# Carver County Public Health Nuisance Program

Dawn Plumer & Tami LaGow



Healthy Carver for a Lifetime

## **Objectives**

- 1. Define a public health nuisance
- 2. Review the state statute and Carver County's ordinance regarding public health nuisances
- 3. Understand the Carver County's program and procedures to identify and abate a public health nuisance





## What is a public health nuisance?

"A public health nuisance is any activity or failure to act that adversely affects public health; it often relates to a source of filth or sickness that provides the opportunity for the spread of communicable disease."

Minnesota Statute 145A

Carver County Chapter 55





## **Public Health Nuisances in Carver County**

 Carver County's nuisance ordinance was passed in June 2013

2018

❖11 cases

2019

416 cases so far





## **CASE STUDY**

Tami LaGow - Carver County Public Health
Dawn Plumer - Carver County Public Health
City Building Inspector





## **Significance**

- Referral from a church member who visited weekly
- Hoarding, accumulation of personal belongings, filth
- Very limited egress
- Poor building structure
- Mobile home built in 1974
- Possible vulnerable adult living with spouse and adult son





## PHnu: Telephone Screening and Intake Form

Notes:

Date referral received:		
Carver County Staff person receiving call:		
Referral Source:	-	
Organization:	_	
Relationship:		
Phone: ()		
Occupant(s):		
	Older adults	
Address:		
Phone:		
Type of building/property:		
Parcel ID (PID):		
. ,		
Phone:		
Address:		
Description of Problem:		
<ul> <li>presence of human or animal waste</li> </ul>		
□ rodents or insects/vermin		
□ rotting food		
<ul> <li>are utilities and plumbing operational</li> </ul>		
□ are there problems with blocked exits		
<ul><li>excess accumulation of trash/personal bel</li></ul>	ongings or combustibles	
may pose a health threat/injury to others	that enter the building	
Notes:	,	
Pets/animals (Number and type):		





#### **Fact Sheet**

A public health nuisance is different from a public nuisance or a code violation. It may be a public health nuisance if it: (1) can make people sick, (2) cause an infestation of insects or rodents, or (3) can pose a health threat/injury to others who may enter the building.

Examples of a public health nuisance include:

- Accumulation of refuse or debris
- Human or animal feces
- Rotting food waste
- Evidence of rodent or insect infestation
- Accumulation of solid waste
- · Lack of water or sewage disposal
- Limited or blocked egress to windows and doors
- Number and type of live animals that might be injurious or dangerous to the health and safety of any individual or to the public in general

It is important to acknowledge that a "messy" or "cluttered" building is not necessarily a public health nuisance.

#### What is the role of Public Health?

Minnesota Statute 145A defines a "public health nuisance" as any activity or failure to act that adversely affects the public health. Minnesota Statute 145A gives the local board of health or its agent the authority to remove or abate the threat within a specified time.

#### How does Public Health find out that a Public Health Nuisance exists?

Public Health Nuisances may occur anyplace including: residential homes, rental properties, open spaces, commercial buildings, or businesses. Referrals can come from anyone who suspects a public health nuisance exists. Referrals may be made by property owners, tenants, neighbors, family, concerned citizens or law enforcement.





## **Preparing for inspection**

- Contact property to schedule inspection\*\*
  - May approach property without prior notice
- Determine if there is any existing information, for example, do they have any type of county services already in place?
- Gather needed items
- Contact law enforcement for escort





## **Safety**

- Law Enforcement is on site during investigation
- Safety is top priority if in doubt of team safety, leave the property
- Often times, within the first few minutes we will have a pretty good understanding of the situation







