

## SUBSTANDARD LIVING CONDITIONS SPECIAL COMMITTEE

February 13, 2020

A meeting of the Substandard Living Conditions Special Committee was held on Thursday, February 13, 2020 at 7:00 p.m. in Room 208 at City Hall.

Alderman Jan Schmidt, Chair, presided.

Members of Committee present: Alderman Ernest A. Jette, Vice Chair  
Alderman Thomas Lopez  
Alderwoman Elizabeth Lu  
Alderman Skip Cleaver (arrived after roll call)

Also in Attendance: Nelson Ortega, Code Enforcement Manager  
Alderman Patricia Klee

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PUBLIC COMMENT - None

### DISCUSSION

Report from Code Enforcement Department regarding the history and impact of the previous work of this Committee and where they stand now, including any suggestions going forward

*Chairman Schmidt to recognize Code Enforcement Manager Nelson Ortega.*

#### Chairman Schmidt

I had asked Code Enforcement if they could come and give us a little information about what this Committee had done the first year or two that it was put together. I know there were some laws that were changed and I also know that the State had made some changes in laws that would affect us as well.

So I guess what we will do is we will just give you the floor, Mr. Ortega, and thank you very much.

#### Nelson Ortega, Code Enforcement Manager

As far as the Committee, I mean this Committee got started out maybe three years ago or so when they had big issues, it basically started more when they were having issues with the Country Barn out on Broad Street and so forth. After that the Committee got formed. They worked more with Fire & Health when it came to, when that part of the Committee got started because they were the ones that have jurisdiction over any kind of hotels and motels which is what they are classified in. I was more of a support if they needed it because we didn't have jurisdiction in that particular area.

As far as any other work, the City now has the ticketing system which it has had now for about around the same time. The Committee was very supportive in helping with that Legislation. We had already – we were working on it, putting it together. Right from the get-go, the Committee was pretty helpful implementing, you know, working with trying to get it through and it did. It has worked out. It is a system we have more for compliance. We have it for those individuals just outright refuse to do any repairs or take care of issues.

Our normal process used to be, go out, you inspect the unit, you do the violation, you give them their notice and if they don't care of it, then we take them to Court. Now you get your verbal notice, you get your written and if you don't then you get a citation, which is last and it pays into the City. So that has been working out really well.

Chairman Schmidt

Skip Cleaver has joined us if you will add that. So the ticketing, how does that work, for what can you ticket them?

Mr. Ortega

We can ticket them for any Ordinance that Housing can enforce. Then the Health Department has their portion that they can also do; the Building & Safety Department also has their portion. So every Department can now cite any Ordinance that's within their jurisdiction. Ours would be Housing Code. But as Code Enforcement, we would also do it for Planning & Zoning, Wetlands and if need be and no one is available from Building Safety then we would go out and also attend to that.

Chairman Schmidt

What actually started this was the Country Barn. What kind of ticketing would you do there?

Mr. Ortega

Well the ticketing system has been, we've been working on it for years. I've been here two or three. We have been working on it for years. Then when things spiraled out of control on Broad Street, then the Committee started to help get it to the rest of the location that we wanted it. As far as the Country Barn or any hotel, that would be again, that would be the Health Department or the Fire Department. So if Health went out there and found an infestation or they found unsanitary conditions of any kind, if the owner or the property manager, whoever is in control of the unit didn't respond within that required timeframe, then that Health Officer can give them a ticket, a citation. This is what they look like.

They basically, you can't really see here in your handout, you see a ticket? This is what it looks like when we hand it to them. It's in the center, it starts with NRO 74 in the center. So basically that's the citation that we hand out. Those are given out either in-hand or mailing it out to them so we can do it either way. But that's what the Health Department would do in a situation like Country Barn or any other facility that is managed, where they have jurisdiction, whether it is a restaurant, so they can do the same thing.

Alderman Jette

Madam Chair, so you've got a presentation? So why don't you go through your presentation?

Chairman Schmidt

Start from the beginning?

Mr. Ortega

Yeah I was going to explain a little bit and go, everything is on there. Hopefully you can see this. This is a presentation that we do at Citizen's Academy and then whenever we do a presentation out like in the Adult Learning Center or somebody wants us to talk about it. This is the presentation we will show them. This is just our Code Enforcement Department.

We have and Kyle Metcalf and Rob Sousa with us for about 11 years now. Lawrence is our new Code Officer, he's been with us going on a year and Jill, she is our admin, she's also Building & Safety and Community Development. They all deal with the constituents.

Alderman Jette

So how many people are in the Housing Code Office?

Mr. Ortega

Including myself, four. Three, Rob, Kyle and Lawrence are the Code Officers out on the street and then myself who also goes out into the field. So there are four of us that can go and site and do inspections and look at things.

Alderman Jette

Thank you.

Mr. Ortega

Before I started here it was Housing Code and then once I started and they had the other Code Enforcement Management, they changed it to the Code Enforcement Officers, which kind of opened the door to Ordinances. So we will investigate all housing complaints; we will also investigate for Planning & Zoning. We will assist the Building & Safety Department and we will assist any other Department within the City of Nashua as long as they take the first initiative with the Ordinance that is being violated under their jurisdiction. Like Parks & Rec had something maybe or DPW, as long as they make first contact, or Solid Waste, make first contact and try to talk to the owner and sent them their notice. If the individuals don't comply, then Code Enforcement will step in and work with them.

This is just our jurisdictions within Nashua. We go all over, and of course we don't just deal with residents and apartments. We also deal with single family homes. Our jurisdiction with single family homes is the exterior of the property and the property itself. In a rental unit, the jurisdiction is inside/outside and anywhere that the tenant has a right to be.

Alderwoman Lu

Excuse me, I'm sorry, so for a single family it is also inside and outside correct?

Mr. Ortega

No only if it is rented, if it's owner occupied, we have no jurisdiction with owner occupied homes inside. Exterior we do; the house needs some repair the lawn is too long, your fence is following over, you have more than one unregistered or uninspected motor vehicle. Those things, we can address with single family home owners.

Our complaints came come anywhere, they come from citizens that are just walking by a home, driving by a property, looking at a property having the exterior inspection. This evening I have a target area that they might be working on through Urban Programs or just Community Development. So we may focus in that area to see what we can do to help make that area better, or see what Community Development or Urban Programs or any other agency might be able to do to revitalize.

Things can be anything from plumbing that wasn't done properly, not enough hot water or water not working in general. We've had those. Wiring, leaking roofs, porches, stairs, railing, structurally unsound building, garages, so it will be in the housing code. And if Code has jurisdiction then we will work with them.

Chairman Schmidt

Do you have a question Alderman Jette?

Alderman Jette

Do you mind if we ask questions as you go along? So on the previous page you talked about how issues are brought to the Code Enforcement attention. I've heard that it is largely complaint-driven; people call and make a complaint. But I see you have got here random systematic inspections. I didn't know you did that.

Mr. Ortega

When we say "random systematic" they are literally random. We spend so much more time reacting to the complaints that if a Code Officer happens to be driving by or has an extra half hour or something and he is just driving around; if he sees something he is going to inspect it. That's basically – with the exception of like boarding house. We now inspect boarding houses like once every two years, we try and do them all. We have a couple are slated to be done this spring. We have a total of I think it's 8 that we know of that we have been inspecting now for the last couple of years now. So like right now we just sent an e-mail out so we are getting ready to do 36 Concord Street which is a boarding house. Building House, at Temple Street, so we will be sending them notices saying, hey it is going to be time to inspect your property.

Those are the ones that we know we are going to be doing those but as far as anything else, if the Code Officer is not tied up with complaints, then they will go out and just look around and see what they find. Most of the time, what I will do too, if I am done at the office, I will go and drive around the City and whatever we see, bulky items, people move out, trash, we log it in, come back and send Solid Waste an e-mail saying, we have bulky items at this address. They will put it on their list and they go out and pick it up at their schedule.

Alderman Jette

I understand when you drive around and you see something that's obvious, but what about being able to get into apartments? Is there an ordinance that allows you to go into boarding houses but not apartments? Is there a distinction in the law or is it just the way you do the work?

Mr. Ortega

We look at boarding houses just as apartments, the difference is that they are transient, there are some boarding houses where they longer than 90 days which makes them a tenant. But we treat the same we just know that they individual rooms, they are not apartments, they are not units, they share kitchens, they share bathrooms. So when we inspect them it is done with Fire, Health, Building Safety, Code Enforcement and the Police. So every Department is there to look at their ordinance and is there anything there that is affecting their ordinance. So the Fire Department, the Health Department, they will all take their notes. And the end of inspection in a day or so, and the owners are present too, or the property manager so they walk around with us, so they will also know what is going to be coming their way.

