apply to any building, structure, development, or complex of ten or more dwelling units under common ownership, rented or offered for rent for dwelling purposes within the City of Boston, which is specifically designed or designated for rental by elderly or handicapped persons.

4.) **Authority:** Under the authority granted by M.G.L. Chapter 111, Section 127A, City of Boston Code, Ordinance 9, and Chapter 4 of the Ordinances of 1989, the Commissioner of Inspectional Services has promulgated these regulations. These regulations shall be construed in a manner consistent with the State Sanitary Code. The Commissioner is empowered in the interest of public safety and general welfare to alter,

Signed: **Commissioner
Inspectional Services**

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

5.) Enforcement: The Commissioner of the Inspectional Services Department shall enforce and administer the provisions of these regulations.

6.) Record of Proceedings: The Commissioner of the Inspectional Services Department or his/her designee shall designate one employee of the Department to act as a clerk for all proceedings related to the implementation of the Security Ordinance. The clerk shall keep a detailed record of all correspondence between the Commissioner and landlords and tenants related to the Security Ordinance and regulations, all hearings, decisions, and appeals. Such record shall include a docket book showing the name of each development and shall be properly indexed by street and owner; the docket book shall also include a short description of the Commissioner's decision in each case. Such docket book and records shall be open to public inspection during normal business hours. Upon entry, the clerk shall be furnished with a copy of all documents relative to a landlord's security plan or a party's petition for a modified security plan.

7.) Hearing Officers: The Commissioner may appoint up to three employees of the Department to act as hearing officers for any proceedings before the Commissioner required by the Security Ordinance and these regulations. These hearing officers shall hear testimony and take evidence in accordance with G.L. c. 30A, S.11(1-6). Following the hearing, each hearing officer shall submit a summary of the evidence presented and a recommendation to the Commissioner. The Commissioner's decision shall be based upon the evidence presented to the hearing officer, but the Commissioner shall not be bound by the recommendation of the hearing officer and shall make his/her own independent judgement about whether approval of a security plan is warranted, based upon the evidence submitted.

8.) Memorandum of Understanding with Police Department: The Commissioner shall enter into a memorandum of understanding with the Police Commissioner concerning the manner in which the Police Department and the Inspectional Services Department shall coordinate their respective functions in the implementation and enforcement of the provisions of the Security Ordinance.

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

Section II Definitions

Meaning- Unless otherwise expressly stated, the following terms shall, for the purpose of Commissioner's Bulletin # 89-1 have the meaning indicated in this section.

Building Entrance- An entrance providing access from outside the building or from any entry vestibule to an interior corridor, lobby, or stairway which leads to an individual dwelling unit.

Building Permit- A permit by the Inspectional Services Department for the construction of any building or for any substantial alteration or addition thereto, as defined in Section 1 of Chapter 143 of the General Laws of the Commonwealth of Massachusetts.

Certified Crime Prevention Personnel- Person or persons who are employed by the Boston Police Department and who have been designated by the Police Commissioner, pursuant to the Security Ordinance, to undertake crime prevention surveys and/or assist the Commissioner of the Inspectional Services Department in the assessment of the adequacy of security plans.

Conspicuous location- A location which is reasonably calculated to draw tenants' attention. Locations which have been previously used in developments to post notices of general notice to tenants may be conspicuous locations, so long as the notices required by these regulations and the Security Ordinance stand out and are not obscured by other notices.

Cost Prohibitive- Elements mandated by a crime prevention survey shall be regarded as cost-prohibitive within the meaning of the Security Ordinance and these regulations only if the increased costs must be passed on to the tenants' share of the rent, i.e., the tenants are not shielded by the form of subsidy for their development from the direct impact of such increased costs.

Crime Prevention Survey- A survey conducted by the Boston Police Department in accordance with the Security Ordinance which includes findings as to the security and public safety needs of an elderly/handicapped multi-family housing development and recommendations as to how such needs shall be met through existing or new security measures, such as lighting, locks, safety officers, security stations, security systems, or other equipment, personnel, or programs.

Days- Calendar days.

Dwelling Unit- The part of a building that is used as a home, residence, or sleeping place by one or more persons who maintain a household.

Elderly/Handicapped Multi-Family Housing Development- Any building, structure, development, or complex of ten or more dwelling units under common ownership, rented or offered for rent for dwelling purposes within the City of Boston, which is specifically designed or designated for rental by elderly or handicapped persons.