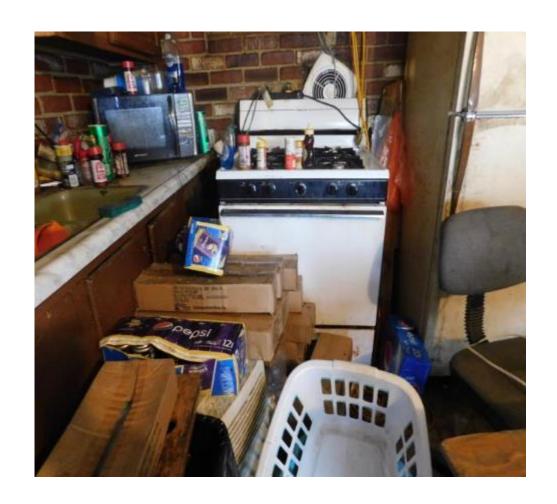
























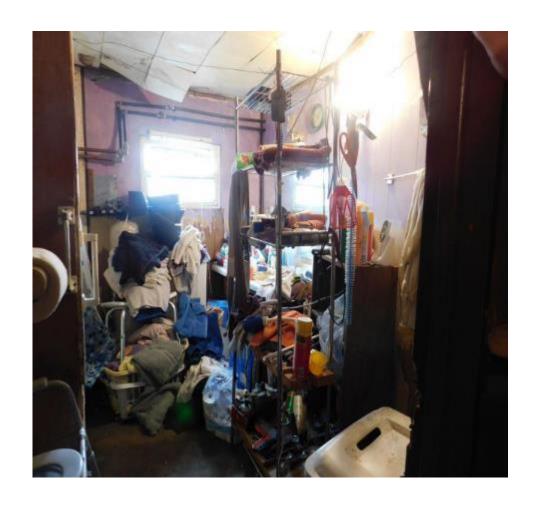






















## Inspection

- Wear appropriate safety clothing and equipment
- Notify property owner/renter why investigation is being completed
- Two staff present
  - One will complete check-list
  - One will take photos







#### PHnu: Site Visit Notes

Resident:				
Address:				
Contact Information:				
Partners:				
Name	Organization	Phone		

		<u> </u>
Problematic safety	Initial Inspection Date	Re-Inspection Date
problems:		
Smoke / CO detectors		
Would it be difficult for		
emergency personnel to		
move equipment through		
the property?		
Are any stairwells		
unsafe?		
Is there a danger of		
falling due to the clutter?		
Visible Structural damage		
Rotten food		
Rotten rood		
Insect or rodent		
infestation		
Egress through the home		
ngress amough the nome		
Trash/Garbage		
,		
Accumulation of Fecal		
matter		
Accumulation of personal		
property		
Dead Animal(s)		
Utilities Operational		
(Water, Electricity, Heat)		
Large number or		
dangerous animals		





#### **First Order to Abate**





October 12, 2017

Francis & Nancy

Norwood Young America, MN 55368

RE: Carver County Public Health: First Order to Abate a Public Health Nuisance at

Dear Francis & Nancy

Pursuant to authority granted to the Carver County Public Health Department under M.S. 145A.04, Subd. 8, and Carver County Code of Ordinances Chapter 55, be advised that an inspection was conducted on October 5, 2017 by the Carver County Public Health Department. It has been determined that a Public Health Nuisance exists at the above referenced location.

Specifically, the Department has identified the following conditions:

- Excessive accumulation of personal belongings throughout the home including entry way, living room, kitchen, bathroom and bedrooms.
- 2. Flooring was heavily soiled and unsanitary in bedroom and bathroom.

This is an official notice to Francis & Nancy owner of the property to remove or abate the threat to the public's health as soon as possible. If this situation is not remedied, showing progress, by October 23, 2017, the County will take the steps necessary to abate and will assess the costs to the owner as provided in M.S. 145.A08, Subd. 2 and Carver County Code of Ordinance Chapter 55. Any person in violation of any provision of Chapter 55 shall be guilty of a misdemeanor per section 55.14 of the ordinance.

As the responsible party for this property, Francis & Nancy are hereby ordered to abate the public health nuisance as follows:

- Organize and/or remove personal belongings to create 36" wide egress to all doors and windows throughout home.
- 2. Clean and/or remove all soiled and/or unsanitary flooring in bedroom and bathroom.
- $3. \ \ \, {\sf Remove\ garbage\ from\ the\ home.}$

Francis and Nancy October 12, 2017 Page 2

Pursuant to Carver County Code of Ordinances section 55.13, when a public health nuisance is declared, an owner and/or an occupant of the affected property may appeal the declaration, including an order for abatement or remediation from the Board of Health, by filing a written request with the Board of Health for an administrative hearing within ten (10) calendar days of the date of service, exclusive of the day of service. Written request should be delivered to Carver County Public Health, 600 East 4th Street, Chaska, MN 55318. (Enclosed: Section 55.13 Public Health Nuisance Appeals Process)

<u>Dated: October 12, 2017.</u> This public health nuisance must be abated by the follow-up inspection conducted on October 23, 2017 at 12pm.

Sincerely,

Dr. Richard Scott Public Health Manager & CHS Administrator (952) 361-1320

Cc: Rod Franks, Health and Human Services Division Director Laura Jaunich, Assistant Carver County Attorney





# **CLEAN OUT**



































#### **Limitations**



Cletobor 25, 2017

Total Larinov, Public Blocks, Specialist Carror County Blocks, and Flamon Services. 000 Sant 4" Servoi Chasin, MN 2003.

Subject: Assess the condition of the horse located at \$14 Balload St. Norwood Yearing Assestes

Michaeliere

On Monthly Occabin 23, 2017 I joined you at the above criptioned address to make an inspection and concentrate of the manufactured home of Process and Soliney Green.

