

Gerard F. Coody, 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](http://www.townofrandolph.com)

**BOARD OF HEALTH**  
Dr. David Kaplan, MPH/Ph.D./CHO/RS **Chair**  
Barbara Mahoney, RN/MHA  
Dov Yoffe, BS, BSN, RN  
Patricia M. Cedeno-Zamor, Ph.D./MSW/MHA  
Sharon E. George, CCHW

January 20, 2023

1785597 Ontario LTD  
198 Andy Cres  
Vaughan, ON L4H1C6

RE: [REDACTED]

Dear Property Owner:

The purpose of this letter is to notify you of your responsibility to maintain your rental property located at [REDACTED] Randolph MA, 02368 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 9<sup>th</sup>, 2023 at approximately 1:00PM. 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

**L.) 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, weathering 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 the ceiling in the kitchen is peeling, appears to be from a leak. The bottom step of the staircase to the upstairs is in disrepair. Parts of the fence in the backyard are in disrepair.

**Order:** Repair or replace the ceiling in the kitchen so there is no evidence of chronic dampness. Repair or replace the last step to the staircase so there is no longer a crack in the wood. Repair or replace the pieces of fencing that are in disrepair.

**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; and (B) all*

owner-installed optional equipment, including but not limited to, refrigerators, dishwashers, clothes washing machines and dryers, garbage grinders, and sub metering devices designed to measure the usage of electricity, gas or water.”

**In violation of 105 CMR 410.351**, the inspection revealed that the stove is in disrepair. According to the tenant, the sink leaks in the bathroom.

**Order:** Repair or replace the stove. Repair or replace the sink in the bathroom so it no longer leaks.

**Note:** The following was observed during the inspection:

- 1.) Flies were observed on sticky traps hanging from the ceiling in the kitchen and bathroom. It is unclear why there are so many flies in these areas.
- 2.) The tenant has concerns about “mold” growth in the bathtub.

**Note:** The tenants or occupants have the following responsibility:

- 1.) **105 CMR 410.352 B**, states in part that “every occupant of a dwelling unit 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 / 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](mailto:gcody@randolph-ma.gov).

Sincerely,

  
Selena Maldonado  
Public Health Officer

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

cc: File

# Appendix A



Order Issue date: 1/20/2023  
Compliance Due date: 2/10/2023

List of orders needed for correction (OTC).

- 1.) Kitchen:**
  - a.) Repair or replace the stove.
  - b.) Repair the ceiling that is peeling above the stove.
- 2.) Bathroom:**
  - a.) Repair or replace the sink so it no longer leaks.
  - b.) Repair the shower wall and bathtub so there is no evidence of chronic dampness (mold).
- 3.) Staircase:**
  - a.) Repair or replace the bottom step so there is no crack in the step.
- 4.) Exterior:**
  - a.) Repair or replace the damaged pieces of fencing in the backyard.

**Before allowing any repairs in the unit, you are required by LAW to provide at least 24-48 hour notice to the tenant before accessing the tenant's living space.**

\_\_\_\_\_  
Signed by Property Owner

\_\_\_\_\_  
Date

Send this completed Appendix A to [smaldonado@randolph-ma.gov](mailto:smaldonado@randolph-ma.gov) to confirm that the work has been completed in a timely manner.



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  
Peggy MontLouis, MBA  
Community Health Educator

**Board of Health**  
Dr. David Kaplan, MPH/Ph.D./C.H.O./R.S. Chair  
Barbara Mahoney, R.N./M.H.A.  
Dov Yoffe, B.S./B.S.N./R.N.  
Patricia M. Cedeno-Zamor, Ph.D./M.S.W./M.H.A.

**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: 1/9/23	Time: 1:00 PM	# Occupants:	# Children < 6 Years:
Address: [Redacted]	Unit #:	Phone #:	
Occupant / Tenant Name: [Redacted]	Phone #:	City/Town: Randolph	Zip Code: 02368
Owner Name:		# Stories:	Floor Level of Unit:
Owner Address:		# Habitable Rooms (.400)	
# Dwelling / Rooming Units in Dwelling:		Title: Selena Maldonado	Inspector: Selena Maldonado
# Sleeping Rooms:			

