

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

BOARD OF HEALTH

Dr. David Kaplan, MPH / Ph.D / CHO / RS *Chair*
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Sharon E. George, CCHW

January 11, 2023

Meaghan Nadeau
Community Manager
Rosemont Square Apartments
T: 781-961-7673
meaghan.nadeau@waterton.com • www.rosemontsquareapts.com
2 Chestnut West Randolph, MA 02368

RE: [REDACTED]

Dear Community Manager:

The purpose of this letter is to notify you of your responsibility to maintain your rental unit located at [REDACTED] Rosemont Square Apartments, 2 Chestnut West, 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 4th, 2022 at approximately 11:00AM. 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 Installation and Maintenance Responsibilities 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.*" **105 CMR 410.550**

Extermination of Rodents (B) states in part that "*the owner of a dwelling containing two or more dwelling units shall maintain it and its premises free from all rodents and shall be responsible for exterminating them.*" **105**

CMR 410.550 Extermination of Rodents (D) states in part that "*extermination shall be accomplished by eliminating the harborage places of rodents by removing or making inaccessible materials that may serve as their food or breeding ground by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination method. Pesticide applicators must give at least 48 hours pre-notification to occupants of all residential units prior to any routine commercial application of pesticide for the control of indoor household or structural indoor pests.*"

In violation of 105 CMR 410.500 and 105 CMR 410.550, the inspection revealed that there are what appear to be drain flies in the refrigerator and freezer. There are cracks in the ceiling of the kitchen entering to the bathroom.

Order: If allowed entry by the tenant, provide pest control services once (1) a week for the next four (4) weeks and **continue** to provide pest control services until there is **no** evidence of pests / insects in the unit and replace the refrigerator. Repair and inspect the ceiling so there is no chronic dampness or cracks in the ceiling.

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 microwave is in disrepair and the door knob to the unit does not lock. The light bulbs in the light fixtures in the bathroom are in disrepair and one has no cover. The toilet seat cover is in disrepair and the sink appears to be clogged in the bathroom which is causing the water not to drain properly. One of the downspouts in front of building 18,000 is missing a piece.

Order: Repair or replace the microwave and replace the door knob so the unit door locks. Replace the light bulbs in both light fixtures of the bathroom and provide a cover for the light fixture on the ceiling. Repair or replace the toilet seat cover and the sink drain so the water drains properly. Repair or replace the downspout in front of building 18,000.

3.) 105 CMR 410.602: Maintenance of Areas Free from Garbage and Rubbish states in part *"(B) Dwelling Units. The occupant of any dwelling unit shall be responsible for maintaining in a clean and sanitary condition and free of garbage, rubbish, other filth or causes of sickness that part of the dwelling which he exclusively occupies or controls."*

In violation of 105 CMR 410.602, the inspection revealed bags of trash in the hallway of the building.

Order: Trash should not be stored or left in the hallways of the building. Remove the trash in the hallway.

Note: The following was observed during the inspection:

- 1.) It is unclear about who is putting trash in the hallway. It is in front of unit 208 and unit 202.
- 2.) According to the tenant, she only gets drain flies in her refrigerator. It is unclear where they are coming from if they are only seen in the refrigerator.
- 3.) According to the tenant, mice appear to be coming from the closet where the washing and drying machine are.

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 violation #2 “door knob to the unit” within 24 hours and all other 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.

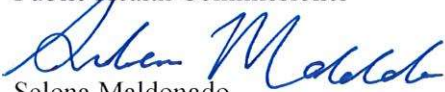
See **Appendix A** for a list of items that need to be repaired or replaced. This document is not a substitution for any of the orders listed above. It is list that is provided to you in order to better prepare your maintenance staff for the apartment site visit.

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

Building [REDACTED]

Rosemont Square Apartments
2 Chestnut West, Randolph MA

Order Issue date: 1/11/2023
Compliance Due date (violation #2): 24 hours of receipt of the letter
Compliance Due date: 2/1/2023

List of orders needed for correction (OTC).

