

Gerard F. Cody, REHS / RS
Public Health Commissioner

Ann Martin, RN / MSN
Public Health Nurse

Carol Cronin
Principal Clerk

Peggy Montlouis, MBA
Community Health Educator



RANDOLPH PUBLIC HEALTH

41 South Main Street
Randolph, MA 02368
MAIN TEL: 781-961-0924
www.townofrandolph.com

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January 26, 2023

Michael Maloney
Property Manager
Prynne Hills Apartments
Michael.Maloney@greystar.com • prynnehillsmgr@greystar.com
9 Bay Drive, Canton, MA 02368

RE: [REDACTED]

Dear Property Manager:

The purpose of this letter is to notify you of your responsibility to maintain your rental unit located at [REDACTED] Prynne Hills Apartments, 9 Bay Drive, Canton MA in compliance with the State Sanitary Code. Chapter II, of 105 CMR 410.000 "*Minimum Standards of Human Habitation*" is the State Sanitary Code and it mandates that tenants be provided with Safe and Sanitary housing for Randolph residents. Your tenant, [REDACTED] requested a State Sanitary Code inspection of the dwelling for the space that they occupy at [REDACTED] Selena Maldonado, Public Health Officer, for the Town of Randolph inspected the property referenced above on January 26, 2023 at approximately 10:00AM. The inspection revealed that there are violations of Chapter II of the State Sanitary Code 105 CMR 410.000 "*Minimum Standards of Human Habitation*" that are in need of correction. The Sanitary Code violations and the necessary corrective measures, which must be taken, are listed below.

VIOLATIONS

1.) 105 CMR 410.500: Owner's Responsibility to Maintain Structural Elements of the State Sanitary Code states in part that "*every owner shall maintain the foundation, floors, walls and ceiling, roof and other structural elements of the dwelling so that the dwelling excludes rain, snow, weathertight and free from chronic dampness. Further, the owner shall maintain the dwelling free of any holes, cracks or other defects which renders the area difficult to keep clean or constitutes an accident hazard or an insect or rodent harborage.*"

In violation of 105 CMR 410.500: the inspection revealed that part of the carpet next to the porch door is damaged due to chronic dampness (mold). There appears to be mold growth in the corner of the porch door. There are holes and stains all over the carpet in the living room and hallway. There appears to be a leak in the ceiling in the kitchen above the cabinets.

Order: At the corner of the porch door, clean and sanitize the area to prevent the chronic dampness, (mold) that was observed in the area. Remove the carpet from the living room and hallways of the unit. Repair and/or Inspect the leak that is in the kitchen above the cabinets.

2.) **105 CMR 410.351:** Owner's Installation and Maintenance Responsibilities states in part *"The owner shall install or cause to be installed, in accordance with accepted plumbing, gas fitting 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, water heating 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."*

In violation of 105 CMR 410.351; the inspection revealed that the wall trim in the bathroom is coming off the wall due to chronic dampness from the shower.

Order: Repair or replace the wall trim so it is secure to the wall. **Note:** It is best to use a material that is made of an impervious surface to so that water does not intrude into the wall.

Note: The following was observed during the inspection:

- 1.) According to the tenant, the wall in shower does not drain water properly. The water tends to sit on the left side of the shower base and not drain. It is recommended that you add a gasket on the shower door.
- 2.) The tenant has concerns about chronic dampness under the refrigerator and if there are any leaks coming from it.
- 3.) It is our understanding that the New England ADA outreach center requires that the carpet be removed in the apartment and replaced with laminate flooring. The Randolph Public Health Department supports this decision.

Note: The tenants or occupants have the following responsibility:

