



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 McKeesport Housing Authority

Mailing Address 2901 Brownlee Avenue

City McKeesport State PA Zip 15132 Email _____

Phone 412-673-6942 Fax (optional) _____

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

Name Joanne L. Parise, Esquire

Mailing Address 3907 Old William Penn Highway, Suite 304

City Murrysville State PA Zip 15668 Email jparise@cbattorneys.com

Phone (724) 733-8832 Fax (optional) (724) 733-8834

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.)*

Please see the attached Objections to Department's Actions and Statement Describing Requested Relief.

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 *Joanne L. Parise* Date 2/19/23

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



Allegheny County Health Dept. v. McKeesport Housing Authority

SR#: HCE-20221019-4975

Property Address: 34-C Crawford Village, McKeesport, PA 15132

Inspection Date: 12/22/2022

Inspector: Chris Zeiler

**OBJECTIONS TO DEPARTMENT'S ACTIONS AND STATEMENT
DESCRIBING REQUESTED RELIEF**

The McKeesport Housing Authority (“MHA”) hereby states the following objections to the attached notice issued by the Allegheny County Health Department (“ACHD”) on January 12, 2023, pertaining to Service Request No. HCE-20221019-4975 (“Notice”).

1. MHA objects to the Notice because the inspection purportedly giving rise to the alleged violations in the Notice did not comport with the requirements of due process. Specifically, ACHD did not provide MHA with notice of the inspection and, therefore, deprived MHA of the right to be present for and observe the inspection.

2. MHA objects to the Notice because Section 628 is impermissibly vague in violation of due process, as it is impossible to distinguish on the face of the Ordinance what constitutes “good and safe working condition,” and thus does not adequately apprise MHA of the nature of the offense.

3. MHA objects to the Notice because Section 628 is impermissibly vague in violation of due process, as it is impossible to distinguish on the face of the Ordinance what constitutes a “Class 4 Violation”. Further, Section 615 of Article VI which purports to define the term “Class 4 Violation” is vague and ambiguous, and thus does not adequately apprise MHA of the nature of the offense.

4. MHA objects to the Notice relating to the alleged violation of Section 628 for “missing coverplate(s) on electrical convenience outlet(s)” as set forth in the Inspection Report at Page 1 of 2 for the following reasons:

- a. The occupant Alexis O’Harrow (“**O’Harrow**”) never notified MHA of the missing coverplate from the electrical outlet in the main bedroom.
- b. MHA installed the coverplate on the electrical outlet in the main bedroom on January 20, 2023 and, thus, has corrected the alleged violation.

5. MHA objects to the Notice because Section 628 is impermissibly vague in violation of due process, as it is impossible to distinguish on the face of the Ordinance what constitutes a “well-secured handrail,” and thus does not adequately apprise MHA of the nature of the offense.

6. MHA objects to the Notice relating to the alleged violation of Section 623 for “loose railing or handrail” as set forth in the Inspection Report at Page 1 of 2 for the following reasons:

- a. Section 623 is impermissibly vague in violation of due process, as the term “loose” is vague and ambiguous.
- b. O’Harrow never notified MHA of the loose handrail at the bottom of the steps.
- c. MHA corrected the loose handrail at the bottom of the steps on January 20, 2023 and, thus, has corrected the alleged violation.

7. MHA objects to the Notice because Section 623 is impermissibly vague in violation of due process, as it is impossible to distinguish on the face of the Ordinance what constitutes a “Class 4 Violation”. Further, Section 615 of Article VI which purports to define the term “Class 4 Violation” is vague and ambiguous, and thus does not adequately apprise MHA of the nature of the offense.

8. MHA objects to the Notice because Section 652 is impermissibly vague in violation of due process, as it is impossible to distinguish on the face of the Ordinance what constitutes an “infestation” of cockroaches. Further, Section 604 of Article VI which purports to define “infestation” is impermissibly vague in violation of due process.

9. MHA objects to the Notice of Violation of Section 652 relating to “minor cockroach infestation” as set forth in the Inspection Report at Page 1 of 2 for the following reasons:

- a. Section 604 of Article VI which purports to define the term “infestation” is impermissibly vague in violation of due process.
- b. The description of the “Violation” is impermissibly vague in violation of due process. Specifically, the term “minor” is vague and undefined, and this does not adequately apprise MHA of the nature of the offense.
- c. The Notice does not establish that MHA is responsible for extermination of the premises. Section 652 provides that where only one (1) unit is impacted, the responsibility for extermination lies with the occupant (i.e., O’Harrow) rather than the owner (i.e., MHA). The Notice does not establish that more than one (1) unit is impacted by the alleged cockroach infestation. Further, Section 652 only shifts responsibility for extermination to the owner where “the infestation is caused by failure of the owner to maintain the dwelling in a rodent-proof or reasonably insect-proof condition.” The Notice does not establish that the alleged infestation was caused by MHA’s “failure ... to maintain the dwelling in a rodent-proof or reasonably insect-proof condition.”
- d. The Notice does not establish that MHA failed to comply with its obligations, if any, to exterminate.