Then the Code Officer is usually the leading person and he will take all the information that he gets from the other departments and put the Notice of Violation or the Notice of Inspection and send it out. We give them, depending on what it is, if it is a life / safety issue, they give them a short window to take care of it, if a smoke detectors or sprinkler system is not working. The Fire Department, you know, they pursue that closely also because a lot of our ordinances just over-ride with each other.

General maintenance things, we normally give them; 30 or 40 days to try and take care of things; in general “maintenance” meaning you need to change a door lock, you need to fix a window, the floor board needs to be – generalities. Emergencies or life safety those are not getting big windows, anywhere from a couple of hours to a day or two.

Alderman Jette

I think my question is more, what gives you the authority to go into someone’s apartment?

Mr. Ortega

The housing code, NRO 182 is our authority to go in and inspect. I don’t have one here with me.

Alderman Jette

So you could do a random inspection, any rental unit in the city?

Mr. Ortega

No, no, no – we can but we still need either the landlord or the tenant’s position. We can knock on your door and say hey we are here to inspect your unit – no. If we do that and they want us to know we will do it. But no we will always send a notice out to the landlord saying, in 2 weeks we are inspecting your property. Most of the time a tenant is calling us. So they are expecting us, the landlord may not want us there but the tenant does. As long as the tenant want us there, we can inspect it.

Alderman Cleaver

How much cross over do you have with the permitting, building inspectors, and plumbing and electric?

Mr. Ortega

When it comes to building safety permit, if it involves a permit, it is all them. We don’t work on their – either a permit is pulled, it is taken care of by the Building & Safety Department.

Alderman Cleaver

I mean particularly if you see construction where permitting is not done?

Mr. Ortega

Oh if we go out and we see construction? The Code Officers they will either call the front desk and say, hey is there a permit issued at this place? If they see electrical, they see a lot of building stuff going on. Or they will come back and check the records themselves and if there is no permit, then they will issue a stop work order, and make that contractor come back in and pull a permit.

Once they pull a permit, now the Building Safety Department takes over. So it’s ours, Code Enforcement until the permit is pulled.

Alderman Lopez

Two things, just to clarify when you talk about random systemic inspections you might be more talking about exterior types of enforcement issues? I didn’t get the impression of, oh that looks like a nice house I think I’ll go inside and look around.

You were saying you might go look at an address and on the way and be like, oh your shutter is hanging down over your doorway and might land on someone, I'm going to go talk to the owner.

Mr. Ortega

Correct.

Alderman Lopez

The second thing is just because it is more random in terms of, you are describing either on your way out to a thing you might notice something, on your way back, wherever you are located is by virtue going to inspect a lot more. Do you have any kind of data base that has flags that says like, oh we haven't actually looked at this property in like 2 or 3 years, we should probably set some kind of schedule or something?

Mr. Ortega

No we don't even have that manpower to do that because we would be doing that quite a bit. So yeah depending on where we spend a lot of our time, like if we are in Ward 4, we spend a lot of time there or in French Hill because that is where we usually get the calls from. We get them from all over the City but we know where we are going to get the calls from. And we concentrate quite a bit in that area.

Alderman Lopez

Well I imagine like Temple Street in general, any buildings around there is going to get a lot more attention because you are constantly going to and from places that are there.

Mr. Ortega

Our office surprisingly has not received many complaints from Temple Street.

Alderman Lopez

That could be good or bad.

Alderman Klee

I think they are just, to be honest with you, I spoke to a gentleman just a couple of months ago that's having issues and I think I mentioned it to him – just they are very afraid that they are going to be out on the street, that was the one with the leaky roof.

Mr. Ortega

What a lot of the tenants don't understand is that if they complain to Code Enforcement, they can't be retaliated against for six months. It looks good on paper, but they can't do anything for six months.

Alderman Klee

Yeah but six months goes by fast.

Mr. Ortega

Yeah and I don't know why they picked six months, whether it was just a cool down period for everyone or not, but for 6 months they can't retaliate. We will investigate, if a tenant calls and says

look, he's increasing my rent and we notice the rent increase is happening after a Code Enforcement complaint was made. We will investigate it and if we determine it is retaliation, if all of the signs are there and they don't increase anyone else's rent then we will send him a notice of violation saying that he cannot increase the rent.

Alderman Klee

The property you and I had spoken about, again I won't the name the address, you are aware of that?

Mr. Ortega

The one earlier right?

Alderman Klee

Ok because around here, we remember addresses, so if you don't say an address.

Alderman Klee

The one that you and I just talked about.

Mr. Ortega

That one I have.

Alderman Klee

That particular person threatened all of them because he had to go through of renting spaces because of the cost taken for all of this.

Chairman Schmidt

Shall we let Mr. Ortega get back on his presentation for us?

Mr. Ortega

Again some of the common things that we will get from tenants are usually inside their units and it can be anything from flooding from upstairs, someone letting their water run too long, the ceiling plaster starts swelling, not enough trash barrels, the floor is unsafe. Just anything, if a carpet is torn that's a code violation in a floor because you can trip and fall, you know. That's an example of general maintenance.

Briefly the bed bug situation we let them know we will serve as the third party and we will call the landlord for them but if the landlord doesn't do what he needs to within 7 days, then it is up to that tenant to go to an attorney or to report and file a 540 A saying that the landlord has not complied with the bed bug legislation.

Alderman Cleaver

How common is that?

Mr. Ortega

We haven't seen many, no. We haven't, Code Enforcement hasn't, I think right now we probably have maybe two complaints about bed bugs. We log them, if you call us, we are going to log them and keep on record. So if someone calls in the future and says, hey have you ever had any complaints here about bed bugs, we can say "yes" or "no". And we can tell them when the last time the complaint was so they can make a decision as to whether they want to rent that unit or not. And then a lot of times they'll say, the landlord is trying to make me pay for having to bring the pest company in, and if we have documentation that there is a history of bed bugs there, then we will provide them with that so they can have, in case they decide they need to go to Court to show that there's been a history there before they moved in.

Alderwoman Lu

Quick question, did you say that with the bed bugs we cant help them with enforcement, that doesn't fall underneath our enforcement?

Mr. Ortega

They, the tenant, must file at 540A.

Alderwoman Lu

Ok because we don't have a code against bed bugs is that why?

Mr. Ortega

No we have a code for infestation which covers all, rodents, roaches, bed bugs, it is all covered. But bed bugs has a separate with the state that legislation was done by them. And when I say the State, it is a State RSA it's not our local ordinance. So they will call us either we will tell them either – because the landlord has 7 days to inspect that unit and all the abutting units, once someone makes a complaint. If they don't do that within 7 days, then the tenant can now go to the Court and say, he hasn't complied with it. They can also call us, we will never turn somebody away who calls us for questions or wants us to point them in the right direction. We will let them know this is the ordinance, this is the rule, this is what you have to do and you have to go to court and file a 540A because we can't give them the legal advice because that is the attorney's job to help them fill that form out. So we will guide someone as to where they need to go and how to do it, but then it is up to them to actually follow through with it.

Alderwoman Lu

Thank you.

Mr. Ortega

But other than that, infestations, yeah we will let the landlords know that you have a roach infestation or a mice infestation or any kind of infestation and give them so much time to abate the problem. We developed this form, The Housing Code Complaint Form, this is specifically for tenants, because tenants can't not be remain anonymous because their issues are inside their home. It's not like we can drive around and say we saw it from the outside. So that complaint has to come from somewhere where if someone complains about the exterior, you know if we can drive by and see it and you want to remain anonymous, then OK you can, because we can see. But tenants, one since it's under our ordinance to protect; and two we have to have a reason to be in that apartment.

And the reason is because the tenant called us, that's the only way for us to get in. There are landlords that will call us and say, I have a problem with a tenant. And because tenants are responsible for the sanitary conditions of their home, then we can also send a notice saying, on this day we have this picture of your unit, so you aren't truly in compliance with the sanitary conditions of the home. We don't get those too often but we do get them.

Alderwoman Lu

Mr. Ortega that's a complaint that is presented to the Code Enforcement office or the landlord?

Mr. Ortega

Correct, the tenant will fill it out, they'll either come here or they can go on-line and print it. They fill it out; we have a list of 1 to 10, it is addressed to the landlord, it has the tenant's home and apartment, it lists all the issues that they are having. We tell them if you have six things put them individually so they will know you have a broken window in this bedroom, your sewer is leaking, which by the way we wouldn't wait for a letter for sewer because that's considered immediate. So they have to individualize what the issue is. The owner gets the original, I retain a copy, the owner gets the original, you get a copy, we get a copy; we hang on to that for 30 days. But the owner has 14 days to address this letter. If they don't address this letter in 14 days, the tenant has to call us and let us know. You know Nelson I gave the landlord the complaint, he hasn't done anything. Now we will call the landlord or go out to the property. And that's the ordinance, we are required to give them 14 days to try and address the issue.

