



# BOH Forms: #40a Complaint Action Plan

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

This **Checklist** highlights many of the requirements for several Massachusetts Codes such as in 105 CMR 590 & 410. The checklist is designed to be used in tandem with the relevant Codes. **Remember: BOH always has the final say on requirements.**

## What does the BOH want to accomplish?

- Resolve complaints
- Reduce the number of future complaints/issues
- Reduce housing/trailers/tents that are causing a public health nuisance
- Project the environment – sewage not being properly managed Options
  - Composting Toilets
  - Tight Tanks
  - Greywater systems
  - Water Tanks
- Encourage more safe housing – Note 3 mobile homes on a lot become a regulated trailer park.
  - Temporary Housing
  - Seasonal Housing
  - Alternative Housing
- Reduce Town Liability exposure

## Is the BOH/Town willing to follow through on enforcement? If not, might not be worth issuing Citations and Orders to Correct as people will soon know that they can ignore BOH orders.

- Alliance Possible Help
  - Inspections
  - Orders to Correct
  - Possibly initial visit to Court
  - Additional visits must be with Town Counsel
- Other Courts to explore
  - Local Magistrate for writing tickets/fines
  - Other District/Superior Courts
  - Housing Court is currently hard to use.
- Fines, Fees and Tickets [Pay a city or town ordinance or bylaw violation ticket | Mass.gov](#)
  - Town Meeting must adopt MGL Chapter 40, Section 21 D
    - allows cities and towns to enforce their bylaws through non-criminal disposition to issue a violation notice or “ticket” which provides for a specific sum of money to be paid as a penalty for the violation of a local by-law or ordinance (regulation)

## What resources does the BOH have or can find to make this happen?

- Does the BOH have a budget that can be increased at Town Meeting or by City Council?
- How can you get access to Town/City Counsel?
- Can the Building/Zoning Officer help with a housing issues?
- Can the Fire Chief help with safety issues?
- Electrical Inspector?
- Department of Environmental Protection (DEP) for septic outbreaks, wetlands, etc.
- Attorney General’s Office – reducing blight – Receiverships.
- HUD Rural Grants – ask BRPC housing staff if there are any grants.

## Does the Town want to create local regulations/bylaws to govern the creation/use of trailer parks (3 units on a lot), trailers/RV used as housing, manufactured units, tiny homes, alternative housing, etc.

## Will the BOH/Town approve a Revolving Fund to collect the BOH permit and inspection fees to use to pay for legal and other expenses needed to adequately address complaints. Court is expensive.

- Town Meeting must authorize Revolving Funds and how they are used. [General Law - Part I, Title VII, Chapter 44, Section 53E1/2 \(malegislature.gov\)](#) [Section 53E1/2 Revolving funds :: 2015 Massachusetts General Laws :: US Codes and Statutes :: US Law :: Justia](#)