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

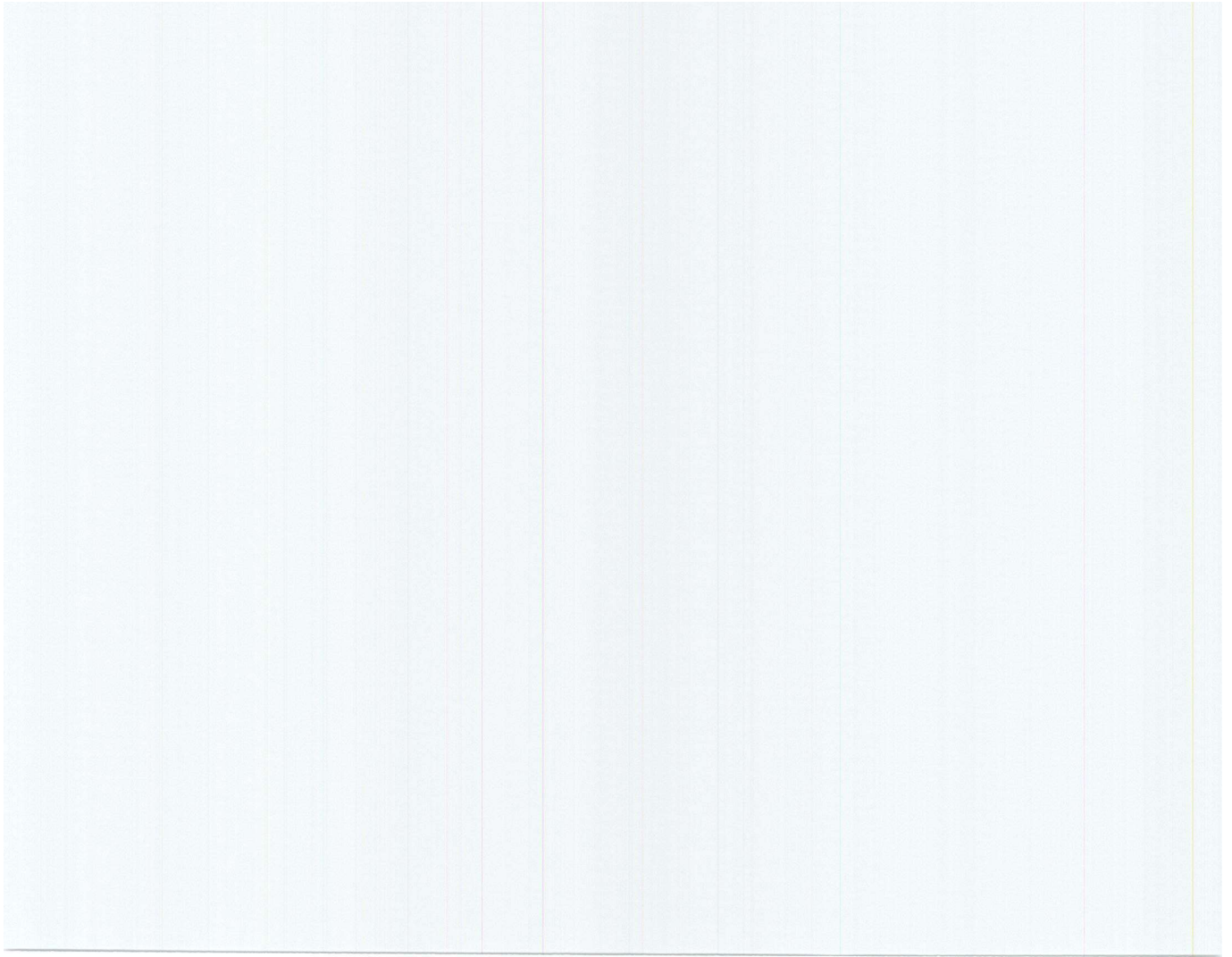
Location	Observation	Action
Kitchen	chronic dampness ceiling 3 yrs. stove in disrepair.	
Bathroom	sink leaking, chronic dampness (mold) growth in tub.	
Exterior	fence in disrepair.	
Staircase	bottom step in disrepair	