- 1.) **105 CMR 410.352 B**, states in part that *"every occupant of a dwelling until shall keep all toilets, wash basins, sinks, showers, bathtubs, stoves, refrigerators and dishwashers in a clean and sanitary condition and exercise reasonable care in the proper use and operation thereof"*.
- 2.) **105 CMR 410.505**, states in part that *"the occupant shall exercise reasonable care in the use of floors, walls, doors, windows, ceilings, roof, staircases, porches, chimneys and other structural elements of the dwelling."*
- 3.) **105 CMR 410.600, (A)**, states in part that *"garbage shall be stored in durable receptacles that are made of rodent proof materials."*
- 4.) **105 CMR 410.451**, states in part that, *"the occupant shall be responsible for maintaining free from obstruction all means of exits leading from the unit."*
- 5.) **105 CMR 410.600, (D)**, states in part that *"the occupant of each dwelling or dwelling unit shall be responsible for the proper placement of garbage and rubbish in the receptacles or at the point of collection by the owner"*.
- 6.) **105 CMR 410.602, (B)**, states in part that *"the occupants of any dwelling unit shall be responsible for maintaining it a clean and sanitary condition and free of garbage, rubbish, other filth or causes of sickness that part of the dwelling which they exclusively occupies or controls"*.
- 7.) **105 CMR 410.810, (B)**, states in part that *"every occupant of a dwelling or dwelling unit shall give the owner, upon reasonable notice, reasonable access, if possible by appointment, to the dwelling unit for the purposes of making repairs, or alterations or pest control treatment that are necessary to effect compliance with the provisions of 105 CMR 410.000"*
This includes allowing Pest Control into the dwelling unit.

Summary of Property Owner's Responsibility to make repairs in a timely manner.

105 CMR 410.830, (A)(B)(C), states in part *"If an inspection or examination as provided for in 105 CMR 400.100 (State Sanitary Code I General Administrative Procedures) and/or 105 CMR 410.820 (Minimum Standards of Fitness for Human Habitation (State Sanitary Code, Chapter II)) reveals that a dwelling does not comply with the provisions of 105 CMR 410.000, the board of health or its designated agent shall: (A) within 12 hours after the inspection order the owner or occupant to make a good faith effort to correct within 24 hours any of the following violations: (1) failure to maintain a supply of water connected to a safe water supply as required in 105 CMR 410.180; or (2) failure to provide heat and to provide or maintain heating facilities in proper condition as required by 105 CMR 410.200 or 410.201; or (3) failure to provide light as required by 105 CMR 410.254; or (4) failure to provide and maintain a sanitary drainage system as required by 105 CMR 410.300; or (5) failure to maintain in safe operating condition any facilities fixtures and systems listed in 105 CMR 410.351; or (6) termination or failure to restore promptly water, hot water, heat, electricity or gas; or (7) failure to maintain exits unobstructed as required by 105 CMR 410.451; or (8) failure to maintain every entry door of a dwelling unit as required by 105 CMR 410.480(D); or (9) failure to maintain a dwelling unit free from leaks as required by 105 CMR 410.500; or (10) failure to maintain a porch, balcony, roof or exterior stairway in a safe condition as required by 105 CMR 410.500; or (11) failure to maintain a dwelling or dwelling unit free from rodents, skunks, cockroaches and insect infestation as required by 105 CMR 410.550. (B) within seven days after the inspection order the owner or occupant to begin necessary repairs or contract in writing with a third party within five days for correction of all other violations or conditions listed in 105 CMR 410.750, 410.351 and 410.550 and to make a good faith effort to substantially correct all violations within a period determined by the board of health but not exceeding 30 days. (C) within five days after the dates for compliance specified in an order issued pursuant to 105 CMR 410.830, the board of health shall make an onsite inspection to determine whether there has been compliance with said order; provided, that said inspection shall be made within 24 hours of the dates for compliance specified in an order if one or more of the violations or conditions are determined to be conditions which may endanger the health or safety, and well-being of the occupant(s) as defined in 105 CMR 410.750. An inspection under 105 CMR 410.830 shall comply with the requirements of 105 CMR 410.822.*

IN CONCLUSION

This dwelling contains violations that may endanger the health and safety of the occupant. You are hereby ordered to **correct all Violations within twenty one, (21) days** of receipt of this letter.

Any person who shall fail to comply with any order issued pursuant to the provisions of the State Sanitary Code, Chapter II, 105 CMR 410.910 shall upon conviction be fined not less than ten nor more than five hundred dollars. Each day's failure to comply with the order shall constitute a separate violation.

Contact this office to arrange a time to re-inspect the premises on or before the deadlines noted. The owner is required to correct all violations within the time specified or provide proof of contract with a third party to have the work completed and to make a good faith effort to substantially correct all violations listed within the time periods noted.

