

10-16-09 Two Sides to Those Housing Inspection Stories

You know how you can't judge a peach by its appearances? It can be the prettiest thing on the outside and dry and pulpy on the inside. You have to cut it open and look at the inside before you know what you're getting into. And, of course, you have to experience it before you know the quality. Well, that's what it's like when I begin a housing inspection. I get a call, usually from the tenant, that there are some problems. We talk a bit and I make an appointment to inspect. When I get there, I usually see a confirmation of the complaint (This is very unlike other complaint situations where I often come back to the office saying, "There were no rats and no garbage to attract them.") The inspection continues and the conversation continues, also.

Whatever the tenant's story is, it can sound so plausible. In any case, my job is to describe what is seen and cite those findings, according to the State's Sanitary Code, 105 CMR (Code of Massachusetts Regulations) 410.000 Minimum Standards of Fitness for Human Habitation.

Next, the Order of Correction letter (if applicable) is written. This type of letter probably wins the prize for the most time-consuming health agent letter. Each problem is noted, described and cited from the code. The letter is delivered by regular mail, by certified mail and hand delivered, at least to the door because, not knowing the person who will be receiving the letter, leaves me uncertain of the response. In hopes of improving the owner's receptivity to the idea of making corrections, I like to give the owner a call, once the letter is ready. Having a chat goes a long way toward clearing up any misunderstandings and deciding on a plan and time frame. People need to hear a voice and have the opportunity to respond. How do any of us feel in response to legal references on a piece of paper?

And this is when it gets interesting. Truly. At first, it can seem like "He said. She said." But that does not change the physical problems needing fixing or the responsibility that comes with renting housing to others.

Usually, the different stories and explanations are actually true in their own way and reflect the two different perspectives, as seen and told by the parties involved.

The work will get done. There's no two ways about that! But the varying viewpoints are fascinating to observe. It always reminds me of the six blind men who are asked to touch and describe an elephant. Each description is different; depending on what part they touched. Each man feels correct and they are outraged at the clashing descriptions. Buddha comments, "*... quarreling, each to his view they cling. Such folk see only one side of a thing.*"

If these housing folks continue to see only one side of a thing, eviction or raising of the rent is usually the end result. The tenant is protected from eviction by law for at least six months after contacting the board of health, as a judge would see it as retaliation. In the end, though, the owner usually wants complainers out and usually wants to feel paid for those repairs by increasing the rent.

The topic of low rent is the one area where owner and renter usually agree, in a different sort of way. The tenant says, "I didn't want to say anything because the rent is so low but I'm worried I am going to fall, with no railings on the stairs". (or the heat doesn't work or electric service is not sufficient for both toaster and the microwave, etc). The owner often says, "What does she expect for that low rent?"

That is when the owner gets the wake up call and it is not sweet music being played. The owner is, once again, reminded that even if there is no rent charged, the State Sanitary Code applies and people have the right to safe and sanitary housing.

At this point, you might be thinking that the since the housing code is written to protect the tenants, there must be renters who play the system and you might be feeling sorry for the owner. I want you to know, though, that there are sections of the housing code applying to the tenants and tenants can be cited and held accountable for maintaining the property. Health agents have at their disposal the same tools for motivating the renter and owner alike; letters are written, corrections are ordered, they have the right to a hearing, fines and 21 D tickets can be issued and we can go to court.

The health agent is a neutral party enforcing the law.

A tenant once said to me, “ I am disappointed in you, Cathy. I thought you were going to do a lot more for me!” Translation: “Yeah, the electric service and the heat and windows were all repaired but I thought the owner would be punished! And I wanted to buy that house! Who does she think she is asking that much for it?”

A property owner once said to the Clerk Magistrate, after numerous times before the judge for noncompliance of the housing code, “I’m disappointed in Cathleen. She used to help me but now she only works for the tenant.”

Even when the stories differ, we are left with the same life lessons: Listen, Learn, Get Along, Do The Right Thing. We all have to learn our own way of living the lessons.

Cathleen Drinan is the health agent for the Town of Halifax. If you need help getting repairs at a rental, call your local board of health. If you want to evict a tenant, make sure you follow the legal due process for that. Cathleen can be reached at 781 293 6768 or cdrinan@town.halifax.ma.us