



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.)*

McKeesport Housing Authority appeals from the two (2) separate Notices dated January 13, 2023 both arising from an inspection performed on January 4, 2023 and both having been assigned SR # HCE-20221109-5269.

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 Parise Date 2/9/2023

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-20221109-5269
Property Address: 37 Crawford Village, Apt. B, McKeesport, PA 15132
Inspection Date: 01/04/2023
Inspector: Eric Lindgren

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 13, 2023, pertaining to Service Request No. HCE-20221109-5269 (“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 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 rodents. Further, Section 604 of Article VI which purports to define “infestation” is impermissibly vague in violation of due process.

3. 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 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 apprise MHA of the nature of the offense.

4. MHA objects to the Notice relating to the alleged violation of Section 652 for “minor rodent infestation” as set forth in the Inspection Report at Page 1 of 1 for the following reasons:

- a. Section 652 is impermissibly vague in violation of due process, as the term “infestation” is vague and undefined.
- b. 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., Bruce Roberts (“**Roberts**”)) rather than the owner (i.e., MHA). The Notice does not establish that more than one (1) unit is impacted by the alleged rodent 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.”
- c. Even assuming, *arguendo*, that MHA is responsible for extermination, the Notice does not establish that MHA failed to comply with its obligation to exterminate.
- d. Roberts did not notify MHA of the alleged infestation.
- e. The Notice does not indicate that any live rodents were observed.
- f. MHA respectfully submits that MHA does regularly provide extermination services at the subject premises and at all of its sites.

5. **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 Of City Of McKeesport
2901 Brownlee Avenue
McKeesport PA 15132 - 1859

January 13, 2023

RE : SR# HCE-20221109-5269

Property 37 B CRAWFORD VILLAGE
Address : McKeesport, PA 15132
Census Tract : 55512

Dear Sir/Madam:

An inspection of the property listed above was conducted on 01/04/2023 by Eric Lindgren. The following violations of Article VI, "Housing and Community Environment," were verified at that time. Attached is an inspection report listing these violations.

1 Class 3 violation(s) exist(s). A Class 3 violation is defined as a condition which represents an actual or potential health hazard or nuisance. These violations are to be corrected by 02/17/2023 .

Failure to comply will result in a complaint filed before the Magistrate and/or civil penalties. Under Section 660, should the dwelling become vacant prior to correction of these violations, the dwelling must be inspected and corrections verified by this Department prior to reoccupancy.

If you have any questions, you may contact this office at (412)350-4046.

Sincerely,

Eric Lindgren
Environmental Health Specialist
EL: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-20221109-5269

Owner Violations

Property Address : **37 B Crawford Village , Mckeesport 15132**

Inspection # 1 Census Tract : 55512 Property Type : (Multi-Family 2 Units)

Inspector : Eric Lindgren Inspection Date : January 4, 2023 Time : 14:55

Contacts:

Mr. BRUCE ROBERTS Occupant
37 B Crawford Village
Mckeesport , PA 15132

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

(412) 609-0730

(412) 673-6942

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

Ground Level

Kitchen

Section 628 A 040 (O)(D)

Class 3

Location : None

Violation Status : **First**

Violation : Unapproved or improperly installed electrical convenience outlet(s).

Remedy : Replace with approved outlet(s).

Comments : GFCI outlet to the left of the kitchen sink does not trip.

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

All Violations Verified by the Inspector :

