

FINAL REPORT

of the

CITY MANAGER'S COMMUNITY TASK FORCE ON VACANT AND ABANDONED BUILDINGS

Task Force Members:

Fred Baus, Director, Colleges of Worcester Consortium
William Breault, Community Representative
James Connolly, Community Representative
Gerard A. Dio, Worcester Fire Chief
Peter Fellenz, Executive Director, Worcester Community Housing
Robert Fitzgerald, Professor of Civil & Environmental Engineering, Worcester Polytechnic Institute
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Kenneth Henderson, Worcester Fire Department (retired)
James Igoe, Preservation Worcester
Paul V. LaCava, City Manager's Office
Michelle Lucey, Community Representative
Joseph G. McCarthy, Deputy Commissioner, Worcester Department of Health & Code Enforcement
Judy Molinari, Community Representative
David M. Moore, Worcester City Solicitor
Kenneth Mudie, Regional Vice President, Hanover Insurance Company
Philip J. Niddrie, Worcester Area Chamber of Commerce
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November 21, 2000

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Introduction

On December 3, 1999, a fire at the vacant Worcester Cold Storage Warehouse building claimed the lives of six Worcester Firefighters. Firefighters were searching the vacant burning building for two homeless individuals reported to be inside. In the aftermath of this tragedy, City Manager Thomas R. Hoover formed an Abandoned Building Task Force to study the problem of vacant and abandoned buildings in Worcester.

The work of the Task Force was performed in two stages. The first involved a team of eight city department heads responsible for problem buildings in the city. The report submitted by that group on May 1, 2000 set the stage for the formation of a twenty-member group consisting of fourteen representatives from the community and six city officials. The Task Force included representatives from the insurance, housing, financial and preservationist concerns, as well as six community representatives.

Summary of the Work of the Task Force

The Task Force reviewed the report prepared by the internal task force on May 1, 2000 and reviewed the report on unsecured buildings prepared by State Fire Marshall Stephen D. Coan for Governor Paul Cellucci on March 31, 2000. The Task Force toured various abandoned buildings in the city and observed a demonstration of a new method of securing windows and doors in vacant and abandoned buildings developed by Peter Gately of Access Denied, Inc. The Task Force received a presentation from Joseph Toscano, Robert Correy and John Jones concerning the programs to demolish abandoned buildings in Utica, New York and Lawrence, Massachusetts. Lastly, the Task Force

participated in a conference featuring United States Federal Emergency Management Agency Director James Lee Witt and hosted by Congressman James D. McGovern and City Manager Thomas R. Hoover.

Summary of the Recommendations of the Task Force

The Task Force believes that vacant and abandoned buildings must be properly secured to prevent all unauthorized persons from gaining entry and to minimize the hazards to firefighters operating in the adverse conditions which occur when fire strikes the interiors of such buildings. The Task Force, therefore, presents the following recommendations:

- 1. Through the development of a new city ordinance, the owners of a building to be vacated/abandoned shall be required to notify the city of their intentions.**
- 2. All buildings should be inspected by code and fire officials before they are vacated/abandoned. As part of the inspection, all commercial and industrial property owners should provide the Worcester Fire Department with one set of space utilization floor plans. These plans will be utilized in the fire department computer database system for fire operations.**
- 3. Prior to vacating/abandoning commercial or industrial property a Pre-Fire Plan using a Vacant Building Survey List (attachment #1) should be developed by the fire department which includes the removal of any hazardous or flammable material by the owner as determined by fire officials and as outlined in the proposed revisions to section 121.7.5.1 of the Massachusetts General Laws 143A submitted by State Fire Marshall Stephen D. Coan. (attachment #2) Although a Pre-Fire Plan is usually not needed for residential property, all hazardous or flammable material should be removed from these properties as well.**
- 4. An owner of a soon-to-be vacated/abandoned building should be required to post a bond for security purposes. If the building is violated and emergency repairs must be made, the owner must accomplish those repairs within 48 hours of notification. If that does not happen, the city will complete the repairs and the costs of materials and labor will be obtained by the city through the bond.**
- 5. The owners of a building to be vacated/abandoned should sign a release allowing the police, fire and code inspection officials to monitor the property for public**

safety purposes and enter the building if necessary. (attachment #3) This request should also be sent to all building owners who presently have vacant/abandoned buildings.

6. The owner will, after receiving the signed letter, attach NO TRESPASSING signs to the building which will serve public notice that there will be active monitoring of the property.
7. Owners of the vacant/abandoned property should be required to provide a local contact name and telephone number in case of emergency. This information should be clearly posted on the building.
8. All building owners should maintain the liability insurance on the property when a building becomes vacant/abandoned in case of any injuries occurring to public safety personnel while in the performance of their duties.
9. Insurers as well as Insurance Agents or Brokers should be required to notify the city of a commercial, industrial or residential property that they insure has become vacant/abandoned.
10. With the implementation of these regulations, the city manager should work with the appropriate police officials to develop a Time/Assignment process with the patrol cars. With this process vacant/abandoned properties will be reviewed on a routine basis.
11. The city manager should establish a "Hot Line" for citizen and neighborhood crime watch groups to call in the off hours to ensure that a building is "closed in" if vandals or members of the homeless population have found their way into a building.
12. The city should publicize the telephone numbers for the "Hot Line" through neighborhood meetings, the Community Access Channel and the city's web page.
13. The city should support the guidelines for changes to the Massachusetts General Laws as outlined by the State Fire Marshall for boarding up of residential, commercial and industrial property. (attachment #4) However, it is the recommendation of the Task Force that programs such as Access Denied be reviewed. (see, attachment #5). Ultimately, the inability for vandals or members of the homeless population to enter a building that has had all hazardous and flammable material removed and utilities shut off is the most effective method to reduce or eliminate any fire.
14. Other methods of securing buildings such as 24-hour security personnel being assigned to the property may be acceptable as well. This must be guaranteed by the owner in writing to the city code inspection department.

15. **Once a building is secured the fire department should post the building with placards that will identify the status of a building and the contents, thus lessening the frequency and severity of firefighter injuries occurring in vacant/abandoned building operations. (attachment #6)**
16. **The primary objective of the city should be to ensure that abandoned/vacated buildings are secured in an expeditious manner. This will allow maximum re-use of the properties. It should be the intention of the city to give every option and incentive to property owners, or potential developers of a property, to rehabilitate these buildings into productive use.**
17. **Any building subject to the Chapter 139 Demolition List is required to have a formal Public Safety Assessment recorded within thirty (30) days. If it fails that public safety standard, it should be placed on the top of the demolition list.**
18. **When it is determined by the owner that a property is to be demolished, the city should work closely with the neighborhood residents to determine the most appropriate re-use of the land.**
19. **Request the city council adopt the recommendation of the city manager that allows a tax abatement of up to 75% of the unpaid tax, assessments, rates or charges and any interest thereon or costs relative thereto on vacated/abandoned residential, as defined in G.L. c.60, &1, of six (6) units or less which are proposed to be rehabilitated into six units or less of residential property. (attachment #7)**
20. **The Worcester Police, Fire, Health and Code Departments should work jointly to maintain an up-to-date vacant building inventory.**
21. **Request the state follow the recommendation of State Fire Marshall Stephen D. Coan, and allocate 10 million dollars to be placed in a trust fund used to provide cities and towns funding to secure or raze unsecured or unsafe buildings.**
22. **Request the state delegation and the governor place a special, one year only, allocation for capital investment in fire training and equipment. This should be available as a match for city and town fire department capital budgets and available on a per capita formula and based upon an average of the past three years.**
23. **Request that the city aggressively pursue and advertise through the Police Department and the Worcester Public Schools the HUD sponsored Officer and Teacher Next Door Programs which offers HUD-owned, single family homes to these public employees at a 50% discount. (attachment #8)**
24. **National Firefighter Legislation: The city should urge the President and Congress to fund the recently enacted firefighter assistance provisions of the**

Federal Fire Prevention and Control Act. These provisions authorize federal grants for firefighting personnel, training, arson prevention and equipment. (attachment #9)

- 25. Request the State Delegation continue their efforts to develop a comprehensive Brownfields Bill that would encourage developers to rebuild the old industrial sites without severe liabilities.**
- 26. Request the City aggressively pursue the recommendations of the City Managers Commission on Homelessness' report entitled "Housing the Single Adult Homeless: The Worcester Plan" dated August 31, 2000. (attachment #10)**

These recommendations are the result of the work of the Task Force and the information it received during its deliberations. The remaining sections of this report discuss those issues in detail.

Review of the Report prepared by the Internal Task Force

The report prepared by the internal task force on May 1, 2000 described the responsibilities of various city departments regarding vacant and abandoned buildings, identified key areas of concern to city officials and made several recommendations to make those efforts more productive. (A copy of the May report is enclosed as attachment #11). The community task force focused on the following elements of the May report.

The Worcester Fire Department is responsible for enforcing laws and regulations governing flammable materials, smoke detectors and fire suppression systems in all buildings, including vacant and abandoned buildings. The Worcester Department of Health & Code Enforcement is responsible for enforcing the State Building and Sanitary Codes and the state regulations containing standards for the habitability of residential structures. The report noted that the jurisdiction of the city code inspectors is limited

because the standards for habitability do not apply to vacant or abandoned buildings. The Fire Department has the right to enter and inspect all non-residential vacant buildings. Both departments have the right to enter residential buildings to investigate complaints or where a fire hazard is observable from a public location. The Police Department can enter buildings only with the permission of the owner, with a search warrant from the courts, or when an officer has probable cause to conclude that a crime is being committed, such as trespassing. However, the Police cannot make an arrest for trespassing unless the building contains "no trespassing" signs.

The report concluded that the fragmentation of duties of these departments should be addressed by a single inspection team modeled after the highly successful City Manager's Enforcement Team ("CMET"). CMET contains members from the Fire, Police and Health & Code Departments organized under the auspices of an assistant city solicitor. CMET was established in the mid-1980's to provide an effective presentation of code enforcement cases to the then newly created Housing Court in Worcester.

The May report also identified the lack of a uniform standard for securing vacant and abandoned buildings. The State Building Code merely requires that buildings be secured and the courts have accepted a general standard which requires no more than boards nailed over the ground level windows and doors. The May report determined that a uniform standard for securing buildings against trespassers must be established.

The Community Task Force also discussed the city's role in securing buildings under its control. The city obtains control of buildings largely as a result of the property tax collection process. Many of these properties must be secured against unauthorized entry. The city also secures buildings not under its control when the property owner fails

to respond to orders to secure a building. In those instances, the city may record the expense of securing the building as a lien on the property and initiate collection of the lien through the tax collection process. This process involves the complicated and time-consuming procedures of the Land Court. When completed, the Land Court process results in the city acquiring full title to a property and thereby the right to sell it to collect the lien or taxes due or to sell it for redevelopment purposes. However, even if the Land Court process were expedited, the May report found that the majority of vacant buildings are actually current in their taxes. Of the fifty commercial or manufacturing properties listed as vacant as of April 10, 2000, only four were delinquent in their city real estate tax obligations. Of the 146 vacant residential properties, ninety-nine were current with their taxes. This fact indicates the difference between a vacant building and an abandoned building.

The May report also reviewed the building demolition process. Under state law, the city has authority to demolish "burnt, dilapidated or dangerous buildings". The city must inspect the building and provide the owner with a hearing. As with tax foreclosures, the demolition process results in the city becoming responsible for "problem" properties. The burden of financing demolitions falls upon the city. The report estimated the cost of demolishing just the residential properties on its "demolition list" was \$750,000. The report could not estimate the cost of demolishing commercial and industrial properties because the expense can vary widely (from \$30,000 to over \$1,000,000) for each building.

Review of the State Fire Marshall's Report and Recommendations

The Task Force then reviewed the report on unsecured buildings prepared by State Fire Marshall Stephen D. Coan for Governor Paul Cellucci on March 31, 2000. (A copy of the Fire Marshall's report is enclosed as attachment #12).

The need to properly secure vacant and abandoned buildings is no more clearly stated than in the difference in the rates of injuries to firefighters in vacant versus occupied buildings. State Fire Marshall Coan reports that, in 1998, one firefighter was injured for every thirty-four fires in occupied buildings while one firefighter was injured for every six fires in vacant buildings. Occupied buildings are maintained to some level of functionality. Stairwells are functional, safety equipment around elevator shafts is in place, and access and egress routes are generally unobstructed. These basic elements are frequently absent from vacant and abandoned buildings because unauthorized persons enter these buildings and remove building materials for sale as scrap, or rearrange them to provide security from other unauthorized persons who might enter the building. Because fire is frequently used for light and heat, the use of vacant and abandoned buildings by individuals for shelter multiplies the risk of fire in the most dangerous buildings.

The State Fire Marshall's report recommended a series of amendments to state law and the State Building Code which would: 1) enable cities and towns to inspect and protect buildings as they become vacant; 2) adopt uniform boarding requirements based on the U.S. Fire Administration's National Arson Prevention program; and, 3) enable local fire departments to acquire interior building plans and to mark buildings with identification symbols alerting firefighters to dangerous conditions in the building.

The Task Force endorsed these recommendations and was encouraged to learn in late October that the Governor has accepted the recommendations of the State Fire Marshall and will file the appropriate legislative and regulatory amendments.

Review of the Access Denied, Inc., Method of Securing Vacant Buildings

The Task Force observed a demonstration of a new method of securing windows and doors in vacant and abandoned buildings developed by Peter Gately of Access Denied, Inc. The Access Denied method inserts a metallic barrier from the inside of the building and secures it to the wall adjacent to a door or window. This method is superior to the current standard of fastening plywood from the outside of the opening. However, fire officials raised safety concerns about this method. The chief concern was the ability of firefighters to gain access to, or egress from, a building secured with this device. The Task Force arranged a second demonstration to compare the Access Denied method with the U.S. Fire Administration approved method in terms of the ability of firefighters to breach a window. The U.S. Fire Administration method uses wood which can be removed from the outside with a chainsaw or axe. In the demonstration, it was removed in short order using a chain saw with the most time being spent attempting to start the saw. The Access Denied method was removed from the inside by releasing the mechanical constraints. This procedure first required entry into the building using a key to unlock the Access Denied device securing the door. A secondary safety concern arises from the risk of injuries to firefighters caused by the protrusions from the mechanical system securing the device to the inside wall of a building. The Task Force recommends that fire officials continue to explore the feasibility and safety of this method.

**Programs to Demolish Abandoned Buildings -
Utica, New York and Lawrence, Mass.**

The Task Force received a presentation from Joseph Toscano and Robert Correy concerning the programs to demolish abandoned buildings in Utica, New York and Lawrence, Massachusetts.

Mr. Toscano and Mr. Correy worked on abandoned building programs in Lawrence, Massachusetts, and Utica, New York. Mr. Toscano is a former New Haven, Connecticut police officer who now works as a fire investigator for the insurance industry. He identified five factors that elevate the risk of a building becoming an arson fire: 1) unpaid taxes; 2) code violations; 3) liens; 4) prior fires; and, 5) unoccupied. Using these factors, high risk buildings can be identified and targeted for preventative measures, including notification to the owners that their building is at risk, increased inspections by code officials, and daily checks by police patrols.

Mr. Correy advised the Task Force of the importance of a concerted effort coordinated among the city departments, community groups and business community. In Utica, the city obtained donations of building materials to board-up abandoned buildings. The Utica Department of Public Works made equipment available to demolish small buildings and Laidlaw, the operator of the area trash-to-energy plant, accepted the demolition debris at no charge. Utica also used prison inmates to assist in the manual labor.

The Status of Abandoned Buildings in the City

The Task Force toured various abandoned buildings in the city. These sites included 22 Hawley Street, 116-118 Piedmont Street, 1-7 Piedmont Street, 767 Main

Street, 1147 Main Street, 319 and 361 Cambridge Street and 81-85 Lafayette Street. These sites demonstrated the wide variety of physical and legal conditions of vacant and abandoned buildings in Worcester. Some were secured only to meet minimum legal requirements and some were secured to prevent unauthorized access. Some had been declared unfit for human habitation, ordered demolished by the city and were awaiting funding for that purpose. Most were held by private owners and some were either owned by the city through tax collection foreclosure, or in the process of tax collection foreclosure. Some had been damaged by fire and remained in their damaged condition while their owners negotiated over fire insurance proceeds. Some were being rehabilitated and some were being held by private owners attempting to find funding for redevelopment. Since July of 1998, 123 buildings which were on the city demolition list have been rehabilitated and now provide 309 dwelling units. A description of the status of each of these properties is included as attachment #13.

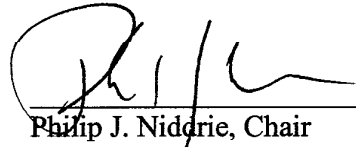
One building, 81-85 Lafayette Street (the "Boston Beef Building"), is a vacant warehouse similar in far too many ways to the Worcester Cold Storage Building that burned on December 3, 1999. A private party has agreed to acquire the property from the city and demolish it. However, the city has not been able to obtain full title to the property due to a series of complications which have arisen during the Land Court foreclosure process. City officials expect that the final obstacle will be cleared this month and the private purchaser has agreed to begin demolition within fifteen days of the final Land Court action. The Task Force strongly urges that this building be demolished before it becomes a winter haven for unauthorized individuals and thereby creates a risk of another warehouse fire.

The Role of the State and Federal Governments

The Task Force participated in a conference featuring United States Federal Emergency Management Agency Director James Lee Witt and hosted by Congressman James D. McGovern and City Manager Thomas R. Hoover. That conference discussed FEMA "Project Impact", a program designed to make cities disaster resistant through the development of strong community partnerships to assess risks and prioritize needs before disasters strike. At the conference, Director Witt announced that FEMA has declared Worcester as the nation's first Project Impact community where it would assist in developing a fire resistance program. In addition to Mr. Witt, announced that FEMA has named Worcester as one of two demonstration communities for a new abandoned buildings mitigation project sponsored by FEMA and the International Association of Arson Investigators. The conference also heard reports from Congressman James P. McGovern; Setti Warren, FEMA Regional Director; Stephen McGrail, Director of the Massachusetts Emergency Management Agency; Lt. William Trotta, Director of the Emergency Management for the city of Worcester; Gerard Naylis, President of the International Association of Arson Investigators; State Fire Marshall Stephen D. Coan; Worcester Fire Chiefs Dennis L. Budd and Gerard A. Dio; and, Paul LaCava of the City Manager's Commission on Homelessness. The conference also received a status report from the chair of this Task Force, Philip J. Niddrie.

Conclusion

By a vote taken on November 21, 2000, the Task Force hereby adopts the foregoing as its report and authorizes its chair to forward it to City Manager Thomas R. Hoover with this expression of our gratitude for his concern and cooperation and our most sincere hope that this report and its recommendations will help to prevent another fire tragedy from occurring in the city of Worcester.



Philip J. Niddrie, Chair

Task Force Members:

Fred Baus, Director, Colleges of Worcester Consortium
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Philip J. Niddrie, Worcester Area Chamber of Commerce, Chair
Stephen F. O'Neil, Worcester Development Office
Jane Petrella, Community representative
Kathleen Spencer, Community Representative

Attachment One

DATE:

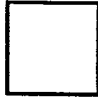
ADDRESS:

PROPERTY NAME:

OWNER:

OWNERS ADDRESS:

Type of Marking:



N/A _____

BUILDING CONSTRUCTION CHARACTERISTICS

Construction Type:

(1) Fire Resistive (2) Non-Combustible (3) Ordinary (4) Heavy Timber (5) Wood Frame _____

Roof Construction:

(1) Reinforced Concrete (2) Heavy Timber (3) Steel Truss (4) Wood Truss
(5) Mixed (Wood/Steel) (6) Wood frame _____

Floor Construction:

(1) Concrete (2) Heavy Timber (3) Light Weight Wood (4) Truss _____

Number of Floors: _____

Basement: (1) No (2) Yes (3) Sub-Basement (4) Multi Sub-levels _____

CONTENTS OF BUILDING

General Housekeeping: (1) Excellent (2) Good (3) Fair (4) Poor _____

Contents of Building (Quantity & Combustibility): (1) None (2) Low (3) Moderate (4) High _____

Sprinkler System: (1) Yes - Dry (2) Yes - Wet (3) Yes - Siamese Conn. only (4) No _____

Fire Alarm System: (1) Yes (2) No _____

DEFECTS ARE:

Four horizontal lines for listing defects.

District Chief _____

Inspected and Recommended

Deputy Chief _____

Authorized Posting

Lt./Captain _____

Inspected and Posting of Dangerous Building

Computer Entry by _____

Date: _____ Fire Prevention Division

Attachment Two

Attachment # 2

780 CMR 121.0 Unsafe Structures and Unsecured Buildings

ADD NEW SECTION 121.7 "UNSECURED BUILDINGS"

121.7 General: For the purposes of this section the provisions of 780 CMR 121.7 are established under MGL 143 A.

121.7.5.1 The owner of an unsecured building shall;

- 1. Remove all hazardous materials as defined in MGL 143A (1) from the building until such time as the building is re-occupied. Combustible materials shall include any fixture not permanently attached.
Exception: Any building which contains an automatic sprinkler system and such system is maintained and fully functional. Also, the building must have been permitted originally for that use and occupancy.**
- 2. Remove all materials determined to be hazardous in case of fire.**

Attachment Three

Attachment #3

November, 2000

<< 1 >>

<< 2 >>

<<3 >>, << 4 >> << 5 >>

RE: <<6 >> (address of property)

Dear << 1 >>:

According to our records you are the Owner or Manager of the property at the address noted above. At this time the property is vacant. Vacant properties are often used by criminals for illegal activities including the use and storage of drugs, drug paraphernalia and weapons. Vacant properties may invite prostitution and trespassing, and are frequently the target of arsonists. To protect Worcester's citizens and property, we are requesting your permission to enter and search the property when appropriate for law enforcement purposes. Police Officers will seize and remove any drugs, drug paraphernalia, weapons or other contraband that they find on the property. Fire and Code Enforcement Personnel will periodically check the property for unauthorized entry or disposal of hazardous materials.

Further, we request that you post your property "No Trespassing" and that you ensure that your property is securely locked and/or boarded according to City regulations, against unauthorized entry. Although we do not make any specific or explicit promise to protect your property, with your cooperation we will be able to help you keep it from being used for illegal purposes.

Please sign the grant of permission at the bottom of this letter and return it to my office.

Very truly yours,

Thomas R. Hoover
City Manager

I hereby grant the officers of the Worcester Police Department, Fire and Code Enforcement Personnel, my permission to enter the property listed above whenever convenient and necessary for public safety purposes.

Owner or Manager _____

Phone _____

Attachment Four

Attachment #4

121.7.5.2 The owner of an unsecured or unoccupied building shall secure all floors accessible from grade by any one of the following methods, which method shall be selected by the owner (approved by the local fire chief and building official).

- 1. Secure all windows and door openings in accordance with the U.S. Fire Administration. The Building should be sealed from all unauthorized entry continuously until such time as the building is re-occupied, or**
- 2. Provide 24 hr. watchman services continuously until such time as the building is re-occupied.**

Attachment Five

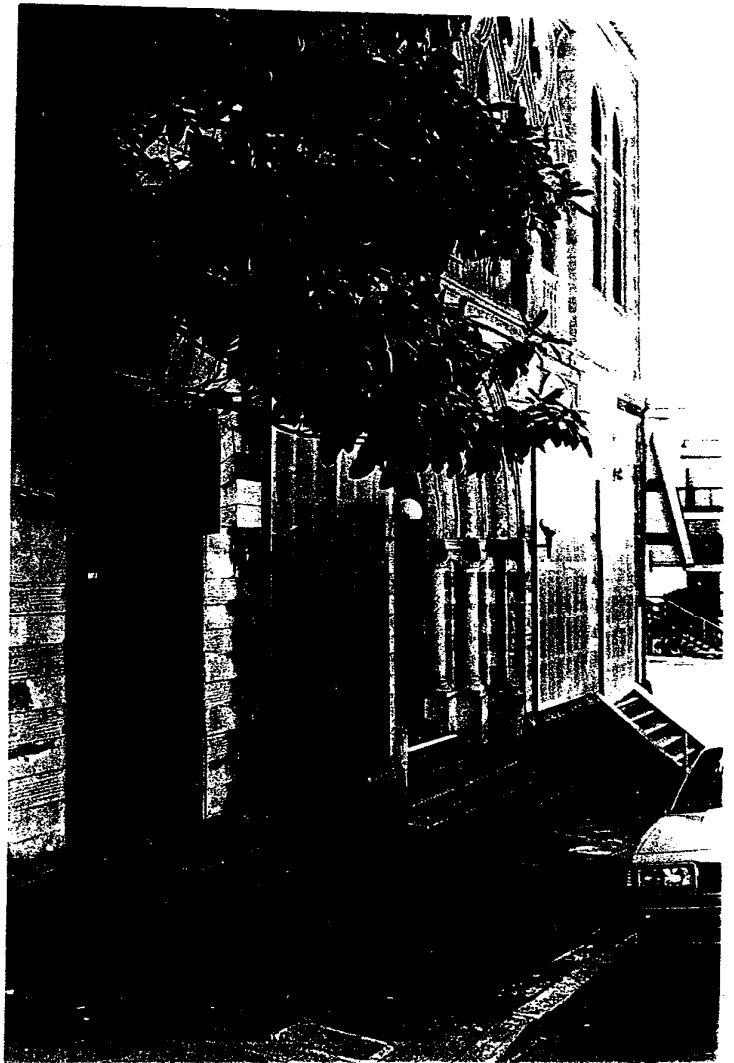


ACCESS DENIED
SECURE VACANT BUILDINGS

PETER BATELY

Direct: (661) 301-6632
Fax: (661) 588 7200

www.axessdenied.com
email: nathan999@earthlink.net



Attachment Six

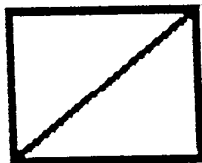
Recommended Statewide Standard Operating Guideline for the Uniform Marking of Unsafe/Unsecured Buildings

PURPOSE: To put in place statewide, a practical, comprehensive uniform marking system to lessen the frequency and severity of firefighter injuries occurring in vacant building operations.

The uniform marking system contains two parts. Part one involves the inspection of a vacant/hazardous building and subsequent posting with the appropriate marking. Part two involves the proper maintenance of records produced in conjunction with the posting of buildings.

PART I MARKING SYSTEM:

The marking system shall make use of the following two markings which shall be posted only on vacant buildings.



Vacant structure where interior hazards exist to such a degree that interior operations shall be conducted with extreme caution.



Vacant structures with severe structural deficiencies. Every effort must be made to conduct operations from the exterior except when a life hazard exists.

MARKINGS:

Shall have dimensions of 24" wide and 24" high with lines of 2" in width. Markings may be fabricated in the form of a placard or of any substantial material or may be applied directly to the structure by means of a template and spray paint. This shall be in accordance with 527 CMR 10.03(7).

PLACARD PLACEMENT: Ideally, markings should be placed on all sides of a structure. As a minimum, vacant/hazardous buildings should display a marking on the front of the structure, readily visible from the street, at or above the second floor level where practicable. The markings shall not be placed over doors, windows or other openings where they may be obscured by smoke or fire. In addition, a marking should be placed adjacent to all entrances including roof hatches, penthouses etc.

PART II

RECORD KEEPING: Every effort must be made to keep current records with specific information on each structure that has been marked. The record should reflect at least the date of posting or most recent inspection, hazards observed (e.g. holes in floor, rotted wood, missing columns etc.), and type of placard displayed (X or slash). The information should be kept readily available for dissemination to the Incident Commander in the event of a fire in such a building.

Attachment Seven

REGULATIONS OF THE CITY OF WORCESTER
CONCERNING AN EXPEDITED ABATEMENT PROCEDURE
FOR ABANDONED REAL PROPERTY

Pursuant to the provisions of G.L. c.58, §8, and pursuant to the approval of these regulations by the Commissioner of the Department of Revenue, the Assessor of the City of Worcester (the "Assessor") may abate up to seventy-five (75%) percent of the unpaid tax, assessments, rates or charges and any interest thereon or costs relative thereto on abandoned residential real property, as defined in G.L. c.60, §1, of six (6) units or less which are proposed to be rehabilitated into six units or less of residential property.

Any person proposing to rehabilitate abandoned residential real property may submit an application for the abatement of such unpaid taxes to the Assessor. The application for abatement shall contain the following information:

- (1) an identification of the property which shall also show:
 - (a) the number of units existing as of the date of the application specifying the number of legal units last appearing on the certificate of occupancy of the property; (b) the number of units which the person proposes to rehabilitate; and (c) the use of the remaining units if the number to be rehabilitated is less than the number specified on the certificate of occupancy;
- (2) the amount of all taxes, assessments, rates or charges with accrued interest which the person seeks to have abated;
- (3) a statement of how the abatement will benefit the City;
- (4) rehabilitation plans for the property including cost estimates;
- (5) a pro forma financial statement for the rehabilitated property showing that the plans are financially feasible and showing the manner by which the applicant has acquired the property specifying the name and address and amount of compensation paid to each person or entity whom the applicant has compensated in acquiring the property ;
- (6) a statement signed by the person proposing to rehabilitate the property that said person is not delinquent in paying any taxes, assessments, rates or charges to the City on any other real property other than the property for which an abatement application has been filed under these regulations;
- (7) a disposition and reuse plan for the property showing whether the person proposing to rehabilitate the property intends to:
 - (a) retain the property in order to operate it as rental housing including low income, low/moderate income or subsidized housing; (b) sell the property to an owner-

occupant; (c) sell the property on the open market; (d) convert the property to a condominium or a cooperative; or (e) other.

- (8) a statement signed by the applicant certifying that the applicant is current with all taxes and other charges owing to the City.

Upon receipt of the abatement application the Assessor shall notify the Department of Public Health and Code Inspection ("DPHCI") and shall schedule a inspection of the property together with the DPHCI in order to ascertain: (a) the current fair market value of the property (Assessor); (b) whether the property is actually abandoned within the meaning of § 1 of Chapter 60 (DPHCI); and, (c) the physical condition of the building including any violations of the state building and sanitary codes (DPHCI). If the building is abandoned within the meaning of § 1 the chief building inspector of the DPHCI shall file an affidavit with the Assessor attesting to the abandonment.

Upon receipt of the abatement application the Assessor shall notify the Treasurer/Collector of Taxes and request of the Treasurer: (a) a summary of all outstanding taxes, rates or other charges pertaining to the property; and (b) a summary of all efforts by the Treasurer to collect from the delinquent owner such sums due the City (e.g., listing the owner on the REAP list established pursuant to G.L. Chapter 40 §57, etc.).