1.) Kitchen:

- a.) Replace the refrigerator.
- b.) Repair or replace the microwave.
- c.) Repair / Insect the cracks in the ceiling (*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 haborage*).

2.) Entry to unit:

- a.) Repair or replace the door knob within 24 hours.

3.) Bathroom:

- a.) Replace the light bulb in the light fixture above the mirror.
- b.) Replace the light bulb in the light fixture on the ceiling **and** provide a cover.
- c.) Repair or replace the toilet seat cover.
- d.) Repair the sink drain.

4.) Exterior:

- a.) Repair or replace the downspout in front of building 18000.

5.) Entire House:

- a.) Provide pest control services once (1) a week for the next four (4) weeks and continue pest control services unit there is no evidence of rodents in the unit.

Before allowing Pest Control Services or any other 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 to confirm that the work has been completed in a timely manner.

See Attached Photos

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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: 1/4/23 | Time: 11 AM | # Occupants: | # Children < 6 Years: |
| Address: [REDACTED] | Unit # [REDACTED] | | |
| Occupant / Tenant Name: [REDACTED] | Phone #: | | |
| Owner Name: | Phone #: | | |
| Owner Address: | City/Town: Randolph | Zip Code: 02368 | |
| # Dwelling / Rooming Units in Dwelling: | # Stories: | Floor Level of Unit: | |
| # Sleeping Rooms | # Habitable Rooms (.400) | | |
| Inspector: Selena Maldonado | Title: Public Health Officer (AHO). | | |

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

| Location | Observation | Action |
|----------|---|---------------------------|
| Kitchen | Mice by laundry machine. appears to be drain flies in the fridge. door handle in disrepair. Microwave is in disrepair. Cracking in the ceiling, Chronic dampness. | seal appears to be broke. |
| Bathroom | hot water doesn't stay on. light fixtures in disrepair. sink does not drain. garbage disposal appears to be clogged. | |

Referral: Electric Fire Plumbing Building Other

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

Inspection Signature: _____

Occupant or Occupant's Representative Signature: _____

Owner's Signature: _____

Reinspection Date: _____ Time: _____

"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.

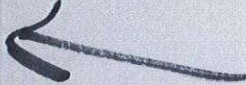


YOU SUPPORT AMERICAN FARMERS
 AND THEIR COMMUNITIES
 AS CO-OPS WERE OWNED BY 10,000+ FARMERS WHO
 BELIEVE FRESH FOODS ARE OF OUR QUALITY PRODUCTS
 WITH THIS PURCHASE

Mr Dough
 Nutrition Facts
 140
 Serving Size: 1/2 cup (125g)
 Amount per serving
 Calories 140
 Total Fat 10g
 Total Carbohydrate 20g
 Protein 4g



Gifford's
 Maine Wild Blueberry
 Nutrition Facts
 220
 Serving Size: 2/3 cup (160g)
 Amount per serving
 Calories 220
 Total Fat 10g
 Total Carbohydrate 30g
 Protein 4g



Rosemont Square Apartments

1/4/23 11:00AM

Evidence of what appear to be drain flies.



Rosemont Square Apartments
[REDACTED]
1/4/23 11:00AM
Evidence of what appear to be drain flies in
the freezer.



Rosemont Square Apartments

1/4/23 11:00AM

Evidence of what appears to be drain flies in refrigerator.



Rosemont Square Apartments

1/4/23 11:00AM

Evidence of what appears to be drain flies in refrigerator.