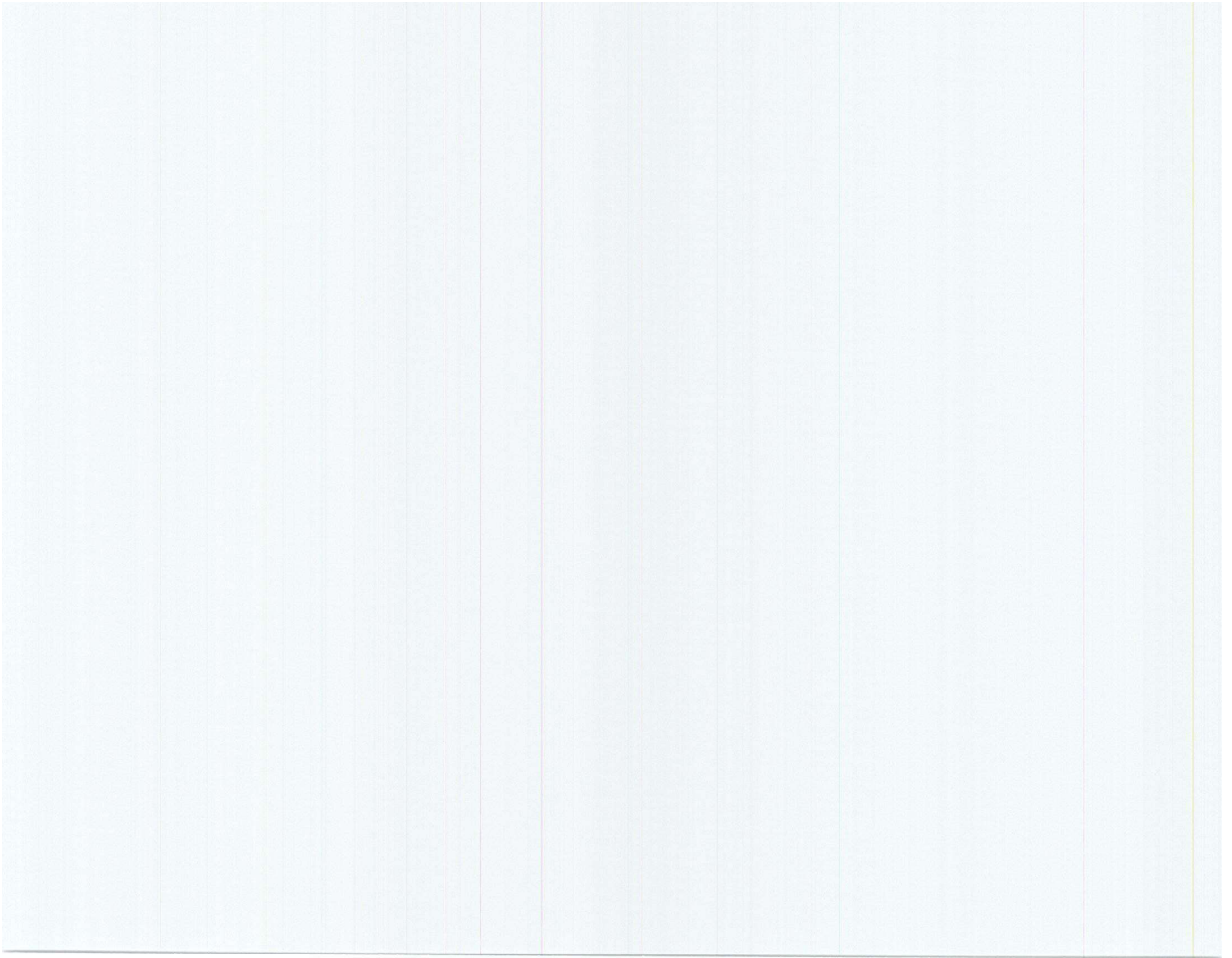
Referral:  Electric  Fire  Plumbing  Building  Other  
 This inspection report is signed and certified under the pains and penalties of perjury.  
 Inspection Signature: [Redacted] Owner's Signature: \_\_\_\_\_  
 Occupant or Occupant's Representative Signature: [Redacted]  
 Reinspection Date: \_\_\_\_\_

"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 Offices. Call the Greater Boston Legal Services office at 617-371-1234 or 1-800-323-3205 for free legal advice."



1/9/2023 1:00PM  
Evidence of stove in disrepair.