Contemporaneously with filing the abatement application with the Assessor, the person proposing to rehabilitate the property shall also file a copy of the application with the City's Office of Planning and Community Development ("OPCD"). OPCD shall review the application of conformance with the City's zoning ordinances, and for compatibility with the City's planning and development objectives for the area in which the property is located. In addition, OPCD, in conjunction with the DPHCI, shall review the projected cost estimates to rehabilitate the property and shall analyze the pro forma financial statements in light of the economic conditions prevalent in the City as a whole and in the portion of the City where the property is located to judge the project's feasibility. OPCD shall forward its comments to the Assessor who shall take such comments into account in deciding whether to approve or deny the application for abatement; provided, however, the final decision on the approval or denial of the abatement application shall remain with the Assessor and the Assessor shall not be bound by the comments or recommendations of OPCD.

In order to guard against speculation in property granted an abatement under the regulations established herein, the recipient of the application shall grant to the City of Worcester a mortgage covering the property in the amount of the abatement granted. Said mortgage shall be for a term of five (5) years and shall be self-amortizing in equal yearly installments, provided that the owner abides by all mortgage covenants contained therein, including, but not limited to covenants requiring the timely payment of all taxes and other charges assessed after the date of the abatement, the proper upkeep and repair of the property, disposition and reuse agreements agreed upon by the applicant and the City, and such other covenants as the parties may agree upon.

The Assessor may deny any application which shows that the person(s) or entity originally assessed for any of the taxes or other charges to be abated will gain an unwarranted financial benefit from the abatement. The Assessor shall deny any application which shows that the Person(s) or entity originally assessed for any taxes proposed to be abated will receive from the person or entity filing the abatement application an amount of more than ten (10%) percent of the amount of taxes to be abated and in no event shall the amount received exceed five thousand (\$5000) dollars. No application may be approved until the Assessor has been fully informed of the compensation paid, if any, to any person or entity which was originally assessed for the taxes to be abated.

Prior to granting an abatement under these regulations, the Assessor complete Exhibit #1, attached, certifying all the information contained therein is correct and also shall certify in writing under the pains and penalties of perjury that the procedures specified herein have been followed.

Attachment Eight



[HUD HOME](#) [FHA HOME](#) [SF HOME](#) [SF FAQs](#) [CONTACT US](#)

officer next door

TOPICS

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AUDIENCE GROUPS

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HUD wants to strengthen America's communities and build a safer nation by offering homeownership opportunities to law enforcement officers through the Officer Next Door Program. Governmental agencies, nonprofit organizations and law enforcement officers can help make this goal a reality by purchasing HUD homes at deep discounts and using them to promote safety in neighborhoods.

Designated HUD-owned properties in revitalization areas (insured and uninsured) will be available under this program at a 50 percent discount. To make properties even more affordable, when a law enforcement officer chooses to use an FHA-insured mortgage the downpayment is \$100. When a governmental agency or nonprofit organization is the purchaser, HUD expects that the full discount will be passed on to the law enforcement officer.

The law enforcement officer must occupy the purchased property as his/her principal residence for at least three years. Although not required, law enforcement officers are encouraged to purchase a home in the community they serve.

HUD's designated revitalization areas are neighborhoods that have many vacant properties, including properties needing extensive repairs, and have been selected by the locality for economic development efforts.

Law enforcement officers may purchase a home directly from HUD after the governmental agency provides an employment certification. As an alternative, the governmental agency can purchase a HUD home and sell it to the law enforcement officer. A direct sale to the law enforcement officer eliminates the need for dual closings and the associated added costs.

Please contact your [local Homeownership Center](#) or call 1-800-217-6970 for more information.

Comments and Questions

Content revised: July 2000

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teacher next door

HUD's Teacher Next Door program is a key element of the Clinton-Gore Administration's commitment to strengthen America's communities. The program offers HUD-owned, single family homes to public and private school teachers at 50 percent discount. The Teacher Next Door program recognizes teachers for the value they bring to community and family life, and provides them with increased opportunities to serve our most needy communities outside the classroom.



- [Teacher Next Door Fact Sheet](#)
- [Frequently Asked Questions](#)
- [HUD and FHA Are On Your Side](#)
- [Teacher Next Door Press Release](#)
- [HUD Property Listings](#)

[Participating Members Mortgage Bankers Association of America](#)

[Ask a HUD Official](#)

For more information on HUD's Teacher Next Door program call 1-800-217-6970.

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Attachment Nine

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ENACTMENT OF PROVISIONS OF H.R. 5408, THE FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

SEC. 1701. FIREFIGHTER ASSISTANCE.

(a) *IN GENERAL-* The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following new section:

SEC. 33. FIREFIGHTER ASSISTANCE.

(a) *DEFINITION OF FIREFIGHTING PERSONNEL-* In this section, the term 'firefighting personnel' means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

(b) *ASSISTANCE PROGRAM-*

(1) *AUTHORITY-* In accordance with this section, the Director may--

(A) make grants on a competitive basis directly to fire departments of a State, in consultation with the chief executive of the State, for the purpose of protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards; and

(B) provide assistance for fire prevention programs in accordance with paragraph (4).

(2) *OFFICE FOR ADMINISTRATION OF ASSISTANCE-*

(A) *ESTABLISHMENT-* Before providing assistance under paragraph (1), the Director shall establish an office in the Federal Emergency Management Agency to administer the assistance under this section.

(B) *INCLUDED DUTIES-* The duties of the office shall include the following:

(i) *RECIPIENT SELECTION CRITERIA-* To establish specific criteria for the selection of recipients of the assistance under this section.

(ii) *GRANT-WRITING ASSISTANCE-* To provide grant-writing assistance to applicants.

(3) *USE OF FIRE DEPARTMENT GRANT FUNDS-* The Director may make a grant

under paragraph (1)(A) only if the applicant for the grant agrees to use the grant funds--

(A) to hire additional firefighting personnel;

(B) to train firefighting personnel in firefighting, emergency response, arson prevention and detection, or the handling of hazardous materials, or to train firefighting personnel to provide any of the training described in this subparagraph;

(C) to fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies;

(D) to certify fire inspectors;

(E) to establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel can carry out their duties;

(F) to fund emergency medical services provided by fire departments;

(G) to acquire additional firefighting vehicles, including fire trucks;

(H) to acquire additional firefighting equipment, including equipment for communications and monitoring;

(I) to acquire personal protective equipment required for firefighting personnel by the Occupational Safety and Health Administration, and other personal protective equipment for firefighting personnel;

(J) to modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel;

(K) to enforce fire codes;

(L) to fund fire prevention programs;

(M) to educate the public about arson prevention and detection; or

(N) to provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

(4) FIRE PREVENTION PROGRAMS-

(A) IN GENERAL- For each fiscal year, the Director shall use not less than 5 percent of the funds made available under subsection (e)--

(i) to make grants to fire departments for the purpose described in paragraph (3)(L); and

(ii) to make grants to, or enter into contracts or cooperative agreements with, national, State, local, or community organizations that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities, for the purpose of carrying out fire prevention programs.

(B) PRIORITY- In selecting organizations described in subparagraph (A)(ii) to receive assistance under this paragraph, the Director shall give priority to organizations that focus on prevention of injuries to children from fire.

(5) APPLICATION- The Director may provide assistance to a fire department or organization under this subsection only if the fire department or organization seeking the assistance submits to the Director an application that meets the following requirements:

(A) FORM- The application shall be in such form as the Director may require.

(B) INFORMATION- The application shall include the following information:

(i) FINANCIAL NEED- Information that demonstrates the financial need of the applicant for the assistance for which applied.

(ii) COST-BENEFIT ANALYSIS- An analysis of the costs and benefits, with respect to public safety, of the use of the assistance.

(iii) REPORTING SYSTEMS DATA- An agreement to provide information to the national fire incident reporting system for the period covered by the assistance.

(iv) OTHER INFORMATION- Any other information that the Director may require.

(6) MATCHING REQUIREMENT-

(A) IN GENERAL- Subject to subparagraph (B), the Director may provide assistance under this subsection only if the applicant for the assistance agrees to match with an equal amount of non-Federal funds 30 percent of the assistance received under this subsection for any fiscal year.

(B) REQUIREMENT FOR SMALL COMMUNITY ORGANIZATIONS- In the case of an applicant whose personnel serve jurisdictions of 50,000 or fewer residents, the percent applied under the matching requirement of subparagraph (A) shall be 10 percent.

(7) MAINTENANCE OF EXPENDITURES--The Director may provide assistance under this subsection only if the applicant for the assistance agrees to maintain in the fiscal year for which the assistance will be received the applicant's aggregate expenditures for the uses described in paragraph (3) or (4) at or above the average level of such

expenditures in the two fiscal years preceding the fiscal year for which the assistance will be received.

“(8) REPORT TO THE DIRECTOR- The Director may provide assistance under this subsection only if the applicant for the assistance agrees to submit to the Director a report, including a description of how the assistance was used, with respect to each fiscal year for which the assistance was received.

“(9) VARIETY OF FIRE DEPARTMENT GRANT RECIPIENTS- The Director shall ensure that grants under paragraph (1)(A) for a fiscal year are made to a variety of fire departments, including, to the extent that there are eligible applicants--

“(A) paid, volunteer, and combination fire departments;

“(B) fire departments located in communities of varying sizes; and

“(C) fire departments located in urban, suburban, and rural communities.

“(10) GRANT LIMITATIONS-

“(A) RECIPIENT LIMITATION- A grant recipient under this section may not receive more than \$750,000 under this section for any fiscal year.

“(B) LIMITATION ON EXPENDITURES FOR FIREFIGHTING VEHICLES- Not more than 25 percent of the funds appropriated to provide grants under this section for a fiscal year may be used to assist grant recipients to purchase vehicles, as authorized by paragraph (3)(G).

“(11) RESERVATION OF GRANT FUNDS FOR VOLUNTEER DEPARTMENTS- In making grants to firefighting departments, the Director shall ensure that those firefighting departments that have either all-volunteer forces of firefighting personnel or combined forces of volunteer and professional firefighting personnel receive a proportion of the total grant funding that is not less than the proportion of the United States population that those firefighting departments protect.

“(c) AUDITS- A recipient of a grant under this section shall be subject to audits to ensure that the grant proceeds are expended for the intended purposes and that the grant recipient complies with the requirements of paragraphs (6) and (7) of subsection (b).

“(d) STATE DEFINED- In this section, the term ‘State’ includes the District of Columbia and the Commonwealth of Puerto Rico.

“(e) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated for the purposes of this section amounts as follows:

“(1) \$100,000,000 for fiscal year 2001.

“(2) \$300,000,000 for fiscal year 2002.’

(b) STUDY ON NEED FOR FEDERAL ASSISTANCE TO STATE AND LOCAL COMMUNITIES TO FUND FIREFIGHTING AND EMERGENCY RESPONSE ACTIVITIES-

(1) REQUIREMENT FOR STUDY- *The Director of the Federal Emergency Management Agency shall conduct a study in conjunction with the National Fire Protection Association to--*

(A) define the current role and activities associated with the fire services;

(B) determine the adequacy of current levels of funding; and

(C) provide a needs assessment to identify shortfalls.

(2) TIME FOR COMPLETION OF STUDY; REPORT- *The Director shall complete the study under paragraph (1), and submit a report on the results of the study to Congress, within 18 months after the date of the enactment of this Act.*

(3) AUTHORIZATION OF APPROPRIATIONS- *There are authorized to be appropriated to the Federal Emergency Management Agency \$300,000 for fiscal year 2001 to carry out the study required by paragraph (1).*

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Attachment Ten

**HOUSING THE SINGLE ADULT HOMELESS:
THE WORCESTER PLAN**

**Report of the City Manager's
Commission on Homelessness**

**Worcester, Massachusetts
August 31, 2000**

Prepared with financial support from the Greater
Worcester Community Foundation and the City
Manager's Office of Planning and Community
Development.

Executive Summary

Housing the Single Adult Homeless: The Worcester Plan

This plan for housing Worcester's single adult homeless population has been developed by the Worcester City Manager's Commission on Homelessness.

The Problem

The Public Inebriate Program Shelter (PIP) was originally designed to serve the public inebriate population, but has expanded to serve all single adult homeless, averaging 140 persons per night in FY 00. The expanding size and Main Street location of the PIP have become a burden to the neighborhood, and the homeless are not well served in such a large shelter with a heterogeneous population. The PIP has agreed to relocate and downsize provided that the service system is redesigned and improved.

Methodology and Findings

The plan is based upon an analysis of the needs of PIP Shelter guests in 1998 who were categorized as chronic (highest 10% of users), transient (< 3 admissions, < 14 days per year), or episodic users (remaining users), and further subdivided according to principal presenting problem (substance abuse, mental health, other/unknown).

Chronic users represent 10% of PIP guests, but use 60% of bed days. Most have a substance abuse problem and outnumber the seriously mentally ill by 5 to 1. Transient users (53%) account for only 5% of the bed days. There can be no significant reduction in the shelter population without addressing the needs of chronic and episodic substance abusers. Other sub-populations, such as the mentally ill, non-disabled, women, young adults, and ex-offenders, also need targeted assistance.

Proposed Service Model

The plan focuses on a combination of expanded assessment and case management services to ensure that the homeless can access needed housing and services, and the expansion of both short-term and long-term housing with supportive services provided on-site to provide real and lasting solutions that end the cycle of homelessness experienced by most PIP Shelter users. Also needed is expanded access to subsidized housing for the homeless. The PIP Shelter should be downsized and serve principally the substance abusing population, and other subgroups should be served in specialized short-term housing with supports.

Existing Services

There are currently a variety of assessment and supportive housing programs which address the needs of the single adult homeless supported primarily by state, federal, and private funding

sources, exceeding 7 million dollars in annual expenditures. However, this system has major gaps and is overtaxed in the face of rising homelessness.

The Plan

The Plan was created in the context of Worcester's existing system of homeless services for single adults and is intended to fill major gaps in the current Continuum of Care over the next five years. A wide variety of public and private resources will need to be assembled, and the Plan will only be successful if the community makes improvement of the homeless service system a priority. The following table summarizes the principal recommendations of the plan.

Type of Service or Housing	Number Needing Service	Annual Turnover Rate	Number of Units Needed	Total Annual Operating Cost
Case Management	1000	5	10 case managers	\$450,000
Assessment Beds	1200	200	6	\$300,000
Long-term Housing with Supports	337	0.5 - 1.0	261	\$3,565,000
Short-term Housing with Supports	300	4.0	75	\$2,450,000
Subsidized Housing			500	\$2,000,000
Total				\$8,765,000

Costs of Not Implementing the Plan

The costs of implementing this plan are very significant, and are not considered lightly by the Commission. However, the status quo and failure to implement the plan also have major costs. Numerous studies have shown that underserving the homeless significantly increases costs to other service sectors, including medical care and hospitalization, psychiatric hospitalization, incarceration, etc.

Attachment Eleven



City of Worcester

Abandoned Buildings Task Force Report May 1, 2000

Committee members:

Dennis Budd, Chief of Fire Department
Edward Gardella, Chief of Police Department
Joseph McCarthy, Deputy Commissioner of Public Health and Code
David Moore, City Solicitor
Robert Moylan, Commissioner of Public Works
Michael O'Brien, Commissioner of Parks and Recreation
Stephen O'Neil, Director of Office of Planning and Community Development
Thomas Zidelis, City Treasurer

ABANDONED BUILDINGS TASK FORCE REPORT

• GENERAL REVIEW

As a result of the tragic Worcester Cold Storage and Warehouse fire on December 3, 1999, City Manager Thomas R. Hoover assembled an ad hoc committee comprised of key department heads to review all existing city policies, procedures, and ordinances relating to vacant buildings to determine what, if any, changes would be necessary to prevent a similar tragedy from occurring again.

The Abandoned Buildings Task Force ad hoc committee members are Dennis Budd, Chief of the Fire Department; Joseph G. McCarthy, Deputy Commissioner of Public Health and Code Enforcement; Thomas Zidelis, Treasurer; Robert Moylan, Commissioner of Public Works; David Moore, City Solicitor; Michael O'Brien, Commissioner of Parks and Recreation; Edward Gardella, Chief of Police; and Stephen O'Neil, Director of the Office of Planning and Community Development. (See Attachment A for signatures.)

Since January 2000, the Task Force has been meeting to review and discuss the aforementioned items and has developed a series of issues and problems that are presented in detail below. This report provides a review of the current issues facing the city regarding abandoned buildings and offers a platform for a community-wide committee to work upon jointly, with the city, establish strategies through which these issues can be addressed.

Initially, the Task Force identified key areas of concern that must be addressed before a comprehensive program to inventory and monitor vacant buildings can be undertaken. These procedural problems affect both the residential, commercial, and manufacturing properties in Worcester. The six areas of immediate concern are:

- 1) Under the present policies and procedures, several city agencies have different responsibilities regarding vacant and unsecured buildings. The responsibilities for dealing with vacant buildings are outlined in three different Massachusetts General Laws (MGL) and Codes. The Fire Department is responsible for providing periodic inspections and investigations to vacant buildings under MGL Chapter 148 (Attachment B). The Department of Public Health and Code Enforcement's Building Inspectors are responsible for ensuring that a building owner secures an open unsecured building per MGL Chapter 143 and per the Massachusetts State Building Code, Article 1 (Attachment C). A Building Inspector, however, does not have the right of entry to the building unless (s)he notes a safety violation or if a building permit has been issued. Fire Department personnel have the right to enter, at any reasonable hour, all non-residential vacant buildings to inspect or conduct an investigation according to Chapter 148 and 527 CMR (Attachment D). The Fire Department and the Department of Public Health and Code Enforcement have the right to enter residential buildings to investigate complaints or noticeable fire hazard conditions. The Department of Public Health and Code Enforcement also has

the authority, under the Sanitary Code, to conduct both systematic inspections of buildings in a selected area and inspections on complaint.

- 2) An accurate, easily accessed and shared vacant building database is not available.
- 3) With the exception of the Chapter 139 Building Demolition Committee, there is no established and coordinated written procedure for the posting of vacant property and the boarding of buildings. Currently, the city only secures open properties if the owner refuses or is unable to do so. This is done on a very limited number of structures.
- 4) There are no definitions or standards as to what defines "the securing of a building." At present, the simple closing and locking of a building could be interpreted as "securc." This lack of definition or standards will pose a problem for the city if this type of work is put out to bid or if the owners perform these duties.
- 5) Some of these vacant buildings are not insured. Insurance companies do not always notify the Department of Public Health and Code Enforcement of those that are insured. At present, there is no penalty assigned to an insurance company that fails to notify the city of these payments.
- 6) Police officers are authorized to manage vagrants and homeless living in vacant buildings under MGL 266 Section 120 (Attachment E). The police, however, cannot conduct an arrest unless the property is clearly posted as "No Trespassing" or secured.

The first step in solving the problems created by these empty buildings is to identify buildings that might present fire or public safety risks to firefighters or the general population. This inventory of buildings should be compiled from a variety of sources including buildings that are currently under MGL Chapter 139 (Attachment F) proceedings or orders; buildings that have been identified by the Fire Department; buildings that have been the subject of fires; buildings that have been left unsecured; buildings with limited outside access; and buildings on the tax delinquent list.

The primary source in the initial development of this inventory will be existing department data. These buildings will be surveyed (Attachment G, Basic Structure Report, outlines the assessment criteria) and included on the list. During the initial survey, any building found to require action by any city department such as securing and/or removal of debris or other hazard will be subject to more frequent re-inspection.

The Task Force agreed that the problems caused by the fragmentation of duties regarding vacant buildings should best be addressed by a single Inspection Team. The City Manager's Enforcement Team (CMET)--an assistant city solicitor (group leader), two housing inspectors, a

firefighter, and a police officer--is presently responsible for the inspection of occupied buildings such as lodging houses. The CMET team does not include a building inspector. Therefore, the Task Force(advocates the formation of an Inspection Team to assume responsibility for developing an inventory of all vacant buildings in the city (Attachment H provides examples of vacant buildings) and conducting inspections. At the present time, the Fire Department lists 151 residential and 63 commercial buildings as vacant and abandoned. These buildings have been burned, are dilapidated, or are in the process of being rehabilitated. *(N.B. The types of buildings that are being addressed in this report are the habitually vacant and fire damaged buildings that have been previously identified and cataloged.)* Refer to GIS maps in Attachment I for building locations citywide and by district. (It should be noted that this list is updated semi-annually, and these maps reflect information as of 4/10/00.)

The above mentioned activities are performed in accordance with existing state laws and codes.

To effectively form and manage the inspectional force necessary to accomplish the goals of this program, the Task Force recommends expanding the existing Chapter 139 Building Inspection Program. Since both the Fire Department and the Department of Health and Code Enforcement have successfully worked together in the inspection of dilapidated buildings, this added responsibility would most logically be given to these existing units.

Support to the Fire Department and Department of Health and Code should come from the Police, Public Works, Parks and Recreation Departments and the Treasurer's, City Solicitor's, and Planning and Community Development Offices.

Additional support may require added personnel, the use of a vehicle, a digital camera, and personal computers and printers. Currently, a budget is not available for any additional resources within the city.

- **COMPUTERIZED DATABASE**

A continuously updated database needs to be constructed and maintained by the Inspection Team. All affected departments could have continual access to this information. The Task Force has identified the existing PAMET database software used by the Fire and Police Departments to be available to accomplish this task. This software currently has both a standardized inspection form and the query capabilities necessary for creating and updating a computerized inventory, and information can be accessed from mobile laptop computers.

- **ROUTINE INSPECTIONS**

After the inventory has been completed and information entered into the database, a routine inspection of all identified buildings needs to be conducted. The Task Force recommends a minimum of monthly inspections of each building. The following items must be monitored through these inspections:

Residential Property:

- Security of structure
- General housekeeping of property
- Shut off of utilities
- Other fire or building code issues that need to be addressed
- Signs of illegal occupation of property

Commercial/Industrial Property:

- Security of structure
- General housekeeping of property
- Provide building survey
- Use of digital pictures for unusual hazardous conditions (i.e., roof collapse)
- Other fire or building code issues that need to be addressed
- Signs of illegal occupation of property

- **STANDARDS FOR SECURING BUILDINGS**

Currently, criteria for evaluating the efficacy of the present methods to secure vacant buildings does not exist. While many vacant buildings may remain undisturbed for long periods of time, the historic tendency of most vacant buildings is to become entry opportunities by trespassers. Most unwanted trespassers enter through poorly secured doors and windows in a relatively short period of time.

There is no law requiring the boarding of vacant buildings. The Department of Public Health and Code Enforcement, as a practice, has inspected unsecured buildings and issued orders to correct conditions on a complaint basis. Frequently, a business or residential structure may become uninhabited for a very short period of time while tenancy is changed. The Task Force agreed that these types of structures are not at high risk to either public safety or public safety personnel.

As stated above, these buildings have in most cases received orders from Department of Public Health and Code Enforcement requiring them to be adequately secured. The Task Force determined that uniform criteria for securing a building must be established (Attachment J). While this will never guarantee against illegal breaking and entering and trespassing, it will greatly enhance the security of a building at additional minimal cost to the present methods. The criteria will be the minimal standard for securing buildings that have been found open or unsecured. The Task Force recommends that the city adopt an ordinance requiring that vacant and secured buildings be posted with a "No Trespassing" sign. It is recommended that the responsibility for boarding up these buildings be left with the Parks and Recreation Department and/or a private company should the structure warrant immediate attention. The Task Force recommends that these steps be implemented as soon as possible, although there are no extra monies currently budgeted for such an endeavor.

- **HOMELESSNESS**

The plight of the homeless, difficult as it is in poor financial times, can be equally cruel in the best of financial times. The city's unemployment rate is below 4%, yet a 3/29/00 Central Massachusetts Housing Alliance (CMHA) survey estimates the city's homeless population at 2,273. These individuals can be adult males and adult females with or without children. Homeless individuals are likely to have intense personal issues, such as mental health, substance abuse problems, or both. Furthermore, these individuals find it increasingly difficult to locate appropriate housing since demand is outpacing supply. According to CMHA, the city has 657 shelter beds for the homeless population, all of which are at capacity. Another 1,001 shelter beds exist in the county and are also at capacity. A waiting list of 1,500 people for shelter beds now exists in the city. The city has many agencies working diligently toward increasing the supply of special needs housing in the city and region. These efforts will need to be sustained with more federal and state resources if the needs of the homeless are to be met.

Increased detox and mental health wrap-around services must accommodate the need to increase beds for the homeless. Also, housing developers should be encouraged to create affordable housing and shelters for the homeless whenever possible. Article VII, inclusionary zoning and density bonuses contained within the city's zoning ordinance, offers a way in which this can be done. Finally, the city, along with housing agencies, is working cooperatively to update the city's housing policy. The Task Force recommends that providing an adequate supply of shelter beds for the city's homeless population be given top priority.

- **FINANCE AND INSURANCE**

Resources to secure these vacant structures must be found. Other additional expenses include the support for the Inspection Team. The Task Force estimates that the cost of securing these buildings will be, at a minimum, \$60,000 in the next fiscal year. The Task Force also recommends that the responsibility for securing these buildings be left with the Parks and Recreation Department and that a funding mechanism dedicated to this task be devised. One possible solution to this problem could be provided with an amendment to MGL Chapter 139 Section 3B and Chapter 175 Section 97A (See Attachment K). The provisions of the existing law that holds the insurance companies harmless if a disbursement to the property owner is made without notifying the city must be changed. Perhaps an amendment to this law to enable the city to pursue the insurance company for damages, in the event that the insurance proceeds are available for payment to the owner of the property is possible. Assistance from insurance companies would be helpful in this endeavor. As stated earlier, the Task Force recommends that a private company be retained to fulfill securing of buildings should the Parks Department be unable to immediately respond.

In terms of devising long-term solutions to decrease the risk to the general public, as well as to public safety and health and code officials arising from vacant structures, three options were discussed and suggested: receivership, rehabilitation, and demolition.

1. Receivership

Receivership is accomplished when the city and neighborhood residents who are unhappy with the blighting influences in their neighborhood begin to exact legal procedures upon the

recalcitrant property owner. Together the city, the residents, and on occasion with the support of the Attorney General's Office, confront these owners with the necessary repairs required to bring the structure back on line. If the owner refuses, then he/she is brought to Housing Court whereupon a receiver is appointed to oversee the rehabilitation work. This work is financed by a lien placed on the property. Usually local non-profit housing agencies agree to take on this work because they are a critical ingredient in stabilizing neighborhoods, and they have the support of the residents. Worcester is presently pursuing this option on properties located at 130-132 and 156 Austin Street, as well as 257 Pleasant Street and 26 Dale Street.

2. Rehabilitation

A reuse option, which in most cases will be a harder avenue to pursue, will likely provide long-term benefits in terms of increasing the tax base, increasing the supply of affordable housing, and stabilizing neighborhoods. Therefore, whenever possible, this approach should have top priority.

The city is fortunate in that a number of agencies specializing in the renovation and the production of affordable housing are presently in areas where their efforts are most needed. These agencies have been gradually reclaiming neighborhoods for the benefit of the residents residing therein; these efforts need the continued support of the city. The following briefly describes how these agencies and the general public proceed when taking on a renovation project:

The rehabilitation approach can take two distinct tracks. In the first and most preferred track, the current owner rehabilitates and occupies the structure at his own expense. In some instances, the owners do this on his/her own; in other instances, the owners seek some type of technical and/or financial support to rehabilitate the property. If this option is not viable, the next rehabilitation option available would be an individual/housing agency acquires the property and performs the necessary work required to make the property functional. Two distinct paths are: (1) an independent (third party) acquisition or (2) foreclosure. As for the redevelopment of commercial and manufacturing facilities, efforts must be made by the owners to properly secure them if they are not in use. When possible, the city must use the various incentives at its disposal to encourage reuse of these facilities. Tax increment financing, breaking the chain of liability, and brownfields funding need to be marketed to these owners.

Regarding an independent (third party) acquisition, the Task Force learned through the Top Ten Committee (a committee convened by the Department of Health and Code Inspection to move the ten most difficult properties through the system to a positive result) that these types of transactions can be problematic. The transfers, in some instances, are impeded with satisfying additional encumbrances (mortgages and liens) against the properties, which make the transaction almost impossible. It was for this reason that the city pursued the Department of Revenue for a pilot program using the provisions of Chapter 58 Section 8, for relief of back taxes for residential properties of six units or less. This tool, coupled with the city's First-Time Homeowner Program, the city's HOME program, along with various other federal and private resources, has provided the necessary mechanisms to rehabilitate residential units. However, it should be noted that the city, despite its funding and the cooperation of these housing agencies,

cannot continue its efforts without the support of the private sector. Private developers of affordable housing are an essential component in the mix of housing service deliverers in the renovation of the city's older housing stock.

The city's ability to foreclose on the rights of redemption of tax lien is a process in which property can be legally taken from a tax delinquent party. The Fire Department works closely with the Treasurer's Office and has compiled a list of vacant residential and commercial buildings (Attachment L) This list provides pertinent information on each property with regards to values and taxes. The information in Table A provides an analysis of these properties.

TABLE A

<u>Listings</u>	<u>Number of parcels</u>	<u>Dollar Value</u>
Residential		
Assessed Values:	146	\$ 8,411,962.00
Parcels with taxes current	99	0.00
Parcels to be liened (FY99)	6	\$ 5,950.07
Parcels with tax liens	*41	\$ 643,203.31
Commercial / Manufacturing		
Assessed Values	50	\$ 14,943,400.00
Parcels with taxes current	46	0.00
Parcels to be liened (FY99)		0.00
Parcels with tax liens	**4	\$ 305,514.96

* Of the 41 tax liens, 16 are in Land Court representing \$ 354,381.22.
 ** Of the 4 tax liens all are in Land Court representing \$305,514.96.

A summary of Table A reveals the following salient points. Of the 196 properties, the majority (74%) of the owners are current with their taxes. A small minority (10%) will be processed through Land Court for the city to recoup the tax liability to gain title to the property. The amount of taxes that are not current represent (4%) of the total dollar value in taxes owed.

Table A illustrates, then, that not all unoccupied properties are abandoned. Clearly, in the majority of these cases, the owner is holding onto an asset that (s)he feels has value. What Table A does suggest is the need for the city to aggressively reach out to these owners to entice them into rehabilitating their properties or to sell them to interested parties. Additionally, enforcing current building and sanitary codes would act as another mechanism to encourage these owners to renovate their properties. Code enforcement efforts can be assured with liberal use of federal and state funding to offset the cost of renovation.

This summary illustrates that the vast majority of these properties may be unoccupied but not abandoned since the owners are keeping current on the buildings' taxes. For this reason, whenever rehabilitation is being considered, an independent conveyance will have to be the preferred option in the vast majority of cases.

3. Demolition

Although demolition could be, in some instances, a more immediate solution, financing this option requires capital. The estimated cost of demolishing the residential properties on the Chapter 139 list is \$750,000 for this fiscal year. Of course this figure could be lowered with the receipt of federal and/or state funds to demolish these structures. Absent a city tax-levy commitment to demolish these buildings, the pursuit of federal and state resources will be required.

