

Training for Code Enforcement Officials on Steps to Achieve Compliance for Lead Cases

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LEGAL DISCLAIMER



This presentation includes important general principles of law regarding health and safety code administration and enforcement. It is not intended to be legal advice to any person. Questions on the proper administration and enforcement of code in your jurisdiction should be directed to the appropriate legal counsel for your jurisdiction.

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PERFORMANCE OBJECTIVES

1. Understand that the duly empowered code official in the United States is a **"governmental official"** and, similarly to police, is bound to administer and enforce code in accordance with the U.S. Constitution and the applicable state constitution, including on matters of **right of entry**.
2. Know and understand the law generally concerning the **authority and obligations** of a code official to obtain code compliance through administration and enforcement.
3. Recognize the **orders** available for health officials under the CT statutes and regulations and review when and how each are used in enforcement.
4. Explain general procedure for referring a case to **civil and criminal court** and what occurs during criminal prosecution.

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HOW ARE WE GOING TO MEET THE OBJECTIVES?



BY WHAT WE ARE GOING TO COVER:

- GOALS
- AUTHORITY
- RIGHT OF ENTRY/DENIAL OF ENTRY
- INSPECTION
- ABATEMENT PROCEDURE
- CIVIL AND CRIMINAL COURT

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GOALS OF ENFORCEMENT

1. COMPLIANCE

Create healthier communities by enforcement of required code standards. Using the abatement process improves community well being.

2. CORRECT HUMAN BEHAVIOR

Bring the importance of health and safety to landlords, tenants and the surrounding community.

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LACK OF HOUSING STANDARDS

THE EFFECT



Driving Public Health 3.0 in the Motor City

07/12/2016 10:53 AM EDT

If you start at City Hall and drive 15 minutes east to Gross Pointe, a wealthy suburb of Detroit, you'll cross a difference of nearly 12 years in life expectancy and 10 percent in teen pregnancy rates. Detroit's children continue to suffer infant mortality, asthma, and lead exposure at higher rates than their counterparts elsewhere.

Source: Office of the United States Assistant Secretary of Health with support from Healthy People 2020

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Remediating Abandoned, Inner City Buildings Reduces Crime and Violence in Surrounding Areas

http://www.safeguardproperties.com/News/Industry_Updates/2015/07/Remediating_Abandoned_Inner_City_Buildings_Reduces_Crime_and_Violence_in_Surrounding_Areas.aspx



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Illegal Unit Case Study: Fatal Fire - Waterbury, CT (2011)

- 32 year old male tenant succumbed to smoke inhalation when the single exit from his 3rd floor attic apartment was blocked by fire.
- A joint investigation by state and local officials determined that the building owner converted his 2-family into a 4 without city inspections or approvals. The proximate cause of the tenant's death was found to be a lack of the code required secondary means of egress in the illegal attic apartment.
- Charges against the owner were filed by the Connecticut Office of the Chief State's Attorney.

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Landlord Pleads Guilty To Manslaughter 2nd Degree For Tenant's Death In Illegal Apartment



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At a press conference held on October 19, 2012, Waterbury, CT Mayor O'Leary told the gathering that the city was sending out a loud message that it would not tolerate illegal housing.

Courtesy of Waterbury Observer. Photographs By John Murray



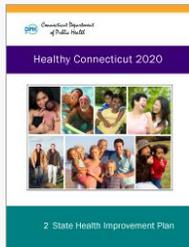
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ON TO YOU: THE CODE OFFICIAL



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THE STATE HEALTH IMPROVEMENT PLAN INCREASED CODE ENFORCEMENT TO PREVENT INJURIES AND ILLNESS



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The CT Supreme Court Has Ruled

The health officer of the town, and through the enforcement provisions of Section 19a-206(b), this court, are duty-bound to take those steps necessary to preserve the public health against the spread of disease and to exercise the utmost diligence in enforcing health regulations, *State v. Raczkowski*, 86 Conn. 677, 680.

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KNOW YOUR AUTHORITY

- Your authority to enforce code comes from several sources, which apply as dictated.
 - U.S. Constitution
 - U.S. Supreme Court and District Court Opinions
 - Federal laws and regulations
 - State Constitution
 - State Court Opinions
 - State laws and regulations
 - Directives from state agencies
 - Local jurisdiction laws and regulations

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MINISTERIAL VS. DISCRETIONARY ACTS



- **MINISTERIAL:** When a law, policy or directive clearly establishes that an act **must** be performed, the relevant officials are not free to exercise their own judgment in determining whether to act.
- **DISCRETIONARY:** Some acts or omissions (the decision of what to do or whether to do anything at all) require professional judgment. Obvious example: “may” vs. “shall.”