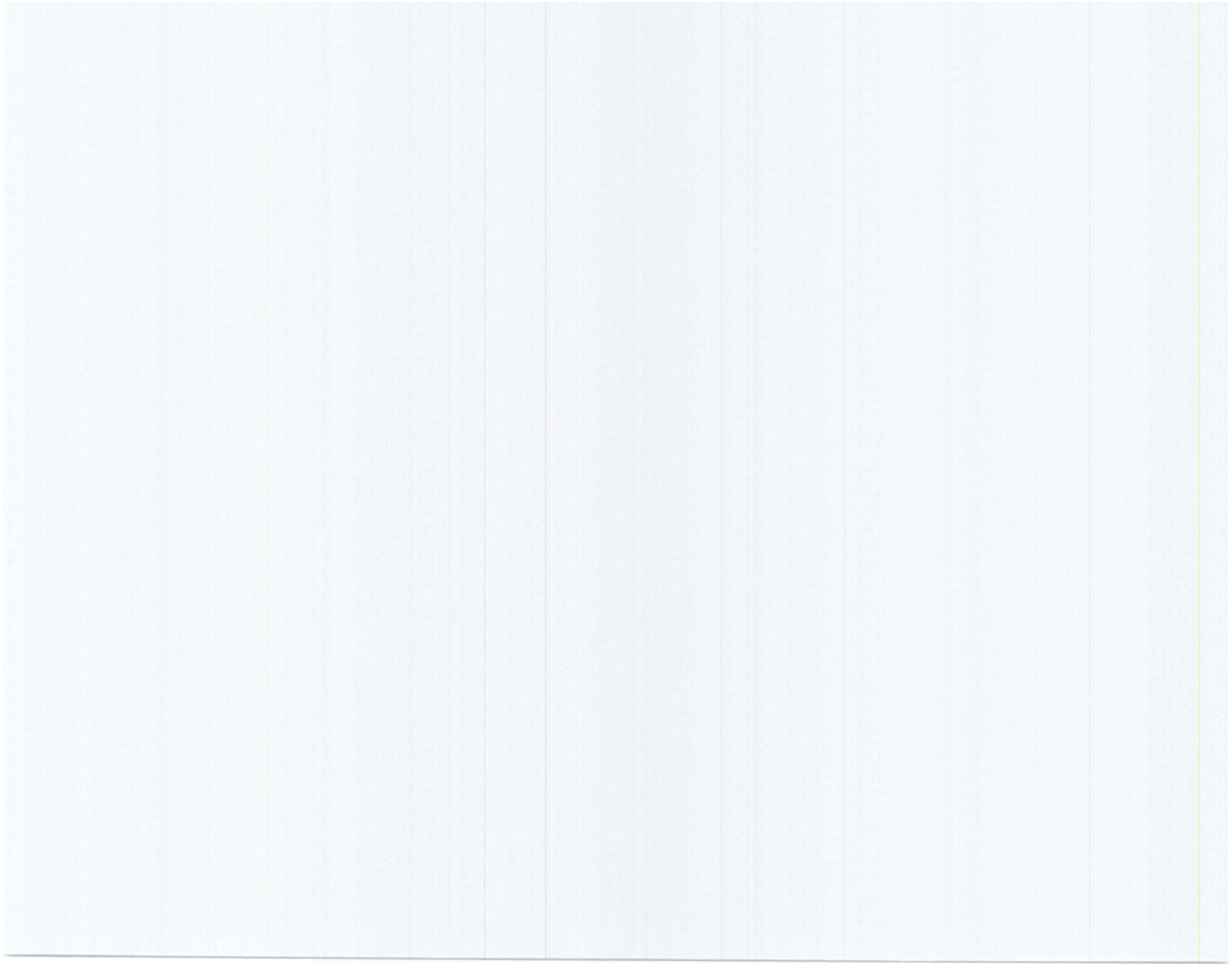