Demolition of commercial and/or manufacturing buildings is much more difficult to estimate with any degree of accuracy until such time as a professional review has been completed. Generally, these buildings are old, quite large in size, and contain hazardous materials both (within and below) thereby making the cost to clear and remove the hazardous material a most costly endeavor. Our recent experience with demolishing small commercial buildings shows that this cost can range from \$30,000 to over \$1,000,000 per structure. Demolition also has an eroding effect on the city's tax base and could potentially yield other adverse consequences such as providing a haven for illegal dumping.

Demolition should be considered only as one tool that the city has at its avail. Demolition should not be construed as a panacea and it should only be used after all efforts to return the properties to productive use have been exhausted. Furthermore, the city should work closely with various neighborhood groups to ensure that demolition is done in concert with a larger neighborhood redevelopment strategy. Too often the end result of demolition is a vacant lot that is difficult to rebuild upon. The Task Force also recommends that an amendment be made to the Historic Building Delay Ordinance that would exempt a building on the Historic List that has been through a Chapter 139 proceeding and has been ordered demolished by the city from the six-month delay requirement.

- **AMENDMENTS/CHANGES TO EXISTING STATE LAWS AND REGULATIONS AND CITY ORDINANCES**

1. Legislation

The state legislature presently has under consideration two proposed Senate bills concerning abandoned buildings:

Representative Binienda introduced Bill No. 4967, which has recently been approved in the House of Representatives. It would require owners of vacant buildings to file detailed floor plans with municipal police and fire chiefs. The State Senate is now considering it. (Attachment M.)

The State Senate is also considering Bill No. 2095 that provides several amendments concerning MGL 143 on a more stringent rule for owners to secure buildings in a timelier manner. It also provides a cost to owners should a local inspector need to inspect any building that is still unsecured or unsafe. This Task Force recommends the passage of both bills. Senator Bernstein and Senator Glodis are supporting this important and beneficial proposal. It is expected that both bills will pass the Senate overwhelmingly. (Attachment N.)

The use of tax increment financing has proven to be a most valuable tool for the city to have in its package of incentives for business owners who are desirous of expanding their businesses and creating jobs. In exchange for this expansion, a business owner will receive tax concessions on the incremental value of their property. If the business owner owns a vacant building, then not only will (s)he receive a tax break, but the owner will receive an abandoned building tax credit, as well.

The Task Force also recommends the tax increment financing legislation be amended to include owners of multi-family dwellings.

MGL 139 Section 3B and Chapter 175 Section 97A are in the process of being amended by the state legislature to ensure that insurance companies notify city officials of insurance coverage on buildings.

2. Regulations

527 CMR is recommended to be amended to include marking of unsecured buildings.

The Task Force supports the proposed definition of abandoned premises by the National Fire Protection Association (NFPA) (Attachment O).

3. City Ordinances

The Task Force recommends drafting a signage ordinance allowing the marking of secured buildings with a "No Trespassing" notice.

The Task Force recommends an amendment to the Historic Demolition Delay Ordinance.

SUMMARY

With the issues identified by the Task Force, it is recommended that the City Manager convene a committee of neighborhood representatives, private business people, and city officials to structure solutions and explore ways in which assistance can be provided to solve this onerous problem.

A tragedy of the magnitude of the December 3 fire should be avoided. The Task Force is aware that public safety is a top priority for city residents and people who work and visit here each day. To ensure a high level of public safety, cooperation and adequate financial support from both the public and the private sectors will be necessary.

Attachment Twelve

*Introductory Letter from
Fire Marshal Stephen D. Coan*

2

Executive Summary

3

Proposed Legislation

4

*Comparison of Existing /
Proposed Legislation*

5

*Proposed Regulation
527 CMR 10.00
Fire Protection*

6

*Proposed Regulation
780 CMR 121.00
Unsafe / Unsecured Buildings*

7

*Fiscal Impact and
Recommendations*

*Committee Attendance
Certifications*

***Introductory Letter From
Fire Marshal Stephen D. Coan***

Section 1





ARGEO PAUL CELLUCCI
GOVERNOR

JANE SWIFT
LIEUTENANT GOVERNOR

JANE PERLOV
SECRETARY

*The Commonwealth of Massachusetts
Executive Office of Public Safety
Department of Fire Services*

P.O. Box 1025 ~ State Road

Flow, Massachusetts 01775

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STEPHEN D. COAN
STATE FIRE MARSHAL

THOMAS P. LEONARD
DEPUTY STATE FIRE MARSHAL

March 31, 2000

The Honorable Argeo Paul Cellucci
Governor of the Commonwealth of Massachusetts
State House
Boston, MA 02133

Dear Governor Cellucci:

As a result of the recent Firefighter Accountability, Survival and Technology (F.A.S.T.) initiative, I convened a working group to address the problem of unsecured and unsafe buildings. The group consisted of fire officials, building officials, technical and legal support staff from my office. As a result of their hard work, I am pleased to submit for your consideration, the "unsecured building" proposal.

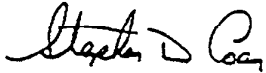
This comprehensive document provides for:

- Mandatory notification by building owners and other interested parties to identify unsecured buildings;
- A streamlined system for ordering and boarding up unsecured buildings;
- A comprehensive methodology for the boarding of dangerous buildings utilizing the tested methods of the U.S. Fire Administration's National Arson Prevention board up procedures;
- Marking of unsecured buildings to warn firefighters of dangerous conditions;
- Enhanced penalties for violations and a dedicated trust fund for use of collected monies to assist in the ongoing support of the program.

It is important to note that these initiatives may be implemented as written with no new unfunded mandate being imposed on the cities and towns of the Commonwealth.

I believe this comprehensive proposal will result in a more proactive approach to the problem of unsecured buildings which pose a real and substantial danger not only to the public, but to the lives of our firefighters as well. It is my hope that this initiative, along with the other recommendations previously submitted as part of F.A.S.T., result in a safer Commonwealth for all of our citizens.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stephen D. Coan".

Stephen D. Coan
State Fire Marshal

FireFACTORS

Office of the State Fire Marshal • Department of Fire Services
Commonwealth of Massachusetts
P.O. Box 1025 State Road • Stow, Massachusetts 01775
(978) 567-3380 • Public Education Hotline • 1-877-9 NOFIRE

Firefighter Injuries: Vacant Building Fires

111 Vacant Building Fires in 1998

One hundred eleven (111) structure fires occurred in buildings that were vacant, under construction or demolition.* These 111 fires caused 19 firefighter injuries and an estimated \$3.7 million in damages. The average dollar loss per vacant building fire was \$33,263. Sixty-eight (68) or 61% of the fires in vacant buildings were considered arson. These 68 fires caused 15 firefighter injuries and \$3.1 in damages. In 1998, 7% of the Massachusetts structure arson fires occurred in vacant buildings.

1 Firefighter Injured in Every 5 Vacant Building Arsons

- 1 firefighter was injured in every 34 fires in 1998.
- 1 firefighter was injured in every 22 structure fires in 1998.
- 1 firefighter was injured in every 42 arsons in 1998.
- 1 firefighter was injured in every 11 structure arsons in 1998.
- 1 firefighter was injured in every 6 vacant building fires in 1998.
- 1 firefighter was injured in every 5 vacant building arsons in 1998.

111 vacant building fires with 19 firefighter injuries

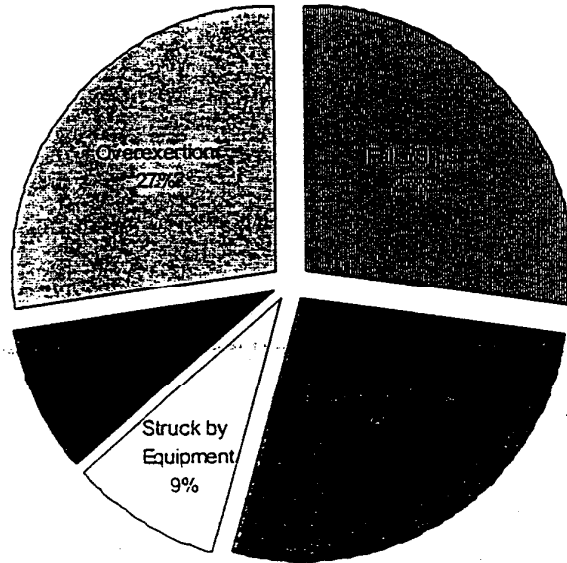
68 vacant building arsons with 15 firefighter injuries

Of the 11 firefighter injuries in 1998's vacant building fires, where the cause of the injury was known:

- 28% were injured from a collapsing ceiling
- 27% were injured slipping or falling
- 27% suffered overexertion
- 9% had contact with nails
- 9% were struck by equipment

* Vacant buildings are defined as MFIRS Fixed Property Use codes 910 – 919.

Causes of FF Injuries at Vacant Bldg. Fires



Executive Summary

Section 2



Unsecured Building Proposal Executive Summary

Everyday firefighters face increased risk and suffer injuries while fighting fires in vacant and abandoned buildings that are left unsecured and open to trespass. In fact, a firefighter is four times as likely to be injured in one of these buildings as he or she would be in an occupied and secured building.

In February, the Firefighter Accountability, Survival and Technology (F.A.S.T.) initiative was submitted to the Governor for his consideration. One important component of that initiative was the formation of a committee to review and suggest proposals designed to address the problem of unsecured buildings. The goal of the committee was to bring together fire and building officials to draft proposed law and regulation which would provide for adequate security to prevent illegal trespassing, inspection and increased penalties for failure to comply with the law. In addition, the committee would establish a uniform system for the boarding of these unsecured buildings, as well as, for their marking to identify interior hazards. Some of the hazards faced by firefighters include, but are not limited to: truss roof construction, unsafe stairways, unsafe interior conditions, inoperable fire suppression systems and other known dangers. The boarding of these unsecured buildings, in compliance with the strict requirements of the state building code, will go a long way in preventing both intentional and accidental fires as the result of trespass, vandalism and arson.

The uniform marking system required under the state fire code will provide critical information to fire department personnel of the conditions at these buildings; impacting firefighter safety and survival. The marking is utilized in accordance with the transmittal of plans and annual certification that the building has not undergone any redesign. This provision was incorporated as the result of Representative John Binienda's bill filed with the legislature. The unsecured building proposal incorporates many component parts to form a comprehensive statutory and regulatory scheme to identify and secure vacant buildings in the commonwealth. Specifically the proposal includes:

- 1) Notice and Inspection – The proposed legislation would require the owner or person in possession of an unsecured building to notify both the fire department and local building inspector in writing of the location and status of the unsecured building. In addition, both insurers and lenders are required to notify fire and building officials when they have constructive knowledge that a building is unsecure. Upon notification, arrangements are made with the fire and building official to inspect the building. Failure to respond or comply would result in the ability of the fire/building official to enter, secure and mark the subject property.
- 2) Uniform boarding requirements – The proposed legislation would require that properties subject to the law, be boarded up in accordance with strict provisions of the state building code which incorporate these successfully tested methodology of the U.S. Fire Administration's National Arson Prevention inactive board up procedures.
- 3) Transmittal of Plans and Marking of Buildings – The proposed legislation would require building owners to provide a set of as built plans to the fire/building official and to annually certify there have been no changes to the building. This provision was added as the result of Representative John Binienda's bill. In addition, once a building has been inspected, it will be marked in accordance with new provisions of the state fire code. The markings will provide notification to the fire service of dangerous conditions which may be encountered by firefighters in case of a fire at the building.
- 4) Appeals – The proposed legislation streamlines the appeals process for review of orders. The determination that a building is unsafe is made in the first instance by the fire/building official and no longer requires the costly and timely determination of a board of survey. (This is still required for dangerous/unsafe buildings.) The appeal from these orders is now fast-tracked to the Board of Building Regulations and Standards under the State Administrative Procedures Act, M.G.L. c. 30A.
- 5) Penalties and Dedicated Trust Fund – The penalties for non-compliance with any provision of chapters 143A or 143B have been increased to reflect the penalties provided for violations of the state building code. These penalties go up to \$1,000.00 per violation, per day. In addition, the penalties are split 50% to the city or town where the violation occurred and 50% to a unsecured building trust fund to be established to assist in providing a future revenue stream to cities and towns to address unsecured buildings.

Proposed Legislation

Section 3



Proposed Legislation

The new proposed legislation creates a two track statutory scheme by separating the duties and obligations for unsecured buildings from those of unsafe buildings. C. 143A, unsecured buildings, provides enhanced notice requirements, inspection obligations, strict standards for compliance, streamlined administrative appeals and enhanced penalties.

Chapter 143B, unsafe buildings, adds to the existing law with notice obligations and enhanced penalties. In addition, c. 143B leaves in place the requirement for a board of survey to determine the structural integrity of a building and the right to a jury trial for the taking of a subject building.

**AN ACT RELATIVE TO MAKING SAFE OR REMOVING CERTAIN
DANGEROUS BUILDINGS FOR FIREFIGHTER AND PUBLIC SAFETY.**

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to protect the lives and safety of firefighters and the public safety, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Sections six through fourteen of chapter 143 of the General Laws, as appearing in the 1998 Official Edition, are hereby repealed.

SECTION 2. The General Laws, as so appearing, are hereby amended by inserting after chapter 143 the following chapters:-

Chapter 143A

Section 1. For the purposes of this chapter and chapter 143B, the following terms shall have the following meanings:

Building; a building as defined in section 1 of chapter 143.

Person, any individual, trust, corporation, partnership or other entity capable of owning or possessing legal or equitable interest in real estate.

Unsecured building, any building which exhibits damaged or deteriorated windows, doors, walls or a roof which will fail to prevent the entry of a trespasser.

Unoccupied building, any multi-family or commercial building that is not occupied, in whole, for more than sixty consecutive days by any person who has a legal ownership or possessory interest in said building.

Dangerous Building, any building or structure, or anything attached thereto, that has been neglected and deteriorated; or abandoned and unused or open to weather to such an extent that it is a danger or potential danger to life or limb.

Hazardous Materials, any material defined in Chapter 21K.

Section 2. (a) Any person who owns or leases an unsecured building or unoccupied building shall forthwith notify the head of the fire department and the local inspector of the city or town wherein said building is located. Said notice shall be in writing and shall contain the name and address of the owner, mortgagee, location of the building, the length of time that the building will remain unsecured or unoccupied and the action that the owner has or will take to reasonably secure the building to prevent fire or vandalism. Said notice shall contain a statement regarding the presence of any hazardous materials that may exist in the subject building.

(b) The notice provisions of paragraph (2)(a) shall be required by (i) any insurer upon issuing either a vacant building or a cash value policy to any owner or any mortgagee in possession of such building or (ii) any mortgagee who has constructive knowledge that the subject property is an unsecured building or unoccupied building.

(c) (1) The head of the fire department or the local inspector, immediately upon being informed by notice or otherwise of the existence of an unsecured building, shall cause a written notice and order to be sent by certified mail to the owner, lessee, or mortgagee in possession ordering said recipient to (i) secure said building according to the provisions of the state building code, (ii) provide the head of the fire department with a detailed statement regarding the presence of any hazardous materials that exist within the building and (iii) provide the head of the fire department and local inspector with one set of plans or certify in writing that plans are on file with the building department and that said plans are accurate.

(2) The head of the fire department and the local inspector upon receiving notice an unsecured building or unoccupied building shall order the owner to make arrangements to allow the building and fire officials to enter said building for the purpose of marking said building in accordance with the provisions of the state fire code and to confirm hazardous materials.

(d) Any person who receives a notice and order from the head of the fire department or the local inspector under the provisions of paragraph (2) (c) shall within 48 hours of the receipt thereof, not including Saturday, Sunday or legal holidays, comply with said order.

(e) If any person fails to comply with said order within said 48 hours, the head of the fire department or the local inspector may immediately enter upon the premises and cause such building or structure to be secured, marked or otherwise inspected.

(f) The owner, lessee or mortgagee in possession, as the case may be, shall be jointly and severally liable to the city or town for all costs associated with any action necessary to make said building secure and properly marked.

Section 3. Notwithstanding the provisions of any law to the contrary, whoever, is aggrieved by a notice and order issued under paragraph 2(c) may, within two days of the receipt thereof, not including Saturday, Sunday or legal holidays, appeal said notice and

order to the appeals board established under the provisions of section 100 of chapter 143. Notwithstanding the provisions of section 100 of chapter 143, said appeal shall be heard by a single member of the board or its designee within 2 days of the receipt of the appeal. A decision shall be issued within 5 days of the date of hearing. Said appeal shall be limited to a determination of the following issues: (a) is the person who received the notice and order the actual owner, lessee or mortgagee in possession of the subject building or structure; and (2) is the subject building unsecured or unoccupied as defined in section 1. An appeal of a final decision of the board may be made in accordance with the provisions MGL c. 30A.

Section 4. Any city or town which secures a building under this section and incurs expenses related to such activity, shall provide the owner, lessee or mortgagee in possession, as the case may be, with a written statement of all costs associated with such activity. Such statement shall be sent by certified mail within 90 days after the completion of such activity. If the recipient fails to pay or reimburse such costs to the city or town within 60 days of receipt of the statement of costs, the city or town shall have a lien on the property for the balance due. Said lien shall be effective upon the filing in the proper registry of deeds of a claim thereof signed by the city or town clerk setting forth the amount for which the lien is claimed and the legal description of the property. The lien shall be enforced within the time and manner provided for the collection of taxes upon real estate.

Section 5. Any person in possession of such building who fails to comply with the provisions of Chapter 143A or B, shall be punished by a fine of not more than one thousand dollars. For the purposes of this section, each day that the violation continues shall be considered a separate offense. One-half of any fine collected shall be forwarded to the City or town wherein the violation occurred and the remaining one-half shall be forwarded to the Abandoned and unsecured Building Trust Fund established under the provisions of M.G.L. Chapter 29.

Chapter 143B

Section 1. The building official, immediately upon being informed of the existence of an actual or potentially dangerous building or structure, shall inspect the same; and he shall forthwith in writing issue a notice and order informing the owner, lessee or mortgagee in possession to remove it or make it safe.

Section 2. Any person so notified shall be allowed until twelve o'clock noon of the day following the service of the notice in which to begin to remove such structure or make it safe and he shall employ sufficient labor speedily to make it safe or remove it; but if the public safety so requires and if the aldermen or selectmen so order, the inspector of buildings may immediately enter upon the premises with the necessary workmen and

assistants and cause such unsafe structure to be made safe or taken down without delay, and a proper fence put up for the protection of passers-by. If such a building or structure is taken down or removed, the lot shall be levelled to uniform grade by a proper sanitary fill to cover any cellar or foundation hole and any rubble not removed.

Section 3. If an owner, lessee or mortgagee in possession of such a dangerous structure refuses or neglects to comply with the requirements of such notice within the time limited, and such structure is not made safe or taken down as therein ordered, a careful survey of the premises shall be made by a board consisting in a city of the city engineer, the head of the fire department, as such term is defined in section one of chapter one hundred and forty-eight, and one disinterested person to be appointed by the building official, and in a town of a surveyor, the head of the fire department and one disinterested person to be appointed by the local inspector. If there is no city engineer in such city or no head of the fire department in such city or town, the mayor or selectmen shall designate one or more officers or other suitable persons in place of the officers so named as members of said board. A written report of such survey shall be made, and a copy thereof served on such owner, lessee or mortgagee in possession.

Section 4. If such report declares that such building or structure, or anything attached thereto has been neglected and deteriorated or abandoned and unused or open to weather to such an extent that it is a danger or potential danger to life or limb, and if the owner, lessee or mortgagee in possession continues such refusal or neglect, the local inspector shall cause it to be made safe or taken down or to be made secure, and, if the public safety so requires, said local inspector may at once enter the structure, the land on which it stands or the abutting land or buildings, with such assistance as he may require, and cause said structure to be made safe or may remove the same, and may remove and evict, under the pertinent provisions of chapter two hundred thirty-nine or otherwise, any tenant or occupant thereof, and may erect such protection for the public by proper fence or otherwise as may be necessary, and for this purpose may close a public highway. In the case of such demolition, the local inspector shall cause such lot to be levelled to uniform grade by a proper sanitary fill. The costs and charges incurred shall constitute a debt due the city or town upon completion of the work and the rendering of an account therefor to the owner of such structure, and shall be enforced in an action of contract, and such owner, lessee or mortgagee in possession shall, for every day's continuance of such refusal or neglect after being so notified, be punished by a fine of not less than one hundred dollars. The provisions of the second paragraph of section three A of chapter one hundred and thirty-nine, relative to liens for such debt and the collection of claims for such debt, shall apply to any debt referred to in this section, except that the local inspector shall act hereunder in place of the mayor or board of selectmen. During the time such order is in effect it shall be unlawful to use or occupy such structure or any portion thereof for any purpose.

Section 5. If, by any act done by an officer of a city or town for the purpose of making safe or taking down any dangerous building or structure, any real estate other than such building or structure or the parcel of land upon which it stands is taken, used or injured, any person owning an interest in such real estate and not having an interest in such dangerous structure may recover damages for such taking, use or injury from such city or town in a petition for the assessment thereof under chapter seventy-nine filed in the superior court for the county in which such real estate is situated within one year after such taking, use or injury; provided, that if such taking, use or injury occurred not more than three years prior to the effective date of this section, said petition may be filed not more than one year after said effective date.

Section 6. An owner, lessee or mortgagee in possession aggrieved by such notice and order issued under section (1) may have the remedy prescribed by section two of chapter one hundred and thirty-nine; provided, that no provision of said section two shall be construed so as to hinder, delay or prevent the local inspector acting and proceeding under section 2, 3 or 4 of this chapter or section 2(e) of chapter 143A; and provided, further, that this section shall not prevent the city or town from recovering the forfeiture provided in said section 4 of this chapter from the date of the service of the original notice, unless the order is annulled by the jury.

Section 7. If an owner, lessee or mortgagee in possession lives out of the commonwealth, the notice required under either chapter 143A or 143B A may be served upon him by a notary public, whose certificate of service under his notarial seal shall be sufficient evidence thereof.

Section 8. The supreme judicial or superior court may restrain the construction, alteration, repair, maintenance or use of a building or structure in violation of any ordinance or by-law of a city or town or of the state building code and order its removal or abatement as a nuisance; and may restrain the further construction, alteration or repair, maintenance, use or occupancy of a building or structure reported to be dangerous, under a survey authorized by section eight, until the determination of the matter, as provided in section (6).

Section 9. Any inspector of the division of inspection, if called upon by the aldermen of any city or by the selectmen of any town, shall inspect any building or other structure in such city or town, or anything attached to or connected therewith, which has been represented to be dangerous to life or limb.

Section 10. If it appears to such inspector that the building or other structure, or anything attached to or connected therewith, is dangerous to life or limb in case of fire or otherwise, he shall cause it to be removed or rendered safe in the manner provided by this

chapter or chapter 143A., inclusive, and may cause proceedings to be instituted under section (3).

A building that has been previously determined to be an unsecured building or unoccupied building and subject to the provisions of c. 143A is not precluded from being subject to the provisions of c. 143B relative to dangerous buildings or structures

Comparison of Existing / Proposed Legislation

Section 4



Comparison of Existing/Proposed Legislation

This section offers a side by side comparison of the existing legislation governing both unsafe and unsecured buildings under c. 143 s. 6-14 and the proposed legislation which creates a two track scheme for unsecured and unsafe buildings, respectively under c. 143A and c. 143B.

Unsecured and dangerous buildings
Analysis/Comparisons between: the current MGL. C. 143 Sections 6 through 14 and the language in the proposed new chapters MGL c. 143A and 143B.

Draft:3/15/00

**Existing MGL c. 143
s.6 to 14 (To be deleted)**

**Proposed new chapters
MGL 143A & 143B**

	<p style="text-align: center;">MGL c. 143A SECURING CERTAIN BUILDINGS FOR THE PURPOSES OF FIRE PREVENTION AND SAFETY</p> <p>(1) Definitions For the purposes of this chapter and chapter 143B, the following terms shall have the following meanings:</p> <p>Building; a building as defined in section 1 of chapter 143.</p> <p>Person, any individual, trust, corporation, partnership or other entity capable of owning or possessing legal or equitable interest in real estate.</p> <p>Unsecured building, any building which exhibits damaged or deteriorated windows, doors, walls or a roof which will fail to prevent the entry of a trespasser.</p> <p>Unoccupied building, any multi-family or commercial building that is not occupied, in whole, for more than sixty consecutive days by any person who has a legal ownership or possessory interest in said building.</p> <p>Dangerous Building, any building or structure, or anything attached thereto, that has been neglected and deteriorated; or abandoned and unused or open to weather to such an extent that it is a danger or potential danger to life or limb.</p> <p>Hazardous Materials, any material defined in Chapter 21K.</p> <p>(2) Identifying and securing unsecured or unoccupied buildings: notice requirements</p> <p>(a) Any person who owns or leases an unsecured building or unoccupied building shall forthwith notify the head of the fire department and the local inspector of the city or town wherein said building is located. Said notice shall be in writing and shall</p>
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6. Local inspector: duties

The local inspector, immediately upon being informed by report or otherwise that a building or other structure or anything attached thereto or connected therewith in that city or town is dangerous to life or limb or that any building in that city or town is unused, uninhabited or abandoned, and open to the weather, shall inspect the same: and he shall forthwith in writing notify the owner, lessee or mortgagee in possession to remove it or make it safe if it appears to him to be dangerous, or to make it secure if it is unused, uninhabited or abandoned and open to the weather. If it appears that such structure would be especially unsafe in case of fire, it shall be deemed dangerous within the meaning hereof, and the local inspector may affix in a conspicuous place upon its exterior walls a notice of its dangerous condition, which shall not be removed or defaced without authority from him. (see also proposed MGL c. 143B, s.1)

7. Removal or making structure safe: putting up fence

Any person so notified shall be allowed until twelve o'clock noon of the day following the service of the notice in which to begin to remove such structure or make it safe, or to make it secure, and he shall employ sufficient labor speedily to make it safe or remove it or to make it secure; but if the public safety so requires and if the aldermen or selectmen so order, the inspector of buildings may immediately enter upon the premises with the necessary workmen and assistants and cause such unsafe structure to be made safe or taken down without delay, and a proper fence put up for the protection of passers-by, or to be made secure. If such a building or structure is taken down or removed, the lot shall be levelled to uniform grade by a proper sanitary fill to cover any cellar or foundation hole and any rubble not removed. (see also proposed MGL c. 143B, s.2.)

contain the name and address of the owner, mortgagee, location of the building, the length of time that the building will remain unsecured or unoccupied and the action that the owner has or will take to reasonably secure the building to prevent fire or vandalism. Said notice shall contain a statement regarding the presence of any hazardous materials that may exist in the subject building.

- (b) The notice provisions of paragraph (2)(a) shall be required by (i) any insurer upon issuing either a vacant building or a cash value policy to any owner or any mortgagee in possession of such building or (ii) any mortgagee who has constructive knowledge that the subject property is an unsecured building or unoccupied building.
- (c) (1.) The head of the fire department or the local inspector, immediately upon being informed by notice or otherwise of the existence of an unsecured building, shall cause a written notice and order to be sent by certified mail to the owner, lessee, or mortgagee in possession ordering said recipient to (i) secure said building according to the provisions of the state building code, (ii) provide the head of the fire department with a detailed statement regarding the presence of any hazardous materials that exist within the building and (iii) provide the head of the fire department and local inspector with one set of plans or certify in writing that plans are on file with the building department and that said plans are accurate.

(2.) The head of the fire department and the local inspector upon receiving notice of an unsecured building or unoccupied building shall order the owner to make arrangements to allow the building and fire officials to enter said building for the purpose of marking said building in accordance with the provisions of the state fire code and to confirm hazardous materials.
- (d) Any person who receives a notice and order from the head of the fire department or the local inspector under the provisions of paragraph (2) (c) shall within 48 hours of the receipt thereof, not including Saturday, Sunday or legal holidays, comply with said order.
- (e) If any person fails to comply with said order within said 48 hours, the head of the fire department or the local inspector may immediately enter upon the premises and cause such building or structure to be secured, marked or otherwise inspected.
- (f) The owner, lessee or mortgagee in possession, as the case may be, shall be jointly and severally liable to the city or town for all costs associated with any action necessary to make said building secure and properly marked.

(3) Appeals

Notwithstanding the provisions of any law to the contrary, whoever, is aggrieved by a notice and order issued under paragraph 2(c) may, within two days of the receipt thereof, not including Saturday, Sunday or legal holidays, appeal said notice and order to the appeals board established under the provisions of section 100 of chapter 143. Notwithstanding the provisions of section 100 of chapter 143, said appeal shall be heard by a single member of the board or it's designee within 2 days of the receipt of the appeal. A decision shall be issued within 5 days of the date of hearing. Said appeal shall be limited to a determination of the following issues: (a) is the person who received the notice and order the actual owner, lessee or mortgagee in possession of the subject building or structure; and (2) is the subject building unsecured or unoccupied as defined in section 1. An appeal of a final decision of the board may be made in accordance with the provisions MGL c. 30A.

(4) REIMBURSEMENT; LIENS

Any city or town which secures a building under this section and incurs expenses related to such activity, shall provide the owner, lessee or mortgagee in possession, as the case may be, with a written statement of all costs associated with such activity. Such statement shall be sent by certified mail within 90 days after the completion of such activity. If the recipient fails to pay or reimburse such costs to the city or town within 60 days of receipt of the statement of costs, the city or town shall have a lien on the property for the balance due. Said lien shall be effective upon the filing in the proper registry of deeds of a claim thereof signed by the city or town clerk setting forth the amount for which the lien is claimed and the legal description of the property. The lien shall be enforced within the time and manner provided for the collection of taxes upon real estate.

(5) PENALTIES

Any person in possession of such building who fails to comply with the provisions of Chapter 143A or B, shall be punished by a fine of not more than one thousand dollars. For the purposes of this section, each day that the violation continues shall be considered a separate offense. One-half of any fine collected shall be forwarded to the City or town wherein the violation occurred and the remaining one-half shall be forwarded to the abandoned and unsecured building trust fund established under the provisions of M.G.L. Chapter 29, Section

MGL c. 143B Making Safe or Removing Dangerous Buildings

(1) Building official; duties; notice

The building official, immediately upon being informed of the existence of an actual or potentially dangerous building or structure, shall inspect the same; and he shall

forthwith in writing issue a notice and order informing the owner, lessee or mortgagee in possession to remove it or make it safe.

(2) Removal or making structure safe; putting up fence

Any person so notified shall be allowed until twelve o'clock noon of the day following the service of the notice in which to begin to remove such structure or make it safe and he shall employ sufficient labor speedily to make it safe or remove it; but if the public safety so requires and if the aldermen or selectmen so order, the inspector of buildings may immediately enter upon the premises with the necessary workmen and assistants and cause such unsafe structure to be made safe or taken down without delay, and a proper fence put up for the protection of passers-by. If such a building or structure is taken down or removed, the lot shall be levelled to uniform grade by a proper sanitary fill to cover any cellar or foundation hole and any rubble not removed.