What we do even though that's the requirement, once the tenant calls us or comes in and fills out the form, we give the landlord what is called a "courtesy notice", which a lot of the landlords really appreciate because a lot of them do want to take care of their problem. We give them; a courtesy call and say, just so you know, your tenant was here and they filed this complaint. And they say, we didn't know about it, you can send it to me and we will FAX it or e-mail it to them and they will start addressing it. It kind of works, they don't wait for the 14 days. We do have those who will wait 16 days.

Alderwoman Lu

Just a follow up question. So who is supposed to speak with the landlord first?

Mr. Ortega

The tenant. The tenant must give them the notice first, that's the ordinance that the City has and that was put in back by Alderman Clemons.

Alderwoman Lu

Ok.

Mr. Ortega

And then we have a different complaint for someone who wants to – a neighbor wants to complain about another property or his own issue or a building issue, that's a whole different form. And basically what I just explained is how the process is, what happens when they call, when we get involved. Again, we will call the landlord, give them an opportunity to know that a complaint is being filed or is filed. And most of them appreciate it, thank us and they actually address it. It doesn't mean we go away, we are still there and in 14 days we still expect that owner to call us and say, Nelson, Kyle, Rob, I took care of these problems, can you come out and inspect.

Because once we issue a notice on a property, they can no longer rent that unit we say it passes inspection. If you file a complaint and you move out, as long as the complaint was put in before you moved, and Code Enforcement has inspected it before you moved, you now can't rent that unit, until we inspect and make sure that you abated all the problems that they complained about. And anything else that we might find on top of that.

Again I was a little ahead of myself, this is the same process that I was explaining. We have a couple now, we will issue a citation, we will go as far as we give them a notice, and say, we make them a verbal and say you need to do this and then we give the written to acknowledge, that hey this is what we talked about. And if they still don't comply, then the Code Officer will issue them a citation. Even if we issue you a citation you still have to, now once it is issued, you have to pay it, there's no getting rid of it and on top of that you still have to abate the problem. We may have those individuals who pay the ticket but don't abate the problem or vice a versa, and at that point then the next step is we get the case together and we turn it over to Corporate Counsel and then they take it to Court and we've had several that have done for too many cars parked outside, hoarding. So at that point, once that process starts, the violations, the fines keep piling up, because it is per day, and Corporate Counsel will then put it all together and say OK, now you have 10 or \$20,000.00 worth of violations. They try to see what they can do to work it out or you let the judge make that call.

We have one right now that did not come into compliance and we are going to wait and see how that goes because that was a Court order to have everything done by sometime in November or something and they haven't. So we will see how that turns out.

So we have gone to Court, we have won in Court, we've had people comply in Court. Because the Code Officers will go out before that Hearing to make sure things are looking at the same, are they not? And if they are, then you know the Corporate Counsel can dismiss it then and there and then if not, then we keep going all the way. So we will take it all the way until it complied with.

Chairman Schmidt

So your point is to actually make it comply; not to punish, not to ...

Mr. Ortega

It is all compliance for us, it's all compliance. We would rather not give you a citation, because to us it's not to generate revenue, it's so either you can comply or this is the ramification of this, you are going to get a ticket and you are going to get another. And they double up in 10 days so it goes from \$50.00 to \$200.00 very quickly.

Alderwoman Lu

If you went to Court, if you are the point where you are in Court with them, does that mean their building is probably vacant?

Mr. Ortega

No.

Alderwoman Lu

Oh, ok.

Mr. Ortega

It just means they haven't complied with whatever that particular violation is.

Alderwoman Lu

It may not be a violation, I thought you had said that unless you are in compliance you can't rent? You can't re-rent it.

Mr. Ortega

If the tenant moves out. As long as a violation is there whether it is complied with or not, we still continue it. The only difference is if it becomes vacant and he says and the landlord says, hey can I get another 15 to 20 days, because it is vacant, we would probably say sure, but you can't move anyone in until you've made this compliant. And if someone was living there and if it is a life/safety issue, we are not going to go all the way to 30 or 40 days, it is going to be taken care of within a matter of days.

These are the actual fines that come with the first offense and the second and the third. And anything from 182 is all Housing Code. 190 would be all land use codes, which we could also site people for. And it's anything from exterior to interior to access restructures, emergency code department, information and basically that is for anyone who is a property owner in the City of Nashua who rents, if they don't live within 25 miles of that property, they are required to have a building manager or someone who is going to respond to emergencies. And if you don't it is a violation in the City of Nashua and we will enforce on that.

Again mechanical safety, sanitary conditions, ease of egress, the larger units like the boarding houses, it is in there and then there's a spot on the ticket if it is not in there we will write it in. And once we go through this format, that follows and we end up with, and if that doesn't work then we have to issue a summons, which is where at that point we are now in Court and we just go before the judge.

Alderman Cleaver

What is the frequency on that?

Mr. Ortega

It has gotten better. We seem to be going before, more infrequently. Right now we probably in this Fiscal Year, we have 1, 2, 3 – we probably went to Court 4 times. That's pretty good low number compared to 5 years or so ago that we were doing it more frequently and it was a longer process because we didn't have the ticketing system. It was here's your 30 days, now we got to go to court and wait for the court to schedule a time. So now it seems to go a little quicker.

Alderman Klee

The page before this one, it doesn't seem to be in our packet.

Mr. Ortega

Because that's the actual report summons. That's a 3 copy format.

Alderman Klee

Because it gave all of what the different codes were. The one before that. It comes after the NRO but it's not in here.

It should be, maybe I missed it.

Chairman Schmidt

It's in this one, I'll make a copy and make sure everybody gets it.

Alderman Klee

Thank you.

Mr. Ortega

Ok and again that is just part of some of it, that's not all of it.

Alderman Jette

Thank you. Since Alderman Klee brought up the things we are missing here; the bed bug thing is not in here either.

Mr. Ortega

Because that wasn't going to be part of the presentation. But because they brought it up earlier, I talked about it and then I left it up here. But originally because we don't inspect for bed bugs, we just tell individuals what the process is, we don't really, we don't have in our presentation. It is there in case someone wants to know about it, but I purposely just put them in the slide and didn't put in the book. I can get you one with it.

Alderman Lopez

They are the only ones that keep records of the calls.

Mr. Ortega

We keep track and we will call a landlord, we will call a landlord, we will let them know that there's a complaint. Do never not call.

Alderman Lopez

If you are wondering whether or not the place that you are moving into has bed bugs they are the only ones that would know.

Mr. Ortega

And the Health Department.

Chairman Schmidt

They've actually told us that they don't keep track.

Mr. Ortega

Oh you know what, they will get the phone calls, they get the phone calls but I think the last time I spoke with them, they were working on probably with the new software. But we keep track. You call us about with a question that might become a violation letter later. We keep track.

If you call us and we talk to you for 15 or 20 minutes, we put it in the system because that person is probably going to call us back so we already have it there. Again tenants, they cannot be evicted for complaining to Code Enforcement.

Alderman Jette

This says if your rent goes up or terms of tenancy are changed within 6 months of the complaint it is presumed retaliation. Tell Code Enforcement; this act itself is a violation. So if I am a tenant and I've made a complaint and for no good reason my rent goes up. I call you? What do you do about it?

Mr. Ortega

We will go out and talk to the owner and if we find that that is the only person's rent that you increased, then we are going to give you a Notice of Violation. We are going to say "No you singled this individual out". If you increase, if you are going to increase that tenant's rent, you have to increase everyone else's because you can't single them out. And the same thing if they try to evict them. The only evictions we will not get involved, we don't get involved in non-payment of rent or destruction of property or taking the property off the market. If the reason for evicting you or going after the person is anything other than those three, we are going to investigate and we are probably come out and say it is a violation, it's retaliation for them reaching out to Code Enforcement.

Alderman Jette

So if I could follow up? So besides a defense to eviction, so if the rent is raised and I don't pay the increased rent and the landlord tries to evict me, I have a defense to that eviction because of retaliation. In addition to that, you are saying that is also a violation of the Housing Code?

Mr. Ortega

It's retaliation of the Reprisal Code 182 3 to 7 I think it is.

Alderman Lopez

You also said you wouldn't investigate in the case of non-payment. So if a person's rent is raised the first thing that you actually do is pay it and not just not pay it and then complain.

Mr. Ortega

We cannot advise as to to pay or not pay their rent. We tell them that is your call, all we can tell you is that if your rent is increased there is a process for you to withhold rent, but you need to go to talk to an attorney or go to the Court Clerk and find out what that is.

Alderman Lopez

Could NH Legal Assistance be a resource?

Mr. Ortega

Yeah we give them that number.

Alderwoman Lu

I just wondered how often does this happen and what is the first, what's the penalty the fine for a first time offense?