Too house's astance appears to be in press contribute, with damage to doors (seale), with doors (souch and minimizing placing); which gives or entrotrogy and the pool observashows the fering reconsumant which is the probable more of the water trafficultion and extensive culting interages).

The house's interior shows thereuge to the nething, which is superfully sevent in the living moon where the obling, has easyed 15 incluses in the area that corresponds to the degree-off in the next. They are half in the floor at limits desire their in not from senter allithration. Executed appears to be serveding most assets of the house through the use of extension could, flours of them carried appears to be served directly to endury through the time of extensions occasion, then when the served in the property of the property of the could be served in the served in the served of the served in the served of the

It is my opinion that the home is unask for occupancy due to structural and ogicus issues, and the potential for a fire housed to the unfolcate and noighboring house the to firefer also perminally. I find the force is also be found in housed due to the consultance conditions and the indulative to be able to them and materials the broadcast. I also believe that due to the tigs and stowards with a best and an arrangement of the conditions of the property of the conditions of the conditions of the conditions to appair the execution.

Below is a section from the 2015 Minnesora Building Code Administration that lays out some of the qualifications for an unsafe hotiding.

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#### ENGLESSO UNSAFE BUILDINGS OR STRUCTURES

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Sknoweiw.

Dave Vel

Building Impedior City of Notwood Young America









November 15, 2017

RE: Public Health Nuisance at
Dear Francis & Nancy Green:
Pursuant to authority granted to Carver County Public Health Department under M.S. 145A.04, Subd. 8, and Carver County Code of Ordinances Chapter 55 an inspection was conducted at by an agent of the Carver County Community Health Board of October 23, 2017 and found the following:
1. Organized and/or removed personal belongings to create 36" wide egress to all doors and windows throughout home.
Based on the inspection the Carver County Board of Health declares the public health nuisance abated. For your safety, Carver County Public Health urges you to address the unsafe structural issues of your home. The structure of your home is beyond the scool of Public Health Nuisance; however your safety is of priority to Carver County. If you would like to learn about alternative living options, please reach out to us.
Your cooperation is appreciated.
Sincerely,
Dr. Richard Scott
Public Health Manager & CHS Administrator (952) 361-1320
Cc: Rod Franks, Health and Human Services Division Director

Healthy Carver for a Lifetime

Office (952) 361-1329 | Fax (952) 361-1360 | www.co.carver.mn.us





## Abated, but...

Based on the inspection the Carver County Board of Health declares the public health nuisance abated.

For your safety, Carver County Public Health urges you to address the unsafe structural issues of your home. The structure of your home is beyond the scoop of Public Health Nuisance; however your safety is of priority to Carver County. If you would like to learn about alternative living options, please reach out to us.





## **Lessons** learned

- Uncooperative resident became cooperative after relationship was established
- City involvement
  - Building inspector came with us on second visit, but only made recommendations, no mandates
  - Partnered with Human Services (MAPT) group to look for a comprehensive solution - none was found
- VA was ruled out
  - Clean out was enough to abate the nuisance, but living conditions were still a concern





## **Lessons** learned

- When working within the Phnu frame work, we have limited ability for force change outside of the abatement.
- Lack of smoke detectors/structure is outside of our scope.
- Getting others involved whenever possible.
- Important to be part of groups such as Multidisciplinary Adult Protection Team (MAPT)





#### **Public Health Nuisance Procedure**

- Complaint received- review for potential referrals for other services
- Complete screening/intake form
- Log complaint, as appropriate, in Nuisance Tracker
- Triage complaint with PHnu team
- Notify subject of complaint by telephone or letter
- Schedule inspection
- Prepare for inspection
- Conduct inspection
- Post inspection operation/debrief





## PHnu found

- Case Study "Two Sisters"
- Tami LaGow Carver County Public Health
- Dawn Plumer Carver County Public Health
- Adult Protection Report filled by a family member





## **Significance**

- Referral from Adult Protection- reporter was a family member
- Repeat case
- Two sisters living in the home, one a possible vulnerable adult
- Clean out in 2013 (forced clean out) \$2,500
- 2<sup>nd</sup> clean out 2018 (voluntary) \$6,000





