

Housing Standards: When the Minimum Standards Fail

Case Studies of Local Health Officers' Intervention
Strategies and Resources

NH Health Officers' Association Fall Conference
October 24, 2013

Boarding House Case Study

Kim McNamara, Health Officer
Portsmouth Health Department

CHAPTER 48-A HOUSING STANDARDS Section 48-A:14

- o **48-A:14 Minimum Standards Established.** – No landlord, as defined by RSA 549-A:1, in renting or leasing a residential dwelling in a municipality which has not adopted ordinances, codes or bylaws pursuant to this chapter shall maintain those reported premises in a condition in which:
 - I. The premises are infested by insects and rodents where the landlord is not conducting a periodic inspection and eradication program; effective January 1, 2014;
 - II. There is defective internal plumbing or a back-up of sewage caused by a faulty septic or sewage system;
 - III. There are exposed wires, improper connectors, defective switches or outlets or other conditions which create a danger of electrical shock or fire;
 - IV. The roof or walls leak consistently;
 - V. The plaster is falling or has fallen from the walls or ceilings;
 - VI. The floors, walls or ceilings contain substantial holes that seriously reduce their function or render them dangerous to the inhabitant;
 - VII. There is an accumulation of garbage or rubbish in common areas resulting from the failure of the landlord to remove or provide a sufficient number of receptacles for storage prior to removal unless the tenant has agreed to be responsible for the removal under the rental agreement and the landlord has removed all garbage at the expense of the tenant;
 - VIII. Water is not properly supplied or water or whatever equipment that is available to heat water is not properly operating;
 - IX. The premises do not have heating facilities that are properly installed, safely maintained and in good working condition or are not capable of safety and adequately heating habitable rooms, bedrooms and toilet rooms located therein, supplies heat in conformance with the requirements of the premises are not fully maintained at a minimum average room temperature of 68 degrees F in all habitable rooms.
- Source: 1979, 2005, 7, eff. Aug. 21, 1979; 2013, 48:2, eff. Jan. 1, 2014.

Councilor calls state of rooming house 'horrific' Brewster Street building eating up city's resources

By Charles McMahon, Portsmouth Herald, February 04, 2013



PORTSMOUTH — "This is just kind of disgusting... I don't know if we should allow this to continue," City Councilor Nancy Novellino (D) said Monday night following a presentation by numerous public health and safety concerns involving the controversial Brewster Street rooming house.

Problems the neighborhood group claims are documented and on file with the city range from bedbugs, cockroaches and rodents, to issues with noise and lights. The group also points to many other recent issues at the boarding house, including the reported discovery of feces in a hallway carpet in August and the discovery of a corpse in one of the rooms in July.

Police, Fire and Health calls - 2012: "Eating up City Resources"

- o Legal paperwork service: 4
- o Noise complaint: 5
- o Domestic: 5
- o Wanted person/fugitive: 2
- o Disorderly conduct: 4
- o Deliver message: 3
- o Intoxicated/safekeeping/protective custody: 2
- o Civil stand-by: 1
- o Assist Fire Department: 1
- o Harassment: 3
- o Follow up: 1
- o Fight: 1
- o Unwanted: 1
- o Simple assault: 1
- o Recovered property: 3
- o Animal call: 1
- o Unattended death: 1
- o Reckless conduct: 1
- o Suspicious activity: 1
- o Park and walk: 1
- o Theft: 1
- o Loitering: 1
- o Ambulance calls: 11
- o Suspicious package fires: 2
- o Health Department site visits: 10
- o Health Department inspections: 2
- o Total Calls: 69

Compiled by Chuck McMahon, Portsmouth Herald

Local Media Headlines

- o **Police: sex offender failed to give change of address notice** – PORTSMOUTH – resident who sexually assaulted a minor in 2004 is scheduled to be arraigned on a charge alleging he failed to notify police he had been living in Kittery.
- o **Discharged psych patients referred to controversial rooming house** – PORTSMOUTH – An average of two people a month are discharged from the state psychiatric hospital and they're provided with a list of housing referrals, includes the... [local] rooming house, said Robert MacLeod, chief executive officer of New Hampshire Hospital.
- o **Police: Naked stroller caught in the act** – PORTSMOUTH – A resident of a local rooming house was arrested on a charge alleging he was walking around the residential neighborhood while naked...
- o **Bomb squad, SWAT team called to Portsmouth rooming house** – PORTSMOUTH – State and local police are on scene at a local rooming house Sunday morning when two suspicious devices were reported smoking in a common hallway.
- o **Fetid corpse spurs Portsmouth rooming house probe** – PORTSMOUTH – City officials are once again investigating possible health and code violations at the local rooming house, most notably a health condition caused by a man who lay dead in a room for nine days.

Source: Portsmouth Herald
Archives

Definitions: Rooming House/Boarding House

- "Lodging or rooming houses" - 2009 National Fire Protection Association 101
 - sleeping accommodations for ≤16
 - transient or permanent basis,
 - with or without meals
 - without separate cooking facilities
 - Bed and breakfast occupancies ≥ 3, but < 17
- No definition of Boarding House in the NFPA
- Boarding House: - 2009 International Building Code
 - used for lodging for compensation
 - with or without meals, and
 - not a single-family unit.
- No definition for Rooming House in the IBC

Definition: Boarding House - City of Portsmouth Local Ordinances

- Boarding House – Miscellaneous Public Welfare
 - > 3 rooms are rented, leased or other compensation
 - do not contain separate bathroom facilities
 - No upper limit of occupants, but requires a permit to operate issued by the City
- Boarding House – Zoning
 - residential structure other than a bed and breakfast
 - rooms are rented, leased or other compensation to
 - > 2 but ≤ 10 individuals, and
 - do not contain separate cooking or bathroom facilities
 - Local Ordinance City of Portsmouth, [Zoning Ordinance](#)