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INSPECTIONS



- Many inspection provisions are ministerial in nature, as indicated with words like the official shall or must inspect. These commands must be followed to avoid potential liability.
- However, the code official must always use lawful means to gain entry into private property to inspect, including by consent or a court order.
- In an emergency the code official may access as necessary to protect the public safety.

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INSPECTIONS

- Entry and inspection must be completed in accordance with law by a duly authorized code official
- The same applies to any reinspections!
- Your notes should indicate date, time and who was present when the inspection was completed
- Your notes should be specific regarding the type of violations, where the violation occurs and include any special conditions that are present



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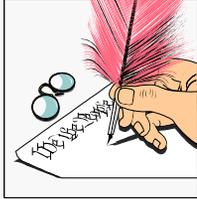
PHOTOS



- Photos, videos and sketches are generally allowed if you are legally there to inspect
- Remember to take notes for the photos: who took the photos, what they depict and the address that you are taking the photos of along with the date/time of the picture

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THE UNITED STATES CONSTITUTION



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THE FOURTH AMENDMENT OF THE U.S. CONSTITUTION

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

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It's Not Just For This...



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For Federal Constitutional Purposes...



There is No Difference!!!

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WHAT IS AN "UNREASONABLE SEARCH"?



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Warrantless Searches Are Presumed



Unreasonable
(Unless An Exception Applies)

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WHY DO YOU CARE?



Illegal entry onto private property *may* result in:

- Exclusion in court of any evidence obtained from an illegal search – *the Exclusionary Rule*
- Municipal and department civil liability
- Personal civil liability
- Personal criminal liability (for intentional acts)
- Administrative sanctions

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So How Do We Do It Right?



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To Bar Your Inspection, The Individual Must Have A Reasonable Expectation of Privacy In The Area To Be Searched

- Homes and apartment units have a high degree of privacy rights
- There is no reasonable expectation of privacy in common hallways of an apartment building
 - Mutual use and control by tenants and owner
 - Used by visitors, delivery people, trades people
 - Can be used by you, too



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Reasonable Expectation of Privacy



- No reasonable expectation of privacy of tenant or non-tenant on multi-unit common porch



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Know The Warrant Requirement And Its Important Exceptions For The Code Official:

- Consent ✓
- Plain View ✓
- Exigency/Emergency ✓
- Special Need Searches:
Regulatory Scheme - Permits ✓

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CONSENT

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CONSENT



- Consent must be given freely and voluntarily
- Consent must be by an authorized person of suitable age and discretion
- Consent may not be by duress or coercion
- Burden of proof is on the official, so your actions *must be proper to prevail on claim of good consent*

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CONSENT



- An inference that refusal is futile, or that a search warrant will be issued automatically, has been held to be coercive

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Consent Considerations

- Consent can be withdrawn at any time



- Consent can be limited



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Factors Showing Consent

- Knowledge of constitutional rights in general including the right to refuse consent
- Sufficient age and maturity to make an independent decision
- Intelligence to understand the significance of consent

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More Factors Showing Consent

- Education in or experience with the workings of the criminal justice system
- Cooperation with inspectors
- Length of detention and nature of questioning regarding consent
- Coercive governmental behavior surrounding the incident

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Third Party Consent...a.k.a. "The Roommate Scenario"

- A person may consent to a search of areas over which he has common authority with another person
- One person cannot consent to a search of the exclusive possessions or private space of another person

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Third Party Consent

Exception:

- The consent of one occupant is **insufficient** when another occupant
 - is present, and
 - objects to the search

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Third Party Consent: “Apparent Authority”

- You should conduct a **reasonable inquiry** of the person giving consent



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Third Party Consent: “Apparent Authority”

- A search without a warrant is valid when it is based on consent given by someone who the government official *reasonably believes* has common authority over the premises, but who actually does not
- Based on objectively reasonable belief
- Each case judged on its own facts

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Third Party Consent

- Not valid from Landlord (even with a right of entry clause in the lease) unless occupant consents except in cases of a true **emergency**



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Third Party Consent

- Not valid from a hotel clerk



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Written Consent Is Good!