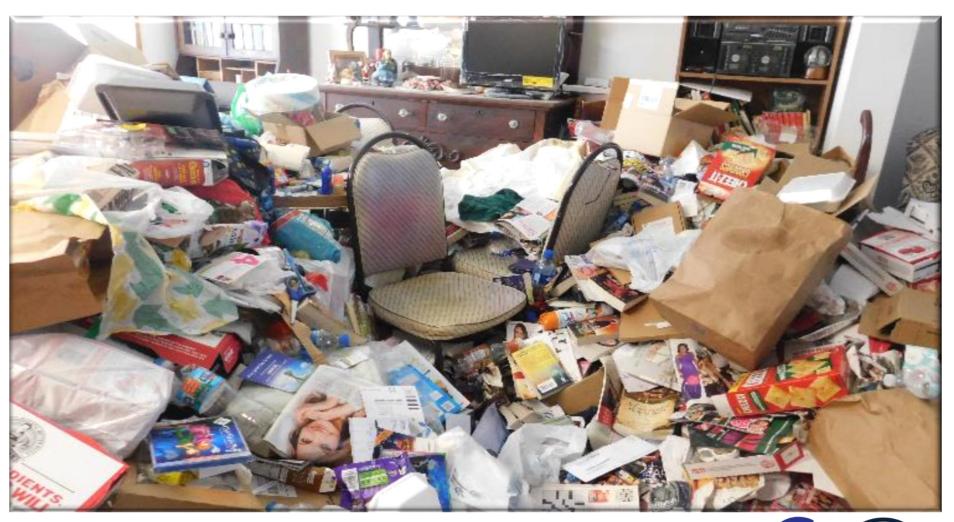
# 2013 first inspection vs. 2018 first inspection





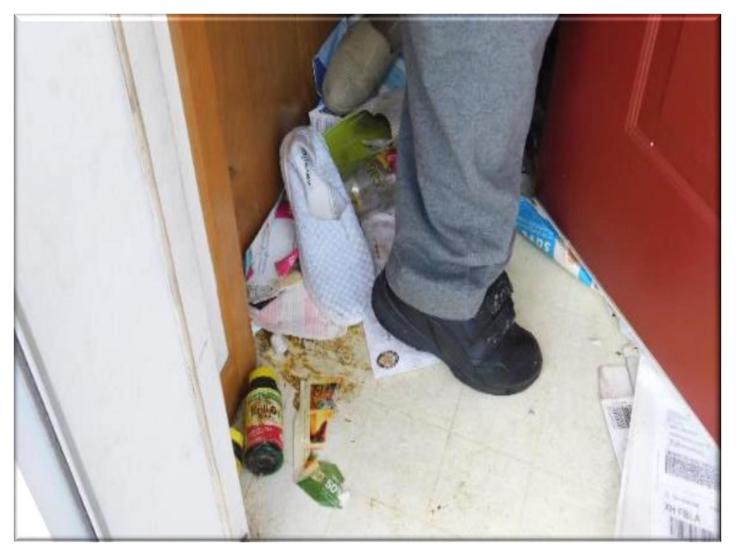




























	STRUCTURE AND ZONING	ANIMALS AND PETS	Household Functions	HEALTH AND SAFETY
LEVEL 1	All doors, stairs and windows are accessible; plumbing, electric and HVAC operational; fire and CO detectors installed and functional	Normal animal control; no evidence of rodents or insects	No excessive clutter; household appliances functional; house well maintained	Safe, sanitary, no odors; medication controlled
LEVEL 2	1 major exit blocked; 1 major appliance or HVAC device not working for longer than one season; some plumbing or electrical systems not fully functional; fire or CO detectors not-functional/non-existent	Evidence of inappropriate animal control; visible or odorous pet waste; light to medium evidence of common pests/insects	Clutter obstructs some living areas; slight congestion of exits, entrances, hallways, stairs; some household appliances not functional; inconsistent household maintenance/cleaning	Diminished sanitation; odors from dirty dishes, food, laundry, toilets; mildew present; medication control questionable
LEVEL 3	Outside clutter of items normally stored indoors; HVAC devices not working for longer than one season; fire or CO detectors not-functional/non-existent; light structural damage to home lasting < 6 months	Animal population exceeds local regulations; inadequate sanitation; medium level of spiders and webs; pests audible; light insect infestation	Clutter obstructing functions of key living areas, exits, entrances, hallways, stairs; inappropriate usage of household appliances/extension cords; substandard household maintenance/cleaning; hazardous substances in small quantities	Limited evidence of maintaining sanitation (heavily soiled food prep areas, dirty dishes, mildew); obvious odors; garbage cans not used/overflowing; dirty laundry; hazardous control of Rx/OTC meds
LEVEL 4	Excessive outdoor clutter of items normally stored indoors; HVAC devices not working for longer than one season; fire or CO detectors not-functional/non-existent; structural damage to home lasting > 6 months; water damaged floors, walls, foundation; broken windows; sewer backup	Animal population exceeds local regulations; inadequate sanitation; excessive spiders and webs; pests audible and visible; medium insect infestation	Diminished use and accessibility to key living areas; Several rooms, exits, entrances, hallways, stairs cluttered to extent they cannot be used for intended purposes; inappropriate storage of hazardous substances; improper use of electric space heaters, fans, extension cords	Rotting food; organic contamination; expired, leaking cans/bottles; dishes/utensils unusable; no linens on beds; sleeping on mattress, chair or floor; infestation of bedding/furniture; Rx/OTC meds easily accessible to anyone
Level 5	, 5	Animals at risk and dangerous to people due to behavior, health and numbers; pervasive spiders, rodents, bats, snakes, etc.; heavy infestation of insects, cockroaches, ants, etc.	Key living spaces not usable; all rooms not used for intended purposes; entrances, exits, hallways, stairs blocked; toilets, sinks and tubs not functioning; appliances unusable; hazardous and primitive use of kerosene, lanterns, candles, fireplace, wood stove as primary source of heat or light	Human urine and feces present; rotting food; cans/jars expired, leaking; dishes/utensils buried or nonexistent; beds inaccessible due to clutter or infestation; pervasive mold/mildew; moisture or standing water; Rx/OTC medications easily accessible and expired