Rosemont Square Apartments

1/4/23 11:00AM

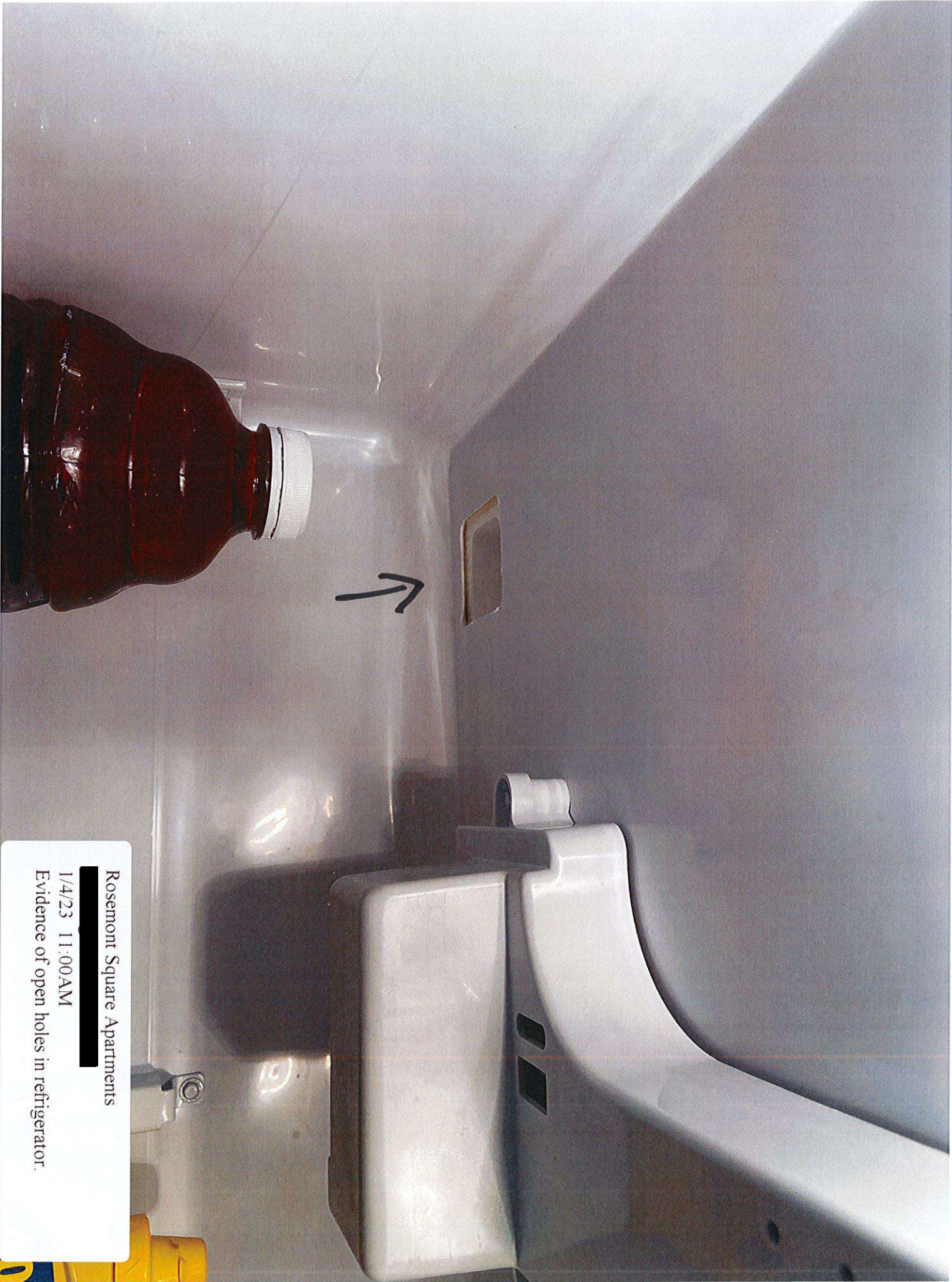
Evidence of what appears to be drain flies in refrigerator.