\$50.00 but most of the fines start at \$50.00 and it's now because we have the ticketing system. Before that it was go to Court and just report them. But let me take a step back. It is \$275.00 a day for a violation, per day. Before we had the ticketing system and we had both options when it goes to Court, Corporate Counsel can now go and count how many days we were out and it's \$500.00 for the first day and \$275.00 for every violation after that. And they've gone for several thousands and have gotten it. But yeah that's ...

Alderwoman Lu

Thank you.

Alderman Lopez

What if they fix it right before the Court date?

Mr. Ortega

Then it is abated and we consider it abated, our goal is abatement and compliance. If they don't do it until the day of Court, at that point if we are in Court already, they are going to have to talk to counsel and see what, you know. And you had asked, it hasn't happened very frequently at least not that and we always make tenants know, we always tell them, if you get any kind of eviction notice or you get any verbally, let us know. Because if the landlord tells you that he is evicting you on Monday and you come to us Tuesday or Wednesday, he's already give you notice that he's evicting you. So we are not going to consider that retaliation because he had already informed you, even verbally that he is. Again the six-month time frame which is per Ordinance that's what is in there. The rents we don't get involved in, again not paying your rent, destruction of property, or taking the property off the market. We don't look at it as two weeks or a month, if a Code Officer sees that was the reason and then all of a sudden you know weeks later he has it occupied, then we would probably reach out to Corporate Counsel and talk to them about it and say, what is this? What can you do with this? Because to us, you just took it off the market for a couple of days, just enough for the landlord to get the tenant out.

Tenant's Responsibility – they are responsible for the interior of their home. This is a tenant's actual stove. We have cited and it has not happened very often at least in my time here, a couple of times, but we will cite and give tickets to tenants if they don't clean their apartments. And we do a lot of these on our own and in conjunction with the Health Department. Anything like the infestation, because part of the roaches and the tenants, obviously they have to keep their apartments clean to keep the roaches out. But if the infestation is in your unit only and no one else is complaining or no one has them, it is your responsibility to abate that problem. The minute it goes beyond your apartment, it now becomes the landlord's responsibility to abate it and take care of the issue.

The common questions you know that people will call, can I check with the building's history? We keep those records, we will let them know. If someone calls and says I'm in an apartment in an attic, we will check the records and see whether it is a legal unit or not and has met all the requirements to be there. Could they withhold rent? We direct them to Legal Aid or give them pamphlets we have all the pamphlets from Legal Aid Association so we provide it to them, especially if they come to the counter. Do we report illegal aliens? No, we do not. We don't even ask for ID. So we just look at is there a housing violation, are you living in safe conditions or are you not? That's what we look for.

One of the things that we have is a lot of the refugees for example will come in and or some you know reach out to us on their behalf and we go there and when we get there we realize that they are used to living probably a little different than that, where to us it's like, no this is not going to happen this is not acceptable.

So then we will let them, these are violations and you don't need to live this way. So we will work with them, we've had a lot of that in the past. Haven't had any recently where we would go to an apartment and they were OK with it because you know they probably didn't have that before, being inside somewhere. So we will work with them and at Adult Learning Center we just did a training about a year now where they had some there, their clients come in and we had a translator and we explained the process and we ended up inspecting a couple properties from that.

Here a lot of people will call us and you know, I have all these people living in this house or this apartment. As long as you are related by blood or marriage, we don't a number. And on top of that you are allowed 3 unrelated. I think that was back to when they used to have butlers and maids and things like that. As long as they are related by blood or marriage they are OK – we don't ask for ID. But we will ask are you guys related.

Alderman Lopez

You don't run like a 23 and Me on them?

Mr. Ortega

No.

Alderman Jette

So you are saying that as long as people are related by blood or marriage? You could have a family of 10 or 20 occupying a one bedroom apartment, as long as they are related that's fine? I mean it's not fine.

Mr. Ortega

I know what you mean. In Nashua we get that question a lot and that has been since I've been here, 23 years, I have gotten that question times a month.

Alderman Jette

Even though it might not be a Code Violation, can the landlord in the lease limit the number of people that occupy it?

Mr. Ortega

Yes that's how we let tenants know, it all depends on what your lease says. And we do know a lot of landlords that do not allow so many people. And that is a contract between them so we stay out of the contracts and leases and so forth. Again we get that a lot as far as landlords, can I put this in my lease. Well you have to talk to your attorney first of all and we will tell them what we have with other landlords where they have that language in there and that seems to pass muster. And I don't come into their apartment, no not without your permission we tell them. Not without your permission, a lot of landlords and we do get this quite a bit, things that they can but they don't realize that as Corporate Counsel let me know landlords do give up a little bit of their rights of their property the minute they rent it to a tenant. And anything for him or her to enter they need that tenant's permission; with the exception of any emergency.

Alderman Klee

I thought I had read somewhere in the bed bug situation that a tenant cannot deny the landlord access?

Correct.

Alderman Klee

So in that case they have to allow them in. Of course the landlord has to knock and say I want to come in or give them 24 hours' notice that says I am going to come in. But the tenant cannot deny them access for bed bugs.

Mr. Ortega

It is a particular State Law that says that they have to do it within 7 days and if you are not letting them do it within those 7 days.

Alderman Klee

Right unlike other infestations they have 14 days or something. For bed bug bugs they only have 7 days and they have to do it and you can't deny them access.

Mr. Ortega

The tenant.

Alderman Klee

The tenant cannot deny them access. They can't barge in.

Mr. Ortega

Correct. They probably have to give them their normal lease requirement, something like 24 hours. I don't know because I don't deal with that section.

Alderman Klee

Yeah it didn't state the time frame but I just threw in the 24 hours.

Mr. Ortega

The normal rule is 24 hours' notice when the landlord wants to inspect a unit, it's 24 hours' notice That's the norm out there. Then you will have some landlords who will show up an hour after getting your complaint and say, I want to come in and do it and that might not be reasonable for that tenant. Based on whether it is an emergency and you are claiming it is, you have to let them know what the emergency is. So if you are in a home and there is flooding going on downstairs, then the landlord we are not going to say, no – you have to go in see what is going on because it is going to cause damage in electrical system and everything so they have to go in and look at it.

Alderman Klee

The other reason I brought that up was because I wanted to make sure, the public is listening to this and so on, to let them know as a tenant you cannot deny the landlord access when it comes to remediation of the bed bugs. So that I don't want anybody to get the impression and say, no you can't come in you know for 10 days because then the landlords are in violation.

They are putting the landlord in violation. And 14 days for Housing Code because that's our local City Ordinance and the 7 days if the State RSA. We don't control that one. Here in Nashua we also have the Code Team which is Code Enforcement, Police, Health & Fire. What they do is a couple of times a month, Code and Police get together and they conduct inspections throughout the City. If it turns out that they may need a Fire Marshall there, they will reach out to the Fire Marshall, if it's health issue they will reach out to Health. So the original Code Team Group, is Code Health Fire and Police. Police is there for safety reasons for us. That was started 20 years ago by myself and when it was Chief Gross, was the chief here.

On those particular days they will do anything from 15 to 20 inspections or just driving through the City and what happens is, if complaints come to the PD, the sergeants or dispatchers or whoever get called out, the officer who works with Code Enforcement, in this case it would be Scott and they would give him the information. And then Scott would in turn bring in and get together with Kyle and Kyle would bring his own code cases and then can compare notes and then they set dates and times to go out and inspect those particular properties. That way you are addressing the code issue aspect of it, the health issue aspect of it, the Police issue aspect of it. And it also if we need to it is the Building Department. But the Code Team is Code, Health, Fire and Police. And that's basically what they do 2 or 3 times a month, all they do is focus on team inspections that everyone brings to the table, separate from what the Code Officers do on their own.

This is their contact and then what we do is these are these are the contacts go and give tenants and the Departments we work with you know. We work with the Health Officers, City Welfare, we refer to the Welfare Department if we need to especially if for some reason they are going to be displaced, we refer them to Welfare. Urban Programs we work with Urban Programs because they will have funds for property owners that may need lead abatement so that comes from the Code Officers, it is partially funded through the LEAD Program. And all Code Officers do it, but part of this function is also to refer property owners to the LEAD Program here in Nashua so they can train and abate lead issues. And then Urban Programs obviously has different funding mechanisms that might help out landlords and property owners; landlords or individual property owners. Because we refer single owner occupied homes if we see there is a problem with the property we may say well you know what if you talk to Urban Programs they may be able to help you with some sort of funding to you know do the siding of your house or do the roof. We've had places where the furnaces have gone and we will refer them to Urban Programs and they will see if they can help them get a new furnace and so on and we've been doing that for years. So that's a good partnership we have with them.

