

Thinking Outside Our Box(es) Health Codes

December 12, 2007

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www.mass.gov/dph/dcs

Regulatory Authority

- 105 CMR 400.00 (State Sanitary Code, Ch. I)
 - 400.100 Inspection Authority

“... authorized to enter, examine, or survey at any reasonable time such places as they consider necessary...”

- 105 CMR 410.000 (State Sanitary Code, Ch. II)
 - 410.001 Purpose

“... protect the health, safety, and well-being of the occupants of housing and general public ...”

Inspection Authority

- The local board of health/health department may conduct an inspection upon receiving
 - Occupant's consent
 - Administrative search warrant
- A health inspector may not enter a dwelling under the authority of
 - Fire department
 - Police department

Inspection Responsibility

- If an inspection reveals a dwelling is not in compliance with 150 CMR 410.000
 - Issue an Order to Correct Violations
 - Within 12 hours for violations described in 410.830(A)
 - Within 7 days for violations described in 410.830(B)
 - Conduct a re-inspection
 - Within 5 days of compliance requirements stated in order

Regulatory Citations

- A variety of violations may exist
 - 410.180 Potable Water
 - Quantity and pressure
 - 410.256 Temporary Wiring
 - No access to outlets
 - 410.351 Owner's Responsibilities
 - Install and maintain required equipment
 - Installed optional equipment
 - 410.352 Occupant's Responsibilities
 - Install and maintain equipment
 - Maintain, clean and sanitary, required equipment

Regulatory Citations

- Additional citations
 - 410.451 Egress Obstructions
 - Free from obstruction by owner & occupant
 - 410.505 Structural Elements
 - Reasonable care in use of floors, walls, etc.
 - 410.602 Maintenance of Areas
 - Free from garbage & rubbish
 - 410.750 Conditions Deemed to Endanger
 - Condemnation?

Unfit for Human Habitation

- 410.831 Dwellings Unfit for Habitation
 - Issue written finding of condition
 - Description of the conditions resulting in the finding
 - Notification of finding
 - To occupant & owner
 - Include provision for hearing
 - Hearing to determine fitness
 - Unless immediate danger to life or health

Unfit for Human Habitation

- 410.831 continued,
 - Condemnation
 - Order condemning dwelling or portion
 - Order to vacate dwelling or portion
 - Relocation responsibilities
 - Order to secure dwelling or portion
 - Demolition
 - No compliance after 1 year

Court

- Housing Court
 - Civil process allows for development of a plan
- District Court
 - May be less likely to extend periods of time for resolution
- Mediation
 - Agreement to a plan must be signed by all parties
 - Include time frames or phases for completion
 - Is defendant capable of meeting time frames
 - Include mechanism to return to court

The End?

- When is clean “clean enough?”
 - Consider violations cited in order
 - Specific violations cited must be corrected
 - Important to be thorough in citing violations
 - Additional codes that impact safety
 - Local fire inspector will have combustion/rescue concerns
 - Building inspector will have structural concerns
 - Periodic follow-up
 - Is someone available to check in

Resources

- www.ocfoundation.org: *Hoarding web site by Dr. Randy Frost & Dr. Gail Steketee*
- http://understanding OCD.tripod.com/index_hoarding.html: *Understanding Hoarding*
- www.anxietyandstress.com/sys-tmpl/hoarding/: *The Anxiety and Stress Disorders Institute of Maryland, LLP*
- <http://www.mahb.org/learningcenter.htm>
- *1 hour e-course on hoarding*
- www.mass.gov/legis/laws/mgl/111-127a.htm *Massachusetts law governing sanitary codes, Chapter 111. Sec. 127*
- www.childrenofhoarders.com *Growing up in a cluttered home*
- www.la4seniors.com/hoarding.htm *Los Angeles County Dept. of Mental Health*
- **Animal Hoarding**
- www.hsus.org/pets/issues_affecting_our_pets/behind_closed_doors_the_horrors_of_animal_hoarding.html *Behind Closed Doors: The Horrors of Animal Hoarding – The Humane Society of the United States*
- www.peta.org/mc/factsheet_display.asp?ID=27 *Animal Hoarders: The Illness and the Crime (PETA)*
- www.tufts.edu/vet/cfa/hoarding/index.html *Hoarding of Animals Research Consortium (Tufts University)*