Rosemont Square Apartments

1/4/23 11:00AM

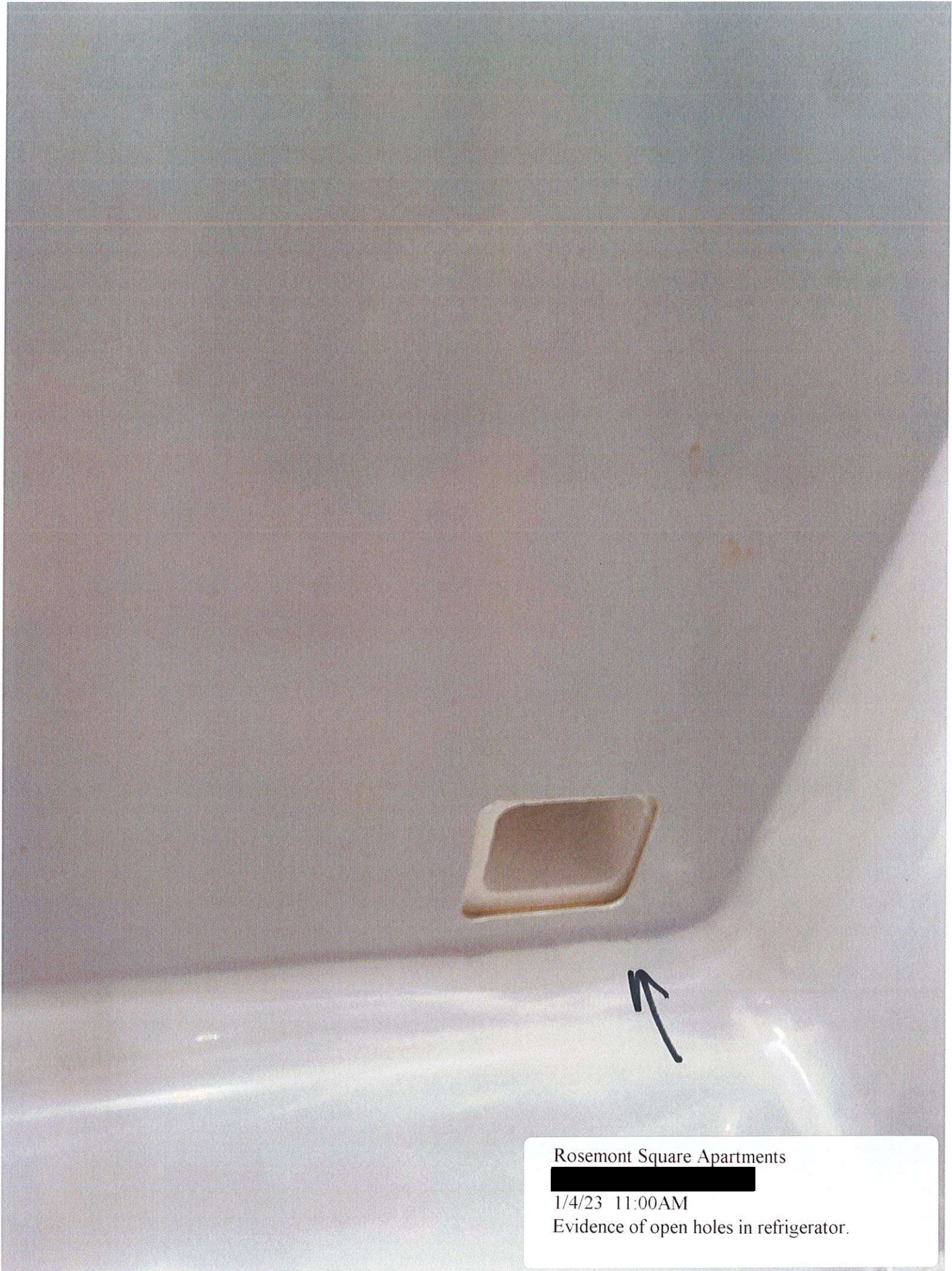
Evidence of what appears to be drain flies in freezer.



Rosemont Square Apartments

1/4/23 11:00AM

Evidence of open holes in refrigerator.



Rosemont Square Apartments

1/4/23 11:00AM

Evidence of open holes in refrigerator.