(3) Failure to remove or make structure safe; survey board; survey; report

If an owner, lessee or mortgagee in possession of such a dangerous structure refuses or neglects to comply with the requirements of such notice within the time limited, and such structure is not made safe or taken down as therein ordered, a careful survey of the premises shall be made by a board consisting in a city of the city engineer, the head of the fire department, as such term is defined in section one of chapter one hundred and forty-eight, and one disinterested person to be appointed by the building official, and in a town of a surveyor, the head of the fire department and one disinterested person to be appointed by the local inspector. If there is no city engineer in such city or no head of the fire department in such city or town, the mayor or selectmen shall designate one or more officers or other suitable persons in place of the officers so named as members of said board. A written report of such survey shall be made, and a copy thereof served on such owner, lessee or mortgagee in possession.

8. Failure to remove or make structure safe; survey board; survey; report

If an owner, lessee or mortgagee in possession of such unsafe structure refuses or neglects to comply with the requirements of such notice within the time limited, and such structure is not made safe or taken down as therein ordered, or made secure, a careful survey of the

(4) Dangerous buildings or structures removed or made safe by building official; costs; penalty; use of structure

If such report declares that such building or structure, or anything attached thereto has been neglected and deteriorated or abandoned and unused or open to weather

premises shall be made by a board consisting in a city of the city engineer, the head of the fire department, as such term is defined in section one of chapter one hundred and forty-eight, and one disinterested person to be appointed by the local inspector, and in a town of a surveyor, the head of the fire department and one disinterested person to be appointed by the local inspector. If there is no city engineer in such city or no head of the fire department in such city or town, the mayor or selectmen shall designate one or more officers or other suitable persons in place of the officers so named as members of said board. A written report of such survey shall be made, and a copy thereof served on such owner, lessee or mortgagee in possession

§ 9. Dangerous or abandoned structures removed or made safe by local inspector; costs; penalty; use of structure

If such report declares such structure to be dangerous or to be unused, uninhabited or abandoned, and open to the weather, and if the owner, lessee or mortgagee in possession continues such refusal or neglect, the local inspector shall cause it to be made safe or taken down or to be made secure, and, if the public safety so requires, said local inspector may at once enter the structure, the land on which it stands or the abutting land or buildings, with such assistance as he may require, and secure or remove the same, and may remove and evict, under the pertinent provisions of chapter two hundred thirty-nine or otherwise, any tenant or occupant thereof, and may erect such protection for the public by proper fence or otherwise as may be necessary, and for this purpose may close a public highway. In the case of such demolition, the local inspector shall cause such lot to be levelled to uniform grade by a proper sanitary fill. The costs and charges incurred shall constitute a debt due the city or town upon completion of the work and the rendering of an account therefor to the owner of such structure, and shall be enforced in an action of contract, and such owner, lessee or mortgagee in possession shall, for every day's continuance of such refusal or neglect after being so notified, be punished by a fine of not less than one hundred dollars. The provisions of the second paragraph of section three A of chapter one hundred and thirty-nine, relative to liens for such debt and the collection of claims for such debt, shall apply to any debt referred to in this section, except that the local inspector shall act hereunder in place of the mayor or board of selectmen. During the time such order is in effect it shall be unlawful to use or occupy such structure or any portion thereof for any purpose.

to such an extent that it is a danger or potential danger to life or limb, and if the owner, lessee or mortgagee in possession continues such refusal or neglect, the local inspector shall cause it to be made safe or taken down or to be made secure, and, if the public safety so requires, said local inspector may at once enter the structure, the land on which it stands or the abutting land or buildings, with such assistance as he may require, and cause said structure to be made safe or may remove the same, and may remove and evict, under the pertinent provisions of chapter two hundred thirty-nine or otherwise, any tenant or occupant thereof, and may erect such protection for the public by proper fence or otherwise as may be necessary, and for this purpose may close a public highway. In the case of such demolition, the local inspector shall cause such lot to be levelled to uniform grade by a proper sanitary fill. The costs and charges incurred shall constitute a debt due the city or town upon completion of the work and the rendering of an account therefor to the owner of such structure, and shall be enforced in an action of contract, and such owner, lessee or mortgagee in possession shall, for every day's continuance of such refusal or neglect after being so notified, be punished by a fine of not less than one hundred dollars. The provisions of the second paragraph of section three A of chapter one hundred and thirty-nine, relative to liens for such debt and the collection of claims for such debt, shall apply to any debt referred to in this section, except that the local inspector shall act hereunder in place of the mayor or board of selectmen. During the time such order is in effect it shall be unlawful to use or occupy such structure or any portion thereof for any purpose.

(5) Taking or injuring other property in removing dangerous structures or making them safe

If, by any act done by an officer of a city or town for the purpose of making safe or taking down any dangerous building or structure, any real estate other than such building or structure or the parcel of land upon which it stands is taken, used or injured, any person owning an interest in such real estate and not having an interest in such dangerous structure may recover damages for such taking, use or injury from such city or town in a petition for the assessment thereof under chapter seventy-nine filed in the superior court for the county in which such real estate is situated within one year after such taking, use or injury: provided, that if such taking, use or injury occurred not more than three years prior to the effective date of this section, said petition may be filed not more than one year after said effective date.

(6) Remedy of person ordered to remove or make safe a dangerous building or structure

An owner, lessee or mortgagee in possession aggrieved by such notice and order issued under section (1) may have the remedy prescribed by section two of chapter one

§ 9A. Taking or injuring other property in removing dangerous structures or making them safe

If, by any act done by an officer of a city or town for the purpose of making safe or taking down any dangerous structure, any real estate other than such structure or the parcel of land upon which it stands is taken, used or injured, any person owning an interest in such real estate and not having an interest in such dangerous structure may recover damages for such taking, use or injury from such city or town in a petition for the assessment thereof under chapter seventy-nine filed in the superior court for the county in which such real estate is situated within one year after such taking, use or injury; provided, that if such taking, use or injury occurred not more than three years prior to the effective date of this section, said petition may be filed not more than one year after said effective date.

§ 10. Remedy of person ordered to remove a dangerous structure or make it safe

An owner, lessee or mortgagee in possession aggrieved by such order may have the remedy prescribed by section two of chapter one hundred and thirty-nine: provided, that no provision of said section two shall be construed so as to hinder, delay or prevent the local inspector acting and proceeding under section nine: and provided, further, that this section shall not prevent the city or town from recovering the forfeiture provided in said section nine from the date of the service of the original notice, unless the order is annulled by the jury.

§ 11. Service of notice on non-resident; certificate

If an owner, lessee or mortgagee in possession lives out of the commonwealth, the notice required by section six may be served upon him by a notary public, whose certificate of service under his notarial seal shall be sufficient evidence thereof.

12. Restraint of construction, repair, or use of a structure; order for removal

The supreme judicial or superior court may restrain the construction, alteration, repair, maintenance or use of a building or structure in violation of any ordinance or by-law of a city or town or of the state building code and order its removal or abatement as a nuisance: and may restrain the further construction,

hundred and thirty-nine: provided, that no provision of said section two shall be construed so as to hinder, delay or prevent the local inspector acting and proceeding under section 2, 3 or 4 of this chapter or section 2(e) of chapter 143A: and provided, further, that this section shall not prevent the city or town from recovering the forfeiture provided in said section 4 of this chapter from the date of the service of the original notice, unless the order is annulled by the jury.

(7) Service of notice on non-resident; certificate

If an owner, lessee or mortgagee in possession lives out of the commonwealth, the notice required under either chapter 143A or 143B A may be served upon him by a notary public, whose certificate of service under his notarial seal shall be sufficient evidence thereof.

(8) Restraint of construction, repair, or use of a structure: order for Removal.

The supreme judicial or superior court may restrain the construction, alteration, repair, maintenance or use of a building or structure in violation of any ordinance or by-law of a city or town or of the state building code and order its removal or abatement as a nuisance: and may restrain the further construction, alteration or repair, maintenance, use or occupancy of a building or structure reported to be dangerous, under a survey authorized by section eight, until the determination of the matter, as provided in section (6).

(9) Inspection by inspector of department of public safety

Any inspector of the division of inspection, if called upon by the aldermen of any city or by the selectmen of any town, shall inspect any building or other structure in such city or town, or anything attached to or connected therewith, which has been represented to be dangerous to life or limb.

(10) Dangerous structures removed or rendered safe

If it appears to such inspector that the building or other structure, or anything attached to or connected therewith, is dangerous to life or limb in case of fire or otherwise, he shall cause it to be removed or rendered safe in the manner provided by this chapter or chapter 143A., inclusive, and may cause proceedings to be instituted under section (8).

alteration or repair, maintenance, use or occupancy of a building or structure reported to be dangerous, under a survey authorized by section eight, until the determination of the matter, as provided in section ten.

A building that has been previously determined to be an unsecured building or unoccupied building and subject to the provisions of c. 143A is not precluded from being subject to the provisions of c. 143B relative to dangerous buildings or structures

13. Inspection by inspector of department of public safety

Any inspector of the division of inspection, if called upon by the aldermen of any city or by the selectmen of any town, shall inspect any building or other structure in such city or town, or anything attached to or connected therewith, which has been represented to be dangerous to life or limb.

§ 14. Dangerous structures removed or rendered safe

If it appears to such inspector that the building or other structure, or anything attached to or connected therewith, is dangerous to life or limb in case of fire or otherwise, he shall cause it to be removed or rendered safe in the manner provided by sections six to eleven, inclusive, and may cause proceedings to be instituted under section twelve.

Proposed Regulation
527 CMR 10.00
Fire Protection
Section 5



Proposed Regulation Addition to Fire Prevention Regulations
527 CMR 10.00 Fire Prevention – General Regulations

Recommended Statewide Standard Operating Guideline (SOG) for the Uniform Marking of
Unsafe/Unsecured Buildings

One of the key elements of this proposal is the addition of sections to the Board of Fire Prevention Regulations which will:

1. Define Unoccupied buildings and Unsecured buildings
2. Identify a universal marking system for these buildings
3. Cause inspection by the head of the fire department and notice to the local building official

These additions to the Fire Code are prepared in substance and format which is consistent with the existing regulation and can be offered to the Board of Fire Prevention Regulations for amendment to the code immediately.

In concert with the changes to the regulation, the task force has also proposed a "Recommended Statewide Standard Operating Guideline (SOG) for the Uniform Marking of Unsafe/Unsecured Buildings". This SOG establishes a practical, comprehensive uniform marking system which will reduce firefighter injuries by identifying vacant structures in two degrees.

Marking of Secured Buildings

To be inserted 527 CMR

527 CMR 10.01 Definitions

Unoccupied buildings

- (1) any multi-family or commercial building that: is not occupied for more than sixty consecutive days by any person who has a legal ownership or possessory interest in said building.

Unsecured buildings

- (1) any building which exhibits or deteriorated windows, doors, walls or a roof which will fail to prevent the entry of a trespasser.

527 CMR 10.13 (7) Unsecured Buildings

(a). Markings, The head of the fire department, or his designee in any city, town or district or the marshal in all other jurisdictions shall cause all buildings identified as Vacant : Hazardous to be marked to indicate the degree of hazard.

(b) In marking unsecured buildings the following symbols shall apply:



Unsecured – Interior hazard exists to such a degree that interior operations shall be conducted with extreme caution.



Vacant – Severe structural deficiencies, or severe interior deficiencies Operations shall be from the outside except for life safety.

(c) Markings shall be applied on the front of the building at or above the second floor level, where practical, between openings. They shall not be marked over doors, windows, or other openings where they may be obscured by smoke or fire. All markings shall be readily visible from the street and, if deemed necessary, markings will be made on sides and/or rear of the building. In addition, a marking will be made adjacent to all entrances and on penthouses.

(d) Markings shall be a minimum of 24 inches by 24 inches and shall be on a placard with a reflective background, or painted with a reflective paint, of contrasting color, applied directly on the surface of the building, stripes and borders shall be a minimum of 2 inches wide.

(e) All markings shall bear a date as to when applied, or the date of the most recent inspection.

(f) All buildings prior to receiving a mark shall be inspected thoroughly by the head of the fire department, and as soon as notice is given to the building official, *exception: if an immediate hazard or danger exists the head of the fire department may post the building prior to review by the building official, and he shall immediately notify the local building official.* A report shall be completed as to their findings and fire department operations shall be notified. This information shall be made available to all responding fire suppression companies.

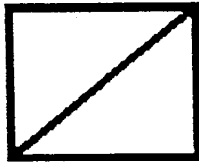
Recommended Statewide Standard Operating Guideline for the Uniform Marking of Unsafe/Unsecured Buildings

PURPOSE: To put in place statewide, a practical, comprehensive uniform marking system to lessen the frequency and severity of firefighter injuries occurring in vacant building operations.

The uniform marking system contains two parts. Part one involves the inspection of a vacant/hazardous building and subsequent posting with the appropriate marking. Part two involves the proper maintenance of records produced in conjunction with the posting of buildings.

PART I MARKING SYSTEM:

The marking system shall make use of the following two markings which shall be posted only on vacant buildings.



Vacant structure where interior hazards exist to such a degree that interior operations shall be conducted with extreme caution.



Vacant structures with severe structural deficiencies. Every effort must be made to conduct operations from the exterior except when a life hazard exists.

MARKINGS: Shall have dimensions of 24" wide and 24" high with lines of 2" in width. Markings may be fabricated in the form of a placard or of any substantial material or may be applied directly to the structure by means of a template and spray paint. This shall be in accordance with 527 CMR 10.03(7).

PLACARD PLACEMENT: Ideally, markings should be placed on all sides of a structure. As a minimum, vacant/hazardous buildings should display a marking on the front of the structure, readily visible from the street, at or above the second floor level where practicable. The markings shall not be placed over doors, windows or other openings where they may be obscured by smoke or fire. In addition, a marking should be placed adjacent to all entrances including roof hatches, penthouses etc.

PART II

RECORD KEEPING: Every effort must be made to keep current records with specific information on each structure that has been marked. The record should reflect at least the date of posting or most recent inspection, hazards observed (e.g. holes in floor, rotted wood, missing columns etc.), and type of placard displayed (X or slash). The information should be kept readily available for dissemination to the Incident Commander in the event of a fire in such a building.

Proposed Regulation
780 CMR 121.0
Unsafe / Unsecured Buildings
Section 6



Proposed Regulation Addition to the State Building Code
780 CMR 121.0 Unsafe Structures and Unsecured Buildings

Certain changes are necessary in the State Building Code to insure consistent regulatory authority for the local building official regarding unsecured buildings. Building code amendments will be proposed which:

1. Identify the responsibilities of the owner of an unsecured building
2. Cause the removal of hazardous materials as defined by MGL c 143A
3. Provide methods for owners to secure buildings
4. Provide notice to fire and building officials on methods of securing a building
5. Identify conditions for reoccupying a building

The necessary revisions have been prepared in substance and format which will allow for submittal and immediate consideration by the Board of Building Regulations and Standards.

Revise:

780 CMR 121.0 Unsafe Structures and Unsecured Buildings

ADD NEW SECTION 121.7 "UNSECURED BUILDINGS"

121.7 General: For the purposes of this section the provisions of 780 CMR 121.7 are established under MGL 143 A.

121.7.5.1 The owner of an unsecured building shall;

1. Remove all hazardous materials as defined in MGL 143A (1) from the building until such time as the building is re-occupied. Combustible materials shall include any fixture not permanently attached.
Exception: Any building which contains an automatic sprinkler system and such system is maintained and fully functional. Also, the building must have been permitted originally for that use and occupancy.
2. Remove all materials determined to be hazardous in case of fire.

121.7.5.2 The owner of an unsecured or unoccupied building shall secure all floors accessible from grade by any one of the following methods, which method shall be selected by the owner (approved by the local fire chief and building official).

1. Secure all window and door openings in accordance with the U.S. Fire Administration, National Arson Prevention Initiative Board up Procedures referenced in Appendix A, continuously until such time as the building is re-occupied, or
2. Provide 24 hr. watchman services continuously until such time as the building is re-occupied, or
3. Provide a monitored intruder alarm system at the perimeter of all floors accessible from grade continuously until such time as the building is re-occupied.

Notify the building and fire officials as to which option was chosen. The officials are to be supplied with records of maintenance and operation (for items 2 and 3).

Any existing fire alarm or sprinkler system shall not be shut off or disconnected without obtaining permission of the head of the local fire department in accordance with MGL c 148 § 27A and obtaining such written permit.

Utilities shall be disconnected with approval of the fire chief and the building official. The disconnection of the utilities should not be allowed if the owner will be unable to maintain

adequate heat to prevent freezing of the automatic sprinkler system. Also, utilities must remain active for any other protection systems.

121.7.6 Reoccupying Building

Any building subject to the provisions of 780 CMR 121.7 and made to conform to said section for the period of vacancy shall be allowed to be reoccupied under the same use and occupancy classification, provided that any systems which were disconnected or shut down during the period of vacancy are restored to a fully functional condition. The fire chief and building official must be notified in writing prior to reoccupying the building.

Any building subject to the provisions of 780 CMR 121.7 and made to conform to said section for the period of vacancy shall be subject to the applicable provisions of 780 CMR 34 if changed in use or occupancy or otherwise renovated or altered.

Fiscal Impact and Recommendations

Section 7

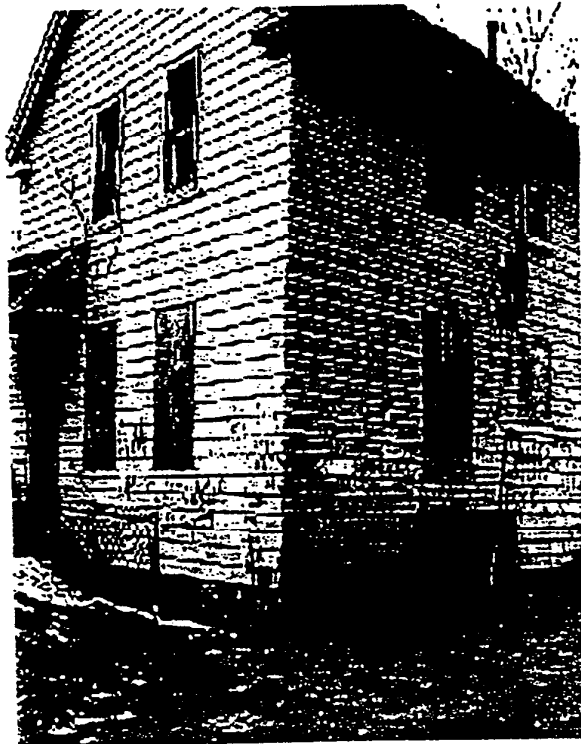


Fiscal Impact and Recommendations

Although the proposed legislation creates no new unfunded mandates, the success of this initiative is directly dependent on funding to accomplish the goals of the program. The following represents our best estimate for funding levels which will help ensure the success in addressing the unsecured/unsafe building problems endemic in the Commonwealth:

1. 10 million dollars to be placed in a trust to be set up on the books of the Commonwealth and to be used to provide the cities/towns funding to secure or raze unsecured or unsafe buildings.
2. Funding for two (2) full time positions: one (1) hearings officer and one (1) administrative assistant to effecuate the administrative appeals to the Board of Building Regulations and Standards.

Committee Attendance Certifications Section 8



Committee Attendance Certifications

At the direction of the State Fire Marshal the Unsecured Building Committee was formed to determine the proper course of action to deal with Unoccupied and Unsecured Buildings. This committee was composed of staff from the Department of Fire Services and the Board of Buildings Regulations, and state wide Building Officials and Fire Chiefs' organizations.

Attached are the attendance certifications of these individuals.



ARCEB PAUL CARRILLO
GOVERNOR

JANE SWIFT
LIEUTENANT GOVERNOR

JANE STURLEY
SECRETARY

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Executive Office of Public Safety
Department of Fire Services
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Flow, Massachusetts 01775
(978) 567-3100 Fax: (978) 567-3121*



STEPHEN D. COAN
STATE FIRE MARSHAL

THOMAS P. LEONARD
DEPUTY STATE FIRE MARSHAL

UNSECURED BUILDING COMMITTEE ATTENDANCE CERTIFICATION

We the undersigned affirm our participation in the Unsecured Building Committee formed by the State Fire Marshal, Stephen D. Coan. The following is a collaborative package of all materials relative to the safety of Unsecured Buildings. As a group, we support this documentation in its entirety to be submitted to the Governor and the Secretary of Public Safety. It is in agreement that the changes brought forward will strengthen the existing laws and regulations of the Commonwealth and will provide for a more pro-active stance toward firefighter and public safety.

Signature: _____

Date: _____

3/23/08

Printed Name: _____

JOHN J. CLANCY

Department or Agency Represented: _____

Building OFFICIALS OF MASSACHUSETTS



ARGEO PAUL CHILLOGI
GOVERNOR

JANE SWIFT
LIEUTENANT GOVERNOR

JANE PERLOV
SECRETARY

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Executive Office of Public Safety
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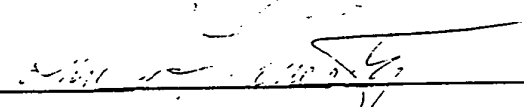


STEPHEN D. COAN
STATE FIRE MARSHAL

THOMAS P. LEONARD
DEPUTY STATE FIRE MARSHAL

**UNSECURED BUILDING COMMITTEE
ATTENDANCE CERTIFICATION**

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Signature: 

Date: March 23, 2000

Printed Name: Chief John J. Flaherty

Department or Agency Represented: West Springfield Fire Department



ARNDT PAUL CHILCOT
GOVERNOR

JANE SWIFT
LIEUTENANT GOVERNOR

JANE PERLOV
SECRETARY

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STEPHEN D. COAN
STATE FIRE MARSHAL

THOMAS P. LEONARD
DEPUTY STATE FIRE MARSHAL

**UNSECURED BUILDING COMMITTEE
ATTENDANCE CERTIFICATION**

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Signature: _____

David A. LaFond

Date: _____

3-23-10

Printed Name: _____

David A. LaFond

Department or Agency Represented: _____

Holyoke Fire Department



ARGEO PAUL CELLUCCI
GOVERNOR

JANE SWIFT
LIEUTENANT GOVERNOR

JANE PERLOV
SECRETARY

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THOMAS P. LEONARD
DEPUTY STATE FIRE MARSHAL

**UNSECURED BUILDING COMMITTEE
ATTENDANCE CERTIFICATION**

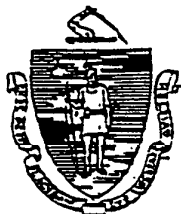
We the undersigned affirm our participation in the Unsecured Building Committee formed by the State Fire Marshal, Stephen D. Coan. The following is a collaborative package of all materials relative to the safety of Unsecured Buildings. As a group, we support this documentation in its entirety to be submitted to the Governor and the Secretary of Public Safety. It is in agreement that the changes brought forward will strengthen the existing laws and regulations of the Commonwealth and will provide for a more pro-active stance toward firefighter and public safety.

Signature: 

Date: March 24, 2000

Printed Name: William Middlemiss, Code Compliance & Enforcement Officer

Department or Agency Represented: Office of the State Fire Marshal



ALBERT PAUL CELLICCI
GOVERNOR

JANE SWIFT
LEUTENANT GOVERNOR

JANE PERLOW
SECRETARY

The Commonwealth of Massachusetts
Executive Office of Public Safety
Department of Fire Services
P.O. Box 1025 - State Road

Flow, Massachusetts 01775
(978)567-3100 Fax:(978)567-3121



STEPHEN D. COAN
STATE FIRE MARSHAL

THOMAS P. LEONARD
DEPUTY STATE FIRE MARSHAL

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Signature: Patrick J. Moore

Date: MARCH 24, 2000

Printed Name: Patrick J. Moore

Department or Agency Represented: Town of West Springfield - Building Department



ARGO PAUL CELLUCCI
GOVERNOR

JANE SWIFT
LIEUTENANT GOVERNOR

JANE PERLOV
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Signature: Richard E. Shafer

Date: 3/28/2000

Printed Name: Richard E. Shafer

Department or Agency Represented: Lawrence Fire Department

*Administrative Services • Hazardous Materials Response
Massachusetts Firefighting Academy • Office of the State Fire Marshal*



ARGEO PAUL CELLUCCI
GOVERNOR

JANE SWIFT
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Signature: John K. O'Donnell Date: 03/31/00

Printed Name: John K. O'Donnell

Department or Agency Represented: Boston Fire Department



ARGEO PAUL CELLUCCI
GOVERNOR

JANE SWIFT
LIEUTENANT GOVERNOR

JANE PERLOV
SECRETARY

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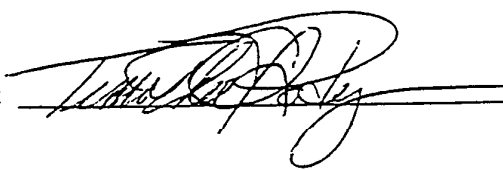


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Signature: 

Date: March 24, 2000

Printed Name: Timothee C. Rodrique, Acting Division Director

Department or Agency Represented: Office of the State Fire Marshal

Attachment Thirteen



Arnold Gurwitz, M.D.
COMMISSIONER

City of Worcester
Department of Public Health & Code Enforcement

25 MEADE STREET
WORCESTER, MASSACHUSETTS 01610-2715
TELEPHONE (508) 799-8534
FAX (508) 799-8544

Joseph G. McCarthy
DEPUTY COMMISSIONER

TO: Joseph G. McCarthy, Deputy Commissioner
FROM: Paul J. Cahill, Chief Code Inspector *PJC*
DATE: August 15, 2000

As requested the following is a brief history and current status of the listed buildings.

22 Hawley St.-Due to the dilapidated condition of this three family dwelling an order declaring the building unfit for human habitation was delivered to the owner by constable in March 1998. Due to the owner's failure to make repairs the matter was referred to the Chapter 139 Building Inspection Committee in January 2000. After two hearings a demolition order was issued in February 2000 and recorded at the Registry of Deeds in March 2000. The building is on the list of structures eligible for demolition when funding is available. This department appeared in court on eleven (11) occasions between June 1999-April 2000 in an effort to secure building and have rubbish removed.

116-118 Piedmont St.-This six family dwelling was condemned as unfit for human habitation in August 1996. The case was referred to the Building Inspection Committee and a demolition order was issued in October 1996 and recorded at the Registry of Deeds in January 1997. The dwelling is eligible for demolition when funding is available. The department has appeared in court on several occasions in an effort to have rubbish removed.

1-3-5-7 Piedmont St.- Dwelling remains vacant and secure, dilapidated rear porches have been removed. Demolition was delayed to give private developer opportunity to obtain funds for rehabilitation.

767 Main St. (Jackson Apts. across from Jacob Hiatt School)-This dwelling is not before the Building Inspection Committee, it is my understanding the dwelling was closed due to asbestos problem. We had a problem with broken glass at the upper levels and the entire building was boarded in April 1997. This building is owned by a private developer who hopes to rehabilitate the property.

1147 Main St.-This commercial property was damaged by fire in December 1998. The case was referred to the Chapter 139 Committee and after a hearing a demolition order was issued in January 1999 and recorded at the Registry of Deeds in February 1999. The order was also advertised in the Telegram & Gazette for three days as required by law when the owners are out of state. The owner did not appeal the demolition order and the building is eligible for demolition.

361 Cambridge St.-This three family dwelling was condemned as unfit for human habitation after a fire in December 1998. The case was referred to the Chapter 139 Committee and after two hearings a demolition order was delivered by constable in March 1999 and recorded at the Registry of Deeds the same month. The owner did not appeal the demolition order. This department has the case in Housing Court on at least seven (7) occasions in 1999 in an effort to have property secured and broken glass at the upper levels removed. Nothing is being done to restore the dwelling and it is eligible for demolition when funding is available.

319 Cambridge St.-This three family dwelling was condemned after a fire in September 1995. The case was referred to the Chapter 139 Committee and after seven (7) hearings a demolition order was issued in October 1996. The owner did not appeal the demolition order and it was recorded at the Registry of Deeds in January 1997. The owner has failed to restore this property and it is eligible for demolition when funding is available.

81-85 Lafayette St. (Boston Beef Building)-This warehouse was referred to the Chapter 139 Committee in July 2000. After a hearing held July 26, 2000, it was directed a demolition order be issued due to unsafe and dangerous conditions of this buildings as reported by a representative of the Fire Department. The demolition order has been issued. It is my understanding that a private demolition is scheduled on this property within a month.

An example of industrial property is the Wyman-Gordon building at Hermon St. /Lamartine St. The property is not before the Building Inspection Committee and we are not aware of outstanding code violations.

The Chapter 139 Committee stresses the rehabilitation of property and since July 1998, 123 buildings containing 309 dwelling units have been released from condemnation allowing occupancy in the units.

Since July 1998, the city has paid for the demolition of 20 buildings which were before the Chapter 139 Committee. The owners have paid for the demolition of an additional 20 buildings which were before the Chapter 139 Committee.

PJC/lam

ATTACHMENTS

Attachment A	Task Force Committee Signatures
Attachment B	MGL Chapter 148
Attachment C	MGL Chapter 143 and MA State Building Code Article 1
Attachment D	527 CMR
Attachment E	MGL 266 Sec 120
Attachment F	MGL Chapter 139
Attachment G	Basic Structure Report
Attachment H	Examples of Vacant Buildings
Attachment I	GIS Maps
Attachment J	Amended 527 CMR
Attachment K	MGL 139 Sec 3B and Chapter 175 Sec 97A
Attachment L	Vacant Building List
Attachment M	House Bill 4967
Attachment N	Senate Bill 2095
Attachment O	NFPA Proposed Definition

ATTACHMENT - A



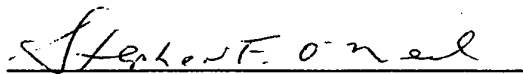
Dennis Budd, Chief
Worcester Fire Department



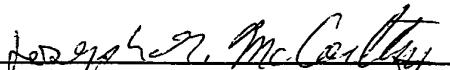
Robert Moylan, Commissioner
Department of Public Works



Edward Gardella, Chief
Worcester Police Department



Stephen F. O'Neil, Director
Office of Planning and Community
Development



Joseph G. McCarthy, Deputy Commissioner
Department of Public Health and
Code Enforcement



Thomas Zidelis, Treasurer
Office of the Treasurer



David Moore, Esquire
City Solicitor



Michael O'Brien, Commissioner
Department of Parks and Recreation

ATTACHMENT - B

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS GENERAL LAWS, CHAPTER 148
WILLIAM FRANCIS GALVIN, SECRETARY OF THE COMMONWEALTH

148:3. Investigations by marshal; examination of witnesses; perjury; criminal complaint; prosecutions; reports to commissioner of insurance.

Section 3. The marshal shall investigate or cause to be investigated the circumstances of all fires or explosions of suspicious origin of which he has notice, and may investigate or cause to be investigated the circumstances of any fire or explosion occurring anywhere within the commonwealth. For such purposes the marshal, or his designee, may summon and examine on oath, administered by the marshal or such person so designated, any person supposed to know or have means of knowing any material facts touching the subject of investigation. Such witnesses may be kept apart and examined separately, and such examination shall be reduced to writing, and false testimony therein shall be perjury. Any justice of a district court or of the superior court, upon application of the marshal, or person so designated, may compel the attendance of such witnesses and the giving of such testimony in the same manner and to the same extent as before said court. If, upon such investigation, the marshal, or person so designated, believes that the evidence is sufficient to charge any person with crime, he shall make a complaint therefor, and shall furnish the proper officers with the evidence and names of witnesses obtained by him. The marshal shall, when required, report to the commissioner of insurance his proceedings and the progress of prosecutions instituted hereunder.

