



Inspection Report
SSC 105 CMR 410.000:

Chapter II, Minimum Standards of Fitness for Human Habitation

| | | | |
|-----------------|-----------------|----------------------|----------------------|
| Case #: | 80009 | Inspection Date: | 3/11/2021 |
| Case Status: | OPEN | Inspection Time: | 2:41 PM |
| Inspected by: | Camille Griffin | Inspection ID: | 02DD0 |
| Complaint Date: | 3/1/2021 | Inspection Type: | Complaint - Physical |
| Complainant: | Occupant | Comprehensive Insp?: | Yes |

Complaint Description

Many issues including fleas, mold in refrigerator, and rusty sink

Dwelling Information

Complaint Address:

226 Irving St
#2
Framingham, MA 01702

Year Built:
of Children<6: 0
Currently Occupied: Yes
of Occupants: 2
Floors: 2
Stories: 2
Dwelling Units:
Room Units:
Habitable Rooms:

Sleeping Rooms: 2
Sanitary Drainage: Municipal
Water Source: Municipal
Who Pays Water: Owner
Submetering Form on File: No
Hot Water Fuel:
Heating Type:
Who Pays Heat: Owner
Owners resides on Site: No
Owner lives in which Unit:

Owner Information



Occupant Information



Other Information

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Bathroom 1

410.504(B) Non-Absorbent Surfaces / 30 day(s) to correct

Responsible Party: Owner

Observations: Black plastic coving along bathtub is not secured to the tub.

Code Description: The owner shall provide (B) on the walls of every room containing a toilet, shower or bathtub up to a height of 48 inches, a smooth noncorrosive, nonabsorbent and waterproof covering



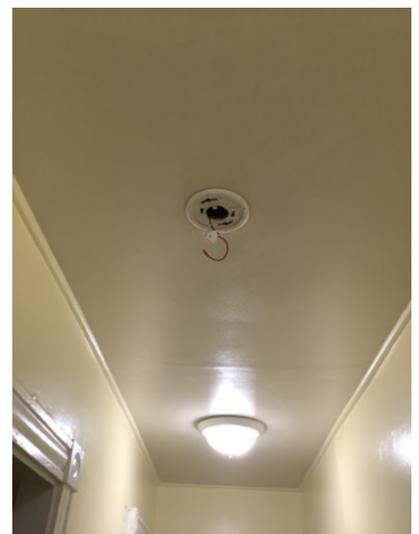
Hallway

410.482(A) CDE Smoke Detectors and Carbon Monoxide Alarms / 1 day(s) to correct

Responsible Party: Owner

Observations: No smoke detector attached to the ceiling.

Code Description: (A) Owners shall provide, install, and maintain in operable condition smoke detectors and carbon monoxide alarms in every dwelling that is required to be equipped with smoke detectors and carbon monoxide alarms in accordance with any provision of the Massachusetts General Laws and any applicable regulations of the State Board of Fire Prevention (527 CMR), State Board of Building Regulations and Standards (780 CMR), or the Board of Examiners of Plumbers and Gas Fitters (248 CMR).



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Hallway-Common

410.480(C) Locks / 30 day(s) to correct

Responsible Party: Owner

Observations:The occupant had to be called to open main entry. No buzzer/ intercom system or automatic striker mechanism to lock

Code Description: The owner shall provide, install and maintain locks so that: (C) The main entry door of a dwelling containing more than three dwelling units shall be so designed or equipped so as to close and lock automatically with a lock, including a lock with an electrically-operated striker mechanism, a self-closing door and associated equipment. Every door of the main common entryway and every exterior door into said dwelling, other than the door of such main common entryway which is equipped as provided in the preceding sentence shall be equipped with an operating lock. (M.G.L. c. 143, § 3R.)

410.500 Owner's Responsibility to Maintain Structural Elements / 30 day(s) to correct

Responsible Party: Owner

Observations:Main dwelling unit door is broken. Door knob and deadbolt locks are working properly.

Code Description: Every owner shall maintain the foundation, floors, walls, doors, windows, ceilings, roof, staircases, porches, chimneys, and other structural elements of his dwelling so that the dwelling excludes wind, rain and snow, and is rodent-proof, watertight and free from chronic dampness, weathertight, in good repair and in every way fit for the use intended. Further, he shall maintain every structural element free from holes, cracks, loose plaster, or other defect where such holes, cracks, loose plaster or defect renders the area difficult to keep clean or constitutes an accident hazard or an insect or rodent harborage.