Failure to correct the violations and to make a good faith effort within the given time period will result in the filing of an application for a criminal complaint against the property owner with the local Trial Court of Massachusetts District Court Department.

Under regulation 105 CMR 410.810 of the code cited above, every occupant of a dwelling unit shall give reasonable access to the owner for the purpose of making repairs. The Randolph Health Department deems twenty four, (24) to forty eight, (48) hours' notice as reasonable access.

Under regulation 105 CMR 410.850 of the code cited above you have a right to a hearing in this matter. At this hearing any affected party has the right to appear. You also have the right to be represented at such a hearing, and have the right to inspect and obtain copies of all relevant inspection and investigation reports, orders, notices and other documentary information in the possession of the Board of Health. This office must receive written request for such a hearing within seven, (7) days of receipt of this letter.

See Appendix A for a list of items that need to be repaired or replaced. This document is not a substitution for any of the orders listed above. It is list that is provided to you in order to better prepare your maintenance staff for the apartment site visit.

Contact this office to arrange a time and date to inspect your dwelling unit for compliance with the State Sanitary Code. If you have any questions concerning this matter or if you need a translator for any of this material, you may contact this office at (781) 961-0924 or gcody@randolph-ma.gov.

Sincerely,



Gerard F. Cody R.E.H.S. / R.S.
Public Health Commissioner



Selena Maldonado
Public Health Officer

cc: File

Appendix A



Prynne Hills Apartments
9 Bay Drive,
Canton MA, 02368

Order Issue date: 1/26/2023
Compliance Due date: 1/16/23

List of orders needed for correction (OTC).

1.) Kitchen:

- a.) Repair and/or inspect the leak in the ceiling above the cabinets.

2.) Bathroom:

- a.) Repair or replace the wall trim.

3.) Hallways / Living room:

- a.) Remove the carpet.
- b.) At the side door of the living room, there is evidence of chronic dampness, (mold build up). You are required to clean and sanitize the area to prevent further mold growth and intrusion into the living area.

Signed by Property Owner

Date

Send this completed Appendix A to smaldonado@randolph-ma.gov to confirm that the work has been completed in a timely manner.

See Attached Photos

Gerard F. Cody, R.E.H.S./R.S.
Public Health Commissioner

Ann Martin, R.N./M.S.N
Public Health Nurse

Carol Cronin
Principal Clerk

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Town of Randolph

Public Health Department

41 South Main Street • Randolph, MA 02368

Main Telephone: 781-961-0924

www.townofrandolph.com

Environmental Health / Community Health Inspection Form

Date: 1/26/23	Time: 11:20/23 10 AM	# Occupants: 2	# Children < 6 Years:
Address: [REDACTED]	Unit #: [REDACTED]		
Occupant / Tenant Name: [REDACTED]	Phone #:		
Owner Name:	Phone #:		
Owner Address:	City/Town: Randolph	Zip Code: 02308	
# Dwelling / Rooming Units in Dwelling:	# Stories:	Floor Level of Unit:	
# Sleeping Rooms	# Habitable Rooms (.400)		
Inspector: Selena Maldonado	Title: Public Health Officer (PHO)		

- State Sanitary Code 105 CMR 410.000: Chapter II, Minimum Standards of Fitness for Human Habitation
- Nuisance / Complaint Inspection
- Other / Notes: Mold in rug.

Location	Observation	Action
Kitchen	leak in ceiling? possible leak coming from fridge.	
Living room	rug appears to have previous	
Hallway (mold)	← chronic dampness.	
Bathroom	repair bathroom tub for medical needs?	
side door	breeze coming through side of door appears to be not weather tight. chronic dampness around/door bottom of black spots.	

Referral: Electric Fire Plumbing Building Other

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

Inspection Signature: [Signature]

Occupant or Occupant's Representative Signature: [Signature] Owner's Signature: _____

Reinspection Date: _____

"The information presented above is only a summary. If you wish 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 Offices. Call the Greater Boston Legal Services office at 617-371-1234 or 1-800-323-3205 for free legal advice.