Adapted from 2011 Institute for Challenging Disorganization (ICD) for Carver County Public Health Nuisance Program 2016

	Structure and Zoning	Animals and Pets	Household Functions	Health and Safety
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	STRUCTURE AND ZONING	Animals and Pets	Household Functions	HEALTH AND SAFETY
LEVEL 5	clutter; foliage overgrowth; abandoned machinery; ventilation inadequate or nonexistent; HVAC systems not working; water damaged floors, walls, foundation; broken windows, doors, plumbing; unreliable water, septic systems; sewer backup	dangerous to people due to behavior, health and numbers; pervasive spiders, rodents, bats, snakes, etc.; heavy infestation of insects, cockroaches, ants.	exits, hallways, stairs blocked; toilets, sinks and tubs not functioning; appliances unusable; hazardous and primitive use of kerosene, lanterns, candles, fireplace, wood stove as primary source	Human urine and feces present; rotting food; cans/jars expired, leaking; dishes/utensils buried or nonexistent; beds inaccessible due to clutter or infestation; pervasive mold/mildew; moisture or standing water; Rx/OTC medications easily accessible and expired





# **Findings**

- Determination is not made on site
- Review with Public Health nuisance team
- Write letters according to determination and send to property owner
- PH manager signs off on letters, Health and Human Services Director and assistant County Attorney are sent a copy of the letter.





#### RE: Carver County Public Health: First Order to Abate a Public Health Nuisance at

Pursuant to authority granted to the Carver County Public Health Department under M.S. 145A.04, Subd. 8, and Carver County Code of Ordinances Chapter 55, be advised that an inspection was conducted on December 10, 2018 by the Carver County Public Health Department. It has been determined that a Public Health Nuisance exists at the above referenced location.

Specifically, the Department has identified the following conditions:

- 1. Lack of egress throughout the home due to accumulation of personal belongings in the home including living room, kitchen, bathroom, bedrooms and garage.
- 2. Presence of urine and feces soaked pads.
- 3. Carpet was heavily soiled and possibly unsanitary.
- 4. Rotten/spoiled food in refrigerator and counters.
- 5. Unsanitary surfaces within the home.

This is an official notice to company (owners) of the property to remove or abate the threat to the public's health as soon as possible. By December 20, 2018 please select a company that you will hire to abate the public health nuisance. Carver County Public Health has worked with the following companies, Surface Surgeons; 612-990-5747 and Service Master 844-319-5401, however you are welcome to use any service you choose. Carver County Public Health will be in touch by phone on December 20 to get the name of the company you have selected and the date that the company will come out for the clean-up.

If by that date, you have not selected a provider the County will take the steps necessary to abate and will assess the costs to the owner as provided in M.S. 145.A08, Subd. 2 and Carver County Code of Ordinance Chapter 55. Any person in violation of any provision of Chapter 55 shall be guilty of a misdemeanor per section 55.14 of the ordinance.