148:4. Persons authorized to enter and inspect premises; inspections of institutions; reports.

Section 4. The marshal, the head of the fire department, or any person to whom the marshal or the head of the fire department may delegate the authority, may, in the performance of the duties imposed by this chapter, or in furtherance of the purpose of any provision of any law, ordinance or by-law relating to the subject matter of this chapter, or of any rule or regulation of the board of fire prevention regulations, established under section four of chapter twenty-two D, in this chapter referred to as the board, or any order of the marshal or head of the fire department, enter at any reasonable hour any building or other premises, or any ship or vessel, to make inspection or investigation, without being held or deemed to be guilty of trespass.

The marshal or the head of a fire department to whom he may delegate authority, shall make an inspection every three months of institutions as defined by the state building code, licensed by and under the supervision of the department of public health, or licensed by the department of public welfare, and shall make a report of such inspection to each such department on forms submitted to the marshal by such department for this purpose. Said marshal or such head of a fire department shall also make an inspection every three months of the premises specified in innholder's licenses issued under chapter one hundred and forty.

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS GENERAL LAWS, CHAPTER 148
WILLIAM FRANCIS GALVIN, SECRETARY OF THE COMMONWEALTH

CHAP. 148 - continued

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The marshal or the head of a fire department to whom he may delegate authority, shall make an inspection every three months of institutions as defined by the state building code, licensed by and under the supervision of the department of public health, or licensed by the department of public welfare, and shall make a report of such inspection to each such department on forms submitted to the marshal by such department for this purpose. Said marshal or such head of a fire department shall also make an inspection every three months of the premises specified in innholder's licenses issued under chapter one hundred and forty.

148:5. Investigation of premises and alleys as to fire hazards; remedy of conditions; lien; penalty.

Section 5. The marshal, the head of the fire department or any person to whom the marshal or the head of the fire department may delegate his authority in writing may, and upon complaint of a person having an interest in any building or premises or property adjacent thereto, shall, at any reasonable hour, enter into buildings and upon premises, which term for the purposes of the remainder of this section shall include alleys adjacent thereto, within their jurisdiction and make an investigation as to the existence of conditions likely to cause fire. They shall, in writing, order such conditions to be remedied, and whenever such officers or persons find in any building or upon any premises any accumulation of combustible rubbish including, but not limited to, waste paper, rags, cardboard, string, packing material, sawdust, shavings, sticks, waste leather or rubber, broken boxes or barrels or any other refuse or useable materials that is or may become dangerous as a fire menace or as an obstacle to easy ingress into or egress from such buildings or premises, they shall, in writing, order the same to be removed or such conditions to be remedied. Notice of such order shall be served upon the owner, occupant or his authorized agent by a member of the fire or police department. If said order is not complied with within twenty-four hours, the person making such order, or any person designated by him, may enter into such building or upon such premises and remove such refuse or any useable materials or abate such conditions at the expense of such owner or occupant. Any expense so incurred by or on behalf of the commonwealth or of any city or town, shall be a debt due the commonwealth or the city or town, as the case may be, upon completion of such removal or abatement and the rendering of an account therefor to the owner. The provisions of the second paragraph of section three A of chapter one hundred and thirty-nine, relative to liens for such debt and the collection of the claims for such debt, and the collection of the claims for such debt, shall apply to any debt referred to in this section, except that the marshal or the head of the fire department shall act hereunder in place of the mayor or board of selectmen. In the case of debts due the commonwealth, the collector of taxes shall pay over to the treasurer of the commonwealth the amounts collected by him. Any such owner or occupant who fails or refuses to comply with said order shall be punished by a fine of not more than fifty dollars for each consecutive forty-eight hours during which such failure or refusal to comply continues.

ATTACHMENT - C

ADMINISTRATION

780 CMR 120.0 CERTIFICATE OF OCCUPANCY

120.1 General: New buildings and structures: A *building* or *structure* hereafter shall not be used or occupied in whole or in part until the certificate of use and *occupancy* shall have been issued by the building commissioner or inspector of buildings or, when applicable, the state inspector. The certificate shall not be issued until all the work has been completed in accordance with the provisions of the approved permits and of the applicable codes for which a permit is required, except as provided in 780 CMR 120.3.

120.2 Buildings or structures hereafter altered: A *building* or *structure*, in whole or in part, altered to change from one *use group* to another, to a different use within the same *use group*, the fire grading, the maximum live load capacity, the *occupancy* load capacity shall not be occupied or used until the certificate shall have been issued certifying that the work has been completed in accordance with the provisions of the approved permits and of the applicable codes for which a permit is required. Any use or *occupancy*, which was not discontinued during the work of alteration, shall be discontinued within 30 days after the completion of the alteration unless the required certificate is issued.

120.3 Temporary occupancy: Upon the request of the holder of a permit, a temporary certificate of *occupancy* may be issued before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely prior to full completion of the *building* or *structure* without endangering life or public welfare. Any *occupancy* permitted to continue during the work shall be discontinued within 30 days after completion of the work unless a certificate of *occupancy* is issued by the building official.

120.4 Contents of certificate: When a *building* or *structure* is entitled thereto, the building official shall issue a certificate of *occupancy* within ten days after written application. Upon completion of the final inspection in accordance with 780 CMR 115.5 and correction of the violations and discrepancies, and compliance with 780 CMR 903.4, the certificate of *occupancy* shall be issued. The certificate of *occupancy* shall specify the following.

1. The edition of the code under which the permit was issued.
2. The *use group* and *occupancy*, in accordance with the provisions of 780 CMR 3.
3. The type of construction as defined in 780 CMR 6.
4. The occupant load per floor.
5. Any special stipulations and conditions of the building permit.

120.5 Posting structures:

120.5.1 Posted use and occupancy: A suitably designed placard approved by the building official shall be posted by the owner on all floors of every building and structure and part thereof designed for high hazard, storage, mercantile, factory and industrial or business use (use groups H, S, M, F and B) as defined in 780 CMR 3. Said placard shall be securely fastened to the building or structure in a readily visible place, stating: the use group, the fire grading, the live load and the occupancy load.

120.5.2 Posted occupancy load: A suitably designed placard approved by the building official shall be posted by the owner in every room where practicable of every building and structure and part thereof designed for use as a place of public assembly or as an institutional building for harboring people for penal, correctional, educational, medical or other care or treatment, or as residential buildings used for hotels, lodging houses, boarding houses, dormitory buildings, multiple family dwellings (use groups A, I, R-1 and R-2). Said placard shall designate the maximum occupancy load.

120.5.3 Replacement of posted signs: All posting signs shall be furnished by the owner and shall be of permanent design; they shall not be removed or defaced, and if lost, removed or defaced, shall be immediately replaced.

120.5.4 Periodic inspection for posting: The building official may periodically inspect all existing buildings and structures except one and two family dwellings for compliance with 780 CMR in respect to posting; or he may accept the report of such inspections from a qualified registered engineer or architect or others certified by the BBRB; and such inspections and reports shall specify any violation of the requirements of 780 CMR in respect to the posting of floor load, fire grading, occupancy load and use group of the building or structure.

780 CMR 121.0 UNSAFE STRUCTURES

121.1 General: The provisions of 780 CMR 121.0 are established by M.G.L. c. 143, §§ 6, 7, 8, 9 and 10.

121.2 Inspection: The building official immediately upon being informed by report or otherwise that a *building* or other *structure* or anything attached thereto or connected therewith is dangerous to life or limb or that any *building* in that city or town is unused, uninhabited or abandoned, and open to the weather, shall inspect the same; and he shall forthwith in writing notify the owner to remove it or make it safe if it appears to him to be dangerous, or to make it secure if it is unused, uninhabited or abandoned and open to the weather.

THE MASSACHUSETTS STATE BUILDING CODE

If it appears that such *building* or *structure* would be especially unsafe in case of fire, it shall be deemed dangerous within the meaning hereof, and the building official may affix in a conspicuous place upon its exterior walls a notice of its dangerous condition, which shall not be removed or defaced without authority from him.

121.3 Removal or making structure safe: Any person so notified shall be allowed until 12:00 noon of the day following the service of the notice in which to begin to remove such *building* or *structure* or make it safe, or to make it secure, and he shall employ sufficient labor speedily to make it safe or remove it or to make it secure; but if the public safety so requires and if the mayor or selectmen so order, the building official may immediately enter upon the *premises* with the necessary workmen and assistants and cause such unsafe structure to be made safe or demolished without delay and a proper fence put up for the protection of passersby, or to be made secure.

121.4 Failure to remove or make structure safe, survey board, survey report: If an owner of such unsafe structure refuses or neglects to comply with the requirements of such notice within the specified time limit, and such *structure* is not made safe or taken down as ordered therein, a careful survey of the *premises* shall be made by a board consisting, in a city, of a city engineer, the head of the fire department, as such term is defined in M.G.L. c. 148, § 1, and one disinterested person to be appointed by the building official; and, in a town of a surveyor, the head of the fire department and one disinterested person to be appointed by the building official. In the absence of any of the above officers or individuals, the mayor or selectmen shall designate one or more officers or other suitable persons in place of the officers so named as members of said board. A written report of such survey shall be made, and a copy thereof served on such owner.

121.5 Removal of dangerous or abandoned structures: If such survey report as outlined in 780 CMR 121.4 declares such *structure* to be dangerous or to be unused, uninhabited or abandoned, and open to the weather, and if the owner continues such refusal or neglect, the building official shall cause it to be made safe or taken down or to be made secure; and, if the public safety so requires, said building official may at once enter the *structure*, the land on which it stands or the abutting land or *buildings*, with such assistance as he may require, and secure the same; and may remove and evict, under the pertinent provisions of M.G.L. c. 239, or otherwise, any tenant or occupant thereof, and may erect such protection for the public by proper fence or otherwise as may be necessary, and for this purpose may close a public highway. In the

case of such demolition, the said building official shall cause such *lot* to be leveled to conform with adjacent grades by a inorganic fill. The costs and charges incurred shall constitute a lien upon the land upon which the *structure* is located, and shall be enforced in an action of contract; and such owner shall, for every day's continuance of such refusal or neglect after being so notified, be punished by a fine in accordance with 780 CMR 118.4. The provisions of M.G.L. c. 139, § 3A, paragraph two, relative to liens for such debt and the collection of claims for such debt shall apply to any debt referred to in this section, except that the said building official shall act hereunder in place of the mayor or board of selectmen. During the time such order is in effect, it shall be unlawful to use or occupy such *structure* or any portion thereof for any purpose.

121.6 Remedy of person ordered to remove a dangerous structure or make it safe: Notwithstanding the provisions of 780 CMR 122, an owner, aggrieved by such order may have the remedy prescribed by M.G.L. c. 139, § 2: provided that any provision of M.G.L. c. 139, § 2 shall not be construed so as to hinder, delay or prevent the building official from acting and proceeding under 780 CMR 121; and provided, further, that this section shall not prevent the city or town from recovering the forfeiture provided in said 780 CMR 121.5 from the date of the service of the original notice, unless the order is annulled by the jury.

780 CMR 122.0 BOARD OF APPEALS

122.1 State Building Code Appeals Board: Except for actions taken pursuant to 780 CMR 121.0, whoever is aggrieved by an interpretation, order, requirement, direction or failure to act under 780 CMR by any agency or official of the city, town or region, or agency or official of the State charged with the administration or enforcement of 780 CMR or any of its rules or regulations, excepting any specialized codes, may appeal directly to the State Building Code Appeals Board as provided in 780 CMR 122.0.

Whoever is aggrieved by an interpretation, order, requirement, direction or failure to act under 780 CMR by any agency or official of a city, town or region charged with the administration or enforcement of 780 CMR, excepting any specialized codes, may appeal directly to the State Building Code Appeals Board or may appeal first to a local or regional building code appeals board and if aggrieved thereby he may then appeal to the State Building Code Appeals Board as provided in 780 CMR 122.0.

In the event an appeal is taken directly to the State Building Code Appeals Board from an interpretation, order, requirement or direction, said appeal shall be filed as specified in 780 CMR 122.3.1 with the State Building Code Appeals Board not later than 45 days after the service of notice

ATTACHMENT - D

527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

1.02: continued

- (4) Special Equipment. Special fire protection equipment shall be installed when adequate fire protection is not being provided or hazardous or dangerous conditions exist, as determined by the head of the fire department. The special fire protection equipment shall be installed in accordance with the requirements of 527 CMR and 780 CMR.
- (5) Existing buildings: Buildings built under and in full compliance with the codes in force at the time of construction or alteration thereof, and that have been properly maintained and used for such use as originally permitted, shall be exempt from the requirements of 527 CMR pertaining to any of the following matters:
- (a) Fire protection of structural elements except as provided for existing buildings under 780 CMR.
 - (b) Exits required, except as provided for existing buildings under 527 CMR and 780 CMR.
 - (c) Isolation of hazardous operations and mixed uses; provided, however, that the head of the fire department shall require the installation of fire safety devices or systems (fire extinguishers, fire alarms, fire detection devices, sprinklers or similar systems) where they are necessary to provide safety to life and property. In lieu of requiring the installation of safety devices or systems or when necessary to secure safety in addition thereto, the head of the fire department shall prescribe limitations on the handling and storage of materials or substances or upon operations that are liable to cause fire, contribute to the spread of fire, or endanger life or property.

1.03: Enforcement Authority

- (1) Enforcement Official. It shall be the duty and responsibility of the Marshal or the head of the fire department or his designee, to enforce the provisions of the code as herein set forth.
- (2) Coordinated Inspections. Whenever in the enforcement of 527 CMR, another code, ordinance or by-law is the responsibility of more than one code official of the jurisdiction is involved, it shall be their duty to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the building or structure shall not be subjected to visits by numerous inspectors nor multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance, code or by-law of the jurisdiction, not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.
- (3) Right Of Entry. The marshal, an inspector, the head of the fire department, or any person to whom the marshal or the head of the fire department may delegate the authority, may, in the performance of the duties imposed by M.G.L. c. 148, or in the furtherance of the purpose of any provision of any law, ordinance or by-law relating to the subject matter of M.G.L. c. 148 or of any rule or regulation contained in 527 CMR, or any order of the marshal or head of the fire department, enter any reasonable hour any building or other premises, or any ship or vessel, to make an inspection or investigation, without being held or deemed to be guilty or trespass. (M.G.L. c. 148, § 4.)
- (4) Investigation Of Fires. The head of the fire department shall investigate the cause and circumstances of every fire or explosion to determine if such fire was caused by carelessness or design. The investigation shall be made forthwith if it appears to the official making such investigation that the fire or explosion is of suspicious origin or is the result of a violation of law or, if he is unable to determine the cause, he shall immediately notify the marshal. All other fires shall be reported in writing to the marshal within 48 hours, excluding Sundays and holidays on forms furnished by the department. (M.G.L. c. 148, § 2).
- (5) Fire Records. The head of the fire department shall keep a record of all fires or explosions, with the results of such investigations, and such records shall be open to the public.
- (6) Administrative Liability: Reserved)
- (7) Jurisdictional Liability: Reserved)

ATTACHMENT - E

CRIMES AGAINST PROPERTY**266 § 120****§ 120. Entry upon private property after being forbidden as trespass; prima facie evidence; penalties; arrest; tenants or occupants excepted**

Whoever, without right enters or remains in or upon the dwelling house, buildings, boats or improved or enclosed land, wharf, or pier of another, after having been forbidden so to do by the person who has lawful control of said premises, whether directly or by notice posted thereon, or in violation of a court order pursuant to section thirty-four B of chapter two hundred and eight or section three or four of chapter two hundred and nine A, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days or both such fine and imprisonment. Proof that a court has given notice of such a court order to the alleged offender shall be prima facie evidence that the notice requirement of this section has been met. A person who is found committing such trespass may be arrested by a sheriff, deputy sheriff, constable or police officer and kept in custody in a convenient place, not more than twenty-four hours, Sunday excepted, until a complaint can be made against him for the offence, and he be taken upon a warrant issued upon such complaint.

This section shall not apply to tenants or occupants of residential premises who, having rightfully entered said premises at the commencement of the tenancy or occupancy, remain therein after such tenancy or occupancy has been or is alleged to have been terminated. The owner or landlord of said premises may recover possession thereof only through appropriate civil proceedings.

Amended by St.1969, c. 463, § 2; St.1974, c. 109; St.1978, c. 447, § 3; St.1983, c. 678, § 6.

Historical and Statutory Notes

13. Forbidding entry

Under this section providing that "Whoever, without right, enters or remains in or upon the dwelling house, buildings, * * * or improved or enclosed land * * * of another, after having been forbidden so to do by the person who has the lawful control of said premises, either directly or by notice posted thereon * * *" is guilty of trespass, term "directly" does not require person having control of unposted prem-

ises to be on those premises at all times of day or night to ward off intruders; rather, he may directly forbid entry to premises by securing them with fences or walls and locked gates or doors. Com. v. Juvenile (1978) 373 N.E.2d 1202, 6 Mass. 106.

ATTACHMENT - F

CHAPTER 139.

COMMON NUISANCES.

Section	Section
BURNT OR DANGEROUS BUILDINGS.	
1. Burnt or Dangerous Buildings, etc., How Disposed of.	12. Action Not to Be Dismissed, Except, etc.
2. Appeal to Superior Court.	13. Persons Found in Places Used for Prostitution, etc., May Be Summoned as Witnesses.
3. Nuisances May Be Abated, etc.	
3A. When Expense of Demolition, etc., a Deb: Due Municipality and Lien Upon Land: Dissolution or Enforcement of Lien, etc.	PLACES RESORTED TO FOR ILLEGAL GAMING OR USED FOR THE ILLEGAL KEEPING OR SALE OF ALCOHOLIC BEVERAGES.
3E. Insurance Claims; Notice to Governmental Authorities.	14. Building, etc., Resorted to for Illegal Gaming, etc., to Be Common Nuisance.
PLACES OF PROSTITUTION, ETC.	15. Penalty.
4. Building, etc., Used for Prostitution, etc., to Be Deemed a Nuisance.	16. Abatement of Common Nuisance.
5. Penalty.	16A. Abatement of Common Nuisance; Liquor or Controlled Substances Nuisances.
6. Abatement of Nuisance.	17. Repealed 1934, 32S, Sec. 13.
7. Filing, etc., of Complaint.	18. Removal of Gambling Booths, etc., Near Public Shows.
8. Temporary Injunction.	GENERAL PROVISIONS.
9. Decree of Court Ordering Abatement of Nuisance, etc.	19. Keeping a Nuisance by Tenant to Make Lease Void, etc.
10. Fee of Officer for Removing and Selling Property; Application of Proceeds of Sale.	20. Aiding in the Maintenance of a Nuisance Penalized.
11. Order of Abatement May Be Modified in Certain Cases, etc.	

BURNT OR DANGEROUS BUILDINGS.**139:1. Burnt or Dangerous Buildings, etc., How Disposed of.**

Section 1. The aldermen or selectmen in any city or town may, after written notice to the owner of a burnt, dilapidated or dangerous building or other structure, or his authorized agent, or to the owner of a vacant parcel of land, and after a hearing, make and record an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. The city or town clerk shall deliver a copy of the order to an officer qualified to serve civil process, who shall forthwith serve an attested copy thereof in the manner prescribed in section one hundred and twenty-four of chapter one hundred and eleven. and make return to said clerk of his doings thereon. 10

139:2. Appeal to Superior Court.

Section 2. A person aggrieved by such order may appeal to the superior court for the county where such building or other structure is situated, if, within three days after the service of such attested copy upon him, he commences a civil action in such court. Trial by jury shall be 4

ATTACHMENT - G

BASIC STRUCTURE REPORT

ATTACHMENT G 903SR

SA	Address		Inspection District	Document No.
SB	Property Name		Property No.	Structure No.
				Fire Demand Zone
SC	Responsible Party		Address	Telephone
SD	Parcel No.	Census Tract	Date	Time Arrived
				Time Departed
SE	Emergency Contacts:			
SF	General Property Use		Number of Specific Property Uses	
SG	Type of Construction	Percent of Combustible Construction		Method of Construction
SH	Year of Construction		Structure-Type	
SI	Structure Height		Number of Stories	
SJ	Ground Floor Area		Total Floor Area	
SK	Property Management		Sound Value	
SL	Number of Exits	Exit Discharge Width	Interior Finish in Egress Routes	
SM	Protection of Stairways		Protection of Vertical Shafts	
SN	Protection of Floor Openings		Protection of Wall Openings	
SO	Electrical Service Quality		Heating Service Quality	
SP	Roof Covering		Perimeter Access	
SQ	Automatic Detection		Automatic Alarm Capability	
SR	Type of Sprinkler System		Coverage of Sprinkler System	
SS	Standpipe System		Required Fire Flow	
ST	Water Supply Type		Available Water Supply	
SU	Obstacles to Rescue and Fire Control			
SV	Member Making Report		Date	Approved by
SW	Remarks			



BASIC OCCUPANCY REPORT

903TR

TA	Address		Property No.	Document No.
TB	Property Name		Structure No.	Tenant No.
TC	Tenant Name	Date	Time Arrived	Time Departed
TD	Responsible Party	Address	Telephone	
TE	Emergency Contacts:			
TF	Specific Property Use		Sound Value	
TG	Number of Stories Occupied by Tenant		Total Floor Area of Tenant Space	
TH	Number of Occupants:	Day	Evening	Night
TI	Age and Ability of Occupants		Number of Exits	Exit Width
TJ	Other Exit Problems <input type="checkbox"/> Check if Applicable, Describe:			
TK	Smoking Practice Quality		Interior Finish Not in Egress Routes	
TL	Plastic Furnishings		Flammable Liquid Use	
TM	Solid Kindling Fuel in Occupied Areas		Solid Kindling Fuel in Storage and Service Areas	
TN	Other Possible Fire Conditions <input type="checkbox"/> Check if Applicable, Describe:			
TO	Portable Extinguishers			
TP	Type of Special Hazard System		Coverage of Special Hazard System	
TQ	Member Making Report	Date	Approved by	
TR	Remarks			

Line SA Data

SA	Address		Inspection District

Address

Record the correct address of the structure for which the survey is being made. In the event there are multiple addresses for the same property, structure, or occupancy, all of the valid addresses should be reported in the system.

Inspection District

Record the number of the fire department company or district that has primary responsibility for the survey of the property.

Line SB Data

SB	Property Name		Property No.

Property Name

If the property has an identifying name, record the name. It could be the name of a store, the name of a business, or a name by which an apartment complex is known.

Example: ACME Shopping Center

Property numbers can be assigned on a geographical basis or can be assigned randomly, but care should be taken to ensure that no two properties have the same property number. Record the property number assigned to the structure.

Property Number

Each property should be assigned a unique number that should not be changed even if the occupancy or nature of the property changes over time. The property number should be the same for all structures on a given property.

Line SC Data

SC	Responsible Party	Address	Telephone

Responsible Party

Record the name, address, and telephone number of the owner, manager, or other person responsible for the property.

Line SD Data

SD	Emergency Contacts:	Name	Telephone	Name	Telephone

Emergency Contacts

Record the names and telephone numbers of two persons who can be contacted if there is an emergency at the property.

Line SE Data

SE	Census Tract	General Property Use	Date of Survey
----	--------------	----------------------	----------------

Census Tract

Record the number of the census tract in which the property is located. The census tract number is a 6-digit number assigned by the U.S. Department of Commerce Bureau of the Census that identifies an area of land within the United States for which there is census data available. Maps that outline the boundaries of census tracts are available from the Bureau of the Census.

General Property Use

General property use is defined as the general (overall) use of land or space under the same management or

ownership, or within the same legal boundaries, including any structures, vehicles, or other appurtenances thereon.

Record the general use of the property on which the surveyed structure is located.

Refer to NFPA 901, Section 4-6, for the data classifications to use for General Property Use.

Date of Survey

Record the month, day, and year the property survey was made.

Line SF Data

SF	Structure Name	Structure No.	Number of Occupancies
----	----------------	---------------	-----------------------

Structure Name

If the structure has an identifying name, record the name. It could be the name of a store, the name of a business, or some other name unique to the structure. The structure name is particularly important where there are multiple structures on the same property. While each structure is assigned a unique structure number (see following category for line SF), it is helpful to have a name associated with the structure as well, particularly where that name helps to identify the building.

Example: Smith Tire Store Building.

Structure Number

Each structure on the property should be assigned a number unique to that structure. If the property contains several

structures, this number is to be used to identify the structure to which the report pertains. This number should not be changed even if the occupancy or nature of the property changes over time.

Record the structure number assigned to the structure.

Number of Occupancies

Indicate the number of occupancies (businesses or tenants) located in the structure. If the structure has areas common to several occupancies, treat the common areas as an additional occupancy. The purpose of this count is to indicate how many Basic Occupancy Reports (Form 903TR) should be filed for the structure.

Line SG Data

SG	Type of Construction	Method of Construction
----	----------------------	------------------------

Type of Construction

Record the type of construction of the structure. If a mixture of construction types exists, record the principal type.

Building code classifications can be cited, provided that the particular code also is recorded.

Refer to NFPA 220, *Standard on Types of Building Construction*, for information on types of construction, and NFPA 901, 5-4.1, for the data classifications to use for Type of Construction and the model code cross-references. The classification categories should be modified as appropriate to bring

them in line with any local building code. Use of the published model code cross-references should assist this local adaptation.

Method of Construction

Record the method by which the structure was constructed. If a mixture of methods was used, record the principal method used. The basic construction methods are site-built; factory-built, site-assembled; factory-built, modular structure; and factory-built, mobile structure.

Refer to NFPA 901, 5-4.2, for the data classifications to use for Method of Construction.

Line SH Data

SH	Year of Construction	Structure Type
----	----------------------	----------------

Year of Construction

The year in which a structure was constructed is approximated in many cases. Record as closely as possible the year in which the principal construction of the structure took place.

If a structure was totally renovated and, during renovation, was brought up to complete compliance with a more recent building code, record the year of the renovation.

Structure Type

Record the type of structure housing the one or more specific property uses. The most common type of structure is a building. Other types of structures include air-supported structures, tents, open-sided structures, open platforms, and underground structures.

Refer to NFPA 901, 5-4.7, for the data classifications to use for Structure Type.

Line SI Data

SI	Property Management	Structure Height
----	---------------------	------------------

Property Management

Indicate whether the property is privately managed or managed by a governmental agency. If the property is privately managed, also indicate whether it is taxable or nontaxable property. If it is managed by a government agency, indicate whether the agency is a local, state, or federal agency.

Refer to NFPA 901, Section 4-9, for the data classifications to use for Property Management.

Structure Height

Record the height of the structure in feet from grade level to the highest structural member or peak, not including flagpoles, antennas, and the like. If the structure is totally below grade, record this fact.

Line SJ Data

SJ	Number of Stories Above Grade	Number of Stories Below Grade
----	-------------------------------	-------------------------------

Number of Stories Above Grade

Record the total number of stories in the structure above grade. A mezzanine should be considered as an additional story where the building code defines the area as a mezzanine. Unused crawl spaces and unused ceiling/roof spaces should not be considered as additional stories.

Number of Stories Below Grade

Record the total number of stories in the structure below grade. Unused crawl spaces should not be considered as additional stories.

Line SK Data

SK	Ground Floor Area	Total Floor Area
----	-------------------	------------------

Ground Floor Area

Record the length and width of the structure and the total floor area in square feet at grade or ground floor level.

Total Floor Area

Record the estimated total floor area of the structure.

Line SL Data

SL	Protection of Stairways	Protection of Vertical Shafts
----	-------------------------	-------------------------------

Protection of Stairways

Indicate the protection that is provided to stairways. Make certain that all doors close and latch properly and that standard enclosures include labeled doors and frames appropriate for the opening. Make certain that the protection for any other openings in stairway enclosures is properly noted.

Refer to NFPA 901, 5-6.1, for the data classifications to use for Protection of Stairways.

Protection of Vertical Shafts

If the structure contains shafts, whether they are mechanical shafts, elevator shafts, exhaust shafts, escalators, or ramps, indicate the type of protection that is provided to prevent fire from traveling through shafts from one story to another. Make certain that the protection for any horizontal openings into shaft enclosures is properly noted.

Refer to NFPA 901, 5-6.1, for the data classifications to use for Protection of Vertical Shafts.

Line SM Data

SM	Protection of Floor Openings	Protection of Wall Openings
----	------------------------------	-----------------------------

Protection of Floor Openings

Describe the protection provided to all floor openings, including floor-to-curtain wall connections, pipe openings, poke-throughs, and other openings.

Refer to NFPA 901, 5-7.1, for the data classifications to use for Protection of Floor Openings.

Protection of Wall Openings

Identify any fire separation walls in the structure and evaluate the adequacy of any protection provided to openings in these walls. Horizontal openings in shaft walls or

stairway enclosures should not be considered, as these openings are covered in Line SL.

Record the adequacy of the protection provided to openings in fire division walls. If there are no fire division walls in the structure, record this fact on the report.

Refer to NFPA 901, 5-7.2, for the data classifications to use for Protection of Openings in Horizontal Barriers.

Line SN Data

SN	Roof Covering	Perimeter Access
----	---------------	------------------

Roof Covering

Record the type and rating of the roof covering provided on the structure. Roof coverings normally are rated A, B, or C or are unrated based on tests outlined in NFPA 256, *Standard Methods of Fire Tests of Roof Coverings*.

Refer to NFPA 901, Section 5-8, for the data classifications to use for Roof Covering.

Perimeter Access

Evaluate the number of sides of the structure that have at least 30 ft (10 m) of clear access for fire-fighting operations. This access facilitates fire department suppression operations and helps limit the potential of exposure fires. It is not necessary for access areas to be capable of supporting the weight of fire apparatus, but they are to be capable of providing clear access for fire department operations.

Refer to NFPA 901, Section 5-10, for the data classifications to use for Perimeter Access.

Line SO Data

SO	Automatic Detection Coverage	Automatic Alarm Transmission Capability
----	------------------------------	---

Automatic Detection Coverage

If there is automatic detection equipment present, evaluate the degree of coverage. Coverage is considered to be complete where the location of the detectors conforms with the requirements of NFPA 72, *National Fire Alarm Code*.

Refer to NFPA 901, 8-4.1, for the data classifications to use for Automatic Detection Coverage.

Automatic Alarm Transmission Capability

Evaluate and record the methods by which an automatic alarm can be transmitted from the property to the responsible fire department. NFPA 72, *National Fire Alarm Code*, provides information on different methods of automatic alarm transmission.

Refer to NFPA 901, Section 8-3, for the data classifications to use for Automatic Alarm Transmission Capability.