No definition of Rooming House exists in local ordinances

Use Local Ordinances if Possible

- Chapter 3 Public Health Article I:
 - Section 3.101 The Health Officer shall inquire into all nuisances and all causes of danger to the public health, and whenever (S)HE shall know, or have cause to suspect, that any nuisance or other thing injurious to the public health is in any building, vessel, or enclosure and (s)he shall make complaint under oath to some justice of the peace who shall issue a warrant directed to the proper authority to search such building, vessel or enclosure and s(he) may enter therein and make search

Chapter 3 Public Health Article I: Public Nuisances

- Section 3.102 Notices
 - The Health Officer shall notify the owner or occupant of any building, vessel or enclosure to remove or destroy any nuisance or other thing therein, deemed by [her], upon careful examination, to be injurious to the public health, within a reasonable time limited, and in case such owner or occupant shall neglect to comply therewith, the HO shall cause such nuisance to be removed or destroyed.
- Reflective of State RSA 147:3

Chapter 3 Public Health Article I:

- Section 3.101
 - The Health Officer may employ suitable assistance to carry out the provisions of the preceding sections; and any person resisting her or them therein shall be prosecuted under the provisions of Section 5, Chapter 147, NH RSA
- 147:5 Assistants; Resistance
 - They may employ such assistants and laborers as may be necessary, and if resisted shall have the same powers as sheriffs have to command assistance; and any person willfully resisting them or their assistants or laborers, in making the search or removing the nuisance or other thing, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

Facility Amenities

- 35 rooms total, Occupancy ~ 43
 - 25 single occupancy,
 - 9 double
 - 1 live in "manager
- 5 shared bathrooms
- One washer, one dryer
- Was no water supply other than bathroom sinks for drinking, cooking or dishwashing



Considerations

- People need a place to live
- Housing in a cramped market/ NOT affordable housing
- Food service, service industry worker
 - 8 employees from 6 restaurants reside there
- Communicable disease
- Convicted felons
- Mentally ill residents
- Medically Fragile residents
- Registered sex offenders
- Substance abuse, V & D in common areas common
- Infectious disease
- Infestation

Issues



- unclean shared bathrooms and Uncleanable bathroom surfaces
- general grime, mold, and hair buildup

Issues

- Improper bathroom ventilation
- Exposed lead paint
- Cockroach and bedbug infestation
- Uncapped abandoned plumbing & conduits
- Disconnected dryer vent resulting in mold growth
- Human remains and biohazardous materials
- Feces and vomit on carpets in common areas throughout
- Spilled Bedding: feces, urine, blood, grime, insects



Condition of Provided Bedding

- General grime, body fluids, infestation and in some cases, people had expired on mattresses that were reused



Condition of Provided Bedding



Condition of Provided Bedding



Additional Health Issues



Remedy: Clean water Supply cooking, drinking, washing dishware

- Common kitchen sink with a separate mop sink each floor
- Allowed residents access to a safe supply of water separate from the toilet facilities, for drinking, cooking and cleaning their utensils, tableware and cookware in compliance with City Ordinance Section 14.107. (E) "Cooking on the premises shall be done in kitchens or kitchenettes approved by the Health Officer".



Remedies

- 71 box springs and mattresses were ordered discarded
- New box springs and mattresses are required to have hypoallergenic sealed covers
- Monthly Licensed Pest Control (or more often if needed) – monthly reports submitted to the Health Department
- Capping/removal of abandoned plumbing and other conduits

Remedies

- Replacement of cracked sinks, toilet seals, appropriate shower repairs
- Removal of carpet in common areas throughout the facility
- Annual inspections or more frequent if needed
- Installation of kitchen sinks on each floor in areas designed to be "clean" rooms
- Deaths must be reported to the Health Department prior to re-renting rooms

Case Study Motel Arthur Capello

Health Officer/Building Inspector
October 24, 2013

Background

You have worked in Wakefield for the past six years. You are the Towns Building Inspector, Code Enforcement Officer and Health Officer. Over a period of time you have received several complaints a year about bed bugs in the rooms, unsafe living conditions, general cleanliness and the overcrowding of rooms. You have done several inspections and the owner of the motel is not very cooperative about allowing you into rooms in question.



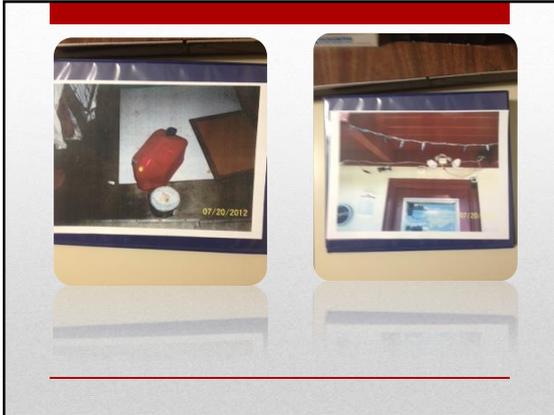
Background (continued)

- On February 6, 2012, there was a minor fire in one of the rooms. During a routine fire investigation, the State Fire Marshal was called. The State found multiple violations in all of the rooms. The local fire department reports to the Health Officer that there are multiple health concerns with many of the rooms. One room has an eye tearing odor of urine and there are two children under the age of 5 residing there. Another room has large amounts of mold in one of the rooms. The State Fire Marshal, based on observations, has requested a through inspection of all the rooms by the State Electrical, Plumbing, and Mechanical Inspector, the local Health Officer and Building Inspector.

Background (continued)

- During the inspections, a list is compiled of all code and health violations. Over the next several months, you work with the State Inspectors to put a comprehensive list together of all the violations. You repeatedly requested the owns to allow inspections but received no cooperation. During the process to dealing with all the code and health issues, you find you are running into roadblocks with the town and the owner.





