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Notice of Appeal

This form is used to file an appeal of an order, notice, decision, determination, or ruling by the Allegheny County Health Department. Please complete this form (use additional pages as necessary). If more than one person or entity is filing this appeal, please attach a separate form for each additional appellant. **A copy of the order, notice, decision, determination, or ruling must be attached to the Notice of Appeal.**

Name Recovery United Property Acquisition, LLC and John Miller

Mailing Address 133 Stevens Ridge Drive

City Jefferson Hills State PA Zip 15025 Email _____

Phone _____ Fax (optional) _____

If you are represented by an attorney, please provide contact information for your attorney:

Name Daniel G. Vitek, Esq.

Mailing Address 100 Fifth Ave, Suite 900

City Pittsburgh State PA Zip 15222 Email dvitek@cjpkw.org

Phone 412-652-9765 Fax (optional) _____

Describe your objections to the Department's actions and a statement describing the relief you want the Hearing Officer to grant. (The objections may be factual or legal and must be specific. If you fail to state an objection here, you may be barred from raising it later in your appeal. Use additional pages if necessary.)

see attached letter.

By filing this Notice of Appeal with the Allegheny County Health Department, I hereby certify that the information submitted is true and correct to the best of my information and belief.

Signature [Signature] Date 12/3/18

Appeals should be submitted in person or by mail to:
Allegheny County Health Department
Attention: Hearing Officer
542 4th Avenue
Pittsburgh, PA 15219



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COMMUNITY JUSTICE PROJECT

December 3, 2018

Karen Hacker, MD, MPH
Director
Office of the Director
542 4th Avenue
Pittsburgh, PA 15219

RE: Notice of Appeal
SR# HCE-20180329-4393
SR# HCE-20190329-4391
SR# HCE-201903294389
SR# HCE-201903294395
3 Wynoke Street

Dear Dr. Hacker,

Please allow this letter to serve as an appeal of the November 1, 2018 notices sent to Recover United Property Acquisition, LLC and John Miller (see above referenced SR#s) regarding the orders and civil penalties based on the alleged violations of "Section(s) 606A, 611 A of Article VI Allegheny County Health Department Rules and Regulations" at the following properties:

623 Brookline Boulevard, Pittsburgh, PA 15226
2218 Delrose Street, Pittsburgh, PA 15210
2254 Brownsville Road, Pittsburgh, PA 15210
2044 Brownsville Road, Pittsburgh, PA 15210

In addition, please allow this letter to serve as an appeal of the denial of the requested reasonable accommodation for the property at 3 Wynoka Street, Pittsburgh, PA 15210 to be treated as use by a single family as detailed more fully below.

These properties are all part of *Recovery United Pittsburgh's* Recovery Support Housing service, which provides residents with safe, supportive, drug-free housing to aid them on a path to recovery from drug and alcohol

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addiction. In each household, the residents live together as the functional equivalent of a family, which allows them to provide one another with continual mutual support as well as mutual monitoring to prevent relapse.

In May, 2018, and again as recently as August 19, 2018, Recovery United Pittsburgh requested a reasonable accommodation under the federal Fair Housing Act to operate the above listed properties as single family households instead of as rooming-houses. The Department failed to make a determination on the request and instead moved forward with the above referenced orders and civil penalties. However, as outlined in the previous correspondence to the Department and incorporated herein, Recovery United Pittsburgh is entitled under the federal Fair Housing Act to the reasonable accommodation request.

As the owners of these properties, Recover United Property Acquisition, LLC and John Miller would be subjected to onerous costs to comply with the Department's orders and civil penalties. Furthermore, continued operation of the properties by Recovery United Pittsburgh as Recovery Supportive Housing would be limited and perhaps force the closure of the properties for this purpose.

Therefore, Recover United Property Acquisition, LLC and John Miller respectfully request that the Department's orders and civil penalties be vacated and that the Department grant a reasonable accommodation from its Rules and Regulations by treating the use of these properties as use by a single family.

Sincerely,



Daniel G. Vitek

Staff Attorney

Phone: 412-652-9765

Fax: 412-434-5706

Email: dvitek@cjplaw.org

CC: Vijyalakshmi Patel via email
Dave Namey via email

Notice of Appeal: John Miller, Recover United Property Acquisition, LLC
December 3, 2018
Page 3 of 3

Party Contact Information:

John Miller
133 Stevens Ridge Drive
Jefferson Hills, PA 15025

Recover United Property Acquisition, LLC
John Miller, Owner
133 Stevens Ridge Drive
Jefferson Hills, PA 15025