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Consent To Search And Examine Evidence

Case No. _____ Date _____ Time _____ City/Town _____
 Name _____ DOB _____
 Address _____
 I, _____ after having been informed of my Constitutional right not to have a search performed without a search warrant and of my Connecticut rights when to consent to such a search, DO CONSENT _____ in town _____ and _____ who are members of the Division of Criminal Justice, and _____ who are members of the _____ (SEEK APPROVAL)
 consent a complete search of my
 Residence Place of business Vehicle Other property
 (Include serial or license # for vehicle)
 What property is located at: _____
 (List to include vehicles, other equipment, storage, etc. to be searched)
 I, a sworn member of the Division of Criminal Justice and the _____ Police Department, do hereby authorize the search of the above property and I am a property owner. This consent is to be given in writing and is valid only if given in person and in the presence of the person whose property is to be searched.
 Permission for this search and examination of evidence is granted by me, knowingly, willingly and voluntarily, to the above named police officer or police officers and no conditions, threats or promises have been made to me in order to gain my consent.
 Signature _____ Witness _____
 Witness _____ Witness _____
 (Print the name of the witness together with their full name and a complete residential address. If this document is printed on a computer, print an address.)

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Plain View

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Plain View



- It is not a search within the Fourth Amendment to observe what is in plain view from a location where you have the right to be



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Plain View



- Requires a "lawful initial entry" =
 - Entry onto private property was lawful, or condition is visible either from a public area or a place you are authorized to be
 - Must be detectable with one of the five senses, although commonly used enhancement devices may be okay

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Fourth Amendment Doesn't Protect

- **Open Fields**



- **Abandoned Property**

Buildings which are not occupied and for which a building owner cannot be identified or located by reasonable efforts



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Curtilage or Open Field?



- **“Curtilage,”** the area immediately surrounding the house, is considered to be part of the house for Fourth Amendment privacy and warrant requirement purposes
- Generally applies to the exterior of one and two family dwellings, not to three family dwellings or larger (apartment occupancies)

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Trespass

- An implicit license exists for visitors to:
 - Approach by the front path
 - Knock promptly
 - Wait to be received
 - Absent invitation to remain longer, leave
- Government official may do what any other private citizen may do without trespassing
 - Salesman, trick or treater, Girl Scout

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Trespass, continued

- Scope of the implied license is limited to specific purpose
- No one "is impliedly invited to enter the protected premises of the home in order to do nothing but conduct a search"

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No Trespass

OK:

- Walk up the driveway
- Walk up porch steps to front door
- Knock on door
- Observe anything in plain view on your way to and from the door
- Observe anything in plain view from the front porch if resident opens the door
- Ask permission to enter and inspect

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Trespass

NOT OK:

- Open a gate marked "No trespassing"
- Explore path or yard with specialized devices (metal detector, thermal imager)
- Go into back yard (absent invitation to do so)
- Go around house looking into windows (curtilage)

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Exigent Circumstances & Emergency

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Exigency/Emergency Circumstances

- *Imminent* and *substantial* threat to life safety or property
- No time to get a warrant
- No other reasonable options
- Mere inconvenience of seeking a warrant is not sufficient



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Special Needs Searches: Regulatory Scheme



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Administrative Search Warrants

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WHAT DOES THE U.S. SUPREME COURT ABOUT IT?



- ***Camara v. Municipal Court***
U.S. Supreme Court (1967), 387 U.S. 52387 S.Ct. 1727, 18 L.Ed.2d 930
"Probable cause to issue a warrant to inspect for safety code violation exists if reasonable legislative or administrative standards for conducting an area inspection are satisfied."
- ***See v. Seattle***
U.S. Supreme Court (1967), 387 U.S. 54187 S.Ct. 1737, 18 L.Ed.2d 943

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INSPECTION WHERE ENTRY REFUSED

*When cooperation ceases and access to the property is denied, an **ADMINISTRATIVE SEARCH WARRANT** is required before entry and inspection can be accomplished*



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DENIAL OF ENTRY? CAN'T TAKE "NO" FOR AN ANSWER?