Challenges:

- Getting information verbally from the local fire department
- Dealing with the health issue of the children's living conditions i.e. extreme odor of urine.
- Getting a report from the State Fire Marshal
- Working with all departments to find which RSA's work in this case to gain access, deal with all health and code issues. The Following RSA's, Code references and information were used to resolve the case: RSA 155A State Building Code, NFPA 101, The Motel website to pull supporting information about the use, RSA 353:3 Trade and Commerce, Registration, Open to Inspection, RSA 147:3 Investigations and Complaints, RSA 143:4 Removal, Notice, RSA 155-B:1 Definitions, RSA 155-B:2 Repair or Removal of Hazardous Buildings, Reports from the State Electrical and Plumbing Inspector and Photographs
- Preparing all documentation for the possible closing of the Motel
- Working with the Welfare Director to find other arrangement for any clients that may be staying at the motel
- The establishment has been a staple part of the community for over 30 years
- The Town uses the motel for the sheltering of welfare clients
- The property Owner is uncooperative and will most likely not allow you access to all rooms

Definitions of Hotels/Motels International Building Code

- Transient - One that is transient, especially a hotel guest or boarder who stays for only a brief time. (The free dictionary)
- Hotels/Motels (Transient) – Residential occupancies containing sleeping units where occupants are primarily transient in nature
- Hotels/Motels (Not Transient) – Residential occupancies containing sleeping units or more that two dwelling units where the occupants are primarily permanent in nature

NFPA Definitions

- Chapters 28 & 29 cover Hotels and Dormitories (new and existing respectively).
- Hotels are defined as: "A building or group of buildings under the same management in which there are sleeping accommodations for more than 16 persons and primarily used by transients for lodging with or without meals."
- Dormitories are defined as: "A building or a space in a building in which group sleeping accommodations are provided for more than 16 persons who are not members of the same family in one room, or a series of closely associated rooms, under joint occupancy and single management, with or without meals, but without individual cooking facilities."
- Transients are those who occupy accommodations for less than 30 days.
- The explanatory material included in the handbook states that a "rooming house" that accommodates more than 16 people is classified as a hotel." There are cases where distinguishing between a hotel or dormitory and an apartment occupancy can be confusing and there is some discussion about that as well.

Difference between Hotel and Motel

- **Hotel vs. Motel**
- **Definition:** The term "**Hotel**" refers to an establishment that provides paid lodging, for a short duration to tourists. Hotels provide a number of other services such as a restaurant, a swimming pool, or childcare. They also have arrangements to hold conference and meetings.
- The term "**Motel**" is derived from the term "motorists hotel," which originally meant that the hotel provided parking. Motel referred initially to a single building of connected rooms whose doors face a parking lot and/or common area or a series of small cabins with common parking.
- Reference - http://www.diflen.com/difference/Hotel_vs_Motel

Outcome:

- On a general note, all letters were sent regular mail and certified return receipt. The reasoning behind this is that if the regular mail is not returned but the certified is, in the eyes of the court, the letter is considered delivered. Starting in July, a formal written request with a deadline was sent to the Wakefield Fire Department asking them to determine the occupancy load of each room. On August 7, 2012, a letter was sent to the owner with a list of all health issues and code issues letting them know they had 30 days to comply.
- With the letter was also a copy of the reports I had from the State Inspectors. While all this was being compiled and sent, work was started with the Welfare Director to move out any clients that the town may have placed there for temporary housing. The Town Administrator was informed that "a line in the sand" has been drawn with the owner and they would no longer be granted any extensions of time to make the corrections. On September 7, 2012 a follow up letter was sent alerting the owner the 30 days and passed and no issues had been resolved.
- On September 11, 2012 the owner called asking for additional time. The owner was informed that the inspection would be performed on September 14, 2012 at 10am as stated in the letter dated September 7, 2012. Knowing that the owner was not cooperative, research to make sure I would be able to gain access to all rooms was done. RSA 353:3 of Trade and Commerce seemed to work. My interpretation of the RSA was that if a police officer requested to enter and inspect the premises there was no right of refusal. I had a meeting with the Police Chief and he agreed that is one way the RSA could be interpreted.
- The inspection was conducted on September 14, 2012. After being threatened with an injunction by the attorney for the motel owner, the owners' work was completed by 1:55pm. The deadline was 2pm before the property closed down.

**TITLE XXXI TRADE AND COMMERCE
CHAPTER 353 HOTELS, TOURIST CABINS, ETC.
Generally**

Section 353:3

353:3 Register, Open to Inspection. – All hotel keepers and all persons keeping public lodging houses, tourist camps, or cabins shall keep a book or card system and cause each guest to sign therein his own legal name or name by which he is commonly known. **Said book or card system shall at all times be open to the inspection of the sheriff or his deputies and to any police officer.** The term "public lodging house" as here used shall mean a lodging house where more than 2 rooms are habitually let for less than a week at a time for the accommodation of transients. Whoever violates any provision of this section shall be guilty of a misdemeanor. **Source.** 1927, 68:1. 1933, 107:1. RL 208:7. 1945, 133:1. RSA 353:3. 1973, 528:246, eff. Oct. 31, 1973 at 11:59 p.m.