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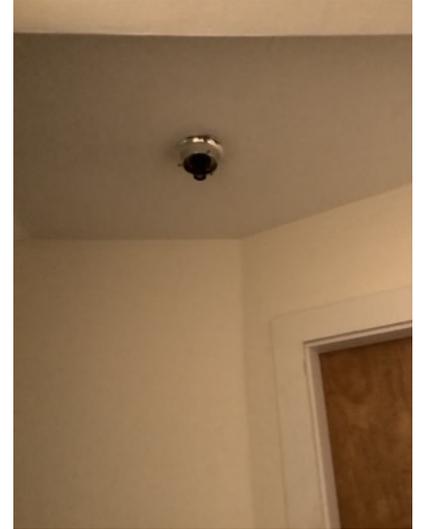
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410.351(A) Owner's Installation and Maintenance Responsibilities / 30 day(s) to correct

Responsible Party: Owner

Observations: Ceiling light fixture at the top of common area stairs is missing the light bulb

Code Description: The owner shall install or cause to be installed, in accordance with accepted plumbing, gasfitting and electrical wiring standards, and shall maintain free from leaks, obstructions or other defects, the following: (A) all facilities and equipment which the owner is or may be required to provide including, but not limited to, all sinks, washbasins, bathtubs, showers, toilets, waterheating facilities, gas pipes, heating equipment, water pipes, owner installed stoves and ovens, catch basins, drains, vents and other similar supplied fixtures; the connections to water, sewer and gas lines; the subsurface sewage disposal system, if any; all electrical fixtures, outlets and wiring, smoke detectors and carbon monoxide alarms, and all heating and ventilating equipment and appurtenances thereto



Kitchen

410.504(A) Non-Absorbent Surfaces / 30 day(s) to correct

Responsible Party: Owner

Observations: Flooring in corner behind stove is not non-absorbent.

Code Description: The owner shall provide: (A) On the floor surfaces of every room containing a toilet, shower or bathtub and every kitchen and pantry, a smooth, noncorrosive, nonabsorbent and waterproof covering.



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410.500 Owner's Responsibility to Maintain Structural Elements / 30 day(s) to correct

Responsible Party: Owner

Observations: Observed bottom shelf of corner kitchen cabinet is bowing.

Code Description: Every owner shall maintain the foundation, floors, walls, doors, windows, ceilings, roof, staircases, porches, chimneys, and other structural elements of his dwelling so that the dwelling excludes wind, rain and snow, and is rodent-proof, watertight and free from chronic dampness, weathertight, in good repair and in every way fit for the use intended. Further, he shall maintain every structural element free from holes, cracks, loose plaster, or other defect where such holes, cracks, loose plaster or defect renders the area difficult to keep clean or constitutes an accident hazard or an insect or rodent harborage.



410.351(A) Owner's Installation and Maintenance Responsibilities / 30 day(s) to correct

Responsible Party: Owner

Observations: The drawer on the edge near the door frame is observed not set on track. Drawer is dipping inside the cabinet.

Code Description: The owner shall install or cause to be installed, in accordance with accepted plumbing, gasfitting and electrical wiring standards, and shall maintain free from leaks, obstructions or other defects, the following: (A) all facilities and equipment which the owner is or may be required to provide including, but not limited to, all sinks, washbasins, bathtubs, showers, toilets, waterheating facilities, gas pipes, heating equipment, water pipes, owner installed stoves and ovens, catch basins, drains, vents and other similar supplied fixtures; the connections to water, sewer and gas lines; the subsurface sewage disposal system, if any; all electrical fixtures, outlets and wiring, smoke detectors and carbon monoxide alarms, and all heating and ventilating equipment and appurtenances thereto



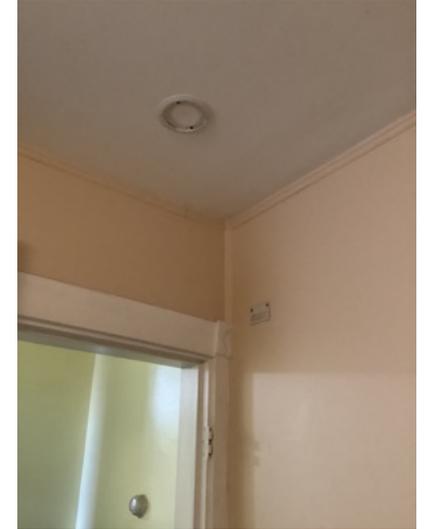
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410.482(A) CDE Smoke Detectors and Carbon Monoxide Alarms / 1 day(s) to correct

Responsible Party: Both

Observations: Observed spot for smoke detector and wall-mounted carbon monoxide alarm. Both are missing. Occupant reportedly removed them because they weren't working. Once she produced them from the shelf, the smoke detector was tested and observed functioning. However two carbon monoxide alarms were not functioning after reinstalling the batteries. Occupant was able to reinstall smoke detector in the kitchen during the inspection.