#### **Abatement**

- Serve abatement notice to property owner and occupant regarding inspection outcome
- Re-inspection
  - Re-inspect property after 10 working days
  - Work with property owner to determine additional re-inspection dates
    - Re-inspections are completed until nuisance is abated or next course of action is pursued





#### **Forced Abatement**

- When a public health nuisance cannot or will not be fully abated by the owner, the nuisance team, along with the Community Health and Promotion Supervisor, will discuss use of an forced abatement to resolve the public health nuisance.
- Abatement contractor = ServiceMaster

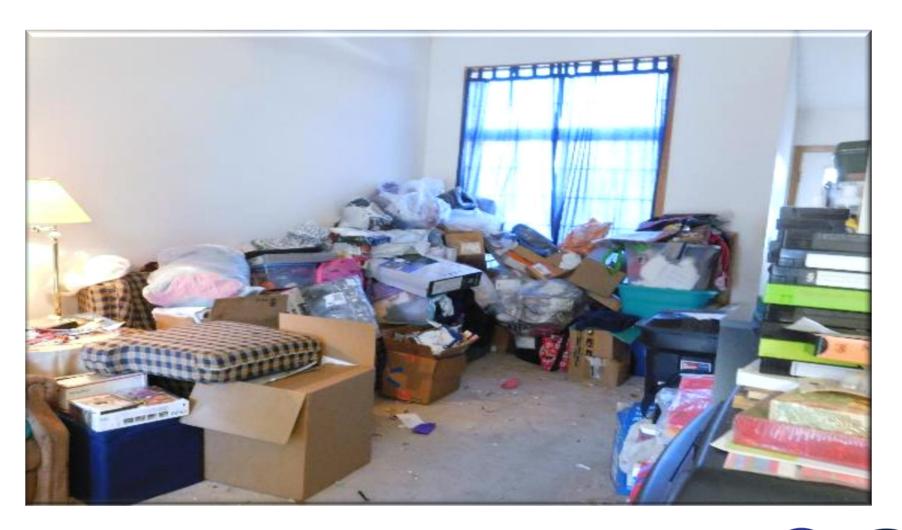




# **CLEAN OUT**

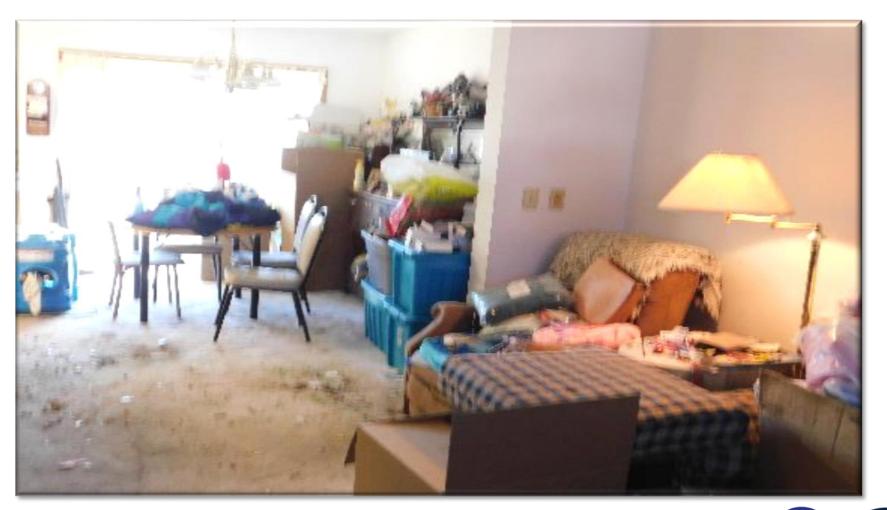






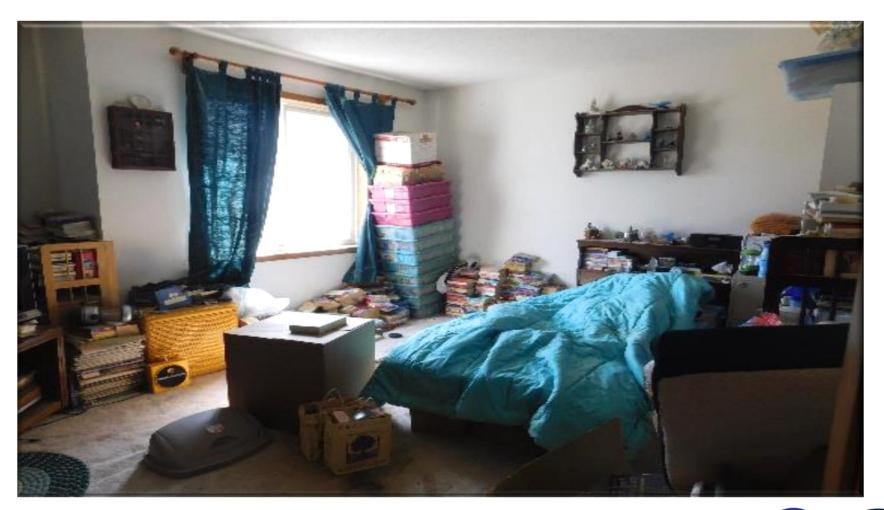
















#### **Lessons** learned

- VA was ruled out
  - Clean out was enough to abate the nuisance, but living conditions were still a concern
  - Partnered with Human Services group to look for a comprehensive solution - none was found
  - Sisters are resistant to services
  - Can we request the clean out of a vehicle?