We work quite a bit with adult and elder services when we deal with the elderly and that usually comes in play when we deal a lot with hoarding situations which more increase these days than a lot of other things. We currently have six hoarding cases right now. And you know, 211 if it is something we can't help them with or it might involve another entity of Government we will refer them to 211. But if you call us, every Code Officer that works here, if they have to spend an hour talking on the phone they do, and if they don't know the answer they will try to find it for you or point you to the person that will find it for you. They usually stick with it until you're done. This is the gist of Code Enforcement.

Alderman Jette

So Mr. Ortega, I've got a couple questions for you. The Urban Programs that you say can provide assistance to people.

Mr. Ortega

If they qualify, yes.

Where does the funding for that come from, do you know?

Mr. Ortega

That's all Carrie Schena and that's like federal money, CDBG money and things, different programs within her grasp that she has a better understanding. All I know is that it is there. So we refer property owners and you know, it is there for property owners. So we refer property owners, whether they are a rental unit or single family owner occupied homes.

Alderman Jette

So there has been a lot of talk about water, you know with the single bay facility in Merrimack. PFAS? So can a tenant or a home owner in Nashua get their water tested to determine whether there's any problem with it through you or through the Health Department?

Mr. Ortega

It definitely wouldn't be through us. If someone called us we would probably refer to Environmental Health or to DPW. But we ourselves wouldn't, it's definitely not within our forte. But we would normally refer them to Environmental Health, that would be the number one place we send them to first.

Alderman Jette

And another questions. Do you have any jurisdiction at all over hotels, motels?

Mr. Ortega

The Health Department and the Fire Department.

Alderman Jette

But not Code Enforcement.

Mr. Ortega

No.

Alderman Jette

And do you know are hotels and motels subject to any regular inspections or is solely from complaint driven?

Mr. Ortega

I think complaint driven because I know that the Health Office has gotten a few throughout the years and they've investigated. In the past I have gone out with the Health Officer and looked at a couple. But I don't know how or if they have a set system of inspecting like our restaurants, where they have a set schedule and inspect at a certain time. I don't know if they do the same thing with the hotels. But that would a Heidi Peek question.

So if somebody was occupying a hotel room saw that the I don't know the electric outlet wasn't covered or there's a lamp that's sparking or something. You can't, there's nothing that you can do to help them.

Mr. Ortega

Well if they called us, no we don't just say, we can't help you. We would in turn either refer them to the Fire Department or call the Health & Environment Office. It goes in the computer because we took it as a call. If a person is willing to stay unanimous and relay all the information. And even if they are anonymous, we will then call the Health Department and say you know, we've got a complaint about this property this is what they are saying. Once we give it to them, they take it from there. But if it something that deals with any life safety or a fire hazard then they are told to report to calling 911 or report it to the Fire Department because they are the ones with that specialty and resource to go out there and address anything that can be sparking or flooding besides also calling management.

Chairman Schmidt

One more?

Alderman Jette

One more. So generally speaking we are Aldermen and so is there anything in your Department that we can, you know, is there any part of the law that you would like to see changed or added to? Is there anything that we can do to help you do your job?

Mr. Ortega

We are always looking for ways to make things a little bit better. We make things work, we are always open to suggestions and hearing individuals to see what will help us help them. So I would have to take a step back and kind of you know that's something I would go to my Code Officers because we are such a tight unit, small unit and say – you know to find out because I'll ask them, what do you guys want to see? What can we do to help them? Because like we know we have a Code Officer who enjoys working with the seniors. I have a Code Officer who enjoys going out and doing more proactive if he could but like I said we are limited with what we can do with the number of complaints. We have done, just in this Fiscal Year, we have done a little over 2,400 inspections.

And then you know an inspection can take anywhere from 10 minutes to four hours depending on what building we are at. If we are going to be at the Y, we know we are going to be there 3.5 hours if not longer. If we even get to Latent House we know we are going to be there for several hours. So it all depends on the number of units that are there and are we inspecting 1 or all of them? So I would have to defer that back and take a chance on what could help us? Because we make things work right now and our biggest thing is that tenants, we hope that tenants understand that when we call them because not everyone is usually happy with the answers. But the ordinance is the ordinance so it is either a violation or it is not. And if it is not then we will say well you can reach out to this agency and see what their ordinances might say. Because the bottom line is safety and compliance, for us. So yeah there is always something that will make us want to do things better, so I'd just have to take a step back.

Alderman Jette

Well if you do come up with something please, you know, we invite you to let us know and we will do what we can.

There are just two things that I wanted to mention. I'm sorry, Alderman Jette, the question that you asked about the housing, the home that does fall under the CDBG and HOME Program under Carrie Schena. And we just took this up at the Human Affairs Committee where we got the presentation and the booklet about the and I think if you go to February 8 minutes, they talk about it a little bit, she talks about that. So I know that in the application they apply 2021 CDBG applications and they do give a break out as to how much money they are putting into that account and that might help answer that question.

The other question I have is the more reading I have been doing, I mean the bed bugs fall under the Health Officer's control? Is that true or am I understanding that correctly? When you make the phone call do you refer to the Health Officer or do you take it on?

Mr. Ortega

No it becomes us.

Alderman Klee

You take it on?

Mr. Ortega

Yeah and they will probably refer to us too although they do go out and inspect.

Alderman Klee

So if a tenant or someone were to call the Health Officer, they might be the one that would be the one that would go in and you guys don't talk. And if they are not taking off, in other words keeping track on how many calls they are getting, your numbers may not jive with theirs because you are not working together.

Mr. Ortega

Yeah we are own Department. No I'm sorry, we will know, they will call us, sometimes they'll call us and say, Nelson or whoever whatever Code Officer they reach and say we just got the complaint from here I just want to let you guys know. But they will do what we do, they'll explain the process of what they have to and give the owners 7 days. And like us, they probably, they can serve as a third party, letting the landlord know, because for the phase, writing verbally or through a third party.

Alderman Klee

So the situation that I had called you and you went in and you looked at that particular situation. You did do an inspection, that unit at least.

Mr. Ortega

We did an inspection because it was pre-scheduled before that individual reached out to me.

Alderman Klee

That what was kind of what, I was following, you talked about doing random things but this one was pre-scheduled event. So there are times that you are scheduled to go look at apartments?

Oh yea.

Alderman Klee

On an annual basis, bi-annual, every two years, every five years? What is the ...

Mr. Ortega

It's because we know of the property.

Alderman Klee

So you know that there are known issues at that property.

Mr. Ortega

And because we have gotten several complaints. So if someone calls us about a property and says, hey I have a problem at 229 Main Street, then we are going to log it, look into it. And it is either founded or unfounded, you know if we didn't find anything. And then we get two more calls, two weeks later, or three random people call us about that building, we are now going to inspect that building. The best to eliminate all the calls, is let's inspect it and see what is going on there.

Alderman Klee

I'm sorry, I'm just trying to put it all together and I am sorry to put you on the spot like this. So when we talk about that the landlord has 7 days, OK?

Mr. Ortega

Bed bugs.

Alderman Klee

Bedbugs, just bedbugs, we are only talking about bed bugs, that they have 7 days to do remediation. If they have not done it within 7 days, the City does nothing. The tenant has to go to Court and say they didn't take care of this. I just want to make sure I have this accurate, so is that the case? No? Ok.

Mr. Ortega

It is 7 days from the time they are notified for them to do the inspection and then they have to come up with their remediation. But they have 7 days from when they get the complaint to inspect that unit and all other abutting units. If the landlord doesn't do any of that at all, the tenant must file a 540A in District Court and say that the landlord has not complied. That happens more often than us getting involved. So they will call us and say, the landlord didn't do anything. And then we say, Ok then you have to go to Court and file a 540A.

Alderman Klee

I just want to get this whole process to get this and I do have a follow up on it. So say the landlord did do the inspection within the 7 days, I have 2 questions on that. One is how long do they have to actually take care of the problem and if they don't take care of the problem what is the tenant's next step.

All I can tell you is that if they don't take care of the problem the tenant has to go Court. As far as how long they have it, we don't know because we don't enforce that, we don't enforce that State Law. We enforce infestations of anything but because bed bugs have been singled out by a State Law and put into the RSA 48 which is the Housing Standard.

Alderman Klee

It's 48A 15.

Mr. Ortega

Yeah but the responsibility of making the landlord enforce it is the tenant.

Alderman Cleaver

You mentioned why you mean Temple Street Housing Project?

Mr. Ortega

It's a boarding house, more than a housing project. 23 and 25 Temple Street, LLCs.

Alderman Jette

Just a point to clarify, that the current YMCA does not have problems with your Department.

Mr. Ortega

Absolutely not. Absolutely not. Did I mention that.

Alderman Jette

You did.

Alderman Lopez

You mentioned 229? Are you talking about the outside bathrooms? Those are terrible.