**TITLE X PUBLIC HEALTH
CHAPTER 147
NUISANCES; TOILETS; DRAINS; EXPECTORATION; RUBBISH AND WASTE**

Section 147:3

147:3 Investigations and Complaints. – Health officers of towns, and each of them, shall inquire into all nuisances and other causes of danger to the public health, and for the purpose of such investigations, or whenever they shall know or have cause to suspect that any nuisance or other thing injurious to the public health is in any building, vessel, or enclosure they may obtain an administrative inspection warrant under RSA 595-B, including authority to forcibly enter therein and make such search, pursuant to RSA 595-B:5. **Source.** RS 119:2. CS 125:2. GS 101:2. GL 111:2. PS 108:3. PL 140:3. RL 165:3. RSA 147:3. 1991 231:4, eff. Aug. 9, 1991

**TITLE X PUBLIC HEALTH
CHAPTER 147
NUISANCES; TOILETS; DRAINS; EXPECTORATION; RUBBISH AND WASTE**

Section 147:4

147:4 Removal, Notice. – The health officers may notify the owner or occupant of any building, vessel, premises, or property to remove or destroy any nuisance or other thing therein deemed by them, on examination, to be injurious to the public health, within a time limited; and in case the owner or occupant, after such notice in writing, given to the owner or occupant or left at the owner's or occupant's abode, shall neglect to comply with the order, the health officers may forcibly enter and cause the nuisance or other thing to be removed or destroyed. **Source.** RS 119:3. CS 125:3. GS 101:3. GL 111:3. PS 108:4. PL 140:4. 1935, 29:1. RL 165:4. 1998, 318:5, eff. Aug. 25, 1998.

**TOWN OF WAKEFIELD
CODE ENFORCEMENT OFFICE
LEGAL NOTICE**
WHEREAS, IN ACCORDANCE WITH THE PROVISIONS OF:
NEW HAMPSHIRE RSA CHAPTER 155, SECTION B:1 – II
WAKEFIELD BUILDING CODE CHAPTER 1 SECTION 101.2

THE BUILDING KNOWN AS:

**NAME: AUM NAMO SHIVA LLC ADDRESS: 3301 WHITE MOUNTAIN HIGHWAY
MAP 146 LOT 015**

HAS BEEN DEEMED TO BE A HAZARDOUS AND/OR DILAPIDATED STRUCTURE AND MAY NOT BE ENTERED INTO OR UPON WITHOUT EXPRESS WRITTEN PERMISSION FROM THE WAKEFIELD CODE ENFORCEMENT OFFICE

ALL PERSON ACTING CONTRARY TO THIS ORDER OR REMOVING, MUTILATING THIS NOTICE WILL BE LIABLE TO ARREST AND/OR FINES UNLESS SUCH ACTION IS PREAUTHORIZED BY THIS DEPARTMENT.

DATE: **September 14, 2012** CODE

ENFORCEMENT OFFICER: Arthur Capello
603-978-2190 X 308

Building Department

Memo

To: Sam Morrill – Captain WFD
From: Arthur Capello
CC:
Date: 7/10/2012
Re: Palmers Motel

I would like to make a formal request for the Wakefield Fire Department to determine the occupancy load for each room as well as any apartments. The property is located at 3301 White Mountain Highway known as Palmers Hotel. I would request this information as soon as possible but no later than July 26, 2012

Thank you for your help in this matter.

Wakefield Fire Department
2017 Wakefield Rd
Wakefield, NH 03872
Violation Notice



Friday July 20, 2012

Palmers Motel
3301 White Mountain Hwy
Wakefield, NH 03872

An inspection of your facility on Friday July 20, 2012 revealed the violations listed below:

ORDER TO COMPLY: Since these conditions are contrary to law, you must correct them upon receipt of this notice. An inspection to determine compliance with this Notice will be conducted on Monday August 20, 2012 at 10:00:00. If you fail to comply with this notice before the reinspection date listed, you may be liable for the penalties provided for by law for such violations.

Violation Code	Article	Division	Page	Count
MINIMUM NUMBER OF EXITS OR FREE OF OBSTRUCTIONS				0
RM # 1 DOOR KNOB IS BROKEN.....REPAIR AS NEEDED				0
ELECTRICAL GENERAL				0
(1) EXTENSION CORDS IN USE ABOVE EXTERIOR OFFICE DOOR *REMOVED ON SITE*				0
..... HAVE AN ELECTRICIAN ADD OUTLETS AS NEEDED				0
(2) EXTENSION CORD IN OFFICE USED FOR PERMANENT LIGHTING FIXTURE, HAVE AN ELECTRICIAN ADD OUTLET AS NEEDED OR REMOVE LIGHT				0
(3) CEILING PANS IN OFFICE HAVE IMPROPER WIRING.....REMOVE OR HAVE AN ELECTRICIAN INSTALL PROPERLY				0
OCCUPANCY Occupancy				0
Overcrowding, more the number of occupants allowed for the space. RM # 8 HAS (4) ADULTS AND (2) CHILDREN				0
HOUSE KEEPING GENERAL				0
STORAGE OF FLAMMABLE LIQUIDS IN STORAGE BETWEEN UNITS 4 AND 5 NOT ALLOWED, REMOVED ON SITE				0
REED CLEAN OR STORE IN FLAMMABLE LIQUIDS CABINET				0
USE ELECTRICAL ACCESSORIES POWER CORDS, POWER STRIPS, OTHER				0
RM 4 has a power strip in use.				1
STOVE Stove Broken				0
Stove in Unit 15 does not work.				0

TOWN OF WAKEFIELD, NEW HAMPSHIRE
CODE ENFORCEMENT OFFICE
 ANTHONY CAPOLLO
 2 HIGH STREET, SANBORNVILLE, NEW HAMPSHIRE 03872
 TELEPHONE (603) 232-6205 EXT. 308 FAX (603) 232-2395
 EMAIL: CODEENR@TOWNOFWAKEFIELD.NH.US

August 7, 2012

Aum Namu Shiva LLC
 21 Calef Highway
 Rochester, NH 03839

RE: 3301 White Mountain Highway, Wakefield, NH 03872;
 Property Known As: Wakefield Tax Map 146, Lot 006.

