



**Commissioner's Bulletin**  
**Inspectional Services Department**  
**Boston, MA**

**Number:** 2010 - 02  
**Date:** February 23, 2010

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**Subject:** APPEAL PROCESS: VACANT AND FORECLOSED PROPERTIES  
ORDINANCE

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**Purpose:** This bulletin is issued to establish and outline the appeal process for the  
*Vacant and Foreclosed Properties Ordinance*.

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**Determination:**

In accordance with the authority granted to the Commissioner of the Inspectional Services Department (ISD) and pursuant to, inter alia, M.G.L. c. 143, § 3, the State Building Code, the Zoning Code of the City of Boston and *City of Boston Ordinance Regulating the Maintenance of Vacant, Foreclosing Residential Properties*, it is established that a process of appeal for all Notices of Violations shall be created. This appeal process is in addition to that which is established in 780 CMR 122.1.

1. **Administrative Hearings**

1.1 **Right to Hearings**

Any person upon whom a Notice of Violation has been served may request a hearing from the Inspectional Services Department (ISD) by filing a written petition requesting a hearing on the matter by the Department within fourteen (14) days after the day the Notice of Violation was issued.

1.1.1 If a written petition for a hearing is not filed with ISD within fourteen (14) days after the Notice of Violation has been issued, or, if, after a hearing the Notice of Violation has been sustained in any part, each day's failure to comply with the Notice of Violation within the time allotted in the Notice of Violation as issued or modified shall constitute an additional offense.

1.2 **Hearing Notice**

Upon receipt of a petition, ISD shall inform the petitioner, in writing, of the date, time and place of the hearing.

1.3 Time for Hearing

The hearing shall commence within thirty (30) days after the day on which the Notice of Violation was issued. The time period in which the cited violations must be remedied shall be stayed upon receipt of the petition for a hearing until such time as the hearing is held.

1.4 Hearing of Petition

At the hearing the petitioner shall be given an opportunity to be heard, to present witnesses or documentary evidence, and to show why the Notice of Violation should be modified or withdrawn. An official record shall be kept of the hearing proceedings and made available to the petitioner upon written request. Failure to hold a hearing within the time period specified herein shall not affect the validity of any Notice of Violation.

1.5 Final Decision after Hearing; Failure to Comply with Final Order

Within seven (7) days after the conclusion of the hearing, ISD shall sustain, modify or withdraw the Notice of Violation and shall notify the petitioner, in writing, of its decision and the reasons therefore. If the department sustains or modifies the Notice of Violation said violation shall be remedied within the time period allotted as issued or in the modification.

2 Judicial Appeals

2.1 Relief from a Court of Competent Jurisdiction

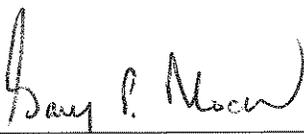
Any person aggrieved by a final decision of ISD with respect to the issuance of a Notice of Violation or any other order issued under this Ordinance by ISD may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the Commonwealth of Massachusetts.

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Signed:

  
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William J. Good, III  
Commissioner

2-18-2010  
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Date

  
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Gary P. Moccia  
Inspector of Buildings

2/18/10  
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Date