Alderman Klee

The Aldermanic Chamber is really awful too, and this is Alderman Klee.

Mr. Ortega

But yes, so I apologize to the Y.

Alderwoman Lu

It is my understanding that landlords are required to host contact information for their tenants.

Mr. Ortega

Post or provide it. So it is either posted in the building or it is provided to them when they move in.

What kind of information would that be?

Mr. Ortega

The information is the landlord's contract information and emergency information, whether his or his property manager's.

Alderman Lopez

Is a minimum font required?

Mr. Ortega

There's a form in the application that they actually can get from us and they fill it out and a lot of them do turn it in. For us to reach them, no, no, they are required to give, the ordinance says they are required to give the tenants their contact information. We don't know that until a tenant calls us and says you know, I can't get ahold of my landlord or he's not answering his phone. Or he's in Florida and then we take it from there.

Alderwoman Lu

Also how many residences in town, in the City do we or does the Welfare Office utilize?

Mr. Ortega

I don't know.

Alderwoman Lu

No?

Mr. Ortega

No that would be a Bob Mack question. I know that they give vouchers for different places throughout the City but as far as a quantity, I don't know.

Chairman Schmidt

How many rooming houses are there within the City?

Mr. Ortega

That we know of I believe is 8, on Central Street, on Temple Street on Concord Street, Main Street. The list is actually on my desk so there are about 8 that we know of and then there are those that we bump into as we are inspecting things and maybe turn out not to be so we go address that. Because if they are going to have more than 5 rooms for rent then they have to meet higher standards.

Chairman Schmidt

In transient housing it would be 8. So the rest of the multiple family, multiple apartments, how many are there?

The last count when we did a study, we were doing a study it was 18,000 and that was over 9 years ago that were legitimate.

Chairman Schmidt

18,000 what?

Mr. Ortega

Apartments.

Chairman Schmidt

Multi families?

Mr. Ortega

Individual units. Like you may have a house that has 4 apartments, there's your 4 and the next one may have 6 so now we have 6 there. So individuals, we count them by the unit.

Alderwoman Lu

Do you find any trends like regarding the responsiveness of a landlord depending on whether they are Nashua residents or out of town, absentee?

Mr. Ortega

You mean the owner trying to take care of a tenant issue? There might be some in there but once we get involved it is usually taken care of because it doesn't matter to us if you live on the beach and you own the property here. We have gone to their homes at Hampton Beach and said, you need to go turn your water on in Nashua. And if we can't go then we will reach out to that PD in that particular town and ask that they go to their home and have them call us. So the PD from wherever, whether it is California, Florida, Massachusetts, we will reach out to that PD. We tell them who we are and they will send an officer to the house and the owner will call us. We have been doing that for a long time. If we can reach out to them, we do. But if we can't, then we have our ways to reach out and even call a Code Officer in another town and say, hey does this person used to live here, we understand they may own there, can you see? And if they do, then we now know where the owner is so we will go reach out to the owner.

Chairman Schmidt

Is that difficult to find some owners?

Mr. Ortega

It is challenging but we find them.

Alderman Klee

I have a couple of questions as usual. One is the challenge of finding the owners. I know sometimes on the property cards where they are supposed to put the name and address of the owner and you mentioned that before, is not always there or not always updated when there has been a change.

Is there anything you can think of that we could send out and have people become compliant with on an annual basis. Say you know, you're the owner of the property, or something to that nature, because there has got to be a way, they get a tax bill. So there must be a way to tell them you want phone number and so on.

Mr. Ortega

We do have a lot of new owners who aren't aware that there is an ordinance also that they are required to have that information on file with us. And on top of that the State has their own law that says you must register with the City Clerk your registered agent for services purposes. What we do with the City Clerk, on one of the documents we piggy back one side of the page with the State Law Requirement, the other side with the City Ordinance requirement. So we would share that information. We get quite a bit but there are quite a few new individuals out there that aren't aware that they should. If we are sending out a mailing with the tax bill, because that's another way if we can't find an owner, we will reach out to the tax office and say, where does the tax bill go.

Alderman Klee

Just a follow up on that is there any way that they could do, I mean I know it costs the City but I think it is very important if they should have it. When I was looking at some of the property cards, I noticed I contacted tax people and so on and the information wasn't there. So if there was any way to be able to do annual thing, whether it is with the tax bill or whatever to say, can you return this to us just to say this is what your new address is? Because sometimes they move from Florida to California, they don't even necessarily live in here in this State and we have a number of them that own big blocks of property and I don't want to call them absentee landlords.

On the second thing that I had wanted to speak to, first off I know French Hill has not always had a good reputation when it comes to landlords, but we have some incredible landlords there. I spoke to one who he was the most generous man, hadn't gone up on the rent on an elderly woman because he knew she couldn't afford it. And when people could not afford to pay their rent, he allowed them to do work like mowing lawns, changing light bulbs. So we have some incredible, incredible and I wanted to preface it with saying that first. I was blown away by the generosity of this person and others that I've spoken to.

But do we have any kind of, you said you log calls and so on but a percentage of compliance. So I know you said when you get involved they tend to move quicker. But do we keep track of those typical landlords whether they are an absentee landlord or a live there and not necessarily take care of it.

Mr. Ortega

No we don't keep track of good landlords, bad landlords, they are all landlords to us. We keep track of once we get to the property and inspect it, that we follow through until it is complied with. If we close it out the way we know that it's all set is because we have now closed the case. We close the case they've been in compliance. And they've met compliance by either willingly meeting it and taking care of it or because they were ordered by the Court to do so. And those are a lot of those. A lot less of those.

Alderman Klee

I guess my concern is that we have, even if there are a handful of them that are habitual of this that costs the City money. I did note we had a graduated kind of thing, this is your first offense, this is the second time.

No we do that with the ticketing system. If we have someone that we cited today for unsanitary exterior and he takes care of it today, and then next week he's back at it again. There is no waiting period for him. We are just going to say this is your ticket, we've already talked to you about this already. There's no 15 days of taking care it. So that's how it is stressed with us; you've got your first ticket and we don't have any issues or complaints from you for a year or something then alright we are going to treat the same. But if we get complaints once a week, once a week a month, then no, those get tickets.

Alderman Klee

But we do, we have a graduated ...

Mr. Ortega

No there's no graduated.

Alderman Klee

OK I guess my concern is that we have, like I talked about the incredible ones and then we have even that small handful that aren't compliant, and continue to do that and just gives the City a bad name because there are people living there. Then we hear of these horrible things, people tend to complain more than compliment. That's why I just wanted to know if we can keep track of whether it is a boarding house or landlord that are having habitual problems at that same property.

Chairman Schmidt

They have a really good data base.

Mr. Ortega

We know who these people are when it comes to the complaints, on both sides, from landlords and tenants. But we have a pretty good hand on who they are.

Chairman Schmidt

I had a question about hoarding. What kind of an issue is that for the City? Is that a really big issue?

Mr. Ortega

We have a little more hoarding cases now than we have probably 5 or 10 years ago. I think we probably have 5 or 6 at the moment. And it just all depends on the level of the hoarding and is it an apartment rental unit or is it a single family home? Because we moved in with both, single family homes are a little tougher because they are owner occupied but once the issue goes beyond the walls of the home and starts affecting the community, then Code Enforcement has jurisdiction.

Chairman Schmidt

That would be an issue for the Fire Department.

It's a life safety issue for first responders in general. Sometimes that's how we get the complaints, because an ambulance or a fire department went out to the home and this is what they found and it might have taken them 15 minutes just to get through something because the hoarding is very, you know, they hoard, so there's not much space for you to walk. And they have to make sure they gear up first because they don't know what they are standing on. The same thing with the PD, the PD will go out there, you know, we can't even get through that door. A Code Officer and the Code Team went out and it literally took them like 15 minutes to get through a door, downstairs, just to make sure that person was still Ok in there because no one had seen him in a couple of weeks. He happened to be there and that's what we have been dealing with for a while and that is actually going to be inspected again by Code & Health in the next couple of days.

Chairman Schmidt

Thank you. Anyone else? Alderman Lopez?

Alderman Lopez

No.

Chairman Schmidt

You're good?

Alderman Lopez

Yes.

Chairman Schmidt

Alderman Jette?

Alderman Jette

Thank you very much for coming, very informative.

Chairman Schmidt

I learned a lot, thank you very much.

Mr. Ortega

You're welcome.

Chairman Schmidt

Well if we have no further questions. To the Committee, this was beneficial to us, it is going to help us understand a few things. Honestly Mr. Ortega, if you do find there are issues that we can help you with, as a Committee, that really would be the reason that we are here. So get back to us if you need to.