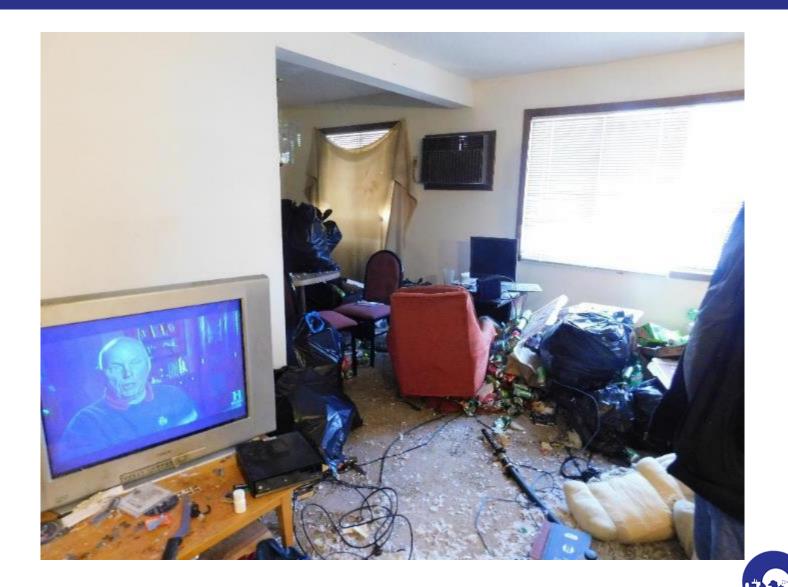


# **CASE STUDY**

Dawn Plumer – Carver County Public Health
Tami LaGow - Carver County Public Health
Victoria Law Enforcement – Sheriff's Office
Landlord

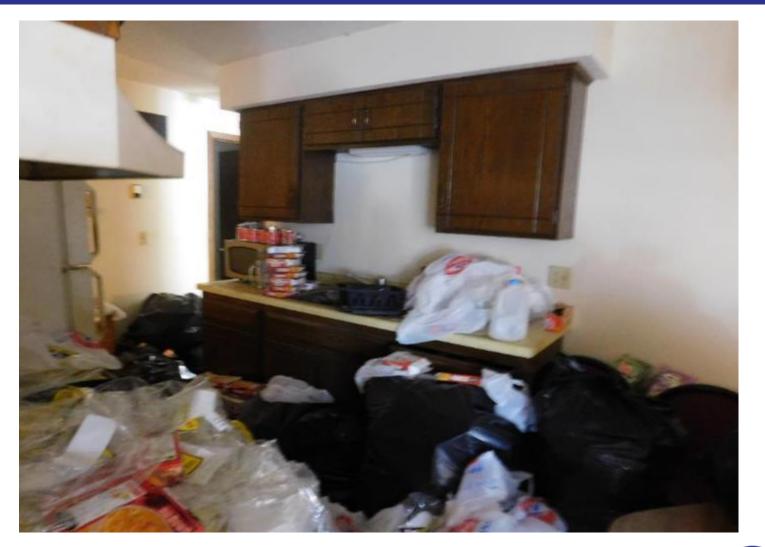






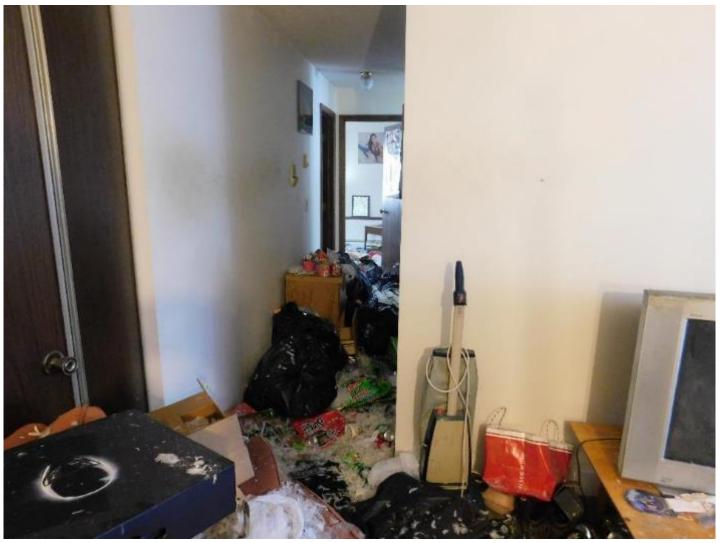


CARVER COUNTY













# **CLEAN OUT**

















#### **Lessons Learned**

- Awareness of your surrounding If one team member calls it you are out
- Being creative with communication
- Fairly straight forward case
- First inspection was January 12 case closed
   January 19 second inspection.