Elderly Person- Any person who is at least sixty-two years of age.

Fiscal or Contracting Constraints- Legal requirements that apply to a landlord that either limit the time of year in which the landlord can seek funding for capital or management improvements or that mandate that certain public bidding and contract award procedures be followed in undertaking such capital or management improvements. Such requirements shall not excuse a landlord's compliance from the requirements of the Security Ordinance or these regulations, but may be a basis for the landlord to seek modifications in the method or timetable for meeting the security needs identified in a crime prevention survey.

Handicapped Person- Any person who is physically handicapped as defined in Section 13A of Chapter 22 of the General Laws of the Commonwealth of Massachusetts or mentally handicapped as defined by 29 U.S.C. Section 706 (7) (b).

Landlord- The individual who holds title either alone, jointly or severally with others or has care, charge or control of any elderly/handicapped multi-family housing development in any capacity including but not limited to agent, executor, administrator, trustee, or guardian of the estate of the holder of legal title; or lessee under a written letting agreement, mortgagee in possession; or agent, trustee or other person appointed by the courts. Each such person is bound to comply with the provisions of these regulations.

Modified Security Plan- A security plan, as defined in these Regulations, which varies from the security measures recommended by a crime prevention survey because: (1) the landlord disputes the need for any of the specific security measures, or the timetable for carrying out the security measures, based upon the fiscal or contracting constraints that apply to the particular development, or (2) the landlord and/or tenants believe that the additional security measures recommended by the crime prevention survey are such as to be cost-prohibitive, as defined in these Regulations and the Security Ordinance, and the landlord and/or tenants have been unable to obtain sufficient funding, equipment, or services to offset the cost-prohibitive aspect of the additional measures.

Safety Officers- Police officers of the City of Boston, or special police officers appointed pursuant to applicable law to protect persons or property in public or subsidized housing, or persons employed as guards or investigators by a duly licensed watch, guard, or patrol agency, as defined in section 22 of Chapter 147 of the General Laws of the Commonwealth of Massachusetts.

Security Measures- Measures or steps to maintain or improve the security of tenants of an elderly/handicapped housing development against assault, robbery, theft, or other violence or crime against their persons or property in or around such development. Such measures may include, but are not limited to, interior or exterior lighting, locks, safety officers, security stations, security systems, or other equipment, personnel, or programs.

Security Ordinance- Chapter 4 of the Ordinances of 1989 of the City of Boston.

Security Plan- A plan for providing security and public safety measures for the tenants of an elderly/handicapped multi-family housing development, based upon a crime prevention survey, which meets the criteria and has been developed in accordance with the process outlined in the Security Ordinance and these regulations.

Security Stations- Locations in or around an elderly/handicapped multi-family housing development where safety officers or other appropriate personnel may be based on a full-time or periodic basis.

Security Systems- Wires, conduits, apparatus, devices, fixtures, or other appliances installed and interconnected electrically or electronically to permit access control, proprietary signalling, surveillance and the detection of burglary, intrusion, holdup, or other conditions requiring response or the transmission of signals or audible alarms. See, in general, M.G.L. c. 147 57-61.

Tenant- A tenant, subtenant, lessee, sublessee, or other person, entitled under the terms of a rental housing agreement to the use and occupancy of any dwelling unit in an elderly/handicapped multi-family housing development.

Tense, Gender and Number- Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

Terms not Defined Herein- Where terms are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

Written Notice- A notification in writing delivered in person to the individual or parties intended, or delivered at, or sent by certified or registered mail to the last residential or business address of legal record.

Section III Implementation

A.) Identification of Development Within Scope of Ordinance:
Notification: Landlord's Election of Remedies and Request for Crime Prevention Survey.

(1) Identification of Developments Within Scope of Ordinance:

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

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

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

a) Provide safety officers for such development on a twenty-four hour per day, seven day per week basis. The safety officer's duties shall include, without limitation, the monitoring of all building entrances in such elderly/handicapped developments;

b) Provide security measures as identified in a security plan which has been developed and approved in compliance with Section 502 and 503 of the Ordinance.