- In most cases you should make a reasonable attempt to gain entry by voluntary consent from the correct person before you seek a warrant. 
- Many state and local laws allow a code official entry onto private property. Despite that, some persons refuse that entry. The code official's right of entry does not mean that the official should get into a physical confrontation at the door. In the event the code official is denied access, an **administrative search warrant** may be applied for seeking a judge ordered entry.
- Although approved by the U.S. Supreme Court, administrative search warrants have also been permitted by the CT Supreme Court in *State v. Saturno* (2016). Generally, they also must be approved by a prosecutor before submission to a judge.

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LANDLORD RIGHT OF ENTRY

Is it enough for the
landlord to say:
"My tenant won't allow
access to inspect or abate?"

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LANDLORD MUST USE LEGAL AND REASONABLE MEANS OF ENTRY

"In a landlord-tenant setting it would appear that the landlord should, under the circumstances of the tenant's refusal of entry for repairs, file and obtain an order of access from the Superior Court under C.G.S. Section 47a-18, when a tenant refuses access under C.G.S. Section 47a-16. (cont. next page)

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The landlord has remedies under C.G.S. Section 47a-15 for tenants breach. Failing those actions, the landlord would be hard-pressed to establish the **necessary showing of 'lacking any reasonable means.'**” **Gayle v. Young**, Not Reported in A.2d, 1995 WL 118775, Conn.Super.,1995.

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LEGAL ENTRY BY A LANDLORD OR HIS AGENT

- CGS 47a-16
LANDLORD’S RIGHT OF ENTRY
- CGS 47a-18
LANDLORD’S REMEDY ON TENANT REFUSAL

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CGS 47a-16 Landlord’s right of entry

- **47a-16. When landlord may enter rented unit.**

(a) A tenant shall not unreasonably withhold consent to the landlord to enter into the dwelling unit in order to inspect the premises, make necessary or agreed to repairs, alterations or improvements, **supply necessary or agreed to services or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workmen or contractors.**

(b) A landlord may enter the dwelling unit without consent of the tenant in case of **emergency.**

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CGS 47a-16, continued

(c) A landlord shall not abuse the right of entry or use such right of entry to harass the tenant. The landlord shall give the tenant reasonable written or oral notice of his intent to enter and **may enter only at reasonable times, except in case of emergency.**

(d) A landlord may not enter the dwelling unit without the consent of the tenant except (1) in case of emergency, (2) as permitted by section 47a-16a, (3) pursuant to a **court order**, or (4) if the tenant has abandoned or surrendered the premises.

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CGS 47a-18

Court order for entry

- **47a-18. Judicial relief if tenant refuses entry.** If the tenant refuses to allow entry pursuant to section 47a-16 or section 47a-16a, the landlord may obtain a declaratory judgment or injunctive relief to compel access or terminate the rental agreement. In either case the landlord may recover actual damages and reasonable attorney's fees.

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ABOUT YOUR FILES:

- General rule: If you write it, be prepared to have it publicized. State laws must be consulted for applicable disclosure laws.
- Freedom of Information laws generally require disclosure of your files, however some items may be closed as confidential.
- See **CGS 1-210(16)** Records of complaints, including information compiled in the investigation thereof, brought to a municipal health authority pursuant to chapter 368e or a district department of health pursuant to chapter 368f, until such time as the investigation is concluded or thirty days from the date of receipt of the complaint, whichever occurs first;
- Prior to disclosure, seek the opinion of your legal counsel for criminal and civil matters, particularly on an open investigation or pending case.

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ABATEMENT:



• ISSUING ORDERS:

- Always identify the owner or other responsible person or entity *before* issuing legal notice.
- Get a certified copy of the deed for you file as proof ownership. Owners should be listed with full names on the order. Mirroring the deed is good form.
- Please be aware that if the owner is a business, estate, corporation or partnership, additional information may be required. Check with your local attorney on this.

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ABATEMENT:

TYPICAL TYPES OF OWNERS OF PROPERTY:

- Persons – cite all of record
 - DBAs (“doing business as”) – check Town Clerk Trade Name Certificate Book
- Estates – check Probate Court
- Corporations and General Partnerships– check CT Secretary of State (SOS)
- Condominiums – cite the entire association Board of Directors (common areas only)

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ADDRESSING THE ORDER

Mirror the deed...

- **PERSONS:** Cite all owners in full name, i.e. If deed states the grantees (owners) are John Owner and Lilly Owner, order should have both full names.