Dear Property Owners:

As you know a Site Inspection was conducted on July 20, 2012. The inspection was conducted by the Code Enforcement Officer, Arthur Capello, Wakefield Police and Wakefield Fire Departments. The intent of this inspection was to check for Compliance created from the inspection that was done on February 6, 2012.

Many of the items noted on the inspection in February are still outstanding. I have included a list of violations from the Wakefield Fire Department, the State Inspectors, and myself from February. These items should not be considered all inclusive as there may be other work required once corrections are made.

You have 30 days from the date of this letter to make all corrections. If the corrections are not made, I will be forced to close the noted until all corrections are made. Please note that all inspections completed will be conducted with the assistance of the Inspectors from the State of NH.

If you have any questions you may email us at codedept@wakefieldnh.com or call the office at 603-522-6205 x 308.

Sincerely,
 Anthony Capello
 Building Inspector
 Town of Wakefield, NH

CC: Wakefield Board of Selectman
 Teresa Williams, Town Administrator
 Wakefield Fire Department
 Certified Mail #: 7007 2560 0000 9629 1132

STATE OF NEW HAMPSHIRE
 DEPARTMENT OF SAFETY
 BUILDING SAFETY AND CONSTRUCTION
 MECHANICAL/PLUMBING/ELECTRICAL/PAVING/LANDSCAPE
 OFFICE OF THE STATE FIRE MARSHAL
 INSPECTION INFORMATION FORM

Company Type: APT - Apartment
 ASY - Assembly
 BUN - Business
 DET - Detention/Correctional
 HEA - Health Care
 I - Institutional
 C - Commercial
 S - Scheduled

HOV - Hotel/Tourist
 IPI - Industrial
 LOD - Lodging/Rooming House
 MBE - Manufacture
 RHC - Residential Board Care
 RES - 1 & 2 Family Dwelling

SFC - Special Structure
 STD - Storage
 VAC - Vacant Structures
 MLD - Motor Line
 DAY - Day Care Center

Inspection Type Code: (This will be what triggered the inspection)
 L - License
 RAN - Random
 PE - Public Education
 OIR - Other Request
 MH - Municipal Request
 SR - State Request

SECTION	Mechanical	Plumbing	X	Fire Protection	OH Boat
INSPECTION TYPE	MR				
INSURANCE	LC/Men				
CASE NO.	12-PRL-0026				
DATE	February 6, 2012				
TOWN	Wakefield				
OCCUPANCY TYPE	LOD				
BUILDING NAME	Palmer Motel				
OWNER NAME	Aum Namu Shiva LLC				
WORK DONE BY	UNLICENSED				
Licensed:	NA				
License No. NA					
RECEIVED FILED	April 17, 2012				
RESPONSIBLE PARTY	Aum Namu Shiva LLC				

COMMENTS: On February 6, 2012 at 10:15 am, at the request of the Town of Wakefield Building Inspector, a Municipal Audit for code compliance was conducted at the Palmer Motel, 3301 White Mountain Highway, Wakefield, NH 03872.

This building is being used as a lodging/rooming house.

Several code violations were observed, specifically, Section 105.3 Maintenance and 701.2 Sewer Required. The system is not being properly maintained and the required sewer system is not being properly installed and reported. At this time it was recommended that a qualified licensed plumbing contractor evaluate the plumbing system for compliance and report the findings to the Town of Wakefield Building Inspector.

REVIEWED / DATE

HSAC Insp. Form Rev. 3/23/12

- Main Office/In-entrance/Manager's exit fan wired w/THHN conductors not in conduit or box
- Extensive use of extension cords - cannot be substituted for permanent wiring
- Exposed hot cable (formed heated counter - not per NEC)
- Box covers missing
- Overload wire majority of the electrical in that main room appeared to be wired by a non-licensed electrician
- Removal of some section: Extensive use of extension cords
- Assessment of some section: Work branch area need to be repaired/replaced
- Outlets/switches for work branch area need to be repaired/replaced
- Unread instructions to be checked by licensed electrician
- In guest rooms, owners advised to install MC cable to receptacles
- Overload wire in some of the rooms - don't install anything electrical - Hire NH licensed electrician to evaluate work done tonight
- Remove outside decorative lights
- Outlets examined and checked for GFCI protection, damaged cords replaced, exposed flames removed

Overall it was our conclusion that the whole motel must be examined and review by a NH Master Electrician. It appeared that there was a large amount of extension cord use and wiring done just per the National Electric Code for many years. After the electrician has found the inevitable code and safety issues, a written plan would need to be made outlining a time frame for when other wiring issues will be fixed.

Ken Vallary
 State of NH Electrical Inspector
 Kenval@state.nh.us

General notes: This list is not all-inclusive but should be used as a guide. All work done must be completed by a NH Licensed Professional and all proper permits must be applied for and received. The entire electrical system needs to be evaluated and repaired as needed to meet code. I have also included the list from the State Electrical Inspector. All issues noted must be corrected. There is excessive storage in the detached storage unit. All mattresses must be removed and storage must be organized floor accessible. I have included a copy of the State Plumbing Inspector report. All plumbing must be evaluated and repaired as needed. There are several issues with the heating system in the basement. For example, duct tape is being used temporarily. The ducts are not being supported properly, and any old unused duct work must be removed. All door handles must work correctly to allow easy access in and out of each room.

Smoking is being allowed in no smoking rooms

Several units have wiring that has been done by owner

Room 10 has drainage issues with the bathroom sink

Room 9 has an excess amount of cast.