If the landlord has elected to provide security measures as identified in a security plan, he shall, at the same time that he notifies the Commissioner of such election, request a crime prevention survey from the Boston Police Department. The Commissioner shall send the landlord a standard form that he may use to request this survey. The landlord shall deliver one copy of his request for a survey to the Boston Police Department and one copy to the Inspectional Services Department. If a landlord has requested a crime prevention survey from the Boston Police Department within thirty (30) days after receipt of a notice or a notice of non-compliance for failure to provide security officers or have an approved security plan, thus triggering the first stage in the provision of a security plan, the landlord shall be relieved of the responsibility of providing safety officers as required above unless and until a security plan or modified security plan has been approved. A landlord may choose, after initially electing one of the above two alternates, to switch to the other with the approval of the Inspectional Services Department provided he/she continue to provide safety officers or the security measures mandated by the security plan pending such approval.

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

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

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

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

B.) Process for Approving a Security Plan or Modified Security Plan

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

Such plan shall be deemed to be in full compliance with this Ordinance provided that: (1) the security plan mandates, at the very least, the provisions of the security measures recommended in the crime prevention survey; and (2) the tenants have not articulated security needs which are not adequately addressed by the survey or the plan.

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

a) Tenant Participation Requirements in Conjunction with Submission of Security Plans:

The landlord shall post a notice that he/she intends to submit a security plan to the Inspectional Services Department in a conspicuous location within the development./

The notice shall be in a form established by the Commissioner of the Inspectional Services Department.

The notice shall first be posted at least ten (10) days prior to the submission of the security plan. The notice shall remain posted until such time as the Inspectional Services Department has made its final determination.

It shall be deemed a violation of the Ordinance enforceable under Section 505, for any landlord to fail to post such a notice in a conspicuous location or to intentionally or willfully cause such notice to be defaced, destroyed or removed.

If such notice is defaced, destroyed or removed by a third party, it shall be the landlord's obligation to immediately post a copy of the original notice.

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

If any tenant requests a copy of the proposed plan, it shall be provided as soon as reasonable, free of any cost by the landlord to the tenant together with:

i) a copy of the findings and recommendations of the crime prevention survey (or the official Boston Police Department Summary).

ii) if applicable, a summary of the landlord's reasons disputing the findings and recommendations of the crime prevention survey, for seeking alterations in the method or timetable for implementation of security measures, or for claiming that the additional security measures mandated by the crime prevention survey are cost prohibitive, including a summary of the financial alternatives that he/she has explored to cover costs.

c) Required Meetings:

In developments that are subject to tenant participation requirements under 760 C.M.R. Section 6.00, 24 CFR Sec. 245 or other applicable law and where there is a tenant organization the landlord shall provide a copy of the security plan or petition and the above documents to such tenants organization at least ten days in advance of the submission of the plan or petition to the Inspectional Services Department.

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

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

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

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

(2) Modified Security Plan: Within thirty (30) days of receipt of the crime prevention survey, if: (1) the landlord disputes the need for any of the specific security measures recommended by the crime prevention survey, or if (2) the landlord disputes the method or timetable for carrying out security measures, based on the fiscal or contracting constraints that apply to the particular development, or if (3) the landlord and/or the tenants believe that the additional security measures mandated by the crime prevention

survey are such as to be cost-prohibitive, given the economic circumstances of the tenants of the development and the inability of the landlord and/or tenants to obtain sufficient funding, equipment, or services to cover the costs of such additional measures despite best efforts, then the landlord and/or tenants may petition the Commissioner for permission to submit a modified security plan which does not encompass all of the security measures mandated by the crime prevention survey.

A landlord may only claim that the elements mandated by the crime prevention survey are cost prohibitive if the increased costs must be passed along to the tenants of the development and absorbed by the tenants in the tenant's share of the rent.

If a landlord submits a petition for a modified security plan, the landlord shall have the burden to show how any of the specific security measures recommended by the crime prevention survey are unnecessary, or given the fiscal or contracting constraints particular to the development, how changes are needed in the method or timetable for implementation of security measures.

In the event that a party claims that the costs of the additional security measures are cost-prohibitive, the landlord shall state what the estimated costs of the security measures are. In such cases, the landlord shall also substantiate his/her current and projected operating expenses and revenues, and shall show what efforts he/she has made to otherwise cover the costs through his/her best efforts to seek and obtain such funding, grants, donations of funds, equipment, or services as may lessen or eliminate such additional costs.