John Owner
 Lilly Owner
 123 Owner’s Court
 No Name, CT 06000*

* One order is generally sufficient for multiple owners only if owners live at same address.

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ADDRESSING THE ORDER

Mirror the deed...

- ESTATES:
 - The deed may contain the name of a person who is deceased, or their estate
 - Check with the Probate Court to determine the person responsible for the estate of the deceased owner. (i.e. Executor or an heir)
 - Get certified copy of appointment document
 - Cite responsible person for the estate as agent for the owner

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CORPORATE AND PARTNERSHIP OWNERS

- CORPORATIONS (Name ends with Corp. or Inc.)
- LIMITED LIABILITY CORPORATIONS (LLCs)
- PARTNERSHIPS
- LIMITED LIABILITY PARTNERSHIPS (LLPs)
 - DOMESTIC (Registered in CT)
 - FOREIGN (Registered outside of CT)

ALL FOREIGN ENTITIES DOING BUSINESS IN CT
MUST BE REGISTERED WITH THE STATE OF
CT SECRETARY OF STATE (SOS).

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CRIMINAL PROSECUTION OF CORPORATIONS AND LLCs

- **CGS § 53a-11. Criminal liability of individual for conduct in name of or on behalf of corporation or limited liability company.** A person shall be criminally liable for conduct constituting an offense which such person performs or causes to be performed in the name of or on behalf of a corporation or limited liability company to the same extent as if such conduct were performed in such person's own name or on such person's behalf.

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ADDRESSING THE ORDER

Mirror the deed...

- First obtain the name of the owner from the current deed for the property
- If owner is a corporation, LLC. or general partnership, check the exact name with the CT Secretary of State – CONCORD

<https://www.concord-sots.ct.gov/CONCORD/online?sn=PublicInquiry&eid=9740>

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ADDRESSING THE ORDER

Mirror the deed...

- CORPORATE OWNER (Ex.)
 - Deed says XYZ, Inc. is the owner
 - Enter XYZ, Inc. in CONCORD search
 - Identify the **principal** of the corporation = the PRESIDENT of the corporation (NOT AGENT FOR SERVICE!)
 - Obtain residence address for service
 - Print copy of CONCORD page for your file

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ADDRESSING THE ORDER

Mirror the deed...

- LIMITED LIABILITY CORPORATIONS
 - Deed says XYZ, LLC.
 - Enter XYZ, LLC. in CONCORD search
 - Identify the **principal(s)** of the LLC. = the Member(s) or Managing Member of the LLC. (NOT AGENT FOR SERVICE!)
 - Obtain residence address(es) for service
 - Print copy of CONCORD page for your file

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ADDRESSING THE ORDER

Mirror the deed...

• **CORPORATION** (ex.)

I. V. League, Pres.
XYZ Corporation
123 Home Road
No Name, CT 06000

• **LIMITED LIABILITY CORPORATION** (ex.)

I.V. League, Member
XYZ, LLC.
123 Home Road
No Name, CT 06000

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CIVIL AND CRIMINAL COURT

WHAT IS THE DIFFERENCE?



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WHAT IS CIVIL ENFORCEMENT?

- INJUNCTIONS
- CIVIL ENFORCEMENT ORDERS
- RELOCATION – SEE LEAD STATUTES
- CIVIL PENALTIES
- LIENS



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INJUNCTIONS:

- Town Attorney/Corporation Counsel
- This process will bring the property owners to court, for you and the town to ask the court to order the property owners to abate a violation
- Be aware the judge may not rule in your favor



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CRIMINAL PROSECUTION AND ARREST

- Submitting an application for the arrest of an individual is very serious. Make sure this is the appropriate action to take.

You are asking for the initiation of a criminal case that may result in the deprivation of the rights of another individual.



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CRIMINAL PROSECUTION OF CODE VIOLATIONS

As a Code Official, in most states you do not have power of arrest. However, you may apply for an arrest warrant for code violations by application to a proper authority. An Arrest Warrant requires application to judge alleging sufficient PROBABLE CAUSE, including:

- Your name, capacity, responsibilities and your jurisdiction.
- Authority to inspect, inspection dates, and findings.
- Identification of the proper person and how that person was determined, i.e. proof of ownership, etc.
- Notice and order issued, to whom and how the orders were issued showing due process.