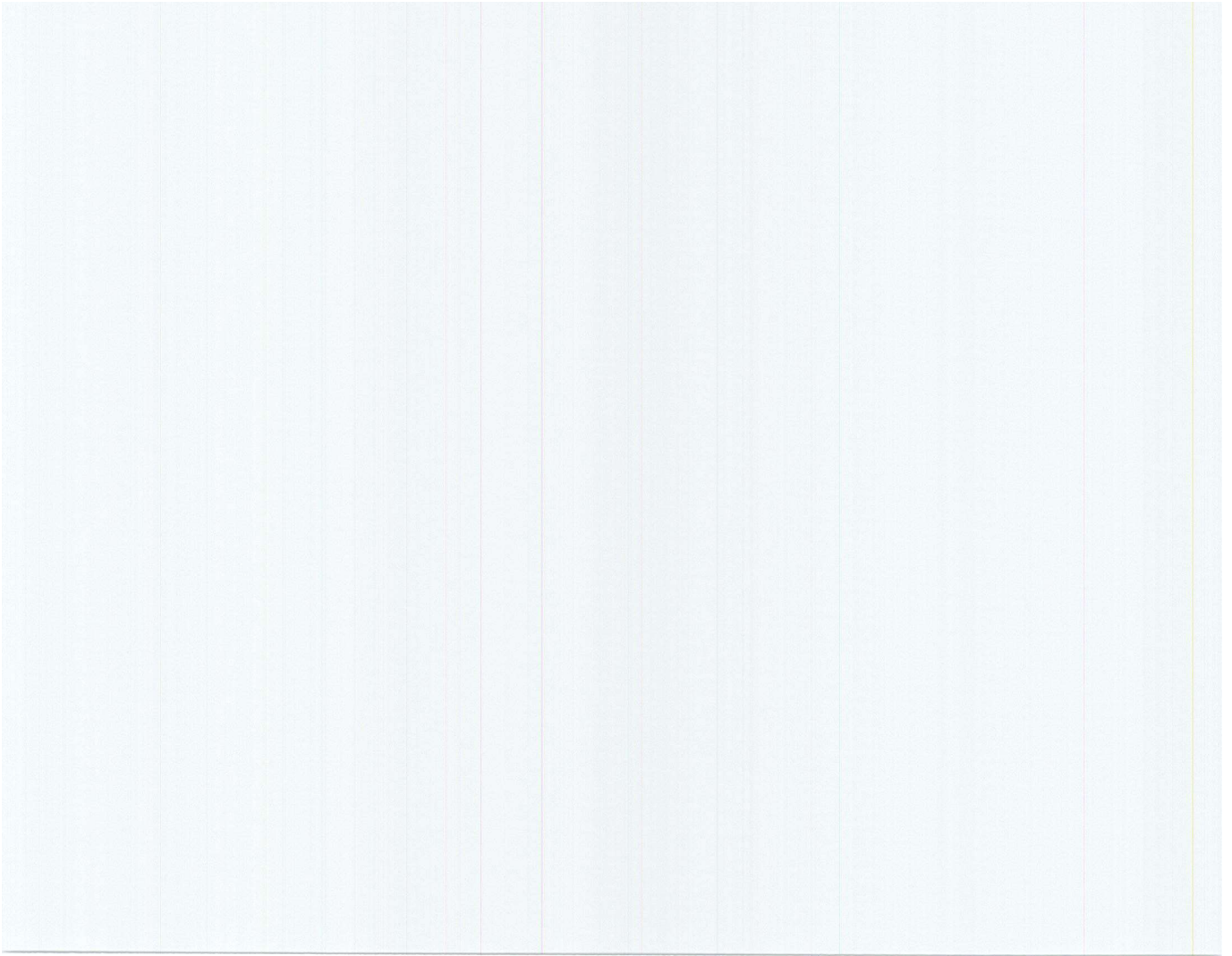


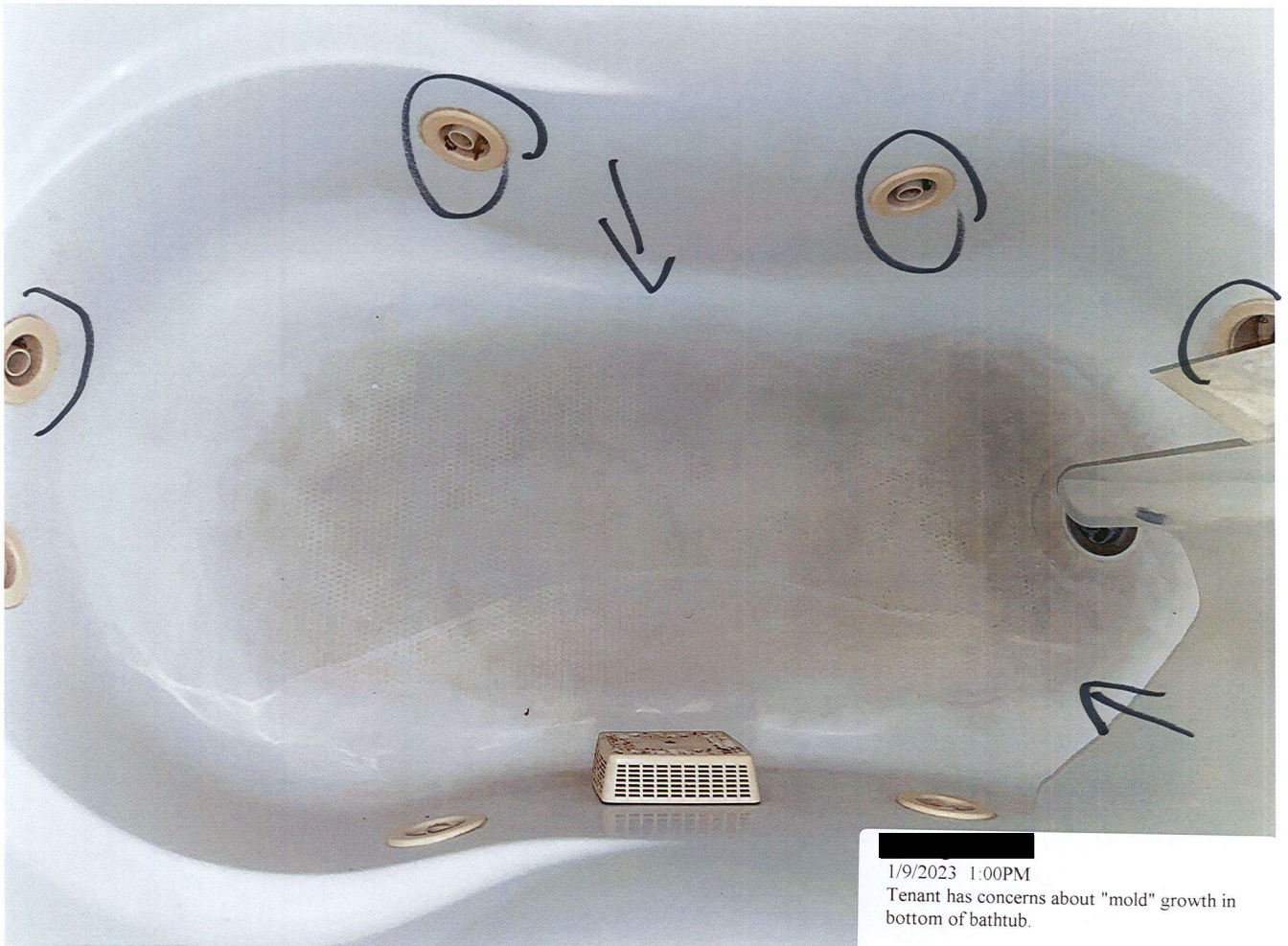