Rosemont Square Apartments

1/4/23 11:00AM

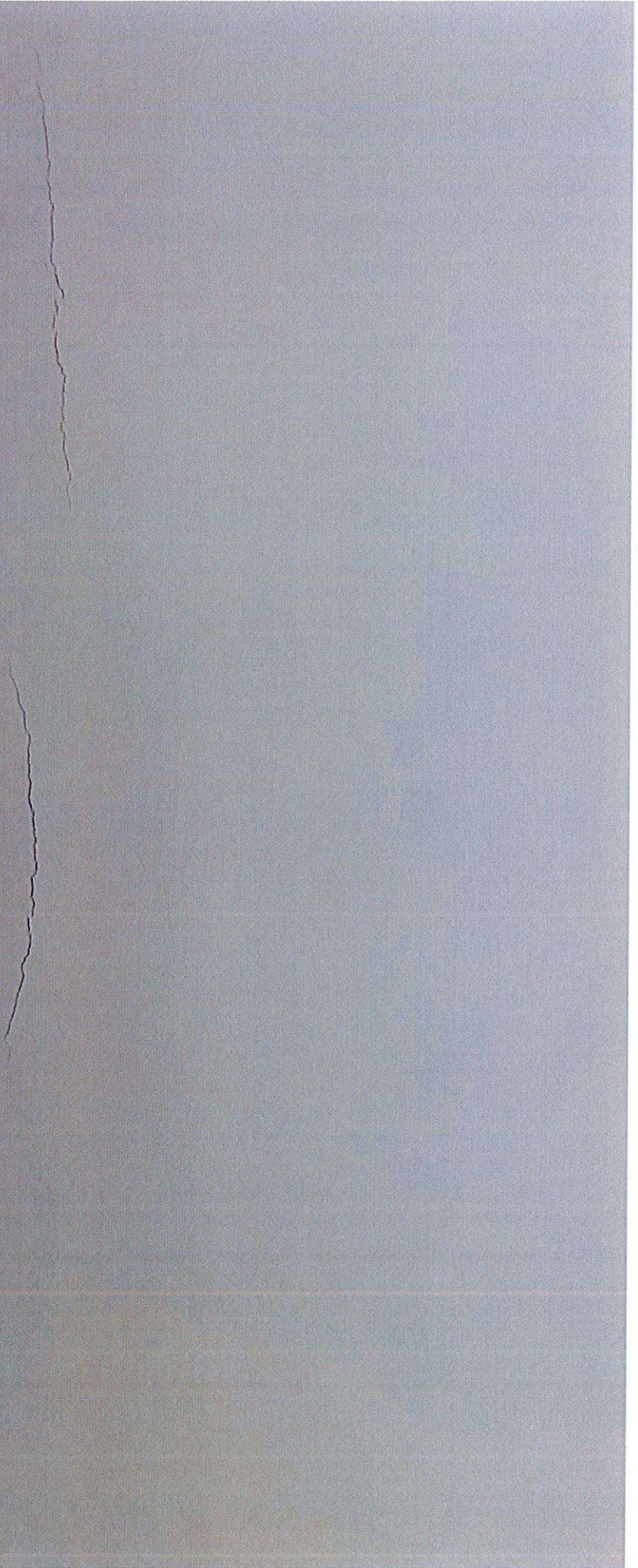
Evidence of microwave in disrepair.