# What is not a public health nuisance?

- Public nuisance
- Clutter
- General poor housekeeping
- Mold









## Public health nuisance vs public nuisance

#### **Public Health Nuisance**

- Unsafe living situations that affect children, vulnerable adults and animals
- Rotting garbage or dead animals
- Insect/rodent infestations
- Hoarding, including animal hoarding
- Evidence of meth lab or other drug manufacturing

#### **Public Nuisance**

- Excessive noise
- Open wells
- Animal control issues
- Long grass
- Leaking roof in rental property
- Debris in yard
- Abandoned vehicles





# Public health nuisance vs public nuisance

- A public health nuisance can...
  - 1. Make people sick,
  - 2. Cause an infestation of insects or rodents, and/or
  - 3. Pose a health threat/injury to others who may enter the building.
- A public nuisance consists of nonhealth related conditions; it is an activity that unreasonably interferes or obstructs a right that is conferred to the general public



Is the room able to be used for its indented purpose? If not, that is a concern.



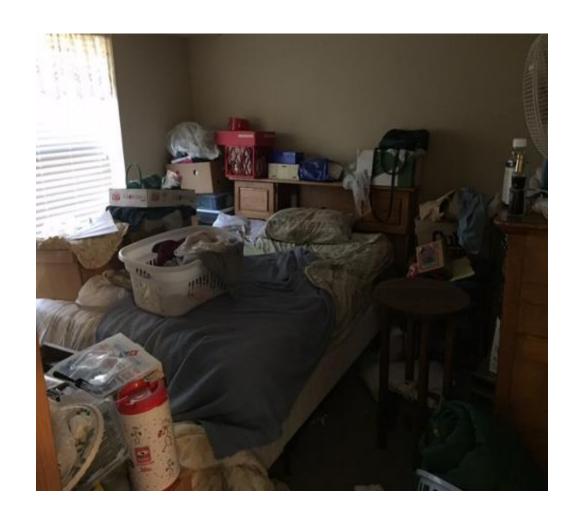




# Inspections where: No nuisance was found...

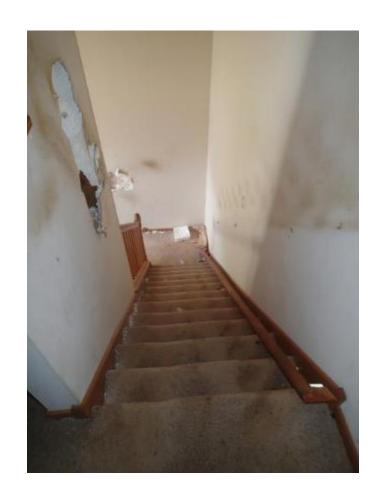


















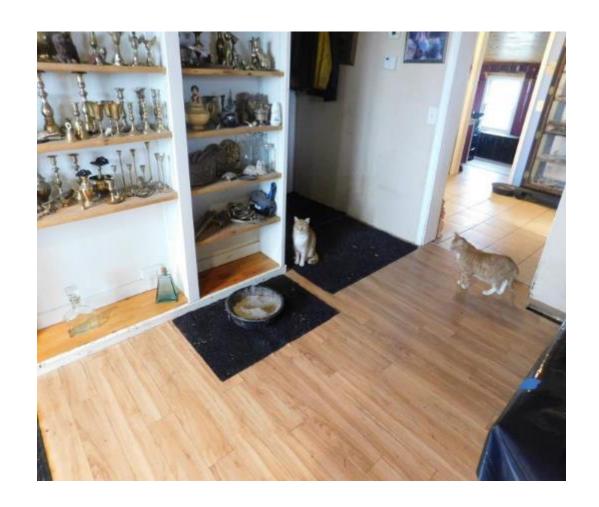
















#### Remember...

- PHnu are complex and will likely involve a variety of agencies
- Might be a PHnu if:
  - Can make people sick
  - Cause infestation of insects and/or rodents
  - Can pose a health threat/injury to others who may enter property





#### Remember...

- Safety is TOP priority
- Focus on the public health nuisance
- If it's outside of your scope – ask others!
- Coordinate with other agencies EARLY on in process







# In Closing

### Challenges/Learning/Growth Opportunities:

- Apartment/manufactured home investigations are complex investigations – family/neighbors
- Administrative search warrants
- Repeat investigations
- Nuisance vs. Clutter
- County role