Room 8 has had the plumbing in the bathroom sink replaced and by code needs to have all plumbing above/below room code

Room 7 the bathroom light switch is no working correctly

Room 6 has no drain stop in the bathroom sink and illegal wiring

Storage in motel has flammable liquid in it like gas, lighter fluid, paint etc. which is not allowed. Need to add smoke detector in storage room

Room 4 has extension cords in use and illegal wiring

Room 3 has a broken toilet and possible leak in ceiling

each room 9 for code

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September 7, 2012

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 21 Calef Highway
 Rochester, NH 03839

RE: 3301 White Mountain Highway, Wakefield, NH 03872;
 Property Known As: Wakefield Tax Map 146, Lot 006.

Dear Property Owners:

On August 7, 2012 a letter was sent to you with a list of all repairs. In that letter it stated you had 30 days to make all required corrections. The 30 days has expired as of today, September 7, 2012. We will be unable to conduct another inspection on Friday, September 14, 2012 at 10am. During this inspection, I will require access to all rooms and locations.

As stated in the letter dated August 7, 2012, if all the corrections are not made, you will be ordered to vacate all rooms and buildings IMMEDIATELY until all repairs and corrections are made and inspected.

If you have any questions you may email us at codedept@wakefieldnh.com or call the office at 603-522-6205 x 308.

Sincerely,
 Anthony Capello
 Building Inspector
 Town of Wakefield, NH

CC: Wakefield Board of Selectman
 Teresa Williams, Town Administrator
 Wakefield Fire Department
 Certified Mail #: 7007 2560 0000 9628 9397

TOWN OF WAKEFIELD, NEW HAMPSHIRE
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 Property Known As: Wakefield Tax Map 146, Lot 006.

Dear Property Owners:

Based on State and Local code violations and the letters dated September 7, 2012, August 7, 2012, July 12, 2012, and February 6, 2012 sent to you from this Office via regular mail and certified mail, Palmer Motel is ordered to **CLOSE** and all Patrons must vacate the premises **IMMEDIATELY**. No persons shall enter Palmer Motel unless approved by the Building Inspector. Once all required corrections are completed and inspected, Palmer Motel will be allowed to re-open.

If you have any questions, please contact the Building Inspectors Office at 603-522-6205 x 308.

Sincerely,
 Anthony Capello
 Building Inspector
 Town of Wakefield, NH

CC: Wakefield Board of Selectman
 Teresa Williams, Town Administrator
 Wakefield Fire Department
 State of NH Inspectors - Electrical, Plumbing, Fire/Mechanical

Resources

TITLE XXXI
TRADE AND COMMERCE
CHAPTER 353
HOTELS, TOURIST CABINS, ETC.
Generally
Section 353:3

TITLE X
PUBLIC HEALTH
CHAPTER 147
NUISANCES; TOILETS; DRAINS; EXPECTORATION; RUBBISH AND WASTE
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TITLE X
PUBLIC HEALTH
CHAPTER 147
NUISANCES; TOILETS; DRAINS; EXPECTORATION; RUBBISH AND WASTE
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Town of Wakefield Zoning Ordinance

NFPA

International Building Code

Questions

Housing Standards

When the Minimum Standards Fail
October 24, 2013

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Town of Salem, New Hampshire
Community Development Department
Health Division
Municipal Offices, 33 Geronimo Drive, Salem, New Hampshire 03079
tel: (603) 890-2050 fax: (603) 898-1223
Brian A. Lockard, Health Officer
Email: blockard@ci.salem.nh.us

July 8, 2008
Owner
Dear Owner:
Subject: 31 Twinbrook Avenue, Salem, NH, Map 152, Lot 9622

Due to a request by the Police Department, I conducted an inspection of 31 Twinbrook Avenue on July 7, 2008 at 1:40 PM. I was accompanied by Officers June Frechette, Steve Mallosos and Brendan Gleason. The following violations of the Town of Salem Municipal Code, Chapter 208, Article I and NH RSA 48-A:7, 48-A:8, 48-A:14, 147:4, 147:15-a and 147:17 were noted:

- A strong offensive odor of ammonia and rotting waste permeates the dwelling.
- Insects (flies and ants) were observed throughout the dwelling.
- A large accumulation of trash, old food, soiled diapers, food containers, soiled clothing and other debris is evident throughout the dwelling on the floors, kitchen table, counters and other furniture.
- The living room and hallway carpet is stained with fecal material.
- The kitchen facilities (refrigerator, counters, stove, sink) are unsanitary due to the accumulation of old food and debris preventing safe and sanitary food preparation activities.
- The bathroom facilities are unsanitary due to lack of cleaning, accumulation of debris and a clogged sink full of stagnant water.
- The bedrooms are unsanitary due to the accumulation of old food, soiled clothing, and other debris. Damaged walls and closet doors were also noted in the bedrooms.
- The basement rooms (office & bedroom) contained a large accumulation of old food, trash, soiled diapers, empty food containers, cigarette butts and other debris.
- Damaged doors and walls were noted throughout the dwelling. The kitchen window was missing a glass pane and a broken window in the living room was replaced with plywood. Damaged kitchen cabinets were also noted.
- The garage ceiling has been damaged by a past leak and significant mold growth is evident.

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- Trash and debris were noted on the back deck.
- Trash, junk, old appliances, mattresses and other debris were noted throughout the exterior property.
- The uncovered above-ground pool is full of stagnant water and may provide a breeding habitat for mosquitoes.

The conditions noted above present a clear and imminent danger to the health and safety of any occupants of 31 Twinbrook Avenue. This dwelling is unfit for human habitation at this time and must not be re-occupied until these violations are corrected and an inspection by this office is conducted to verify compliance.

Failure to comply with this order may result in court action. If you have any questions, please contact this office at 890-2050.

If you want to contest this order, you can file a written request with the Salem Board of Health, 33 Geronimo Drive, Salem, NH 03079, c/o Brian Lockard. The hearing will be held no later than 30 days after your request is received. You will be sent a hearing notice of the date and time.