Line SP Data

SP	Type of Sprinkler System	Coverage of Sprinkler System
----	--------------------------	------------------------------

Type of Sprinkler System

If there is a sprinkler system in the structure, determine its type. Generally, the system is either a wet pipe system or a dry pipe system, but it could be one of a number of other types. The various types of sprinkler systems are defined in NFPA 13, *Standard for the Installation of Sprinkler Systems*; NFPA 13D, *Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes*; and NFPA 13R, *Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height*. If there are multiple types of sprinkler systems in the structure, record the type that protects the major area of the structure and provide details on the other systems in the section for Remarks.

Refer to NFPA 901, 8-6.1.1, for the data classifications to use for Type of Sprinkler System.

Coverage of Sprinkler System

If automatic sprinkler protection is provided within the structure, determine and record whether the coverage is complete or partial. Where partial coverage is provided, the location of the protected space should be recorded. Also determine and record whether the installation is standard or nonstandard. A standard installation is considered to be an installation that conforms with all applicable requirements of NFPA 13, *Standard for the Installation of Sprinkler Systems*; NFPA 13D, *Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes*; or NFPA 13R, *Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height*.

Refer to NFPA 901, 8-6.1.2, for the data classifications to use for Coverage of Automatic Sprinkler System.

Line SQ Data

SQ	Standpipe System	Required Fire Flow
----	------------------	--------------------

Standpipe System

If the building is equipped with a standpipe system, indicate the number of risers and whether the system is designed to provide complete coverage or partial coverage. Also indicate whether the system is a standard or nonstandard installation. Requirements for complete coverage and standard installation are contained in NFPA 14, *Standard for the Installation of Standpipe and Hose Systems*.

Refer to NFPA 901, 8-6.3.3, for the data classifications to use for Standpipe System.

Required Fire Flow

Indicate the amount of water in gallons per minute (gpm) that should be available at this property to control and extinguish fires that could develop. Use the method established by your fire department in calculating this required fire flow.

Line SR Data

SR	Water Supply Type	Available Water Supply
----	-------------------	------------------------

Water Supply Type

Record whether or not there is a recognized water system available for use during fire suppression operations at this property. A recognized water system is an engineered water main and hydrant system under pressure. Also record the distance to the nearest hydrant, or, where there is no recognized water system, record the distance to another source of water. If there is no water source within a distance that allows apparatus responding on the first alarm to establish a relay, record this fact. Refer to NFPA 901, 8-7.1, for the data classifications to use for Water Supply Type.

Available Water Supply

If a recognized water system is available, indicate the amount of water in gallons per minute (gpm) that is available from the system for fire-fighting purposes.

If there is no recognized water system available, indicate, in gallons per minute (gpm), the flow of water that can be sustained for a period of 1 hour by apparatus responding on the first alarm. This flow can originate from a water source using a drafting operation or through a tanker shuttle. However, it is important to note that apparatus responding on the first alarm should be able to initiate and sustain this flow.

Line SS Data

SS	Obstacles to Rescue and Fire Control	
----	--------------------------------------	--

Obstacles to Rescue and Fire Control

Indicate any feature of the property that could present an obstacle to rescuing people from the structure or controlling a fire within the structure. Such obstacles could be those that impede access to the structure or that prevent proper exiting

from the structure, or they could be construction features that make it difficult to work within the structure.

Refer to NFPA 901, Section 5-15, for the data classifications to use for Obstacles to Rescue and Fire Control.

Line ST Data

ST	Member Making Report	Date
----	----------------------	------

Member Making Report

The member of the fire department who completes the survey report should sign and date the report.

Line SU Data

SU

Remarks

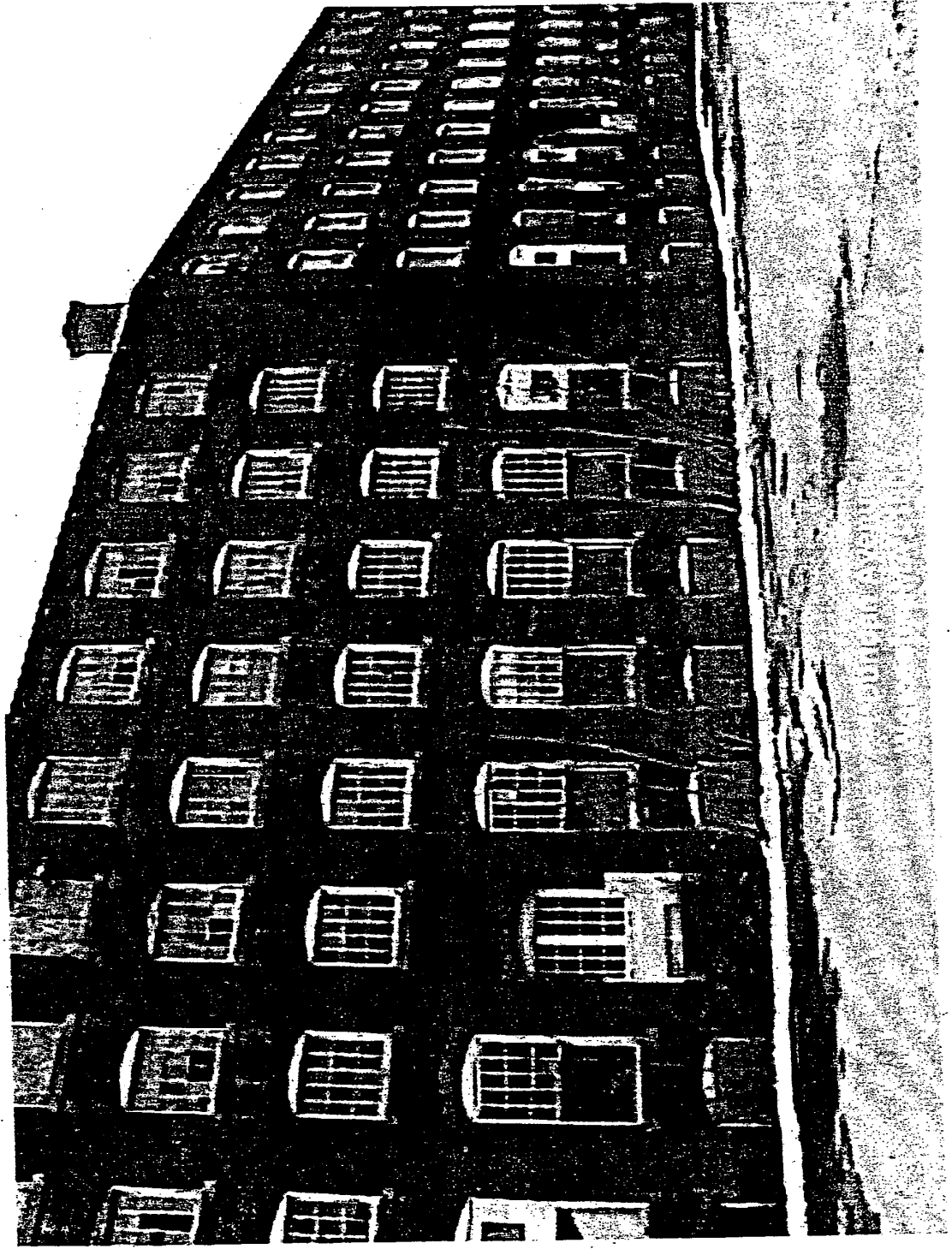
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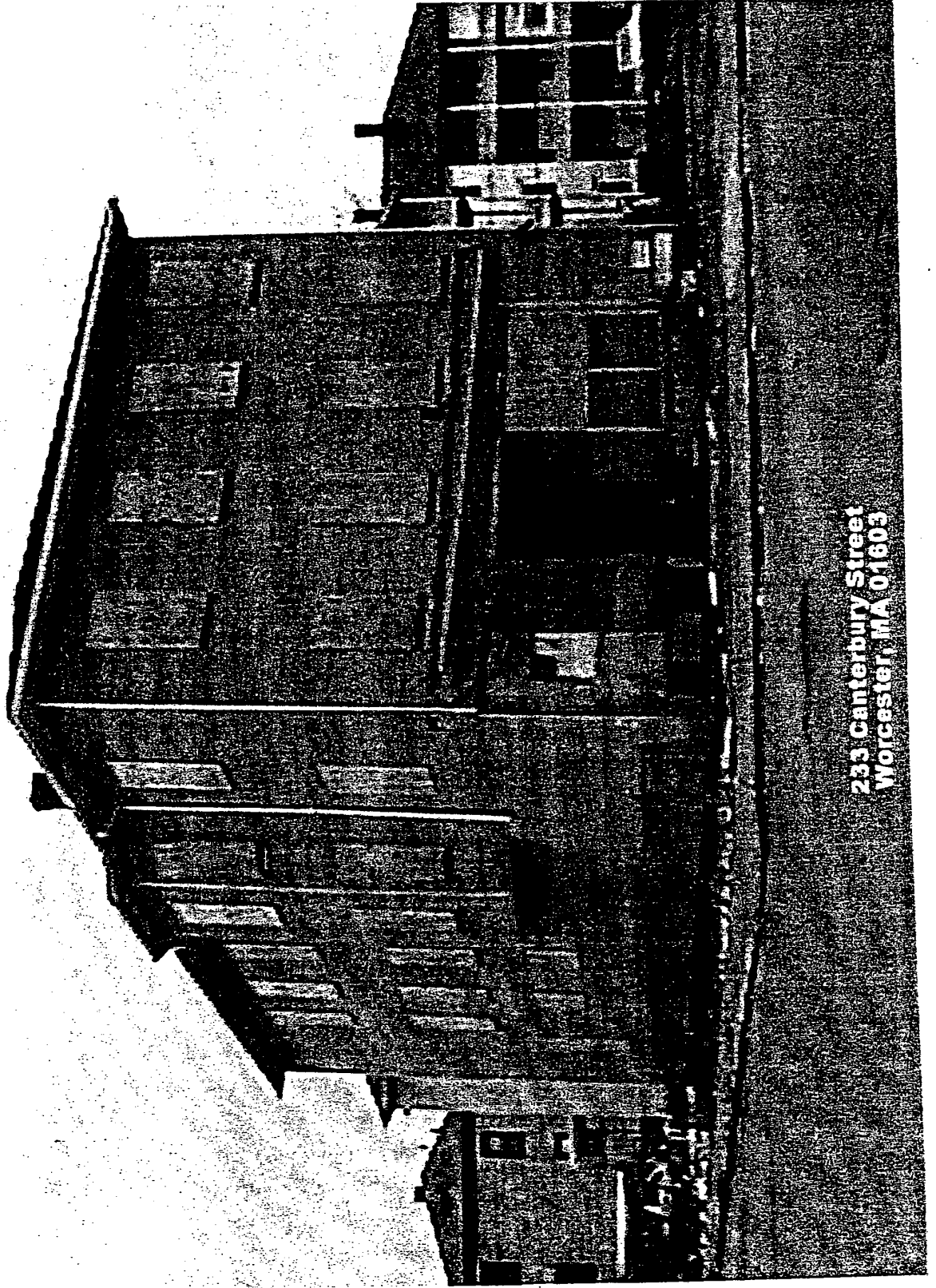
Remarks

The Remarks section should be used to explain further any problems mentioned on the form and to explain additional conditions that the inspector feels jeopardize the safety of the property, its occupants, or fire-fighting personnel. For example, lightweight floor and roof construction, including panelized roofs, tubular metal truss, plywood truss, and metal gusset truss, all present the potential for early building collapse.

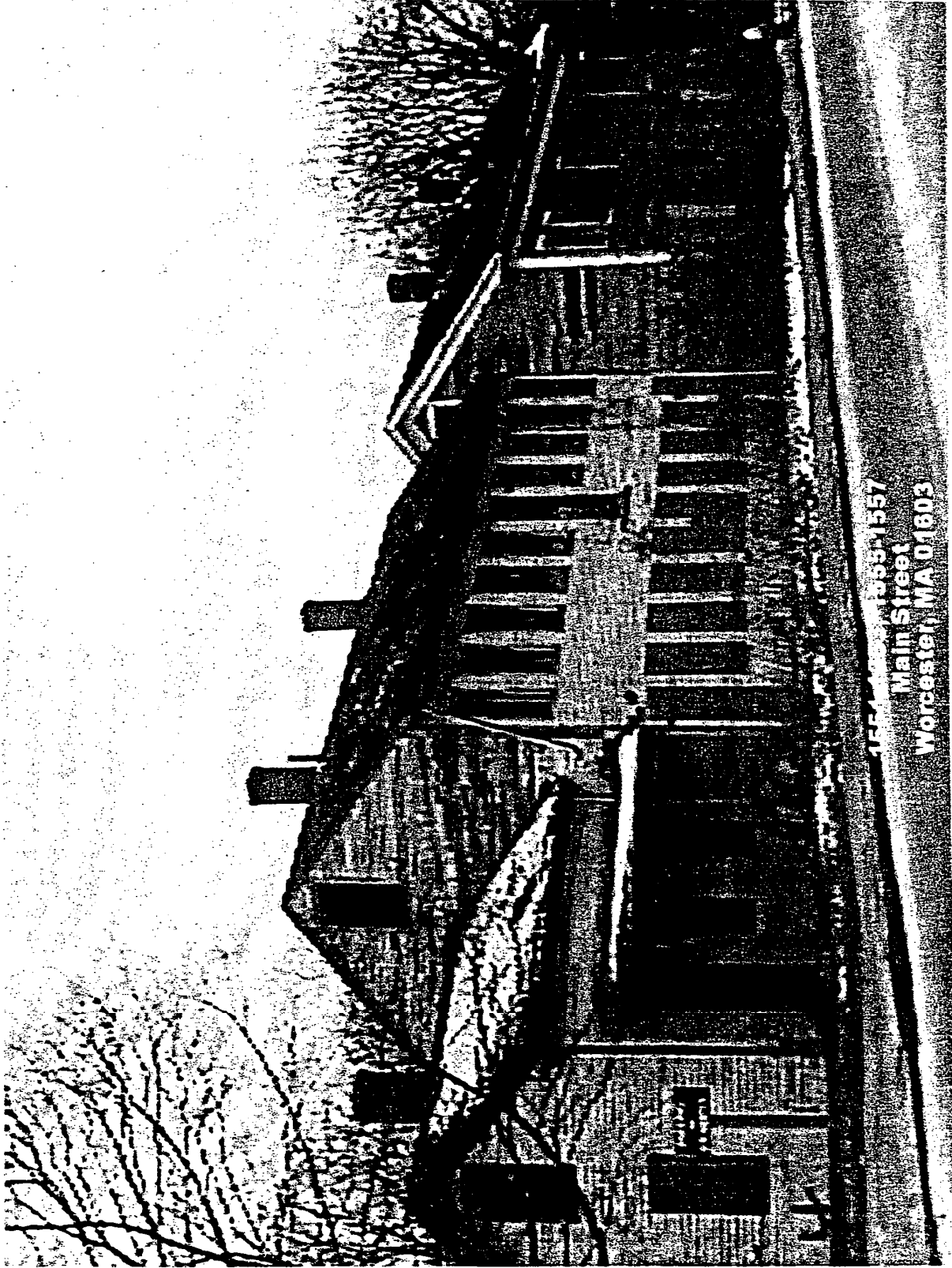
If the reverse side of the form also is used for remarks, the box on the front of the form should be checked to indicate this fact.

ATTACHMENT - H



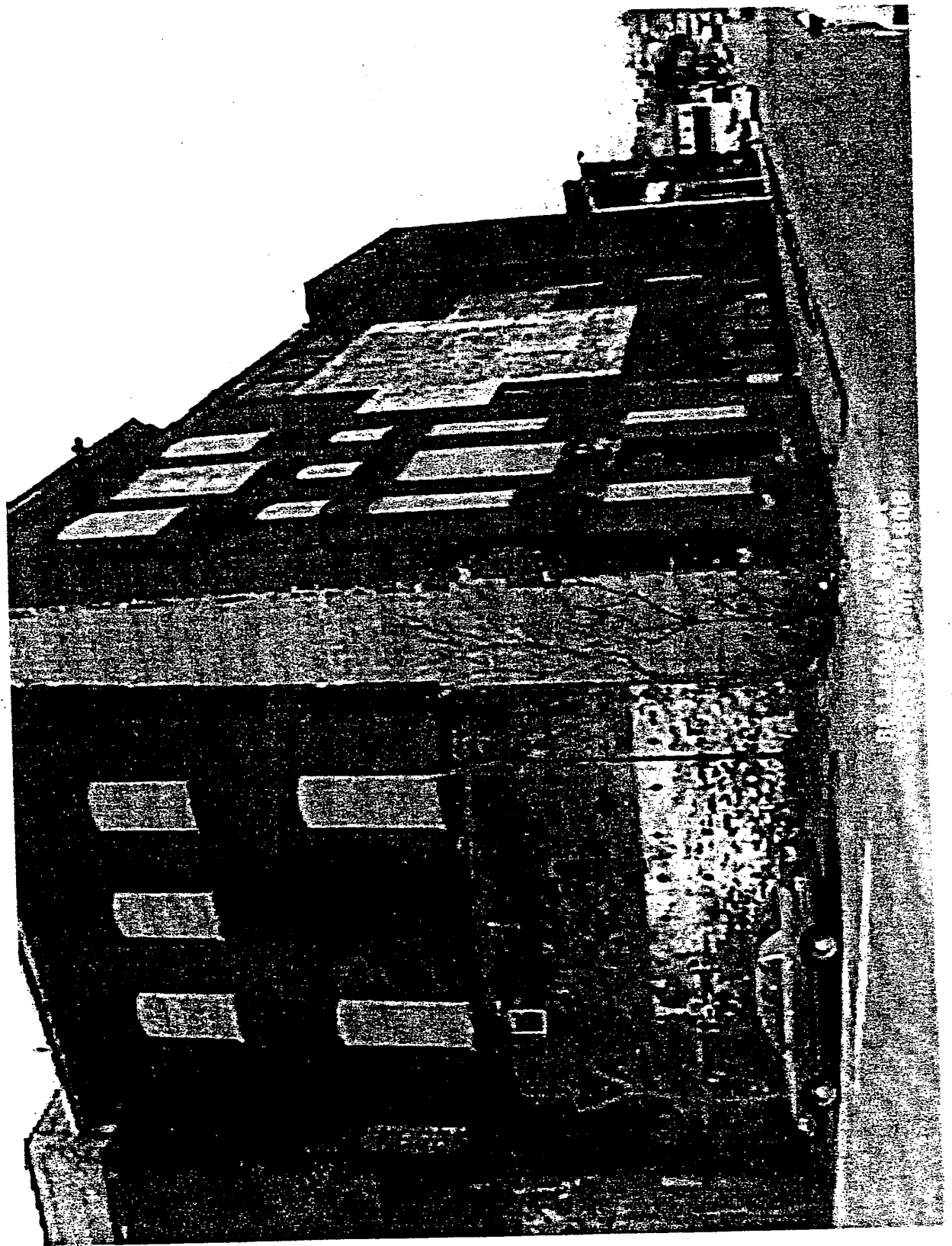


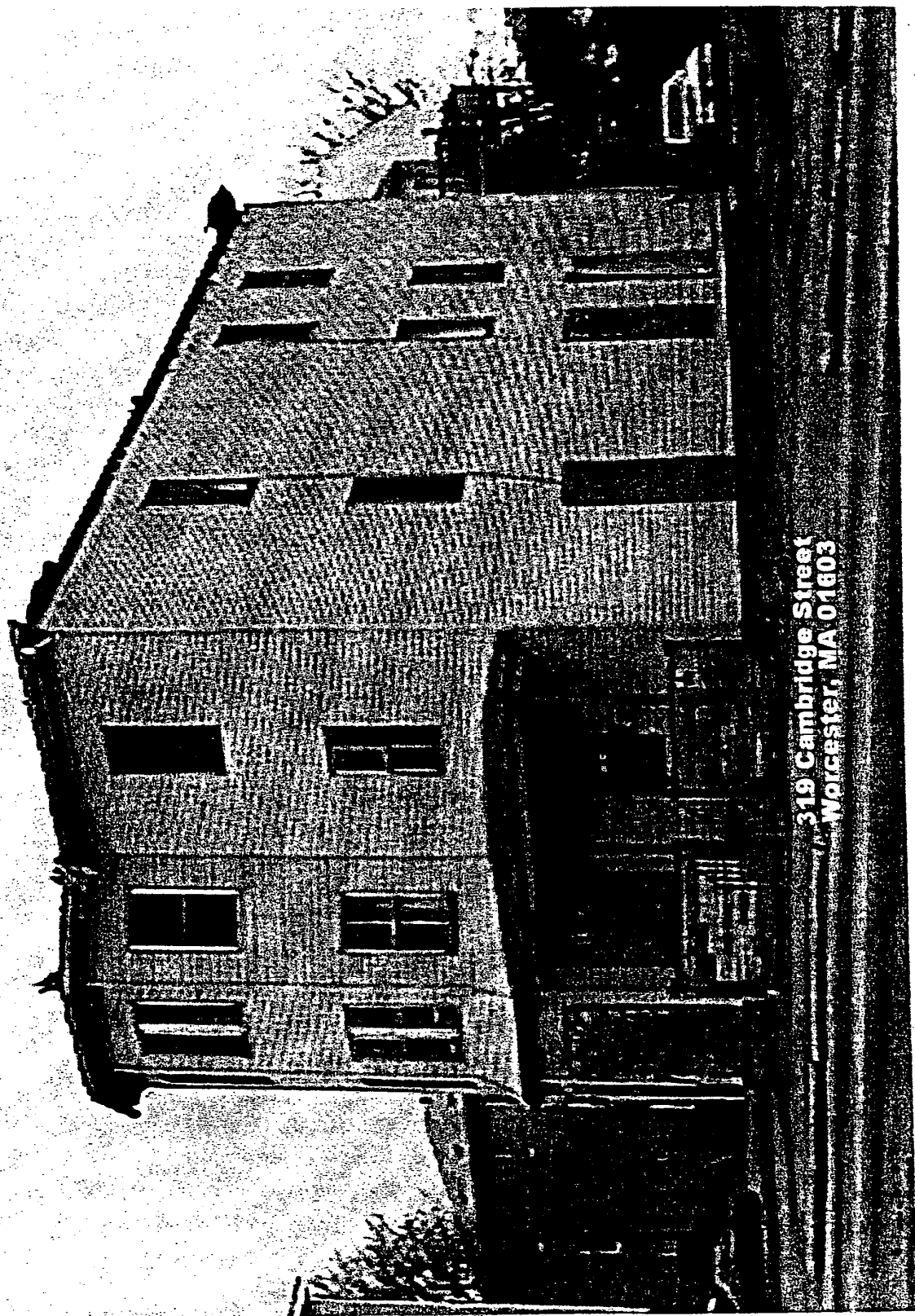
233 Canterbury Street
Worcester, MA 01603



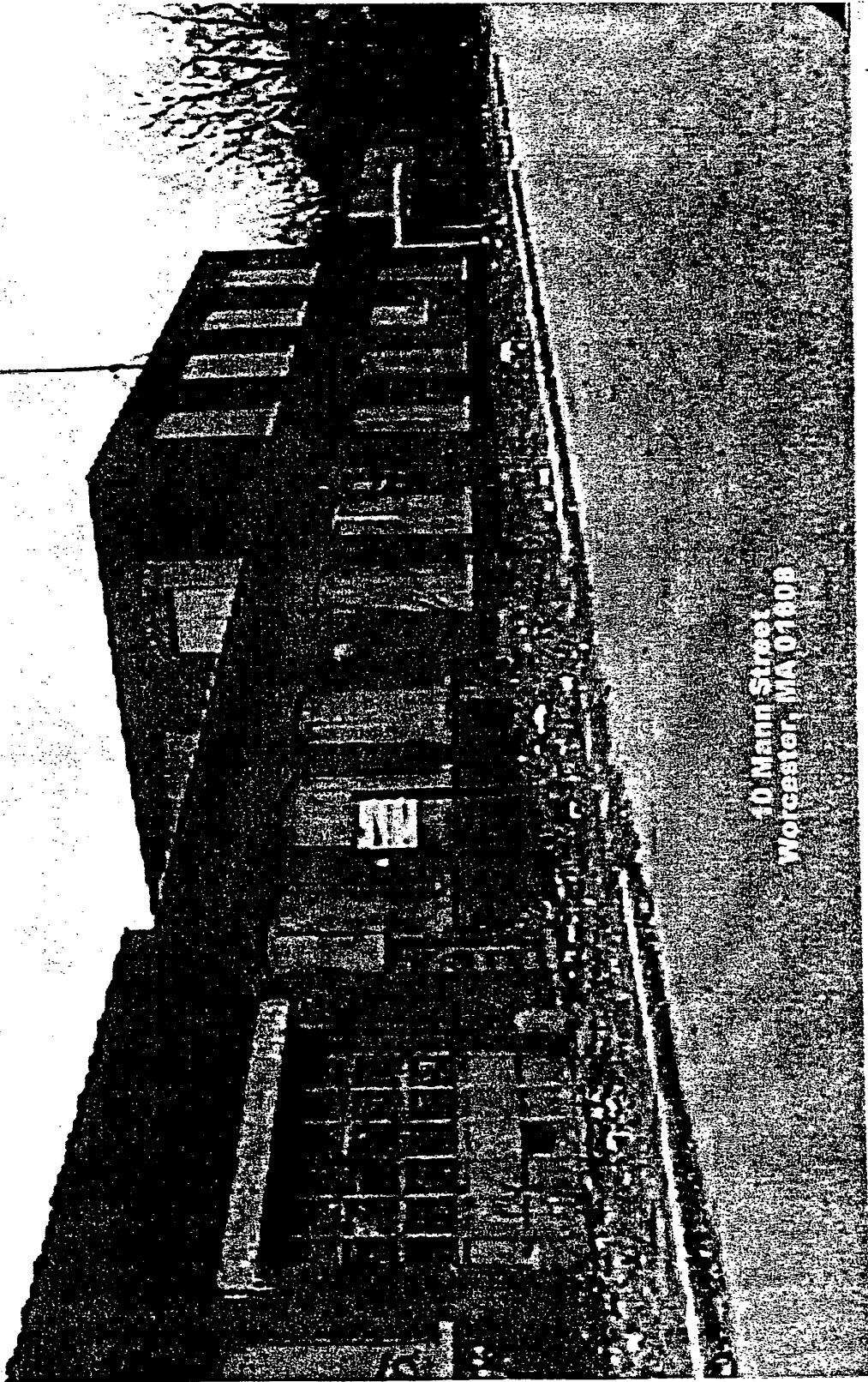
TELEPHONE 1998-1557

Main Street
Worcester, MA 01603





319 Cambridge Street
Worcester, MA 01603



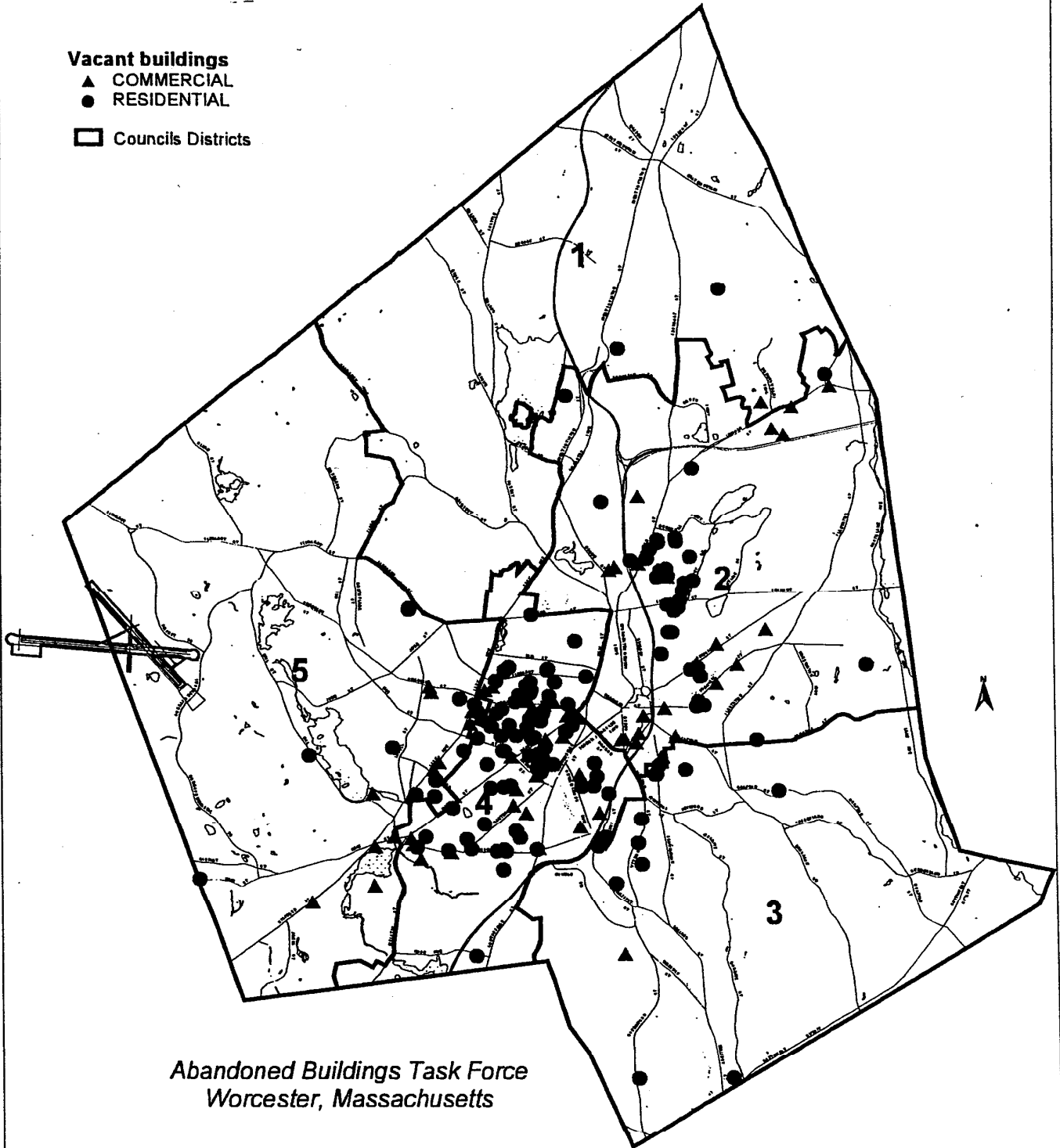
10 Mann Street
Worcester, MA 01808

ATTACHMENT - I

Vacant Buildings

As of April 10, 2000

- Vacant buildings**
- ▲ COMMERCIAL
 - RESIDENTIAL
- Councils Districts



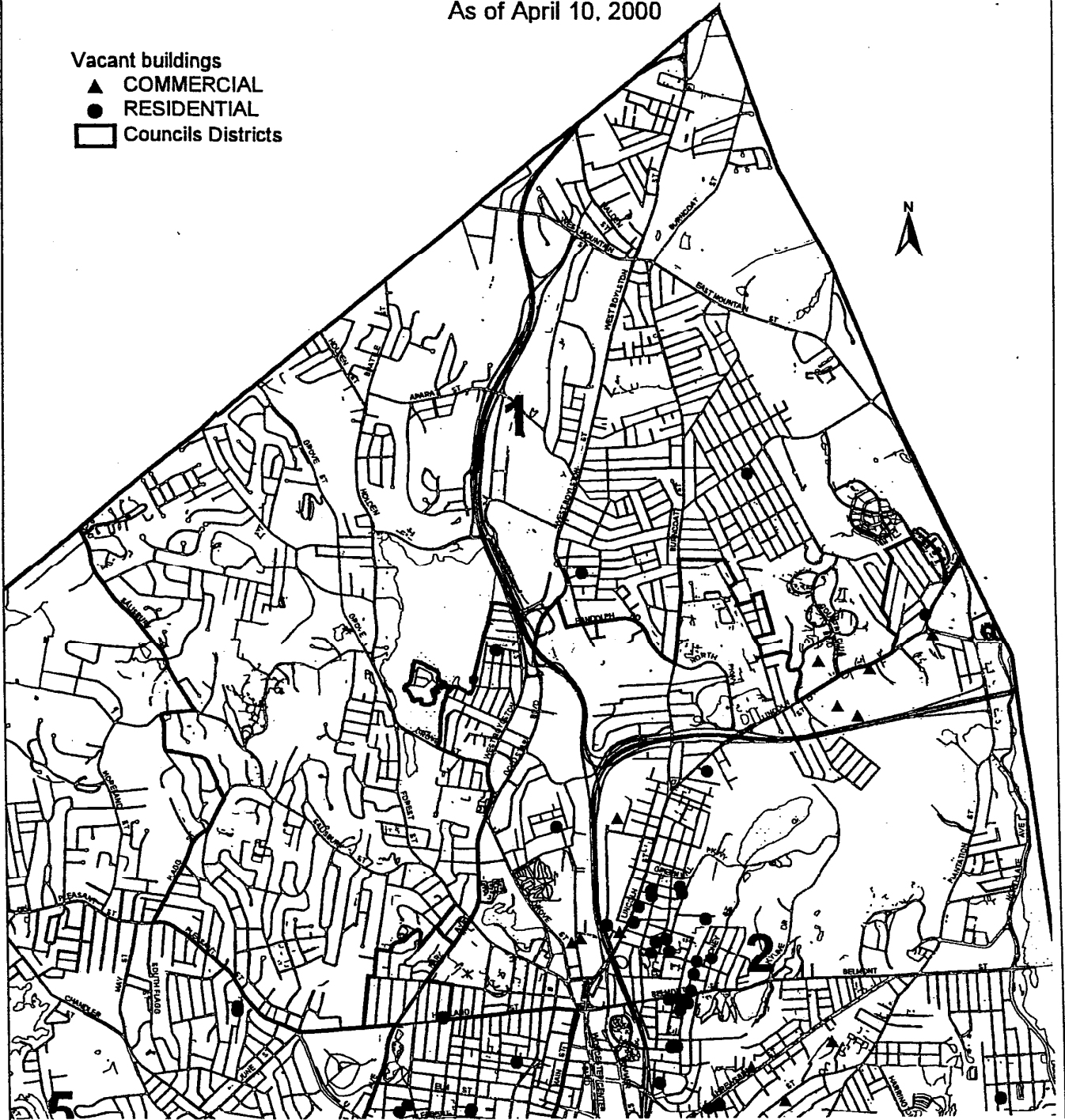
*Abandoned Buildings Task Force
Worcester, Massachusetts*