Selena Maldonado <smaldonado@randolph-ma.gov>

Re: Outstanding Rug Mold, Refrigerator Pictures etc. & Restoration thus far

1 message

Michael Maloney <michael.maloney@greystar.com>

Wed, Jan 25, 2023 at 2:38 PM

To: [REDACTED], Selena Maldonado <smaldonado@randolph-ma.gov>

Cc: [REDACTED]

Hi [REDACTED]

I will look into this further for approval.

Thank you,

Michael Maloney, Community Manager – Prynne Hills

Greystar | 9 Bay Drive | **Canton MA 02021**

o 781.767.5877 | Michael.Maloney@greystar.com

From: [REDACTED]

Sent: Monday, January 23, 2023 3:52 PM

To: Michael Maloney <michael.maloney@greystar.com>; Selena Maldonado <smaldonado@randolph-ma.gov>

Cc: [REDACTED]

Subject: [EXTERNAL] Re: Outstanding Rug Mold, Refrigerator Pictures etc. & Restoration thus far

Dear Michael & Selina:

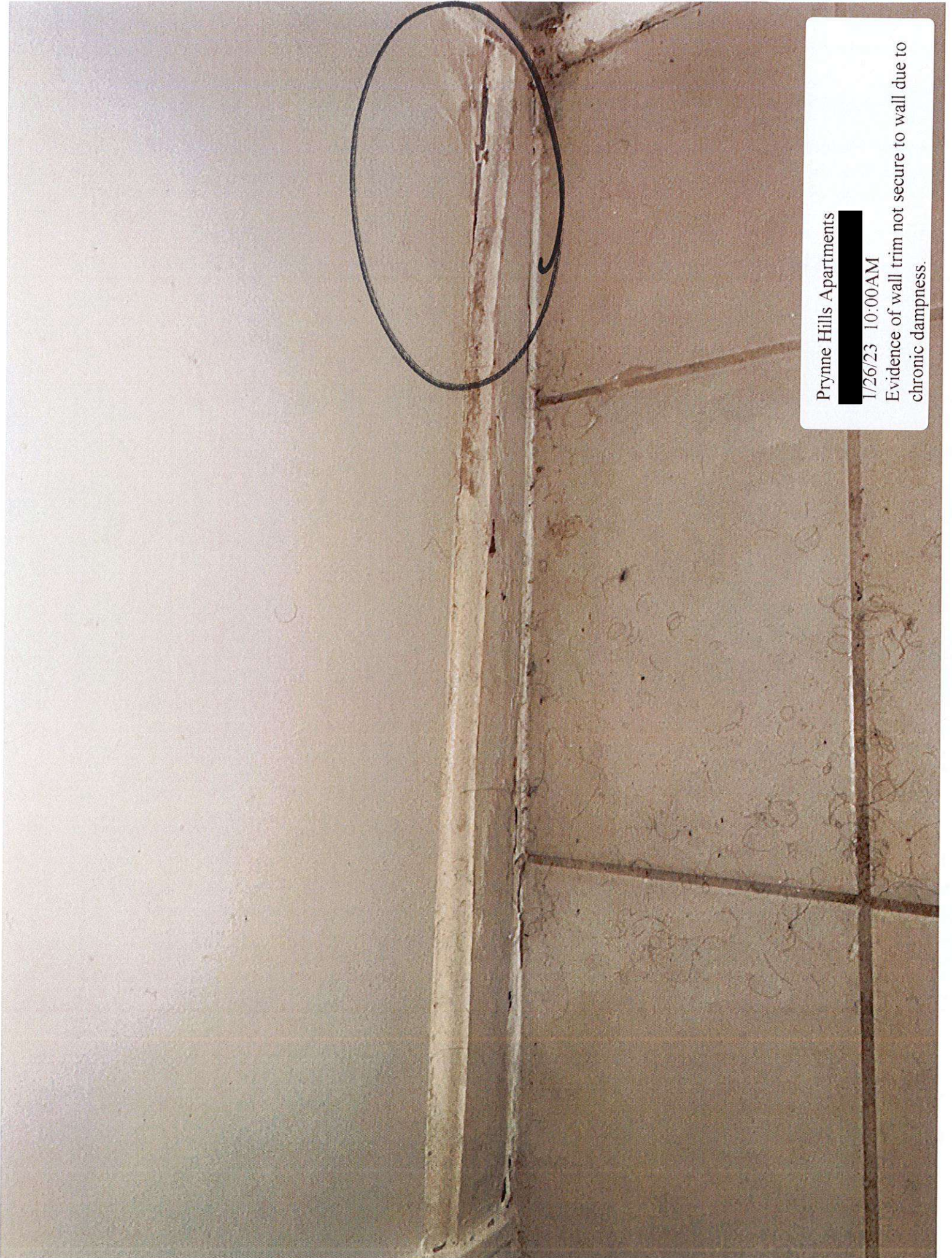
We reached out to "Randolph Intergenerational Center for Seniors" and they recommended us to New England ADA Center <https://www.newenglandada.org/> and a outreach worker reached back out to me and my

