

STEPS TO FOLLOW WHEN PROCESSING REPORTED COMPLAINTS AND SITUATIONS

Document - Take notes of the call in a notebook that the town keeps for complaints. Often times you can return to these notes and save time. If the complaint is about a third party, make sure you obtain all contact information, including the name of the landlord, eating place, etc. Give the caller a date and time you anticipate following up by making an on-site visit. In many situations, you can ask the caller to obtain further information. For example, maybe the landlord, neighbor, or whomever the complaint is about has not been contacted. This is an important first step.

Verify - Visit the property of complaint to confirm the complaint. It is best to have someone accompany the LHO, someone who may also have a special skill to reinforce those of the LHO. For example, code enforcement officers or the local fire chiefs are good to have onsite, as they are familiar with the National Fire Protection Association (NFPA) Life Safety Code. Remember to take as many photographs to document the situation – the more, the better.

Meet - Discuss the problem with the owner or owner's representative. Since you will need to follow-up with a letter, you have to document what is being said during the meeting. Ask probing questions to obtain information or intent that you can restate in the letter. It would be preferable to include the complainant in the meeting. However, that decision is up to the LHO. Tell the owners you will be following up with a letter and will expect him/her to respond within a short time period as to what his/her intentions are.

Follow up - Call the owner after five days and ask what they are going to do. Do not accept a vague response as a solution. You must receive sufficient supporting statements from the owner so you have a good idea whether the owner will comply with the request to fix the problem. This is done by asking in-depth questions such as who, what, when, where, and why? Again, take notes of all answers. Tell the owner you will expect action within 30 days or less, depending upon the severity of the situation.

Support - Communicate with the town officials on the problem, the owner's response, and the actions needed to fix the problem. You must make sure you have the backing of the Board of Selectmen/Town Council/Mayor/City Manager. Eventually, an elected official will have to take responsibility for giving the LHO the authority to take further action.

Check Status - At the appointed time, contact the owner and determine the status of his or her corrective action. If you return to the site to inspect the repairs, you should typically plan on someone (CEO, LPI, etc.) being at the site with you to confirm the conversations during the meeting, and to make observations regarding the problem. Make sure that the owner understands that the town would proceed with legal action if the problem is not satisfactorily resolved.

Second Request to Resolve the Problem – If, after the owner has had the opportunity to fix the problem, and on your second visit to the site, the problem has not been resolved in the approved and agreed way, it may be time to establish a Second Request to Resolve the Problem action. Prepare a letter to the owner stating that because the repairs were not completed within the time you both agreed on, you will have to take further action. This action may involve putting a lien on the property, going to court, or committing the town to cleaning up the area and billing the owner. The action may include all three actions.

Town's Decision: If all else fails, the town may have to consider alternative course of action. Prepare to go to District court to enforce the statute or ordinance – only if authorized by the Council. If there is nothing that you can do based on current law or ordinances, suggest to the complainant that he or she could consult a private attorney.