Section IV Hearing Process

A) Submission of Security Plans or Petitions for a Modified Security Plan: Following the posting of notice to tenants as required by Section 503 of the Ordinance, the landlord shall submit, in writing, the security plan or the petition for a modified security plan, whichever is applicable, to the Commissioner of the Inspectional Services Department for approval.

B) Hearings: Upon receipt of a security plan or petition for a modified security plan, the Commissioner of the Inspectional Services Department shall hold a hearing on each plan or petition. Such hearings shall be held at a convenient time and place. The Commissioner or clerk shall give at least ten days advance notice of the time and place of each hearing to all

parties and shall give notice to anyone else requesting notice as provided for in Section I (9). Notice of the hearing date shall be given to any tenant's organization which exists in the development and shall be posted by the landlord in a conspicuous location at the development.

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

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

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

D) Criteria for Approval of a Security Plan: Following the hearing and based upon the evidence presented to the hearing officer, the Commissioner shall approve or modify the security plan, consistent with recommendations of the crime prevention survey and the security needs articulated by tenants. Such plan shall be deemed to be in full compliance with these Regulations and the Security Ordinance provided that (1) the security plan mandates, at the very least, the provision of the security measures recommended in the crime prevention survey; and (2) the tenants have not articulated security needs which are not adequately addressed by the survey or the plan. If the crime prevention survey indicates that no security measures are needed additional to those already in effect at the development, the security plan shall be deemed to be sufficient so long as the landlord, in such plan, agrees to keep in effect all existing security measures.

E) Criteria for Approval of a Petition for a Modified Security Plan: Following the hearing and based upon the evidence presented to the hearing officer, the Commissioner shall approve, deny, or modify the petition for a modified security plan and the modified security plan submitted, consistent with

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

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

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

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

G) Stay of Proceedings: Entry of a request for a hearing shall stay all Inspectional Services proceedings until the Commissioner enters a decision.

Section V Enforcement

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

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

Number: 92-1Date: 11-9-92

Subject: Establishment of Maximum Allowable Occupant Loads in Places of Assembly. (Applicable only to new assembly occupancies, or those seeking an increase in the existing capacity.)

Determination:

1. Under the authority of the Massachusetts State Building Code, Section 806.1, the following procedures for the establishment of allowable occupant loads in places of assembly are to be implemented effective 11/16/92.
2. This policy will apply to all new assembly occupancies, and any existing establishments seeking an increase in capacity, and is not retroactive to any places of assembly with current certificates of occupancy and inspection.
 - A. The applicant must furnish 2 copies of the floor plan(s). Floor plans for establishments seeking an occupant load of more than 50 must be stamped by an Architect or Engineer registered in the Commonwealth of Massachusetts.
 - B. The building official will determine the maximum allowable occupant load in the following manner:
 1. establish the maximum number of occupants by capacity of exit facilities in accordance with table 808 of the Mass State Building Code.
 2. establish the maximum number of occupants by number of plumbing fixtures as set forth in Section 2.10, Table 1, of the Mass State Plumbing Code. (248CMR)
 3. establish the actual occupant load in accordance with sections 806.1.1 through 806.1.3, and Table 806 of the Mass State Building Code.

Signed:


Commissioner
Inspectional Services

B.3 continued.

- a. in accordance with the Life Safety Code, NFPA 101, sections 8-1.7.2 and 9-1.7.2, the standing areas of places of assembly shall not exceed a density of 5 sq ft per person, unless a plan indicating placement of equipment, aisles, exits and seating is provided. When such plan is provided, and the appropriate areas deducted from the gross square footage, a density of 3 sq ft per person shall be allowed for the remaining standing areas as provided for in Table 806 of the State Building Code.
 4. The allowable occupant load shall not exceed the lesser of the numbers arrived at through the above guidelines.
 5. The building official will also review for any conflicts with the zoning ordinances, such as required off-street parking, use regulations in neighborhood districts, etc.
- C. All rooms or spaces with an occupant load of greater than 50 shall be separately identified on the plan and listed on the certificate of inspection.
- D. All rooms or spaces for which the applicant seeks to establish a dual occupant load, ie., different capacities for day/night, shall submit separate floor plans for each condition. The plans shall indicate the nature of the discrepancy, such as storage of tables and chairs to allow for standing areas, etc.