Rosemont Square Apartments

1/4/23 11:00AM

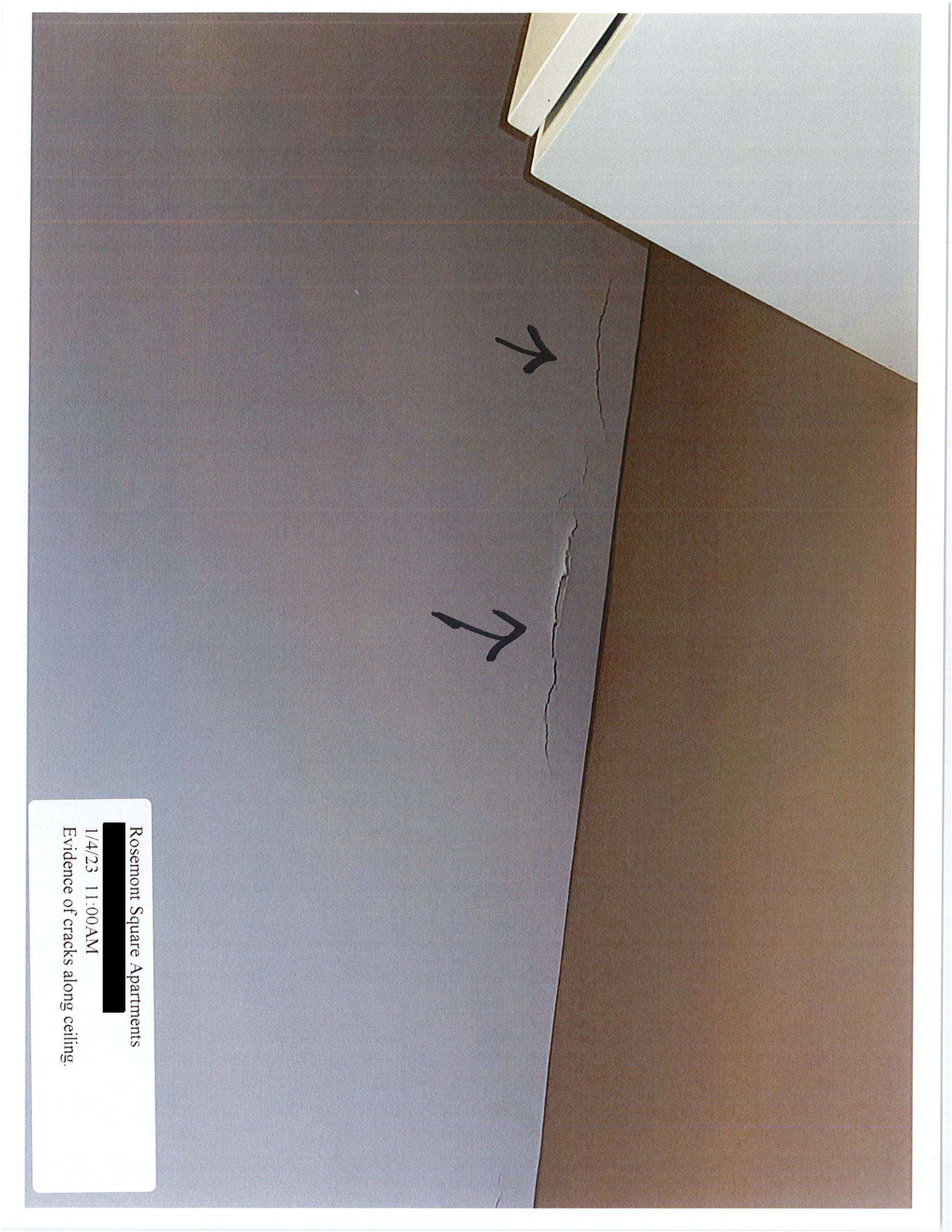
Evidence of door handle in disrepair.