0.5 0 0.5 1 1.5 2 Miles

Vacant Buildings District 1

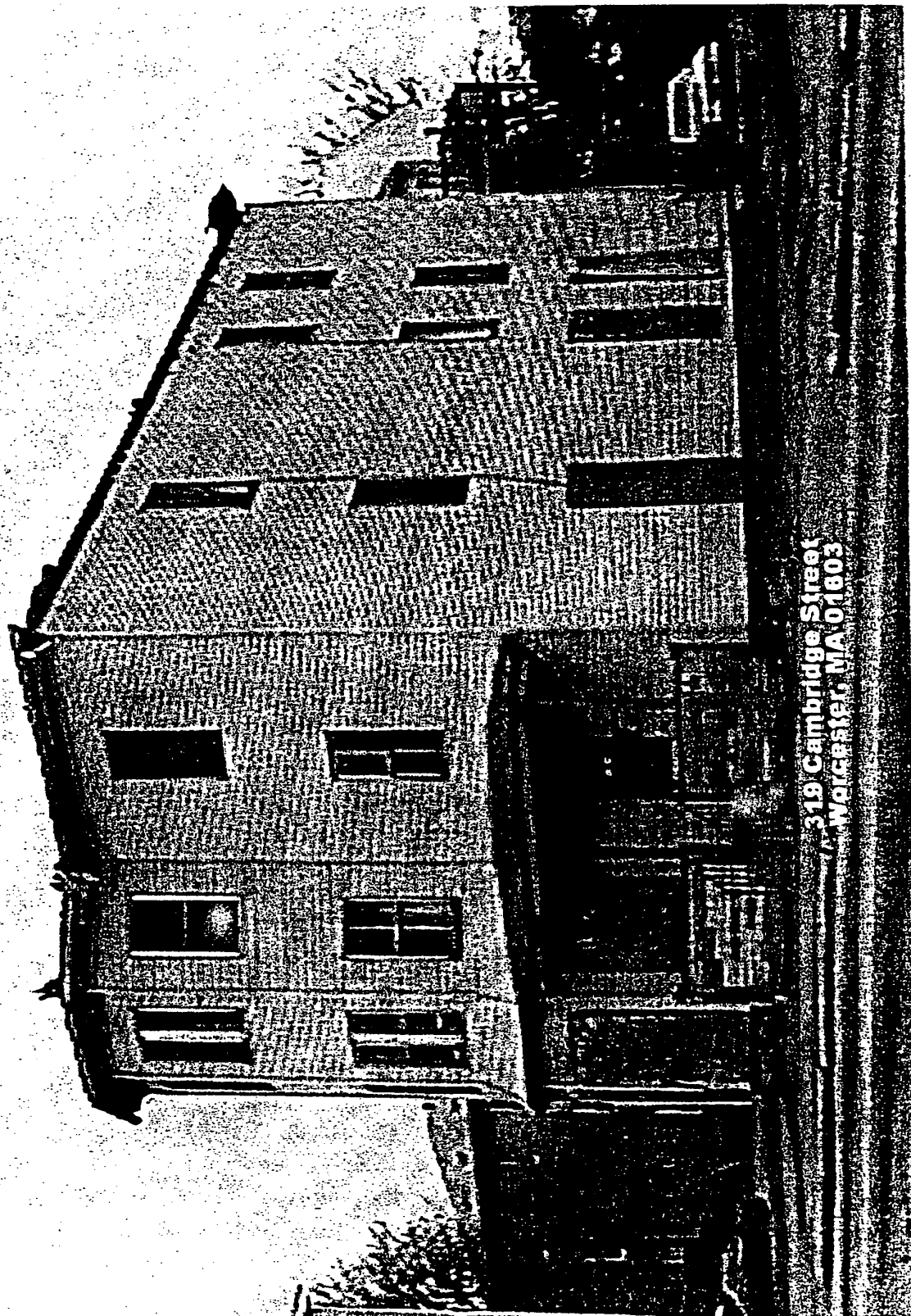
As of April 10, 2000

- Vacant buildings
- ▲ COMMERCIAL
 - RESIDENTIAL
 - Councils Districts

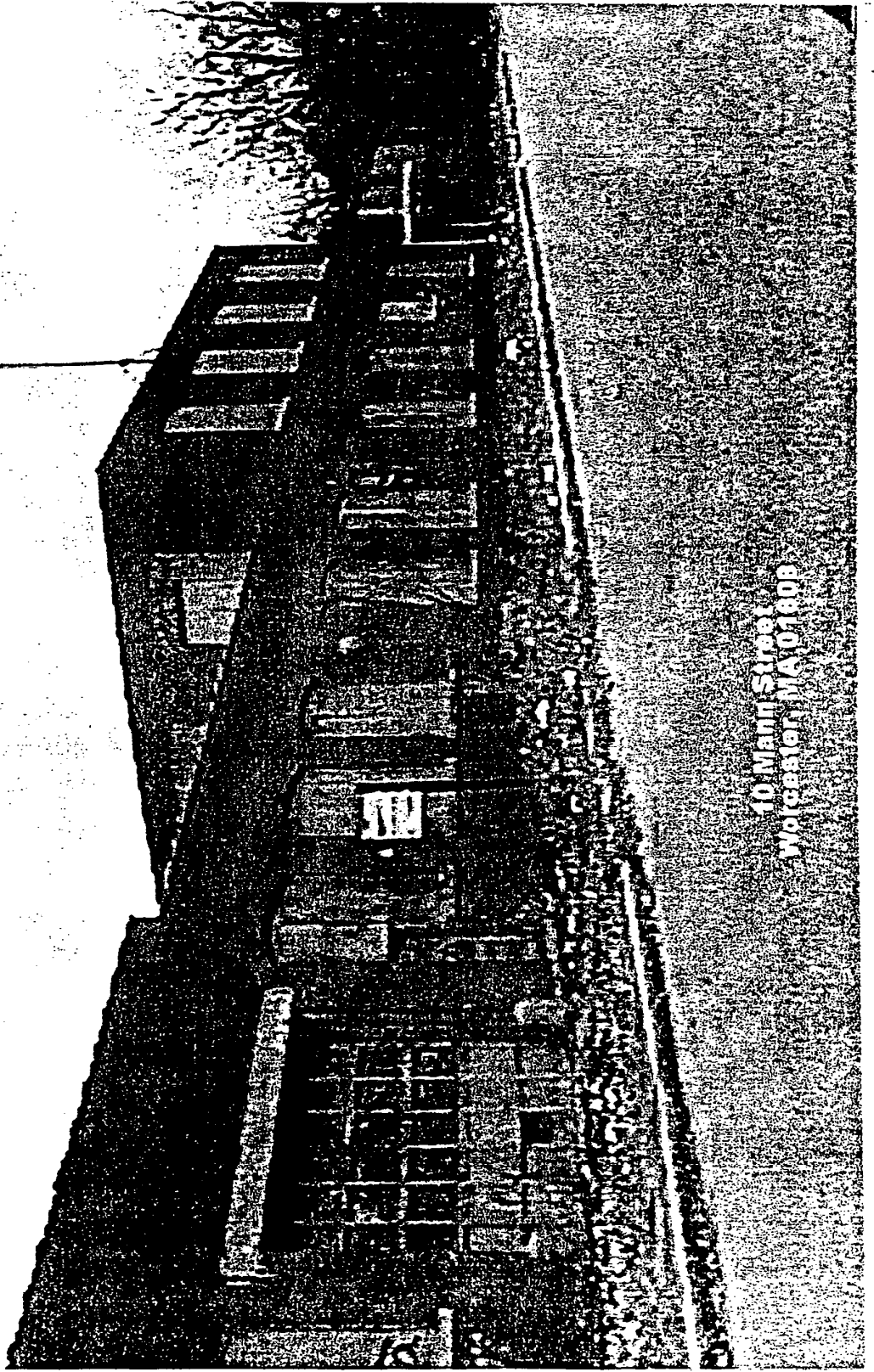


0.5 0 0.5 1 1.5 Miles

Abandoned Buildings Task Force
Worcester, Massachusetts



319 Cambridge Street
Worcester, MA 01603

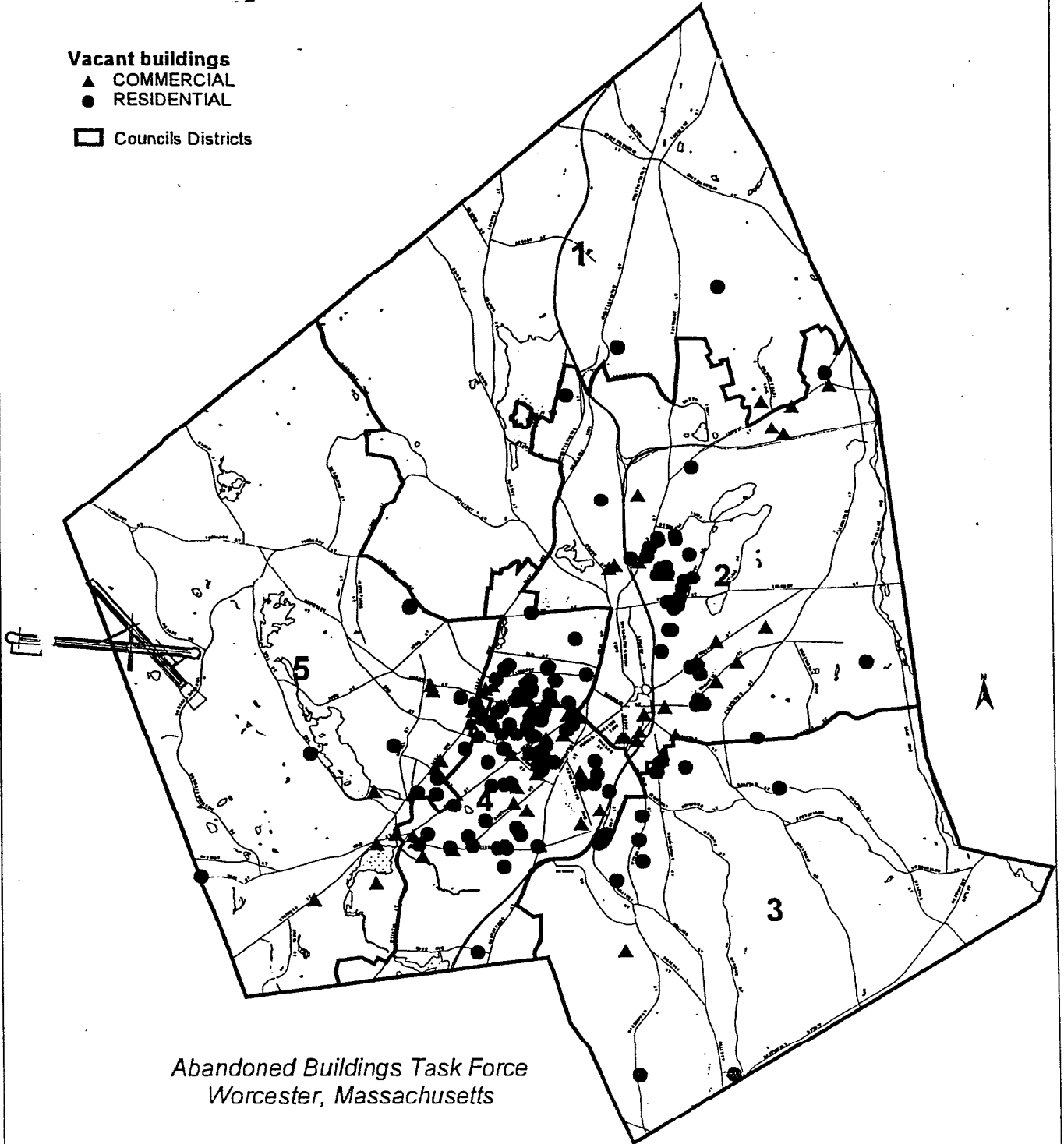


10 Mann Street
Worcester, MA 01609

Vacant Buildings

As of April 10, 2000

- Vacant buildings**
- ▲ COMMERCIAL
 - RESIDENTIAL
- Councils Districts



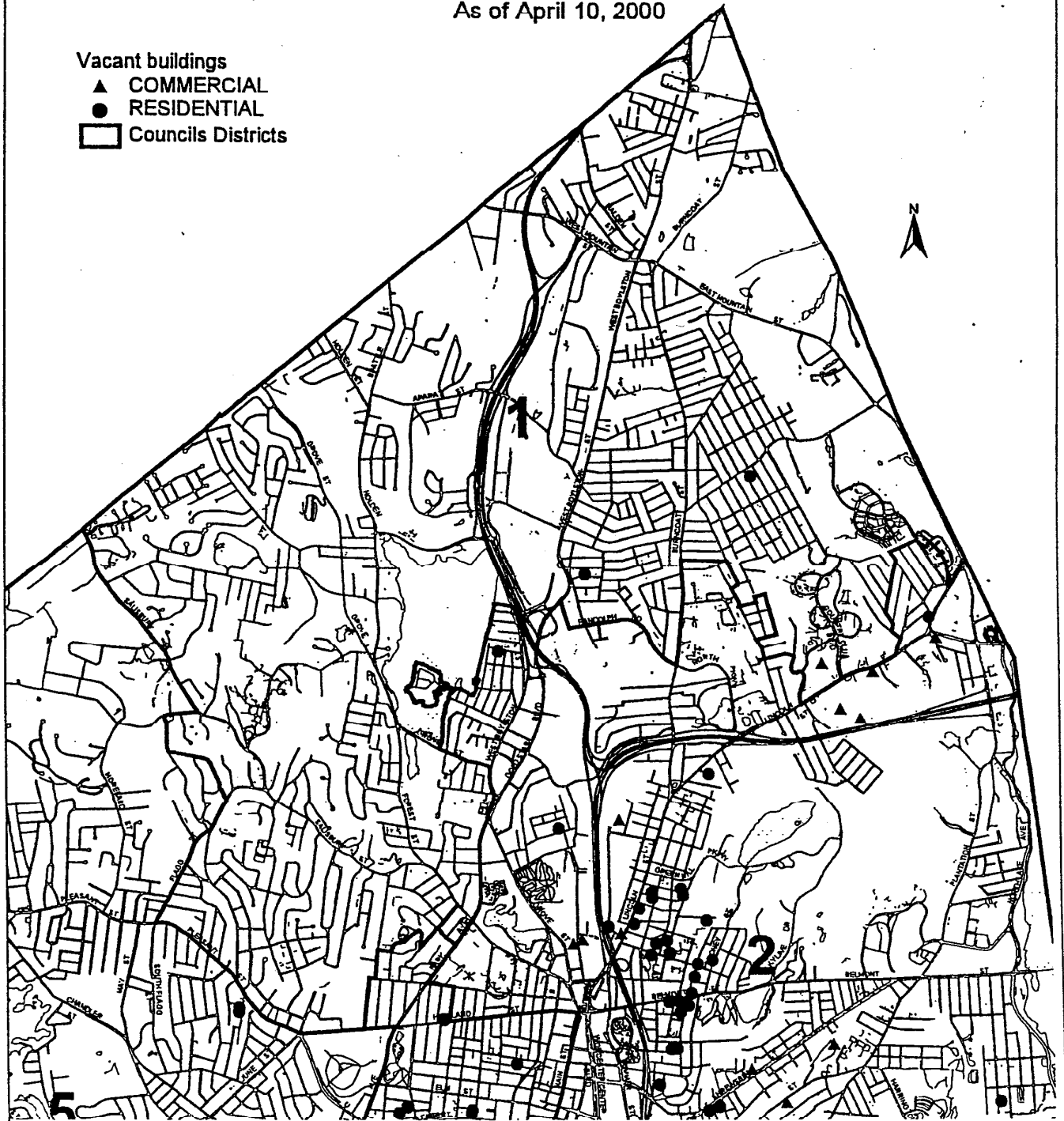
*Abandoned Buildings Task Force
Worcester, Massachusetts*

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Vacant Buildings District 1

As of April 10, 2000

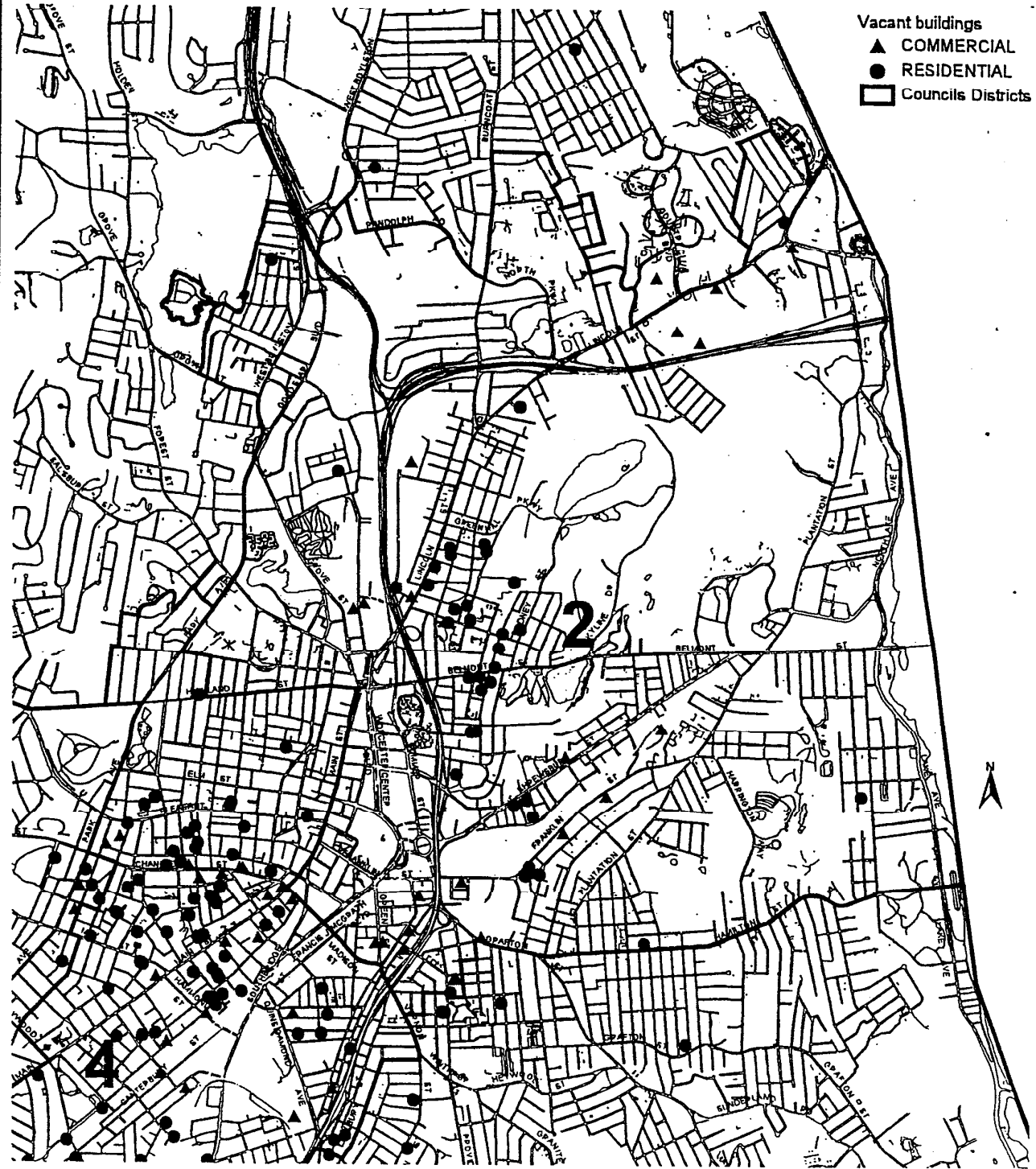
- Vacant buildings
- ▲ COMMERCIAL
 - RESIDENTIAL
 - Councils Districts



0.5 0 0.5 1 1.5 Miles

Abandoned Buildings Task Force
Worcester, Massachusetts

Vacant Buildings District 2 As of April 10, 2000

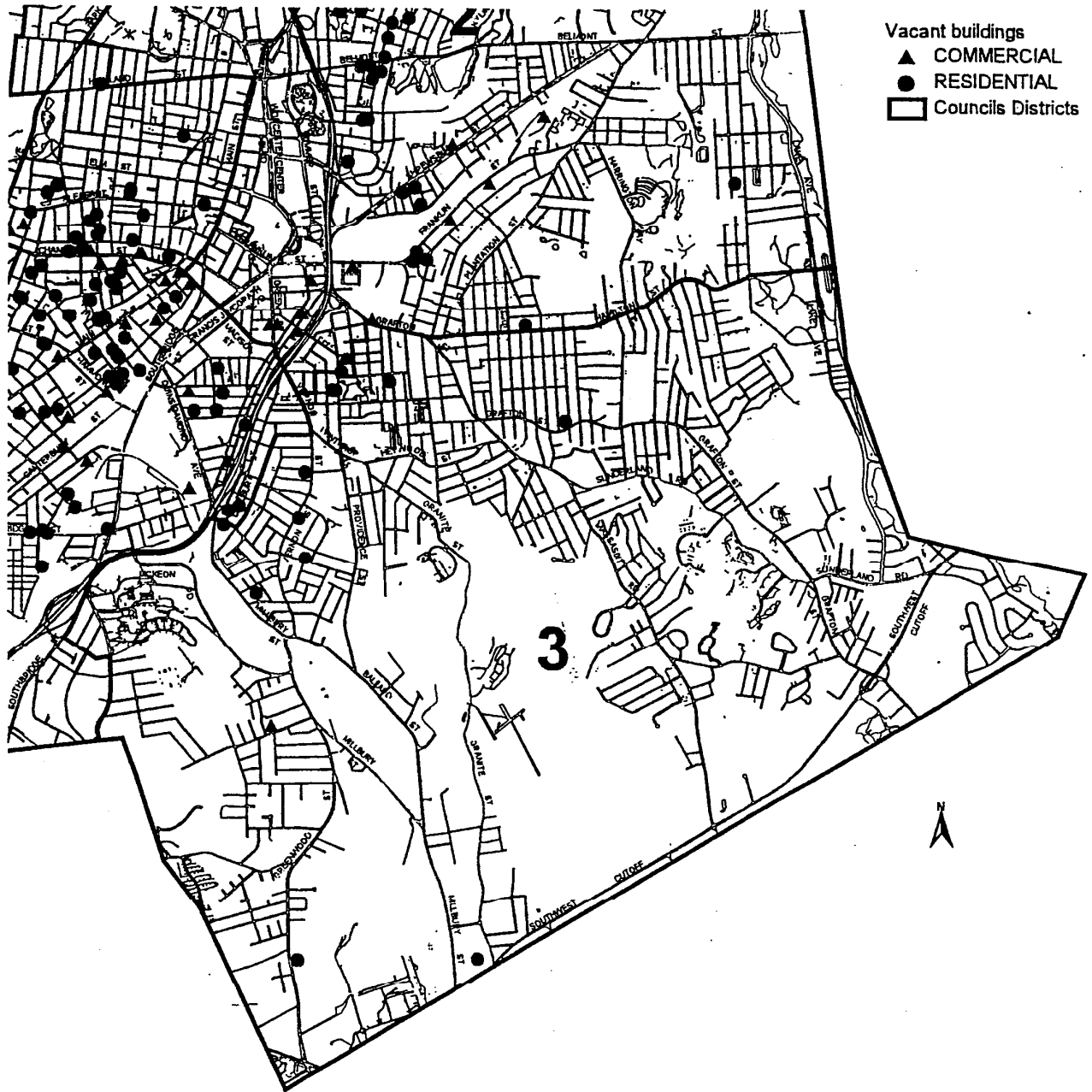


- Vacant buildings
- ▲ COMMERCIAL
 - RESIDENTIAL
 - Councils Districts

0.5 0 0.5 1 Miles

Abandoned Buildings Task Force
Worcester, Massachusetts

Vacant Buildings
District 3
As of April 10, 2000

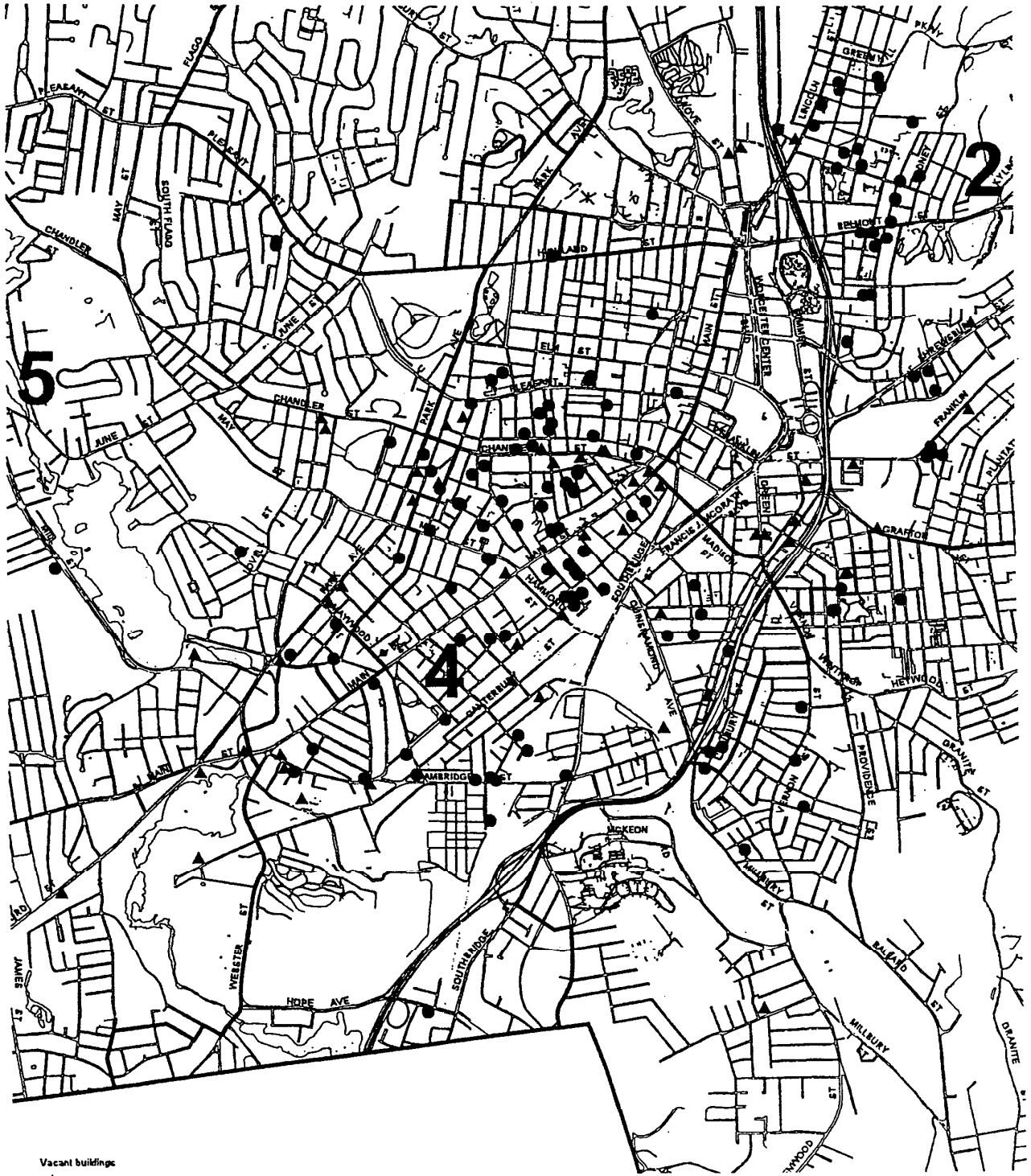


- Vacant buildings
▲ COMMERCIAL
● RESIDENTIAL
□ Councils Districts



Abandoned Buildings Task Force
Worcester, Massachusetts

Vacant Buildings
District 4
As of April 10, 2000



- Vacant buildings
- ▲ COMMERCIAL
 - RESIDENTIAL
 - Councils Districts

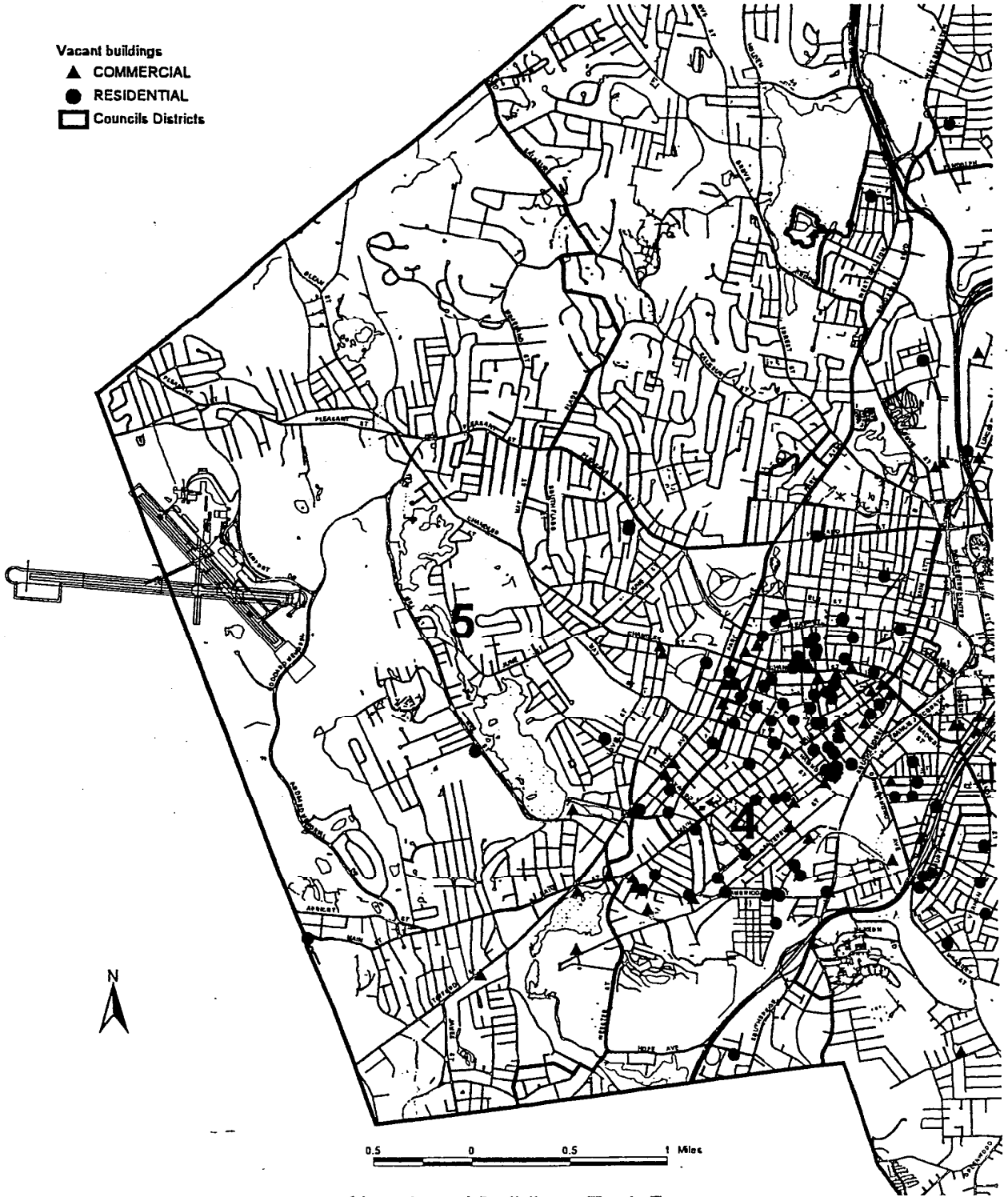
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Abandoned Buildings Task Force
Worcester, Massachusetts



