

**TOWN/CITY OF _____ – BOARD OF HEALTH
CHAPTER 2 HOUSING INSPECTION – ORDER TO CORRECT**

RE-INSPECTION SCHEDULED FOR: _____

Failure to abate the violations by the scheduled date of re-inspection may result in penalties as specified in 105 CMR 410.000 or any other law thereto enabling.

Date of Inspection:	Time of Inspection:
Property Location:	Property Owner:
Inspector:	Complainant:
Signature:	OK to Occupy? <input type="checkbox"/> YES <input type="checkbox"/> NO

Signed and certified under the pains and penalties of perjury.

Under the authority of MGL Chapter 111, Section 127A, I inspected the above referenced dwelling unit for compliance with **105 CMR 410.000 Minimum Standards of Fitness for Human Habitation (State Sanitary Code, Chapter II)**.

Following my inspection, I have determined the following violations of 105 CMR 410.000:

<u>Code Section 410.</u>	<u>Violation</u>
<input type="checkbox"/> 1.
<input type="checkbox"/> 2.
<input type="checkbox"/> 3.
<input type="checkbox"/> 4.
<input type="checkbox"/> 5.
<input type="checkbox"/> 6.
<input type="checkbox"/> 7.
<input type="checkbox"/> 8.
<input type="checkbox"/> 9.
<input type="checkbox"/> 10.
<input type="checkbox"/> 11.
<input type="checkbox"/> 12.
<input type="checkbox"/> 13.
<input type="checkbox"/> 14.
<input type="checkbox"/> 15.
<input type="checkbox"/> 16.
<input type="checkbox"/> 17.
<input type="checkbox"/> 18.
<input type="checkbox"/> 19.
<input type="checkbox"/> 20.

- Items _____ are deemed to be a condition which could endanger or materially impair the health, safety, and well being of the occupants and shall be corrected by beginning repairs within seven (7) days from your receipt of this order, or contracting with a third party within five (5) days from your receipt of this order for correction of all conditions and to substantially complete them within ten (10) days from your receipt of this order.
- Items _____ shall be corrected and completed not later than thirty (30) days from your receipt of this order.
- Items shall be corrected not later than the scheduled date of re-inspection.

(APPEAL INFORMATION, COMPLIANCE DEFINITION, AND LEGAL REMEDIES ARE ON THE REVERSE)

PLEASE BE ADVISED THAT:

1. You are entitled to a hearing before the Board of Health under the provisions of section 410.850 if you have been aggrieved by this order. In order to preserve your right of appeal, you must file your written appeal, preferably by certified letter, return receipt requested, with the Board of Health not later than seven (7) days from your receipt of this order. You also have the right to be represented at the hearing, and any affected party has a right to appear at the hearing.
2. You have the right to inspect and obtain copies of all relevant inspection or investigation reports, orders, notices, or other documenting information in possession of the Board of Health.
3. The conditions, which exist, may permit the occupant of the dwelling to exercise on or more statutory remedies. These remedies are listed on the last page of this report.
4. **Compliance:** "Meeting all the requirements of 105 CMR 410.000. It shall also mean correcting any violations of 105 CMR 410.000 in a work-personlike fashion and restoring all parts of the dwelling, or unit thereof, to the condition they were in before the occurrence of such violations. Compliance shall also mean in those cases where licenses or permits are required to perform work necessary to correct the violations, such as, but not limited to, building, plumbing and wiring, that the appropriate official certifies that the work has been completed in accordance with the applicable laws and regulations. (410.020)."

"This is an important legal document. It may affect your rights. You should have it translated."

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

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

If code violations are not being corrected you may be entitled to hold back your rent payments. You can do this without being evicted if:

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

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

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

Retaliatory Rent Increases or Evictions 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 to the landlord for damages if he or she tries this.

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

The occupants and/or the Board of Health may petition the District or Superior Court to allow the 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.

Breach of Warranty of Habitability.

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

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

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

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

<ENTER LEGAL SERVICES INFORMATION>