- e. MHA respectfully submits that MHA does regularly provide extermination services at the subject premises and at all of its sites.
 - f. MHA provided extermination services at the premises on:
 - i. October 21, 2022;
 - ii. November 2, 2022;
 - iii. November 9, 2022 (exterior of the building);
 - iv. November 16, 2022; and,
 - v. November 23, 2022.
 - g. The Notice acknowledges that efforts to exterminate have occurred as the Notice directs MHA to “continue extermination” and “reapply treatments.”
 - h. O’Harrow’s failure to exterminate and/or interference with MHA’s efforts to exterminate the premises are the cause of the alleged infestation.
 - i. O’Harrow has repeatedly refused to permit MHA to access the unit to perform extermination services.
 - j. On December 14, 2022, O’Harrow refused to permit MHA to access the unit to perform extermination services.
 - k. On December 28, 2022, O’Harrow again refused to permit MHA to access the unit to perform extermination services.
10. **Requested Relief.** MHA respectfully requests that:
- a. ACHD withdraw the Notice;
 - b. ACHD reimburse to MHA its costs, expenses, and fees in responding to the Notice; and,

- c. ACHD provide reasonable notice of any and all future inspections to MHA so that MHA and its counsel have the opportunity to be present for such inspections.

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

Housing Authority City Of McKeesport
2901 Brownlee Avenue
McKeesport PA 15132

January 12, 2023

RE: SR# HCE-20221019-4975

Property 34 C CRAWFORD VILLAGE
Address : McKeesport, PA 15132
Census Tract : 55512

Dear Sir/Madam:

You are hereby notified as owner/agent that the dwelling listed above was inspected on 12/22/2022 by Chris Zeiler and found to be in violation of Article VI, "Houses and Community Environment," of the Allegheny County Health Department Rules and Regulations.

The sections of Article VI that are in violation are listed on the attached inspection report.

These violations do not represent a serious health hazard but may contribute to substandard housing. Your immediate attention to bring the subject property into compliance with Article VI is appreciated. This Department plans no further action at this time.

If you require further information, please feel free to contact this office at (412)350-4046.

Sincerely,



Chris Zeiler
Environmental Health Supervisor

CLZ:Sb
Attachment
cc: Occupant



DEBRA BOGEN, MD, FAAP, FABM, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT
HOUSING & COMMUNITY ENVIRONMENT PROGRAM
3190 SASSAFRAS WAY (NEAR 32ND ST. AT LIBERTY AVE.)
PITTSBURGH, PA 15201-1443
PHONE: 412.350.4046 • FAX: 412.350.2792
WWW.ALLEGHENYCOUNTY.US/HEALTHDEPARTMENT



Allegheny County Health Department

Inspection Report - Complaint Housing

SR#: HCE-20221019-4975

Owner Violations

Property Address : **34 C Crawford Village , Mckeesport 15132**

Inspection # 2

Census Tract : 55512

Property Type : (Multi-Family 2 Units)

Inspector : Chris Zeiler

Inspection Date : December 22, 2022

Time : 11:00

Contacts:

Ms ALEXIS O' HARROW Occupant
34 C Crawford Village
Mckeesport , PA 15132

HOUSING AUTHORITY CITY OF MCKEESPORT Owner
2901 Brownlee Avenue Fl 2
Mckeesport , PA 15132

(412) 526-5246

Listed below are the Article 6 violations that require corrective action :

Not Applicable

Bedroom

Section 628 A 043 (O)(D)

Class 4

Location : None

Violation Status : **No Access**

Violation : Missing coverplate(s) on electrical convenience outlet(s).

Remedy : Provide coverplate(s).

Comments : Coverplate missing from electrical outlet in main bedroom.

1st Floor

Stairway

Section 623 016 (O)(D)

Class 4

Location : None

Violation Status : **No Access**

Violation : Loose railing or handrail.

Remedy : Make secure.

Comments : Handrail at the bottom of the steps is loose.

1st Floor

Apartment

Section 652 013 (O)(D)

Class 4

Location : Interior

Violation Status : **First**

Violation : Minor cockroach infestation.

Remedy : Exterminate using licensed pesticide treatment person/company. Remove food sources.

Comments : SEVERAL DEAD COCKROACHES MAND ONE LIVE COCKROACH NOTED ON STICKY TRAP BENEATH KITCHEN EFREGERATOR. CONTINUE EXTERMINATION, MONITOR RESULTS, AND REAPPLY TREATMENTS IF NECESSARY.

Property Address : **34 C Crawford Village ; Mckeesport 15132**

Inspection # 2

Census Tract : 55512

Property Type : (Multi-Family 2 Units)

Inspector : Chris Zeiler

Inspection Date : December 22, 2022

Time : 11:00

Comments: THIS PARTICULAR INSPECTION WAS LIMITED TO INVESTIGATING AN ALLEGATION OF A PEST VECTOR PRESENCE WITHIN THE HOME. OTHER PREVIOUSLY NOTED VIOLATIONS ON THIS REPORT WERE NOT EVALUATED FOR THEIR CONDITION.

----- END OF REPORT -----

All Violations Verified by the Inspector :