Oh absolutely. I greatly appreciate it and I appreciate you inviting me. I will take all this and send it over the Division Director. We will see what else is out there that we can help each other out with. Because I think it is good that you guys are here because it is an avenue for the residents to come to when they don't know to come to us. So our job is to try, to train them; to know that we are here, because as long as I have been here, I've still get people that say, I didn't even know you were there. And we are here and this is what we do.

Chairman Schmidt

It's a great service to the City. And do you feel, Health should obviously come and do a presentation for this. Fire & Police, do you think that would be beneficial for this kind of Committee to hear?

Mr. Ortega

I would think that anyone that responds to homes, to people's homes or apartments, first responders, for medical emergencies or others, you never stop learning something. So I think that is always beneficial for someone to see how they work and how they address issues and what they would do if they ran into a situation like that.

Chairman Schmidt

Thank you very much. So next month we will probably have one of those Departments come and do a presentation for us. If anyone has a suggestion they'd like first?

Alderwoman Lu

Just a thought. It seems as though like the big missing piece is Board of Health that does the hotels. They seem to have been a part of the picture that didn't, Mr. Ortega couldn't address.

Chairman Schmidt

A different Department, right. OK then I will ask if someone if their Department could come next meeting, next month and do a presentation for us like this and answer a few questions. Thank you for your patience.

Alderman Klee

Bill McKinney where he deals with the building also, code and building inspection. Do you think he would also be someone?

Mr. Ortega

They run if anything requires a permit, that's what they do. As far as apartments and inspecting apartments, they don't do that. They will if we run into something we will talk to them and say could you look at this for us or does this meet the right standard. If not Bill himself, he will have one of his inspectors go out with us and look at it and make sure that it is either done properly. Well first off it is done property it is because they got a permit, but if it doesn't have a permit that's when we will force them to get one.

The only reason that I asked is because like in my Ward, quite often a home will be turned into a multi-unit, sometimes we know about it and sometimes we don't know about it. And I guess if you found out that this was the case, he would be the one to go in to make sure that there were no code violations or no?

Mr. Ortega

No.

Alderman Klee

They wouldn't be the ones that go in.

Mr. Ortega

If they found a house that went from two apartments to four apartments? Then Code would address it first and we would do the inspection and Bill McKinney can also do that if he's the one that they reach out to. But for the most part, they will forward it to us because it involves tenants. Anything that involves a tenant, it is Code Enforcement.

Alderman Klee

OK thank you.

PUBLIC COMMENT

Alderman Klee

I know I'm not from your Committee but I appreciate you doing this, thank you very much. It's very informative. I will be honest with you, I'm a little frustrated with the fact that tenants have to go to Court. And this is not a reflection of the City or anything else like that. But they have to go to Court when they don't have the means necessarily to do it or the ability. And I know Legal Assistance can help, they can help them but that gets backed up too. In the meantime they are living in this where I have talked to people to go over there to fill out the 540's and so on and it takes quite a while. And they are looking to their Aldermen and to the City to help them and protect them and so on. And we are sending them to the Court. And again, not a reflection on you, you are doing your job wonderfully.

I did speak to the Legislator that put HB 40 and I don't think it is being enforced to the intent it was. So I am going to have another meeting, I have sent a message and we are going to have another meeting.

REMARKS BY ALDERMEN

POSSIBLE NON-PUBLIC SESSION - None

ADJOURNMENT

Before we do I just wanted to offer one piece of information. I was at the Board of Health Committee meeting this week and I learned that they just inspected the hotel rooming house on Concord Street. It was very good. So I just thought I'd share that.

Chairman Schmidt

I think working towards compliance is really making it a better City, I really do.

**MOTION BY ALDERMAN LOPEZ TO ADJOURN  
MOTION CARRIED**

The meeting was declared closed at 8:36 p.m.

Alderman Ernest Jette  
Committee Clerk

# Housing Code Enforcement

City of Nashua, NH



Nelson Ortega, Code Enforcement Manager

Kyle Metcalf, Code Enforcement Officer II

Rob Sousa, Code Enforcement Officer II

Lawrence Phillips Jr. , Code Enforcement Officer II

Jill Prince, Code Enforcement Administrative Assistant

# Housing Code in NH

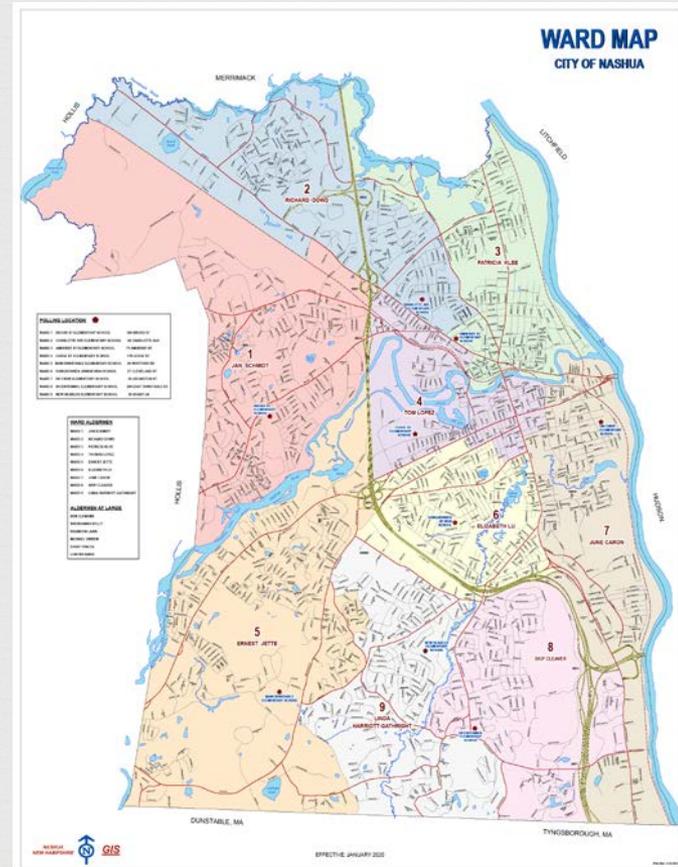


- ❧ This presentation reflects the Code Enforcement Department in Nashua
- ❧ Every city and town has a variation of housing code, they are all slightly different
- ❧ Many small towns have a single person who runs multiple offices and has a variety of different roles
- ❧ If a municipality does not have a Code Enforcement officer, citizens can contact their state fire marshals office

# How Issues are Brought to Code Enforcements Attention



- ❧ Citizen complaints
- ❧ Exterior inspections
- ❧ Location in target areas that are priority for the City of Nashua
- ❧ Random systematic inspections



# Common Housing Code Violations



- ❧ Plumbing that does not work properly
  - ❧ Not enough hot water
  - ❧ Water not working in general
- ❧ Wiring:
  - ❧ Exposed wires
  - ❧ bad switches or outlets
  - ❧ Any arcing that may be taking place
  - ❧ We cannot address wiring that may be outdated
- ❧ Leaking roof or walls
- ❧ Porches, stairs, or railings are not structurally sound

# Common Housing Code Violations



- ❧ Leaks in the gas line
  - ❧ This is a life safety issue and should be taken care of immediately
- ❧ Heating does not reach 68 degrees during the day, or 64 degrees at night
- ❧ Windows do not open and close
  - ❧ Code stipulates they should be weather tight
  - ❧ From May-October there should be screens for each window
- ❧ Exterior doors are not weather tight
- ❧ Smoke/CO detectors are not present
  - ❧ There should be one smoke detector on each floor
  - ❧ Starting July 1, 2013 they need to be hardwired when installed

# Common Housing Code Violations

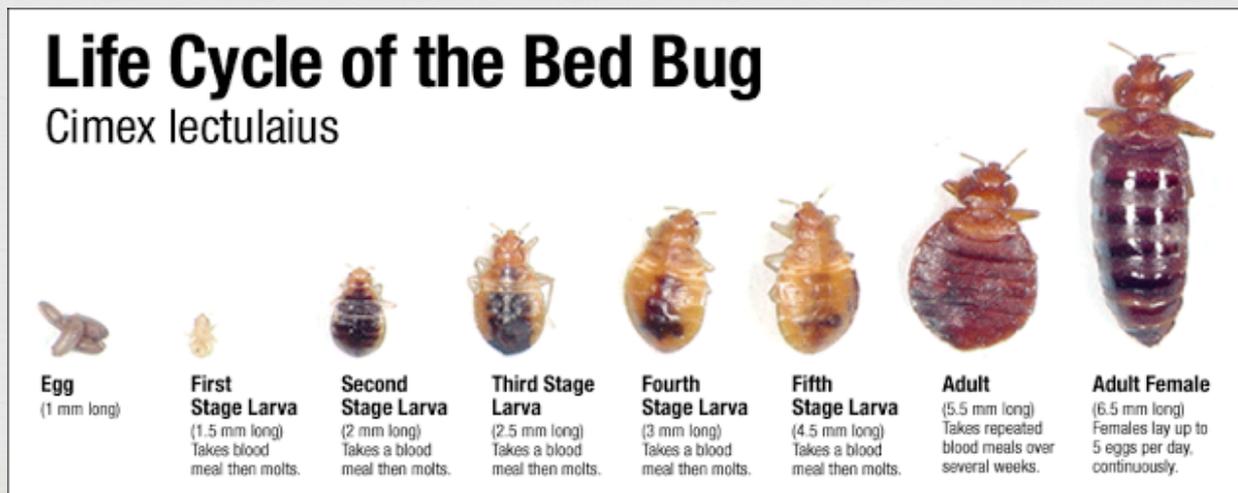


- ❧ Falling plaster from walls or ceiling
- ❧ Large holes in floor, walls, or ceiling
- ❧ Not enough trash barrels
- ❧ If flooring is unsafe and worn down we may ask landlords to replace it for safety
- ❧ Defective appliances (stove, refrigerator)
  - ❧ All aspects of stoves should work correctly
  - ❧ We can address these immediately
- ❧ Insects, mice, or rats are present

