



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 2/15/23

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-20221129-5440
Property Address: 601 6th Street, Apt # 402, McKeesport, PA 15132
Inspection Date: 01/10/2023
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 17, 2023, pertaining to Service Request No. HCE-20221129-5440 (“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 622 is impermissibly vague in violation of due process, as it is impossible to distinguish on the face of the Ordinance what constitutes floors, walls, and ceilings as being “sound and tight” and what constitutes “good repair and in safe condition”, and thus does not adequately apprise MHA of the nature of the offense.

3. MHA objects to the Notice because Section 622 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 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.

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 “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.

6. MHA objects to the Notice relating to the alleged violation of Section 622 for “evidence of leak in ceiling” as set forth in the Inspection Report at Page 1 of 1 for the following reasons:

- a. The description of the “violation” is impermissibly vague in violation of due process. Specifically, the term “water-damaged” is vague and undefined, and thus does not adequately apprise MHA of the nature of the offense.
- b. The Notice does not establish that there is an unremedied leak in the ceiling.
- c. MHA has promptly addressed the cause of all leaks from the plumbing or fixtures in the unit directly above the subject unit and has repaired the ceiling in accordance with the applicable Department of Housing and Urban Development (“**HUD**”) standards.
- d. On February 10, 2023, MHA repaired the ceiling in accordance with the applicable HUD standards.

7. MHA objects to the Notice relating to the alleged violation of Section 628 for “electrical convenience outlet workbox(es) not secured properly” as set forth in the Inspection Report at Page 1 of 1 for the following reasons:

- a. The description of the “violation” is impermissibly vague in violation of due process. Specifically, the term “secured properly” is vague and undefined, and thus does not adequately apprise MHA of the nature of the offense.
- b. On February 15, 2023, MHA repaired the outlet and, thus, has remedied the alleged violation.

8. **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

January 17, 2023

Housing Authority Of City Of McKeesport
2901 Brownlee Avenue
McKeesport PA 15132 - 1859

RE : SR# HCE-20221129-5440

Property 601 6TH STREET APT # 402
Address : McKeesport, PA 15132
Census Tract : 55509

Dear Sir/Madam:

You are hereby notified as owner/agent that the dwelling listed above was inspected on 01/10/2023 by Eric Lindgren 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,

Eric Lindgren
Environmental Health Specialist
EL:Sb
Attachment
cc: Tenant



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



Advancing
public health
performance

Allegheny County Health Department

Inspection Report - Complaint Housing

SR#: HCE-20221129-5440

Owner Violations

Property Address : **601 6th Street Apt # 402, Mckeesport 15132**

Inspection # 1

Census Tract : 55509

Property Type : (Multi-Family 0 Units)

Inspector : Eric Lindgren

Inspection Date : January 10, 2023

Time : 09:20

Contacts:

Mr. AMIN MOORI Tenant
601 6th Street Apt # 402
Mc Keesport , PA 15132

HOUSING AUTHORITY OF CITY OF MCKEESPORT Prop.
Manager
2901 Brownlee Avenue Fl 2
Mckeesport , PA 15132

(412) 514-6461

(412) 673-6942

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

4th Floor

Apartment

Section 622 030 (O)(D)

Class 4

Location : Ceiling

Violation Status : **First**

Violation : Evidence of leak in ceiling.

Remedy : Eliminate leak and repair any damage.

Comments : Wooden panel screwed into bathroom ceiling (above suspended ceiling panel) above the toilet to patch a hole is water-stained and moldy, ceiling tile also appears to be water-damaged. Water damaged plaster also present at wall/ceiling juncture in kitchen, above the stove (opposite side of the wall from the bathroom).

4th Floor

Kitchen

Section 628 A 039 (O)(D)

Class 4

Location : Wall

Violation Status : **First**

Violation : Electrical convenience outlet workbox(es) not secured properly.

Remedy : Make secure.

Comments : Outlet box behind kitchen sink not secure in wall.

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

All Violations Verified by the Inspector :