New England ADA Center

January 20, 10:00 a.m. - 12:00 p.m. Learn about obligations of cities, towns and local governments have under Title II of the Americans with Disabilities Act.

www.newenglandada.org


husband [REDACTED] and they said that because of this being an official ADA apartment, and because we are already under the clause of "Reasonable Accommodation" and we have a letter that section-8 can confirm for medical reasons, under the Fair Housing Act that we have the right under that act to make a reasonable request to have the flooring in the living room and walking areas of our apartment transitioned from rug to laminate flooring to solve the mold issue and also to make a reasonable request to modify my husband's bathroom to transition from a tub to an ADA walk-in tub or shower that accommodates his need for appropriate Hygiene. If you have any questions please feel free to reach out to New England ADA Center at: 1-800-949-4232 or 617-259-1756 . Thank you for taking this matter into consideration - Shirley Canniff



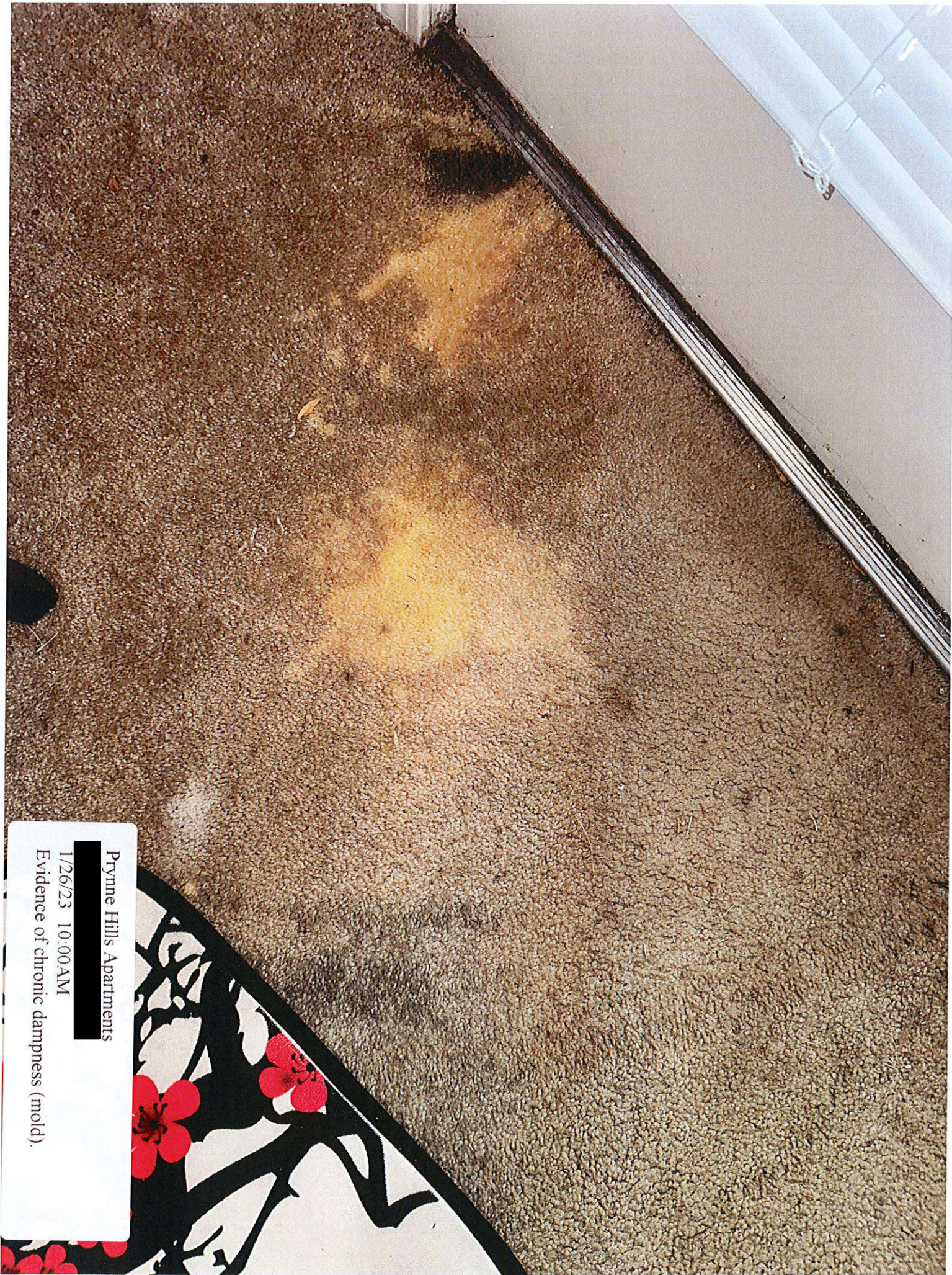
Pryne Hills Apartments

1/26/23 10:00AM

Evidence of wall trim not secure to wall due to chronic dampness.



Prymne Hills Apartments
[REDACTED]
1/26/23 10:00AM
According to the tenant, the shower water does not drain properly.



Pryme Hills Apartments

1/26/23 10:00AM

Evidence of chronic dampness (mold).



Prynne Hills Apartments

1/26/23 10:00AM

Evidence of chronic dampness.



Pryne Hills Apartments

1/26/23 10:00AM

Concerns for chronic dampness.



Prynne Hills Apartments

[REDACTED]

1/26/23 10:00AM

Concerns for chronic dampness.



Prynn Hills Apartments

1/26/23 10:00AM

Evidence of previous chronic dampness. Hole in carpet.



Brynne Hills Apartments

1/26/23 10:00AM

Evidence of previous chronic dampness. Hole in carpet.



Pryne Hills Apartments

1/26/23 10:00AM

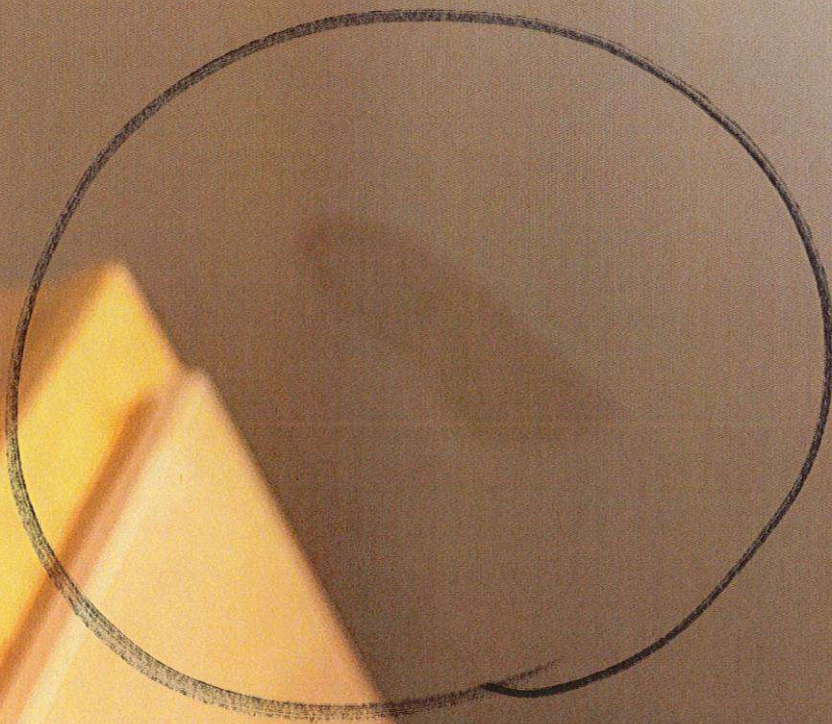
Evidence of previous chronic dampness. Hole in carpet.



