



BOH Forms: #19 Housing Issues Checklist

Board of Health and Local Health Department Standard Operating Procedures (SOP)

This **Checklist** highlights many of the steps needed to address housing issues and complaints.

The checklist is designed to be used in tandem with the Region 1 **SOG: Housing**. BOXES CAN BE CHECKED WITH the CURSOR.

Housing Issues or Housing Complaints

Investigate

- Immediately log all complaints in a bound Complaint Book or Computer File that dates entries.
- Complaints can be anonymous. If names are in the files, they are public.
- There is no report follow-up if the complaint is anonymous.
- Critical issues must be investigated within 24 hours or as soon as possible:
 - Heat: Sept 15 to June 15 at 68F day/64F night 5 ft up and over from any wall. Max 78F during heating season.
 - Potable water; Sufficient drinking water and hot water between 110 F and 130 F.
 - Gas; Electric; Toilets; Sewerage
 - Exits; Security, Structural Defects
 - Trash, Pests, Harborage
 - Lead paint; Children/Elders at risk
- BOH/Agent must personally observe the issues; complaints are hearsay.
- Any issues visible from street or walking up to front door can be noted.
- Inspection permission must be given by **OCCUPANT or their agent over 18**.
- Owner are usually notified after the inspection and issues are verified; not entitle to be at inspection.
- Occupant can be cited for unsafe/unsanitary conditions they caused.
 - May take fire, police, building inspectors along, as appropriate.

Inspection Request

- Send written notice to **Occupant** of date/time of scheduled inspection. The Property Owner is not normally notified.
- Follow up with phone call and email; date/time can reasonably be adjusted as determined by the Inspector.
- If access denied, obtain Court Order for Administrative Search Warrant.
- If Court order for access ignored, go back to court for contempt ruling.
- BOH must ALWAYS have permission or court order to enter an occupied property unless a true emergency.
- Permissions from fire/police are NOT substitutes for Occupant's permission.
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Inspection (Refer to the Housing SOP and Housing Inspection Form for Details)

- Remember safety first at all times. Call 911 immediately if threatened or take a police officer along on the inspection.
- Wear sturdy clothing/boots and have PPE available in case hazards such as molds and other toxins are encountered
- Remember a flashlight and inspection form.
- Identify yourself and ask permission to enter.
- Offer a full inspection. Must inspect/verify all complaints.
- Note all violations.
- Highlight any immediate health and safety issues such as lack of heat in the winter, lack of drinking water, hazardous steps/railings, lack of proper sanitation, filth and garbage, etc. Refer to the inspection form for details.

Issue Orders

- Orders/notices must be properly served to be valid. Must be in writing, delivered in person and/or by registered mail with return receipt.
 - Should also send by regular mail and email with read receipt.
 - If Orders ignored, go to Court to enforce.
- Consider using the Alliance Housing SOG for orders and condemnation guidance procedures and model forms.

Hold Hearing

- If enough evidence; BOH may hold a Hearing anytime.
- Always hold a hearing if condemning a property.
- Always request a court hearing before demolishing a property.
- Owner/Occupant may request Hearing within 7 days to discuss orders.
- BOH Hearing Basics:
 - Must be properly posted 48 hours in advance, unless an emergency.
 - BOH must have a quorum and keep proper minutes.
 - Occupant and owner must be properly notified.

- No decisions are required to be made the day of a Hearing; the BOH can take time to consider the evidence.
- All decisions/orders should be in writing and sent to Owner and Occupant.

Go to Court

- Take lots of pictures and document all the issues/evidence/testimony.
- Bring a detailed list of what you want court to do and why.
- Bring a copy of the Housing Code (105 CMR 410) to court to cite relevant laws; especially important non-Housing Courts.
- May ask the Court to establish a Receivership to manage the cleanup and obtain payoff work liens through sale of the property
- Notify Town/City Council that BOH is taking court action.
- Use Housing Court if possible but may use any Superior Court.
- Housing Court Clerks can help complete paperwork.
- Court Date; plan on waiting all day to be heard. Take along Housing Code.
- Make sure Court Order includes order to allow BOH to inspect whole property.
- Request Injunctive Relief if Court/BOH orders ignored.
- Remember to complete & return all Court paperwork on time.

Cleanup/Follow Up

- Property owners are always the responsible party with very few exceptions.
- Other Responsible Parties may include neighbors and/or tenants who are causing violations/hazards.
- BOH or their agent may complete the repairs/cleanup and tax lien the property.
- May issue Certificate of Compliance if Owner is in substantial compliance.
- May pass a local regulation requiring a fee for a Certificate of Compliance.
- May require a local regulation requiring pre-rental inspections for a fee.

Misc.

- HIPPA does not apply to BOH unless paying/providing medical services. Never discuss medical information at a BOH Meeting as it then becomes public record.
- BOH/staff are mandatory reporters for evidence of child/elder abuse. If in doubt, report to Child or Elder Services.
- Housing issues seldom just go away. Better to address them immediately.