Rosemont Square Apartments

1/4/23 11:00AM

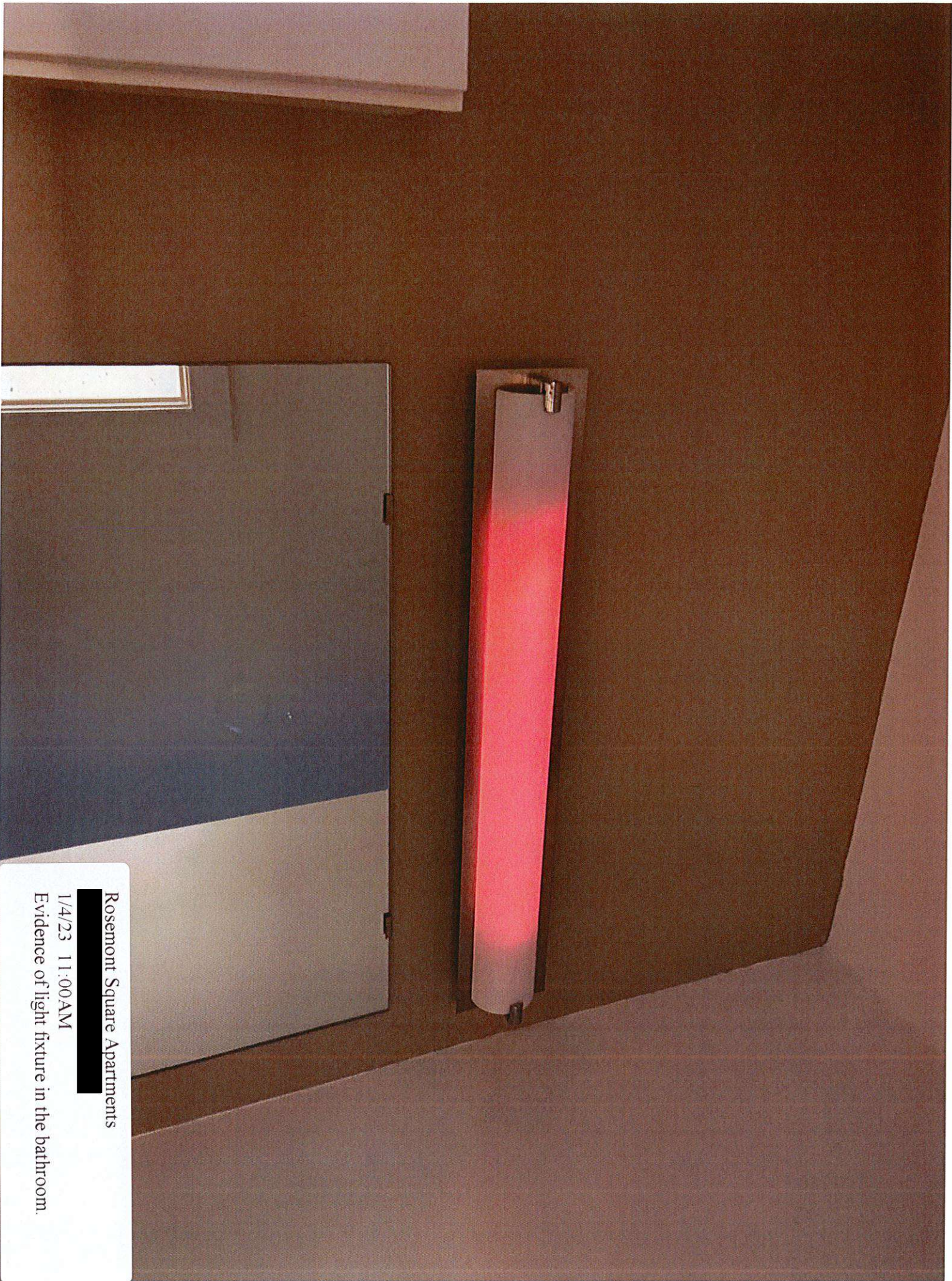
Evidence of cracks along ceiling.



Rosemont Square Apartments

1/4/23 11:00AM

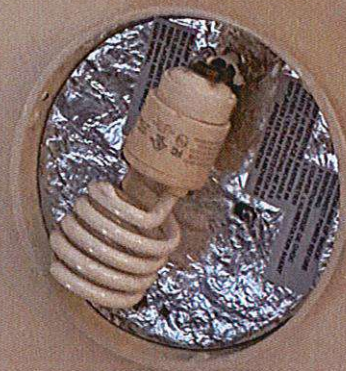
Evidence of cracks along ceiling.



Rosemont Square Apartments

1/4/23 11:00AM

Evidence of light fixture in the bathroom.



Rosemont Square Apartments

1/4/23 11:00AM

Evidence of light fixture with no cover.



Rosemont Square Apartments

[REDACTED]
1/4/23 11:00AM

Evidence of toilet seat cover in disrepair.



Rosemont Square Apartments

1/4/23 11:00AM

Evidence of bathroom sink drain not draining properly.



208

Rosemont Square Apartments

1/4/23 11:00AM

Evidence of 18208 trash in hallway.

202



Rosemont Square Apartments

1/4/23 11:00AM

Evidence of 18202 trash in hallway.



Rosemont Square Apartments

1/4/23 11:00AM

Evidence of downspout on ground.



Rosemont Square Apartments

1/4/23 11:00AM

Evidence of missing downspout.