Pyvme Hills Apartments

1/26/23 10:00AM

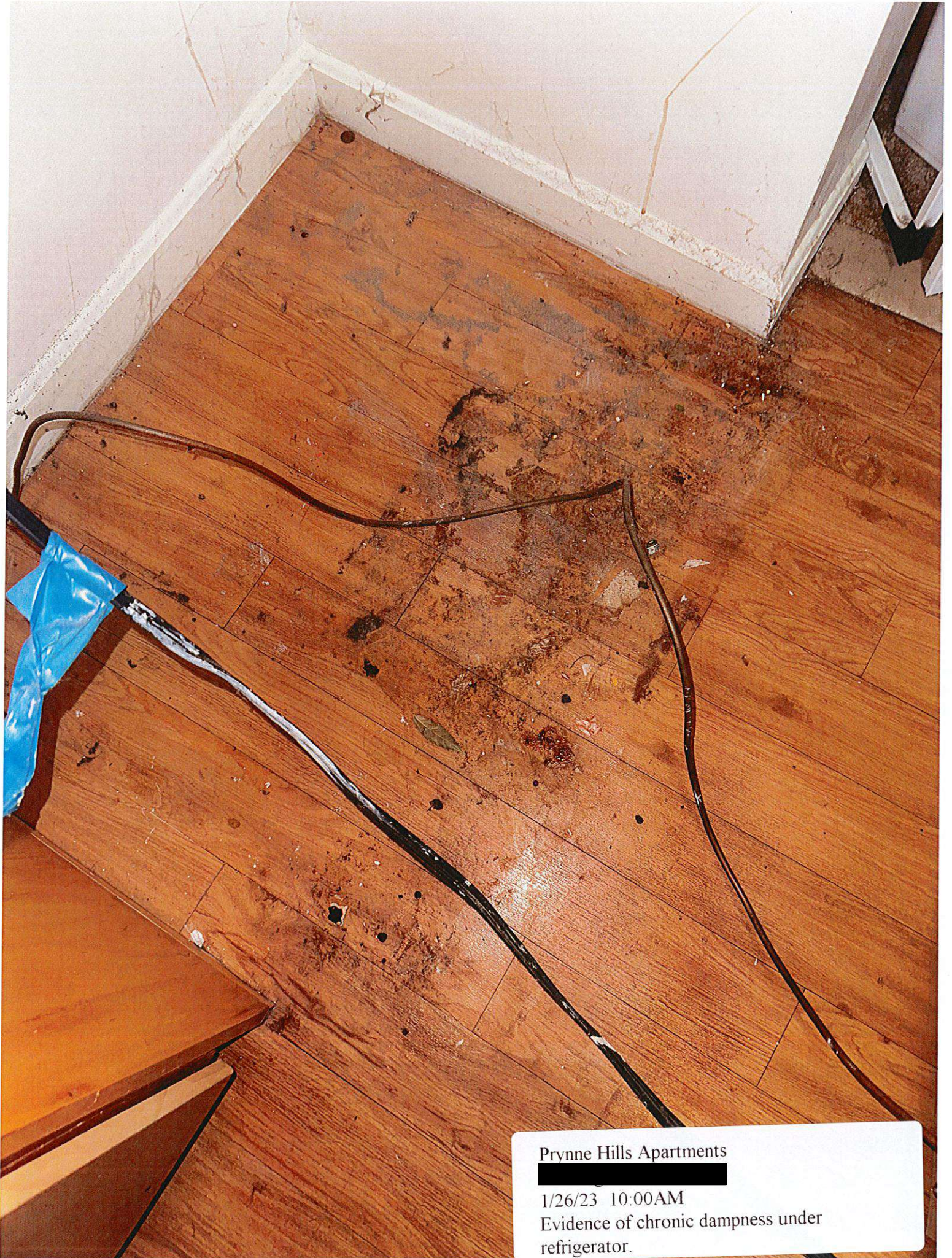
Evidence of chronic dampness (mold) spreading to tenants floor mat.



Pryne Hills Apartments

1/26/23 10:00AM

Evidence of leak stain in ceiling of kitchen.



Prynne Hills Apartments

1/26/23 10:00AM

Evidence of chronic dampness under refrigerator.