Sincerely,
Brian A. Lockard
Health Officer

CERTIFIED MAIL

cc: Tenants
Jonathan Sitaro, Town Manager
Salem Police & Fire Departments
William Scott, Community Development Director
NH DHHS, Children, Youth & Families, Attn: Brian Murphy, 154 Main Street, Salem, NH 03079

Lawrence Eagle-Tribune



ADMINISTRATIVE INSPECTION WARRANT
The State of New Hampshire

Rockingham County, State of New Hampshire

To the Chief or employee of a State agency, Municipality, or other public subdivision, hereby commanding him to conduct an inspection, testing or sampling, or to conduct an inspection, testing or sampling, in accordance with State laws and administrative rules, or municipal ordinances, rules or regulations, or any combination thereof, in the State of New Hampshire.

Proof of a 24 hour development or other emergency has been made this day before _____ by _____

There is probable cause for believing that _____ The property owner is in violation of the State of New Hampshire Administrative Inspection Warrant Act, RSA 959-B, in that _____

and because cause has not been shown to the contrary, _____

SEE ATTACHED AFFIDAVIT

May be found in possession of _____ at _____

We therefore command you to make an immediate search of _____

between the hours of _____ and _____ PM for the following property: _____

An administrative inspection of said property as authorized by RSA 959-B is to determine the living conditions of the dwelling therein.

Property of any part found to bring it and the person in whose possession it is found before _____ and if you find any such property, you shall bring it and the person in whose possession it is found before _____

at _____

Date: _____

Signature of the _____

RETURN

I executed the attached search, testing or sampling on _____ at _____

On _____ at _____ I searched _____

I left a copy of this warrant with _____

and _____

The following is an inventory of property taken pursuant to this warrant: _____

This inventory was made in the presence of _____

I swear that this inventory is a true and detailed account of all property taken for me on this warrant.

to be filed and served, to be filed on the _____ day of _____ 20____

Returned to _____ County Clerk _____

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH

Rockingham County, State of New Hampshire

Case Name: _____

Case Number: _____

APPLICATION FOR SEARCH WARRANT AND SUPPORTING AFFIDAVIT

(This application and affidavit to be submitted to a justice hearing warrant and filed with any affidavit with the court to which the warrant is to be issued.)

1. I have information, based upon credible sources, including my own knowledge and observation, that _____

2. Based upon the foregoing information, there is probable cause _____ upon my personal knowledge to believe that the property hereinafter described _____

3. The property listed to be seized as a result of the issuance of a search warrant is the following: _____

Wherefore, I request that the court issue a warrant and order of seizure, authorizing the search of the above persons and for premises and directing that such property or evidence or any part thereof be found that it is seized and brought before the court, together with such other and further relief that the court may deem proper.

The deponent affirms that he has certified a signed copy of the documents by facsimile or electronic transmission to the above named _____

Date: _____

STATE OF NEW HAMPSHIRE

ROCKINGHAM COUNTY SALEM DISTRICT COURT

PETITION FOR AN ADMINISTRATIVE INSPECTION WARRANT PURSUANT TO RSA 959-B

NOW COMES Petitioner, **Brian A. Lockard, Health Officer**, and requests an Administrative Inspection Warrant in accordance with RSA 959-B. In support of this request, Petitioner respectfully states as follows:

- The Petitioner currently functions as the Health Officer for the Town of Salem, NH. His business address is Town Hall, 33 Geromey Drive, Salem, NH 03079. His telephone number is 603-890-2050.
- In accordance with RSA 128:5, the Petitioner has the authority to enforce public health laws and rules and to make sanitary investigations. In conducting sanitary investigations the Petitioner, in his capacity as Health Officer, can enter private property, but he cannot enter and inspect living quarters without an inspection warrant.
- The Petitioner has probable cause to believe that certain property located within the Town of Salem, NH does not comply with state, rules and/or ordinances governing housing sanitation standards. The property in question is located at the following address: 6 MacFarland Road, Salem, NH 03079. Owner is listed as Georgia Morrison.
- The purpose of this inspection is to determine whether the dwelling at 6 MacFarland Road is in a safe and sanitary condition and to determine if the home meets minimum housing standards.
- The specific statutes, rules and/or ordinances with which this property does not comply are as follows: Town of Salem Municipal Code, Chapter 208 (Housing Standards) and RSA 147 (Nuisances).
- If testing or sampling is requested, I understand that a receipt must be given to the owner or occupant or left at the place to be inspected. Please describe the time and manner of such testing or sampling: No testing or sampling will be conducted. However, it is expected that photographs of the interior premises will be taken.

7. Please state the specific facts that demonstrate that there is probable cause for the issuance of this Administrative Inspection Warrant. I received a message from the Fire Department regarding unsanitary conditions at a residential home. The Police Department conducted a well-being check on September 2, 2008 and noted unsanitary conditions, see attached Incident Report. I did not enter the premises, however, standing at the front door I was able to observe a large accumulation of trash, old food and debris throughout the kitchen and a strong offensive odor was noted while standing outside the home.

8. Choose one of the following:

- I requested consent to inspect the property on _____ and was refused consent to inspect.
- The following facts and circumstances reasonably justify the failure to seek consent: The Police Department conducted a well-being check but were not able to locate the owner.

9. I understand that I am required to inspect between the hours of 8 AM and 4 PM unless I can show that it is reasonably necessary to inspect the outside of those hours as stated below: NA.

10. I understand that I am required to return a copy of this warrant to the Court within 7 days of issuance and to verify the date and time of execution.

11. I understand that the warrant will expire if not executed within 7 days, unless otherwise extended or renewed by this Court.

12. I understand that I am required to give a copy of this warrant to the owner or occupant of the place, dwelling, structure, premises, vehicle or records to be inspected. If the owner or occupant is not present at the time of service, I am required to leave a copy of this warrant at the place, dwelling, structure, premises, vehicle or records where the warrant is made.