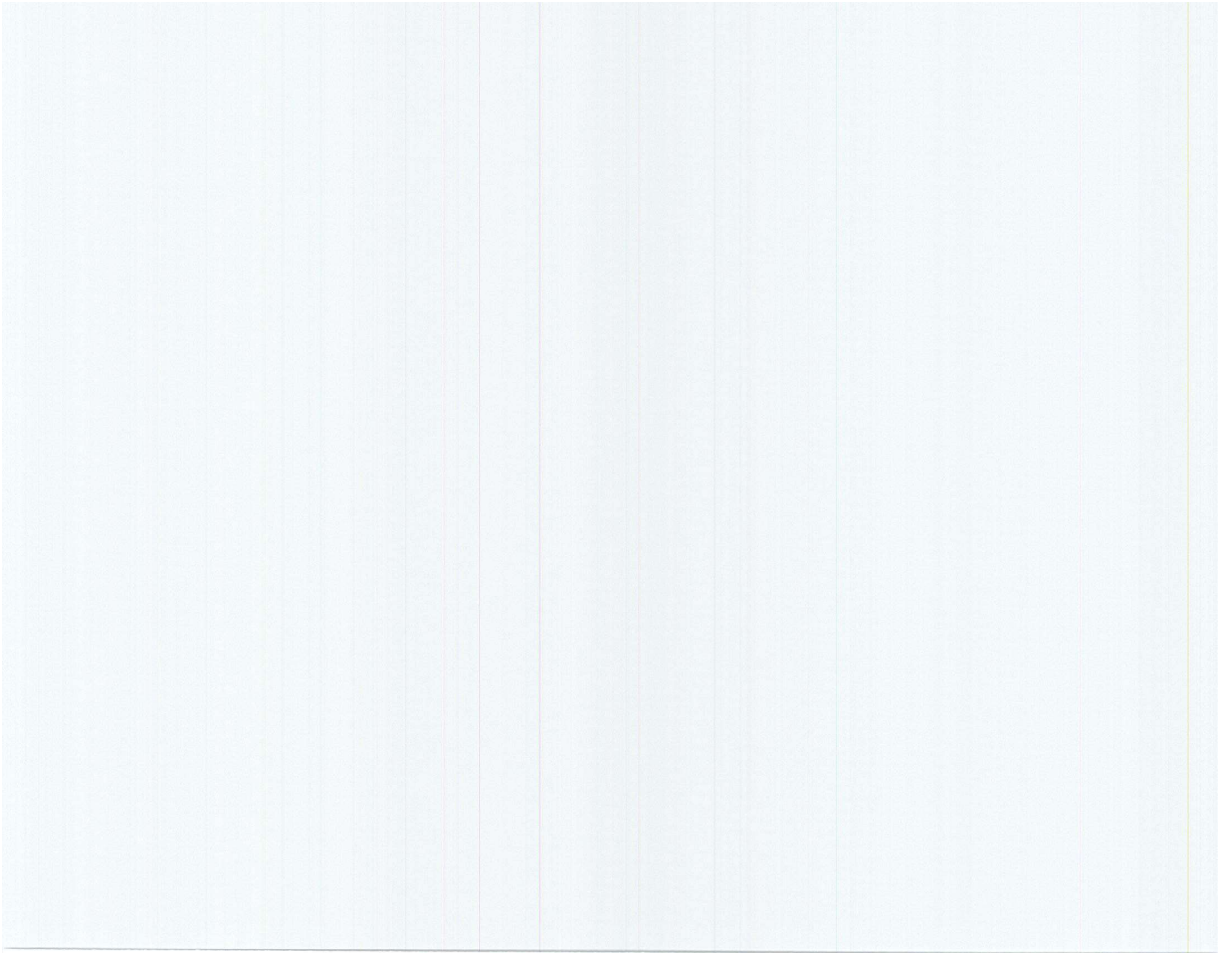
1/9/2023 1:00PM