# Basic Bed Bug Facts



- ❧ Bed bugs do not discriminate. They will feed where ever they can. Any class of people can become infested
- ❧ They can be present in public locations like coffee shops and hotels
- ❧ They can enter a location on clothing, bags, or other items



# Basic Bed Bug Facts



Photo by: JP Pest

- ❧ Bed bugs like to nest along mattress seams, but will always go where the food is
- ❧ They typically feed when you are asleep, but they are not exclusively nocturnal
- ❧ They are also known to live in sofas and other furniture where people frequent
- ❧ A sign that you have bed bugs is the presence of soil marks that look like mold (this is actually feces or excreted blood)

# Bed Bug Legislation



- ❧ In January 2014 new legislation went into effect across the state of NH
- ❧ Landlords must respond to bed bug claims within 7 days or tenants can take legal action against them.
  - ❧ They have the right to enter the apartment without consent to investigate a reported infestation
- ❧ Tenants are expected to prepare for extermination and cooperate in any way to help eradicate the pests
- ❧ This legislation stipulates that the landlord is responsible for the initial cost of abatement. If the tenant is responsible for the presence of bed bugs, they will be expected to reimburse the landlord for the cost of the extermination

# Ways to Mitigate getting bed bugs

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- ❧ Bed bug “bombs” or fumigators do not work!
  - ❧ They are not effective and will only drive them to other places
- ❧ You can use diatomaceous earth to mitigate them on the ground or any other hard surfaces
- ❧ Steaming your mattress and other belongings will kill them, but this should be done by a licensed individual
- ❧ Keep your bed and other furniture away from the wall, and keep the bed off of the floor

# Ways to Mitigate getting bed bugs

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- ❧ Keep clutter down
- ❧ Routine checks are key
- ❧ Get mattress covers that protect against dust mites
- ❧ If you find bed bugs, try to wash all of your belongings in hot water, and dry them all
  - ❧ This includes pillows and stuffed animals
- ❧ Vacuums can be helpful, but make sure you do it carefully
- ❧ It is important to note that no matter how embarrassing it may be to talk about, bed bugs are everyone's problem

# Housing Code Complaints

☞ When a tenant informs the landlord of the issues in writing, the landlord has 14 days to address the issues

☞ Inform Code the same day

☞ Emergencies such as lack of sanitary facilities, electricity, hot water, heat are dealt with immediately.

☞ Call your landlord first



**HOUSING COMPLAINT FORM**

DATE: \_\_\_\_\_

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FROM: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

As required under City of Nashua Ordinance 182-31, I am submitting this letter requesting that the following issues be addressed within 14 days.

1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
5. \_\_\_\_\_  
6. \_\_\_\_\_  
7. \_\_\_\_\_  
8. \_\_\_\_\_  
9. \_\_\_\_\_

Thank you.

Cc: Code Enforcement Dept.  
City of Nashua  
229 Main St.  
Nashua, NH 03060

# When Code Gets Involved



- ❧ Code Enforcement may call the landlord to discuss the concerns of the tenant and request they be addressed in a specific time period.
- ❧ Code Enforcement may schedule an inspection of the property and request that the landlord be present.



# Inspection and Enforcement Process



- ❧ Code Enforcement will check the conditions of the property
- ❧ If there are violations, the Officer will issue a written letter to the owner stipulating the violations and a time line for completing the work.
- ❧ If the violations are not corrected:
  - ❧ Written citations may be issued requesting shorter time period.
  - ❧ Prosecute the case in District Court and request fines as well as administrative costs.
  - ❧ If there is still no compliance, Code Enforcement may condemn the building and have it vacated.



# District Court Summons



[Clear Form](#)

**THE STATE OF NEW HAMPSHIRE**  
**JUDICIAL BRANCH**  
<http://www.courts.state.nh.us>

Court Name:

Case Name:

Case Number:   
(if known)

**LOCAL ORDINANCE CITATION/SUMMONS**  
**LOCAL ORDINANCE CITATION, TOWN/CITY OF**

You MUST COME TO COURT AT  o'clock AM/PM on  to answer this citation.  
 You DO NOT HAVE TO COME TO COURT but must answer this citation by  o'clock AM/PM on . Follow the instructions on page 2 of this summons.

(Court Name)  
 (Street Address)  
 (Town/City)  
1-855-212-1234 (Telephone Number)

THE UNDERSIGNED COMPLAINS THAT CONTRARY TO TOWN/CITY ORDINANCE/REGULATION/BY-LAW NUMBER  THE DEFENDANT: (Please Print)

(Last Name)  (First Name)  (MI)  
 (Address)  (City/Town)  (Zip)  
On  (date notice was given) was given written notice of the violation that on the  (date of violation) at  (location of violation) the Defendant did (narrative to include the circumstances of the violation and place the violation occurred).

After written notice, the violation was again witnessed on  at  AM/PM

/   
(Prosecuting Official Signature) (Title/Authority)  
Civil Penalty \$  Maximum \$1000 per citation pursuant to RSA 31:38, III

SERVED IN HAND  
 SERVED BY POSTPAID CERTIFIED MAIL  
RETURN RECEIPT REQUESTED (RETURN RECEIPT ATTACHED)

NHJB-2655-D (07/09/2010) Page 1 of 2 [Top of Page](#)

☞ To be used after the deadline given on citation

☞ Full compliance

☞ Full payment

☞ Mailed or Served in hand

☞ Arraigned at Ninth District Court

# Can you be Evicted for Complaining



- ❧ **No!**
- ❧ If your rent goes up or terms of tenancy are changed within 6 months of the complaint, it is presumed retaliation.
- ❧ Tell Code Enforcement, this act itself is a violation



# How Code relates to the Eviction Process



☞ If you are evicted within 6 months of filing the complaint for reasons other than the following, Code will investigate to determine if it is reprisal against you for filing the complaint.

- Non-payment of rent
- Destructing of property
- Taking the property off the market



# Tenant Responsibilities



- ❧ Tenants are required to keep their apartment up to sanitary standards set forth by the City of Nashua.
- ❧ Must keep apartment free of accumulation of trash/junk.
- ❧ Keep from overcrowding
- ❧ Allowing the infestation of pests (caused by, and limited to, the sole tenants apartment).



# Common Questions



- ❧ Can I check with the dept to see a buildings history?
- ❧ Can I make an anonymous complaint?
- ❧ Can I withhold rent?
- ❧ Can I be reported as an illegal citizen?
- ❧ Can my landlord come in to my apartment?

# Code Team Partners



- ❧ The Code Team is comprised of a Code Officer, a Nashua Police Officer, Environmental Health Officer & Nashua Fire Marshal. It has been in place and active since the year 2000.
- ❧ The Code Team addresses violations that could effect all departments individually or as a whole within the Team.

# Contact Information



- ❧ City Hall, 2<sup>nd</sup> Floor
- ❧ 229 Main St, PO Box 2019
- ❧ Nashua, NH 03061-2019
- ❧ [www.gonashua.com](http://www.gonashua.com)
- ❧ (603) 589-3100

# Code Enforcement



- ❧ Code works with several resources within the City & State and provides this information to tenants or landlord dependant on the need.

## **Resources are:**

- ❧ Health Officer: 603-589-4530
- ❧ City Welfare: 603-589-4555
- ❧ Nashua Housing Authority: 603-883-5661
- ❧ Bureau of Elderly and Adult Services: 603- 271-7014
- ❧ Urban Programs: 603-589-3085
- ❧ New Hampshire Legal Aid: 800-639-5290 (9am – 1pm)
- ❧ Or call **211** with your situation, they may be able to connect you with a resource.