Code Description: (A) Owners shall provide, install, and maintain in operable condition smoke detectors and carbon monoxide alarms in every dwelling that is required to be equipped with smoke detectors and carbon monoxide alarms in accordance with any provision of the Massachusetts General Laws and any applicable regulations of the State Board of Fire Prevention (527 CMR), State Board of Building Regulations and Standards (780 CMR), or the Board of Examiners of Plumbers and Gas Fitters (248 CMR).

410.451 CDE Egress Obstruction / 1 day(s) to correct

Responsible Party: Occupant

Observations: Occupant had a wooden kitchen chair blocking the second egress in the kitchen. Occupant removed obstruction during inspection. Occupant was educated on why they cannot block the egress.

Code Description: No person shall obstruct any exit or passageway. The owner is responsible for maintaining free from obstruction every exit used or intended for use by occupants of more than one dwelling unit or rooming unit. The occupant shall be responsible for maintaining free from obstruction all means of exit leading from his unit and not common to the exit of any other unit.

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Check List

IN= In Compliance

OUT = Out of Compliance

NA = Not Applicable

NO= Not Observed

| | | |
|----|--|-----|
| 1 | Adequate supply of potable water sufficient in quantity and pressure | IN |
| 2 | Adequate supply of hot water sufficient in quantity and pressure | IN |
| 3 | Adequate heat in each habitable room | IN |
| 4 | Space heaters used are appropriate | N/O |
| 5 | Space heaters and water heaters properly vented | N/O |
| 6 | Electricity, gas, or water functional | IN |
| 7 | Working light fixtures, outlets, and switches | IN |
| 8 | Working light fixtures, outlets, and switches | IN |
| 9 | Working light fixtures, outlets, and switches | IN |
| 10 | Working light fixtures, outlets, and switches | IN |
| 11 | Safe supply of water provided | IN |
| 12 | Toilet provided and maintained | IN |
| 13 | Sanitary drainage system functional | IN |
| 14 | Adequate number of means of egress provided | IN |
| 15 | All means of egress unobstructed | OUT |
| 16 | All means of egress in a safe and operable condition | IN |
| 17 | Main entry door is self locking with electronic striker and associated equipment (4 or more units) | OUT |
| 18 | Dwelling unit or rooming unit entry door capable of being secured | IN |

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| | | |
|----|--|-----|
| 19 | Garbage and rubbish properly stored | IN |
| 20 | Owner provides for final collection of garbage and rubbish | IN |
| 21 | All areas free from garbage and rubbish | IN |
| 22 | Lead based paint found | N/O |
| 23 | Electric, plumbing, heating, and gas burning facilities properly installed and maintained by owner | IN |
| 24 | Occupant optional equipment properly installed and maintained | IN |
| 25 | Occupant maintained equipment in a clean and sanitary condition | IN |
| 26 | Potential asbestos containing material in good repair | N/O |
| 27 | Smoke detectors and carbon monoxide alarms provided and working | OUT |
| 28 | Kitchen sink is sufficient size | IN |
| 29 | Stove and oven in working order | IN |
| 30 | Wash basin in the same room or in close proximity to room containing a toilet | IN |
| 31 | Bathtub or shower provided in a room which affords privacy | IN |
| 32 | Handrail provided | IN |
| 33 | Protective railing provided | IN |
| 34 | Unit free of pests, rodents, cockroaches, and insects | IN |

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Measurements

| Area | Measurement Type | Acceptable Range | Result | Time |
|------------|---------------------------|-------------------|--------|---------|
| Bathroom 1 | Water Temperature Faucets | 110 - 130 degrees | 129.7 | 4:43 PM |
| Kitchen | Water Temperature Faucets | 110 - 130 degrees | 129 | 4:43 PM |
| | | | | |

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Notes

Signatures



Inspector

No signature due to
COVID-19

Occupant

This inspection report is signed and certified under the pains and penalty of perjury

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

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

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

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

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

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

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

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

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

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

5. Search of Warranty of Habitability.

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

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

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

THE INFORMATION PRESENTED ABOVE IS ONLY A SUMMARY OF THE LAW. BEFORE YOU DECIDE TO WITHHOLD YOUR RENT OR TAKE ANY LEGAL ACTION, IT IS ADVISABLE THAT YOU CONSULT AN ATTORNEY. YOU SHOULD CONTACT THE NEAREST LEGAL SERVICES OFFICE WHICH IS:

Name (Telephone #)

Address