According to the tenant, the bathroom sink leaks.

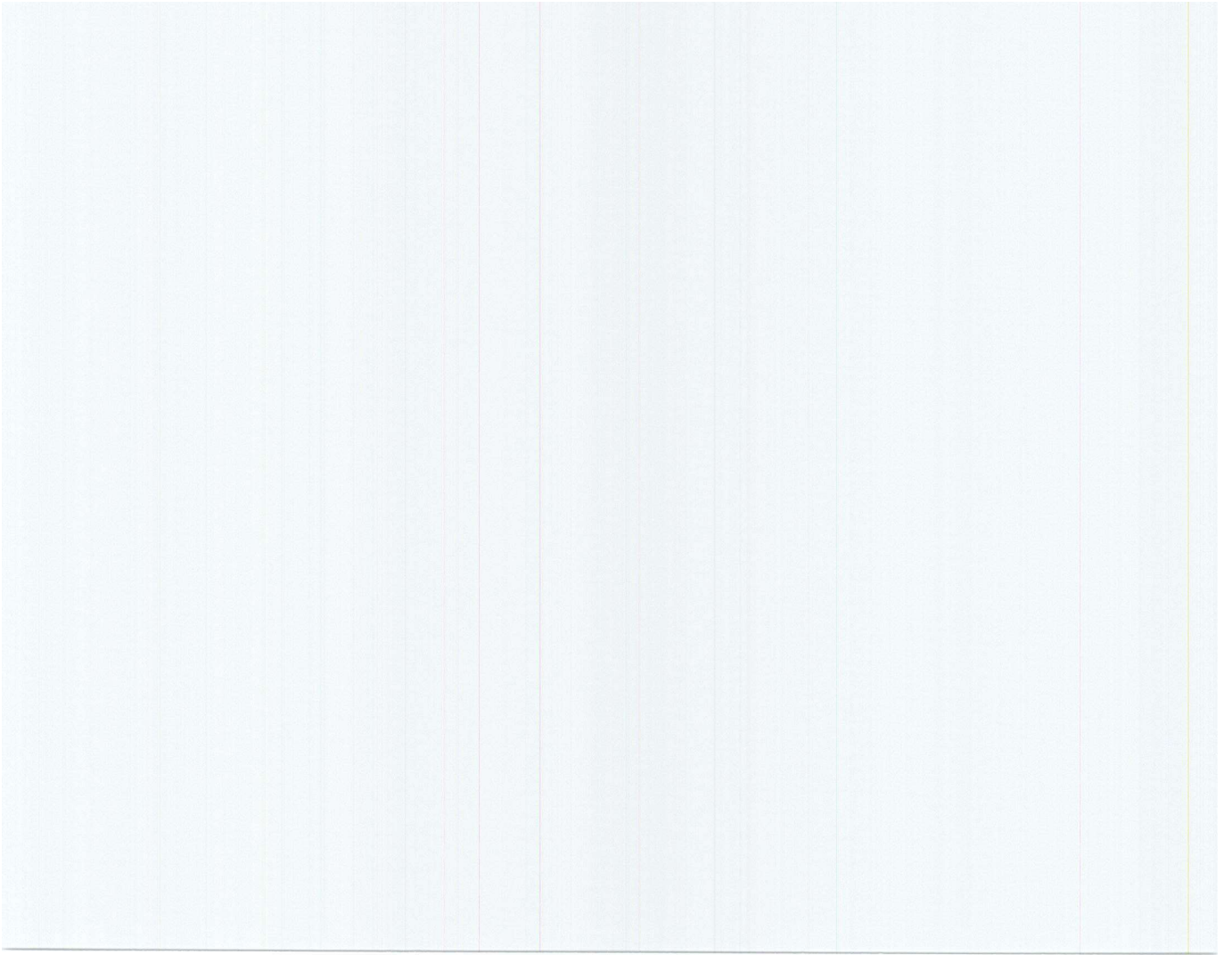






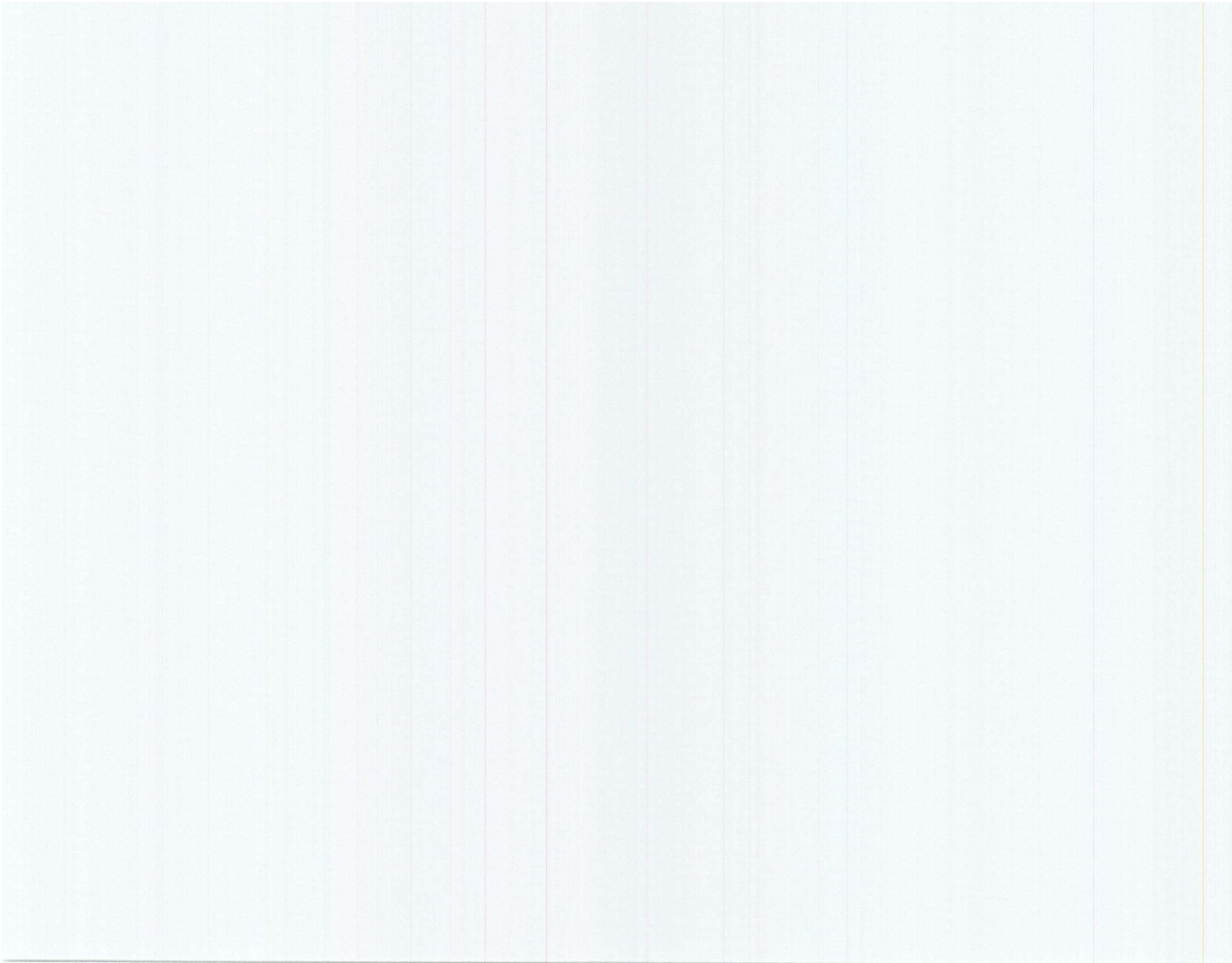


1/9/2023 1:00PM  
Tenant has concerns about "mold" growth in  
bottom of bathtub.



1/9/2023 1:00PM

Evidence of crack in staircase to upstairs.



1/9/2023 1:00PM  
Evidence of fence in disrepair.



1/9/2023 1:00PM  
Evidence of fence in disrepair.