Vacant Buildings
District 5
As of April 10, 2000

- Vacant buildings
- ▲ COMMERCIAL
 - RESIDENTIAL
 - Councils Districts



Abandoned Buildings Task Force
Worcester, Massachusetts

ATTACHMENT - J

Marking of Secured Buildings

To be inserted 527 CMR ,.

527 CMR 10.01 Definitions**Unsecured buildings**

(1) any multi-family or commercial building that is not occupied for more than sixty consecutive days by any person who has a legal ownership or possessory interest in said building, or (2) any building which exhibits or deteriorated windows, doors, walls or a roof which will fail to prevent the entry of a trespasser.

527 CMR 10.13 (7) Unsecured Buildings

(a). **Markings**, The head of the fire department, or his designee in any city, town or district or the marshal in all other jurisdictions shall cause all buildings identified as Vacant / Hazardous to be marked to indicate the degree of hazard.

(b) In marking unsecured buildings the following symbol shall apply:



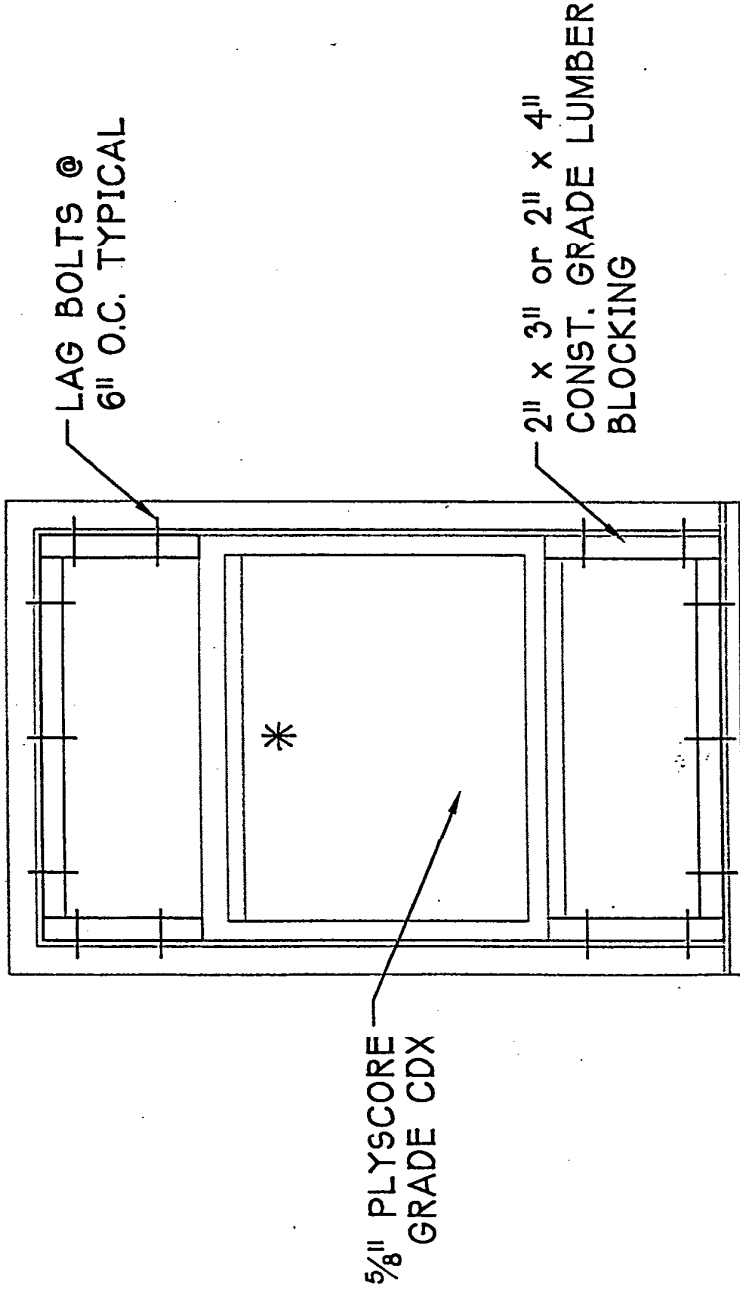
Vacant – Severe structural deficiencies, or severe interior deficiencies Operations shall be from the outside except for life safety.

(c) Markings shall be applied on the front of the building at or above the second floor level, where practical, between openings. They shall not be marked over doors, windows, or other openings where they may be obscured by smoke or fire. All markings shall be readily visible from the street and, if deemed necessary, markings will be made on sides and/or rear of the building. In addition, a marking will be made adjacent to all entrances and on penthouses.

(d) Markings shall be a minimum of 24 inches by 24 inches and shall be on a placard with a reflective background, or painted with a reflective paint, of contrasting color, applied directly on the surface of the building, stripes and borders shall be a minimum of 2 inches wide.

(e) All markings shall bear a date as to when applied, or the date of the most recent inspection.

(f) All buildings prior to receiving a mark shall be inspected thoroughly by the head of the fire department, and as soon as notice is given to the building official, *exception: if an immediate hazard or danger exists the head of the fire department may post the building prior to review by the building official, and he shall immediately notify the local building official.* A report shall be completed as to their findings and fire department operations shall be notified. This information shall be made available to all responding fire suppression companies.



LAG BOLTS @
6" O.C. TYPICAL

2" x 3" or 2" x 4"
CONST. GRADE LUMBER
BLOCKING

5/8" PLYSCORE
GRADE CDX

* PLYSCORE IS TO REST SNUGLY AND FLUSH AGAINST THE EXTERIOR FRAME OR SIDING. NAIL WITH 1 5/8" (8d) RING SHANK NAILS AT EACH CORNER AND 6" O.C. AROUND PERIMETER OF ALL WINDOW AND DOOR OPENINGS.



CITY OF WORCESTER
DEPARTMENT OF PUBLIC HEALTH & CODE ENFORCEMENT
25 MEADE STREET, WORCESTER MA 01610

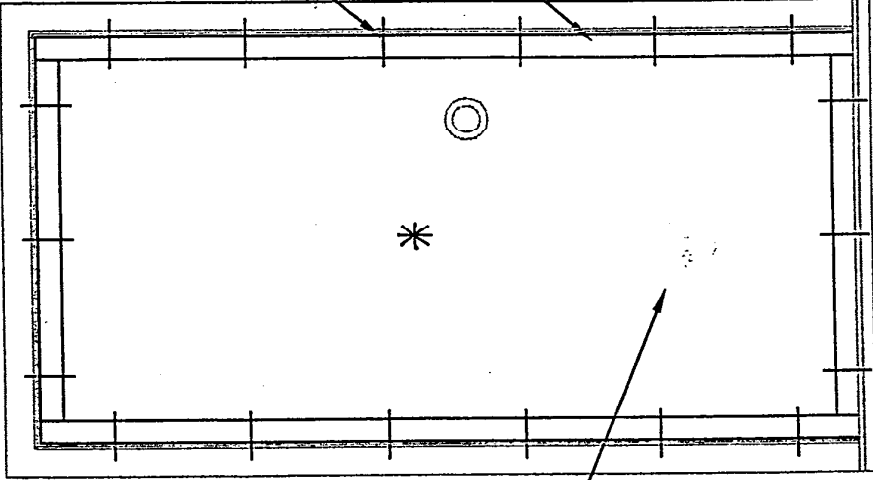
SCALE: 3/8" = 1'-0"
FILE: SECURING WINDOWS & DOORS
DATE: 04/06/00

DRAWING NAME:
Secured Window Detail

PROJECT TITLE:
Abandon Buildings

DRAWING NUMBER:
A-1

SHEET 1 OF 2



LAG BOLTS @
6" O.C. TYPICAL

2" x 3" or 2" x 4"
CONST. GRADE LUMBER

5/8" PLYSCORE
GRADE CDX

* PLYSCORE IS TO REST SNUGLY AND FLUSH AGAINST THE EXTERIOR FRAME OR SIDING. NAIL WITH 1 5/8" (8d) RING SHANK NAILS AT EACH CORNER AND 6" O.C. AROUND PERIMETER OF ALL WINDOW AND DOOR OPENINGS.

DRAWING NUMBER:
A-2

SHEET 2 OF 2

DRAWING NAME:
Secured Door Detail

PROJECT TITLE:
Abandon Buildings

CITY OF WORCESTER
DEPARTMENT OF PUBLIC HEALTH & CODE ENFORCEMENT
25 MEADE STREET, WORCESTER MA 01610

SCALE: 3/8" = 1'-0"
FILE: SECURING WINDOWS AND DOORS
DATE: 04/06/00



ATTACHMENT - K

of building or structure: notice; lien.

Section 3B. No insurer shall pay any claims (1) covering the loss, damage, or destruction to a building or other structure, amounting to one thousand dollars or more, or (2) covering any loss, damage or destruction of any amount, which causes the condition of a building or other structure to render section six of chapter one hundred and forty-three applicable, without having at least ten days previously given written notice to the building commissioner or inspector of buildings appointed pursuant to the state building code, to the fire department or arson squad of the city or town and to the board of health or board of selectmen of the city or town in which the same is located. If at any time prior to payment the said city or town notifies the insurer by certified mail of its intent to initiate proceedings designed to perfect a lien pursuant to section three A, or to section nine of chapter one hundred and forty-three, or section one hundred and twenty-seven B of chapter one hundred and eleven, the said payment shall not be made while the said proceedings are pending; provided, however, that said proceedings are initiated within thirty days of receipt of such notification.

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Any lien perfected pursuant to section three A, or to section nine of chapter one hundred and forty-three or section one hundred and twenty-seven B of chapter one hundred and eleven, shall extend to and may be enforced by the city or town against any casualty insurance policy or policies covering any loss, damage, or destruction pursuant to which the proceedings to perfect the lien were initiated.

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-139:3B.

COMMON NUISANCES.

[Chap. 139.]

[C]

No insurer shall be liable to any insured owner, mortgagee, assignee, city or town, or other interested party for amounts disbursed to a city or town under the provisions of this section, or for amounts not disbursed to a city or town under the provisions of this section.

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PLACES OF PROSTITUTION, ETC.

139:4. Buildings used for prostitution, assignation or lewdness; nuisance.

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bui

Section 4. Every building, part of a building, tenement or place used for prostitution, assignation or lewdness, and every place within or upon which acts of prostitution, assignation or lewdness are held or occur, shall be deemed a nuisance.

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139:5. Penalty.

Section 5. Whoever keeps or maintains such a nuisance shall be punished by a fine of not less than one hundred nor more than one thousand dollars and by imprisonment for not less than three months nor more than three years.

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139:6. Enjoining nuisance.

Section 6. Whenever there is reason to believe that such a nuisance is kept or maintained or exists in any town, either the district attorney for the district, or the attorney general, in the name of the commonwealth, or a citizen in his own name, may bring a civil action perpetually to enjoin the person conducting or maintaining the same, and the owner, lessee or agent of the building or place in or upon which such nuisance exists and their assignees from directly or indirectly maintaining or permitting such nuisance.

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[Chap. 175.]

[Chap. 175.]

INSURANCE.

175:98.

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payment and satisfaction of the liability of the company under such 8
 policy. A fire insurance policy when it is issued, or by means of an 9
 endorsement thereon or a rider attached thereto, may be made payable 10
 to a mortgagee or mortgagees as their interests may appear under any 11
 present or future mortgage or mortgages. Nothing herein contained 12
 shall prevent policies being made payable to a mortgagee or mortgagees 13
 in any other lawful manner. 14

175:97A. Payment of proceeds; certificate of municipal liens; priority; exclu-
 sion.

Section 97A. Notwithstanding any provision to the contrary of any 1
 general or special law, every company shall, before paying any claim for 2
 loss or damage to real property from any hazard, where the amount of 3
 the loss payable under the policy equals or exceeds five thousand dollars, 4
 first require the claimant to submit to the company a certificate of 5
 municipal liens from the collector of taxes of the city or town wherein 6
 such property is located. 7

Said company shall pay to the city or town any amounts shown on the 8
 certificate of municipal liens as outstanding on the date of loss and upon 9
 which interest is accruing as of the said date of loss, arising from the 10
 provisions of chapters forty, fifty-nine, sixty, eighty, eighty-three and 11
 section fifty-eight B to fifty-eight F, inclusive, of chapter one hundred 12
 and sixty-four to the extent of the amount of loss payable under the 13
 policy and a copy of said transaction shall be sent to the insured and 14
 mortgagees named on the policy. 15

The claim of the city or town for such amounts shall have priority over 16
 the claim of any insured owner, mortgagee, assignee or other interested 17
 party except where otherwise provided by the laws of the United States. 18

Said company shall not be liable to any insured owner, mortgagee, 19
 assignee, city or town, or other interested party for amounts disbursed 20
 to a city or town under this section or for amounts not disbursed to said 21
 city or town based upon a certificate indicating the nonexistence of any 22
 municipal liens. 23

The provisions of this section shall not apply to owner-occupied one, 24
 two, three or four family dwellings, provided, however, that the owners 25
 of said dwellings must be domiciled in said dwellings at the time the 26
 claim for loss or damage arose. 27

175:98. Application for insurance; application of section; preliminary con-
 tracts.

Section 98. Every applicant for insurance against loss or damage to a 1
 building by fire shall complete a form to be prescribed by the commis- 2
 sioner. The application form may vary according to the type of coverage 3
 sought. It shall require from the applicant sufficient information rela- 4

ATTACHMENT - L

District One

<i>Address</i>	<i>Street</i>	<i>Class</i>
5	Pocasset St	Residential
9	Watson Ave	Residential
490	Lincoln St	Commercial

Vacant buildings in the city as of April 10, 2000: 214

Vacant buildings in District One as of April 10, 2000: 3

District Two

<i>Address</i>	<i>Street</i>	<i>Class</i>
119	Alvarado Ave	Residential
130	Belmont St	Residential
142	Belmont St	Residential
161	Belmont St	Residential
22	Catharine St	Residential
57	Catharine St	Residential
18	Channing St	Residential
20	Channing St	Residential
116	Eastern Ave	Residential
125	Eastern Ave	Residential
151	Eastern Ave	Residential
22	Edgeworth St	Residential
11	Forbes St	Residential
392	Franklin St	Residential
127	Hamilton St	Residential
23	Henchman St	Residential
20	Hermitage St	Residential
64	Laurel St	Residential
70	Laurel St	Residential
114	Lincoln St	Residential
129	Lincoln St	Residential
241	Lincoln St	Residential
24	Lyons St	Residential
4	Lyons St	Residential
13	Norfolk St	Residential
23	Norfolk St	Residential
10	Normal St	Residential
22-24	Northampton St	Residential
45	Orme St	Residential
54	Orme St	Residential
75	Providence St	Residential
62	Rodney St	Residential
45	Scrimigeour Rd	Residential
149	Shrewsbury St	Residential
73	Wall St	Residential

<i>Address</i>	<i>Street</i>	<i>Class</i>
47	Westminister St	Residential
10	Windsor St	Residential
8	Boylston St	Commercial
286	Franklin St	Commercial
464	Franklin St	Commercial
538	Franklin St	Commercial
1	Gorham St	Commercial
207	Grafton St	Commercial
141	Green St	Commercial
144	Green St	Commercial
31	Harlow St	Commercial
81	Harrison St	Commercial
83	Harrison St	Commercial
91	Harrison St	Commercial
527	Lincoln St	Commercial
535	Lincoln St	Commercial
551	Lincoln St	Commercial
623	Lincoln St	Commercial
68	Prescott St	Commercial
72	Prescott St	Commercial
84	Prescott St	Commercial
17	Putnam La	Commercial
240	Shrewsbury St	Commercial
75	Temple St	Commercial
64	Water St	Commercial
97	Water St	Commercial

Vacant buildings in the city as of April 10, 2000: 214

Vacant buildings in District Two as of April 10, 2000: 61

District Three

<i>Address</i>	<i>Street</i>	<i>Class</i>
212	Dana Ave	Residential
4	Diamond St	Residential
505	Granite St	Residential
321	Greenwood St	Residential
2	Hillside St	Residential
38	Mendon St	Residential
31	Pattison St	Residential
98	Penn Ave	Residential
84	Providence St	Residential
3	So Maxwell Ct	Residential
33	Upsala St	Residential
141	Vernon St	Residential
36	Whipple St	Commercial

Vacant buildings in the city as of April 10, 2000: 214

Vacant buildings in District Three as of April 10, 2000: 13

District Four

<i>Address</i>	<i>Street</i>	<i>Class</i>
156	Austin St	Residential
214	Austin St	Residential
98	Austin St	Residential
140	Beacon St	Residential
142	Beacon St	Residential
217	Beacon St	Residential
90-92	Bellevue St	Residential
12	Benefit St	Residential
44	Benefit St	Residential
49	Benefit St	Residential
24	Bowdoin St	Residential
143	Cambridge St	Residential
319	Cambridge St	Residential
36	Cambridge St	Residential
361	Cambridge St	Residential
479	Cambridge St	Residential
59	Camp St	Residential
233	Canterbury St	Residential
3	Carson Ct	Residential
12	Castle St	Residential
32	Castle St	Residential
5-7	Castle St	Residential
8	Castle St	Residential
159	Chandler St	Residential
15	Charlton St	Residential
7	Crown St	Residential
54	Crystal St	Residential
15	Dale St	Residential
16	Dale St	Residential
39	Dale St	Residential
36	Douglas St	Residential
9 1/2	Douglas St	Residential
32	Ellsworth St	Residential

<i>Address</i>	<i>Street</i>	<i>Class</i>
86	Gardner St	Residential
197	Grand St	Residential
20	Grosvenor St	Residential
3	Hathaway St	Residential
22	Hawley St	Residential
192	Highland St	Residential
14	Hitchcock Rd	Residential
3-5	Hollis St	Residential
23	Hope Ave	Residential
39	Illinois St	Residential
45-47	Irving St	Residential
11	Jaques Ave	Residential
22-24	King St	Residential
38	King St	Residential
6 1/2	King St	Residential
65	King St	Residential
27	Kingsbury St	Residential
44	Kingsbury St	Residential
46	Kingsbury St	Residential
10	Langrange St	Residential
2	Larch St	Residential
769	Main St	Residential
856	Main St	Residential
15	May St	Residential
17	May St	Residential
52	May St	Residential
203-205	Millbury St	Residential
24	Oread St	Residential
34	Oread St	Residential
40	Oread St	Residential
40A	Oread St	Residential
69	Oread St	Residential
116-118	Piedmont St	Residential
1-7	Piedmont St	Residential
49	Piedmont St	Residential

<i>Address</i>	<i>Street</i>	<i>Class</i>
96	Piedmont St	Residential
41	Pleasant St	Residential
454	Pleasant St	Residential
21	Preston St	Residential
1	Queen St	Residential
2	Richards St	Residential
57	Russell St	Residential
18-20	Shepard St	Residential
25	Sigel St	Residential
45	Sigel St	Residential
4	So Harlem St	Residential
10	Sycamore St	Residential
8	Townsend St	Residential
12	West St	Residential
16	West St	Residential
9-11	Whitney St	Residential
105	Woodland St	Residential
13	Cambridge St	Commercial
150	Cambridge St	Commercial
24	Cambridge St	Commercial
483	Cambridge St	Commercial
667	Cambridge St	Commercial
104	Chandler St	Commercial
128	Chandler St	Commercial
141	Chandler St	Commercial
77	Chandler St	Commercial
1	Duncan Ave	Commercial
95	Gates St	Commercial
97	Gates St	Commercial
35	Hammond St	Commercial
44	Hammond St	Commercial
35	Hermon St	Commercial
185	Lafayette St	Commercial
5	Madison St	Commercial
651	Main St	Commercial

<i>Address</i>	<i>Street</i>	<i>Class</i>
664	Main St	Commercial
668	Main St	Commercial
12	Mason St	Commercial
314	Millbury St	Commercial
25	Southgate St	Commercial
39	Tainter St	Commercial

Vacant buildings in the city as of April 10, 2000: 214

Vacant buildings in District Four as of April 10, 2000: 109

District Five

<i>Address</i>	<i>Street</i>	<i>Class</i>
88	Birch St	Residential
197	Dewey St	Residential
10	Hadwen Ln Walk	Residential
8	Hadwen Ln Walk	Residential
3	Hobson Ave	Residential
1551-53	Main St	Residential
1555-57	Main St	Residential
50	Mason St	Residential
23	Mayfield St	Residential
59	Maywood St	Residential
269	Mill St	Residential
2	Oliver St	Residential
337	Park Ave	Residential
205	Wildwood Ave	Residential
37	Winfield St	Residential
346	Chandler St	Commercial
72	Coes St	Commercial
126	Dewey St	Commercial
1082	Main St	Commercial
1147	Main St	Commercial
10	Mann St	Commercial
48	Mason St	Commercial
351	Park Ave	Commercial
477	Park Ave	Commercial
487	Park Ave	Commercial
561	Park Ave	Commercial
135	Stafford St	Commercial
60	Webster Pl	Commercial

Vacant buildings in the city as of April 10, 2000: 214

Vacant buildings in District Five as of April 10, 2000: 28

ATTACHMENT - M

HOUSE No. 4967

By Mr. Binienda of Worcester, petition of John J. Binienda and other members of the General Court relative to the filing of floor plans of unsafe buildings with municipal police chiefs and fire chiefs. Public Safety.

The Commonwealth of Massachusetts

In the Year Two Thousand.

AN ACT RELATIVE TO DANGEROUS BUILDINGS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Section 6 of chapter 143 of the General Laws, as appearing in
- 2 the 1998 Official Edition, is hereby amended by adding the
- 3 following sentence:— Upon such notice the owner, lessee or
- 4 mortgagee in possession shall furnish a floor plan of such building
- 5 or other structure to the chiefs of the fire and police departments
- 6 of the city or town.

ATTACHMENT - N

SENATE, No. 2095

By Mr. Moore, a petition (accompanied by bill, Senate, No. 2095) of Richard T. Moore and other members of the General Court for legislation relative to inspecting and securing unsafe or abandoned buildings. Public Safety.

The Commonwealth of Massachusetts



In the Year Two Thousand.

AN ACT relative to securing unsafe or abandoned buildings.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 6 of chapter 143 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 1, the word "immediately".

SECTION 2. Said section 6 of said chapter 143, as so appearing, is hereby further amended by inserting after the word "same", in line 5, the following words: - ,immediately and annually thereafter.

SECTION 3. Said section 6 of said chapter 143, as so appearing, is hereby further amended by striking out , in line 6, the words "forthwith in writing".

SECTION 4. Said section 6 of said chapter 143, as so appearing, is hereby further amended by inserting after the words "possession" , in line 7, the following words:- forthwith by certified mail.

SECTION 5. Said section 6 of said chapter 143, as so appearing, is hereby further amended by adding the following paragraph:-

The owner, lessee or mortgagee of the building or structure inspected shall pay the cost of an inspection conducted pursuant to this section.

SECTION 6. Section 8 of said chapter 143, as so appearing, is hereby amended by inserting after the word "ordered", in line 4, the following words:- within three days.

SECTION 7. Said section 8 of said chapter 143, as so appearing, is hereby further amended by inserting after the word "secure", in line 4, the following words:- within three days.

SECTION 8. Said section 8 of said chapter 143, as so appearing, is hereby further amended by inserting after the word "possession", in line 15, the following words:- by certified mail within three days after completion of the survey.

SECTION 9. Section 9 of said chapter 143, as so appearing, is hereby amended by striking out, in line 6, the word "may" and inserting in place thereof the following word:- shall.

SECTION 10. Said section 9 of said chapter 143, as so appearing, is hereby further amended by striking out, in line 19, the words "one hundred dollars" and inserting in place thereof the following words:- \$750.

SECTION 11. Chapter 266 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following section:-

Section 148. (a) Any owner, lessee or mortgagee in possession of a building or other structure or anything attached thereto or connected therewith, which is dangerous to life or limb, or is unused, uninhabited or abandoned and open to the weather, and who knows or should have known of such condition and failed to take action to make the structure safe or secure within a reasonable period of time shall be guilty of negligent maintenance if death or serious bodily injury occurs as a result of the dangerous or unsecured condition of such structure. Whoever is found guilty of negligent maintenance shall be punished by imprisonment for not more than one year in the house of correction.

(b) Any owner, lessee or mortgagee in possession of such a structure who has been notified that the structure appears dangerous or that is not secure pursuant to the provisions of section 6 of chapter 143 and who fails to make such structure safe or secure within a reasonable period of time and death or serious bodily injury occurs as a result of the dangerous or unsecure condition shall be punished by imprisonment in the house of correction for not more than two and one-half years or by five years in state prison.

(c) For purposes of this statute, "serious bodily injury" shall mean bodily injury which results in a permanent disfigurement, protracted loss or impairment of a bodily function, limb or organ or substantial risk of death.

ATTACHMENT - 0

SECTION 10. Said section 9 of said chapter 143, as so appearing, is hereby further amended by striking out, in line 19, the words "one hundred dollars" and inserting in place thereof the following words:- \$750.

SECTION 11. Chapter 266 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following section:-

Section 148. (a) Any owner, lessor or mortgagee in possession of a building or other structure or anything attached thereto or connected therewith, which is dangerous to life or limb, or is unused, uninhabited or abandoned and open to the weather, and who knows or should have known of such condition and failed to take action to make the structure safe or secure within a reasonable period of time shall be guilty of negligent maintenance if death or serious bodily injury occurs as a result of the dangerous or unsecured condition of such structure. Whoever is found guilty of negligent maintenance shall be punished by imprisonment for not more than one year in the house of correction.

(b) Any owner, lessee or mortgagee in possession of such a structure who has been notified that the structure appears dangerous or that is not secure pursuant to the provisions of section 6 of chapter 143 and who fails to make such structure safe or secure within a reasonable period of time and death or serious bodily injury occurs as a result of the dangerous or unsecure condition shall be punished by imprisonment in the house of correction for not more than two and one-half years or by five years in state prison.

(c) For purposes of this statute, "serious bodily injury" shall mean bodily injury which results in a permanent disfigurement, protracted loss or impairment of a bodily function, limb or organ or substantial risk of death.

Definitions:

Abandoned premises: Buildings, structures and premises for which the owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which has been occupied by unauthorized persons or for illegal purposes. Or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared abandoned and abated by demolition or rehabilitation....

Exception: Shall not apply to vacation or resort facilities or buildings used on a seasonal basis or the temporary vacancy of a building for tenant change or remodeling purposes.

The following fire codes all have language concerning the maintenance of vacant buildings.

NFPA 1..1998

IFC -2000

New Jersey, Uniform Fire Code

BOCA National Fire Prevention Code 1996

Standard Fire Prevention Code 1999