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CRIMINAL PROSECUTION OF CODE VIOLATIONS, CONT.

- Proof that the orders were received by the responsible party
- Re-inspection date and findings
- List of the violations and the code sections that are violated
- Summary/Concluding paragraph
- *Must be signed and sworn or affirmed under penalty of perjury and submitted to the Prosecutor assigned to your local jurisdiction*

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WHAT HAPPENS AT COURT?

- Cited person will come to court
- Remember, just because the cited person comes to court, it does not mean compliance will be immediate



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CRIMINAL PROSECUTION

- What Happens in Court:
 - Right to Counsel
 - Review charges and penalties
 - Right to due process and equal protection
 - Right to a speedy trial
 - If the cited person is cooperative, prosecutor will obtain an agreeable plan for compliance
 - With the Court's permission give a continuance date or schedule for that compliance

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PRE-TRIAL STATUS...

- Discovery stage of case, pretrial negotiations to settle
- While the case is pending we will ask for inspections to be completed
- Sometimes, we will ask for written updates so that we have current information in our files
- If ADDITIONAL violations are found on a re-inspection, abate the additional violations and notify the state's attorney promptly
- Nearly all cases settle in this stage by plea agreement

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CRIMINAL TRIAL

If the case goes to trial, you are the prosecuting attorney's main witness. Be prepared!!!



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DISPOSITION:

- This is a fancy way of saying how we end the case



- Cases generally will not be disposed of until there is full compliance or a plan for compliance

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HOW DO WE END THE CASE?

In Connecticut, the case may end with a:

- NOLLE (charges are dropped by the state without a conviction) -with conditions or without
- DIVERSIONARY PROGRAM (i.e. Accelerated Rehabilitation)
- CONVICTION
 - Fines
 - Suspended sentence
 - Conditional discharge
 - Probation
 - Jail

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FACTORS IN CREATING THE DISPOSITION

- Seriousness of the violations
- Number of the violations
- Cited person's criminal and safety code violation history
- Number of people present in the property put at risk
- Time frame in which compliance has been reached



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SPECIAL CONDITIONS OF PROBATION OR DIVERSIONARY PROGRAM

- Must complete abatement and maintain
- Must cooperate with code officials
- All properties owned or managed must be code compliant in state
- Attending appropriate classes depending on the types of violations
- Community Service
- Charitable Contribution



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REMEMBER...

- Code issues do not arise just between 9:00 a.m. and 5:00 p.m., when everyone who could help you is in the office
- You need to have a plan for when this circumstance happens, who to contact, their emergency numbers, what the chain of supervision shall be and who makes the final determination
- **WHY?**



BECAUSE IT WILL HAPPEN!!!!

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REFERRALS:

Everyone is busy, become familiar with and utilize the other agencies in your town to accomplish the goal

- Building
- Fire
- Police
- Health
- Housing
- Planning and Zoning
- Animal control
- Legal



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PRACTICE PROFESSIONALISM

- Treat people in your community, your office, and in other departments with respect
- Do your best to keep commitments
- Know your code well
- Be honest in all matters
- Don't take things personally
- Be diligent and effective in gaining compliance, remembering *honey* usually works best

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COMMUNICATION = THE KEY TO SUCCESSFUL ENFORCEMENT

"The single biggest problem in communication is the illusion that it has taken place." George Bernard Shaw

HOT TIP:

Avoid misunderstandings and delays in correction of violations by requiring that the responsible person provide a reasonable written plan of compliance with dates to start and finish each item along with any other specific considerations such as submission of plans, applications for permits, etc.



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OTHER CONCERNS:

- Always be mindful of where you are.
- Various conditions/violations that you find may not be a result of purposeful disregard of the law. Determine the cause of non-compliance if possible before you choose your next enforcement step.
- There are mental health conditions that are a factor in some of the conditions you will find. For example, a deteriorated and collapsing house with excessive combustibles which may be a result of hoarding disorder, a mental health.

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UNLESS AUTHORIZED BY LAW, NEVER, NEVER, NEVER...



- Order any person to act without authority
- Tell anyone you will have them arrested
- Tell anyone you will get a search warrant
- Tell anyone that you must be allowed on the property without legal grounds
- Tell anyone what the prosecutor may or may not do with the case
- Excuse anyone from a court date
- Tell anyone that you will get their case dropped

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