



**CITY OF SOMERVILLE, MASSACHUSETTS
INSPECTIONAL SERVICES DEPARTMENT
KATJANA BALLANTYNE - MAYOR**

**SOMERVILLE WAGE THEFT ORDINANCE AFFIDAVIT AND CONDITIONS THAT
APPLY TO MAJOR BUILDING PERMITS**
CITY OF SOMERVILLE CODE OF ORDINANCES SECTION 9-31 et seq.

Instructions: The Somerville Wage Theft Ordinance Affidavit shall be included in all license and permit applications submitted to the Inspectional Services Department. Failure to provide the affidavit may result in denial of the license or permit application. If a license or permit is granted to the undersigned, then the affidavit will be attached to the license or permit and shall be incorporated as part of such license or permit. *(All applications complete Section I, the Affidavit).*

The conditions for major building permits shall be applicable to each building permit issued in connection with the construction, reconstruction, installation, demolition, maintenance or repair of any commercial building estimated to cost not less than \$10,000,000 or in connection with a residential building with 75 or more units shall be subject to the set of mandatory conditions in Section II. *(If your application is not for a major building permit, please ignore Section II (page 2)).*

I. AFFIDAVIT

This license or permit applicant certifies under the pains and penalties of perjury that they have not admitted guilt or liability or been found guilty, liable or responsible, in any judicial or administrative proceeding, of committing or attempting to commit a violation of G.L. c149, c151, and any and all other state or federal laws regulating the payment of wages, or the Fair Debt Collection Practices Act or any other federal or state law regulating the collection of debt within three (3) years prior to the date of this license or permit application.

Signed under the pains and penalties of perjury.

Signature: _____
(Duly Authorized Representative of Applicant)

Title: _____

Name of Applicant: _____

Date: _____



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II. CONDITIONS APPLICABLE TO MAJOR BUILDING PERMITS

It shall be a material condition of this permit that any construction manager, general contractor, or other lead or prime contractor, or any entity functioning in any such capacity, and any other contractor or subcontractor of any tier or other person or entity that is engaged to perform the construction work on the property that is the subject of this permit (hereinafter, collectively and individually, the “contractor”) shall comply with the following qualifications and conditions at all times during their performance of work on the project:

- (1) The contractor has not been debarred or suspended from performing construction work by any federal, state or local government agency or authority in the past five years;
- (2) The contractor has not been found within the past five years by a court or governmental agency in violation of any law relating to providing workers compensation insurance coverage, misclassification of employees as independent contractors, payment of employer payroll taxes, employee income tax withholding, wage and hour laws, prompt payment laws, or prevailing wage laws;
- (3) The contractor must maintain appropriate industrial accident insurance sufficient to provide coverage for all the employees on the project in accordance with M.G.L. c. 152 and provide documentary proof of such coverage to the inspectional services department to be maintained as a public record;
- (4) The contractor must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of minimum wages and overtime, workers compensation insurance coverage, social security taxes and state and federal income tax withholding (M.G.L. c. 149, § 148B on employee classification);
- (5) The contractor must comply with M.G.L. c. 151, § 1A and M.G.L. c. 149, § 148 with respect to the payment of wages; and
- (6) The contractor must be in compliance with the health and hospitalization requirements of the Massachusetts health care reform law established by Chapter 58 of the Acts of 2006, as amended, and regulations promulgated under that statute by the Commonwealth health insurance connector authority.

If any person or entity that is subject to the foregoing fails to comply with any of the qualifications and conditions with respect to work on the project, this permit shall be deemed temporarily suspended and all construction work on the entire project shall cease immediately upon issuance of a stop work order by the director of the inspectional services department or his or her designee until further notice by him or her.