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Town of Salem, New Hampshire
Community Development Department
Health Division
Municipal Offices, 33 Geromey Drive, Salem, New Hampshire 03079
tel: (603) 890-2050 fax: (603) 898-1223
Brian A. Lockard, Health Officer
Email: bblockard@ci.salem.nh.us
September 3, 2008

Owner
Dear Ms. Owner:
Subject: 6 MacFarland Road, Salem, NH, Map 126, Lot 966

Due to a request by the Police Department, I obtained an Administrative Inspection Warrant and conducted an inspection of 6 MacFarland Road on September 2, 2008 at 2:40 PM. I was accompanied by Officer Matthew Mackenzie. The following violations of the Town of Salem Municipal Code, Chapter 208, Article 1, Section 8 and NH RSA 48-A:7, 48-A:8, 147-A, 147:16-a and 147:17 were noted:

- A strong offensive odor of ammonia and rotting waste permeates the dwelling.
- Insects (flies and maggots) were observed throughout the dwelling.
- A large accumulation of trash, old food, food containers, soiled clothing, animal hair and other debris is evident throughout the dwelling on the floors, kitchen table, counters and other furniture.
- The kitchen facilities (refrigerator, counter, stove, sink) are unsanitary due to the accumulation of old food, rodent droppings and debris preventing safe and sanitary food preparation activities. The refrigerator is not functioning and is full of rotting food.
- The bathroom facilities are unsanitary due to lack of cleaning and an accumulation of soiled clothing and debris.
- The bedrooms are unsanitary due to the accumulation of old food, soiled clothing, and other debris.
- The living room and one bedroom are nearly inaccessible due to the large accumulation of trash, soiled clothing and debris. This bedroom also contains a bird cage with a large bird. Bird waste is scattered around the cage.
- The finished basement room contains an accumulation of old food, trash, empty food containers, three used syringes and other debris.

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- The unfinished portion of the basement contains several bags of trash and soiled clothing is strewn about this area. The furnace is connected to a five gallon plastic container.
- The large shed/outbuilding is full of trash and debris.

The conditions noted above present a clear and imminent danger to the health and safety of any occupants of 6 MacFarland Road. This dwelling is unfit for human habitation at this time and must not be re-occupied until these violations are corrected and an inspection by this office is conducted to verify compliance.

Failure to comply with this order may result in court action. If you have any questions, please contact this office at 890-2050.

If you want to contest this order, you can file a written request with the Salem Board of Health, 33 Geremonty Drive, Salem, NH 03079, c/o Brian Lockard. The hearing will be held no later than 30 days after your request is received. You will be sent a hearing notice of the date and time.

Sincerely,

Brian A. Lockard
Health Officer

CERTIFIED MAIL

DANGER

JULY 1, 2013
35 FRIENDSHIP DRIVE

THIS DWELLING IS DECLARED UNSAFE FOR HUMAN OCCUPANCY OR USE. IT IS UNLAWFUL FOR ANY PERSON TO OCCUPY THIS DWELLING BECAUSE OF THE FOLLOWING DANGEROUS & UNSANITARY CONDITIONS:

- LACK OF ELECTRICAL & WATER SERVICE.
- ACCUMULATION OF OLD FOOD, TRASH AND DEBRIS.
- SEVERE WATER AND MOLD DAMAGED FLOORS, WALLS AND CEILINGS.

EFFECTIVE IMMEDIATELY, OCCUPANCY IS PROHIBITED BY ORDER OF THE HEALTH OFFICER OF THE TOWN OF SALEM, UNDER AUTHORITY OF RSA 147:16-a.

DETAILS OF THESE VIOLATIONS ARE ON FILE AT THE HEALTH DEPARTMENT AT 33 GEREMONTY DRIVE, SALEM, NH 03079.

ANYONE ATTEMPTING TO OCCUPY THIS DWELLING AT 35 FRIENDSHIP DRIVE WITHOUT PERMISSION OF THE HEALTH OFFICER, OR ANYONE REMOVING THIS NOTICE, SHALL BE GUILTY OF A MISDEMEANOR.

PERSONS AGGRIEVED BY THIS ORDER MAY REQUEST A HEARING IN THE SALEM DISTRICT COURT, AND MAY ASK THE COURT TO DIRECT THE RESPONSIBLE PARTY TO REMOVE OR ABATE THE DANGEROUS CONDITION.

Resources

TITLE XXXI
TRADE AND COMMERCE
CHAPTER 353
HOTELS, TOURIST CABINS, ETC.
Generally
Section 353:3

TITLE X
PUBLIC HEALTH
CHAPTER 147
NUISANCES; TOILETS; DRAINS; EXPECTORATION; RUBBISH AND WASTE
Section 147:3

TITLE X
PUBLIC HEALTH
CHAPTER 147
NUISANCES; TOILETS; DRAINS; EXPECTORATION; RUBBISH AND WASTE
Section 147:4

National Fire Protection Association 101 (NFPA)

2009 International Building Code (IBC)

TITLE X
PUBLIC HEALTH
CHAPTER 147
NUISANCES; TOILETS; DRAINS; EXPECTORATION; RUBBISH AND WASTE
Section 147:5

TITLE X
PUBLIC HEALTH
CHAPTER 147
NUISANCES; TOILETS; DRAINS; EXPECTORATION; RUBBISH AND WASTE
Section 147:16-a

TITLE III
TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES
CHAPTER 48-A
HOUSING STANDARDS
Section 48-A:7

TITLE III
TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES
CHAPTER 48-A
HOUSING STANDARDS
Section 48-A:8

TITLE III
TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES
CHAPTER 48-A
HOUSING STANDARDS
Section 48-A:14

Check your local ordinances.