

VACATE PROCEDURES

In the course of conducting an inspection, the inspector is to use judgment as to whether the violation(s) that exist present an **imminent danger** to the health, safety, and welfare of the occupant(s) or are of such a severe nature that an emergency exists. When an inspector determines that an emergency exists and it becomes necessary to issue a vacate order, initiate the following procedures:

A. The inspector will obtain the name of the tenant(s) affected. If the tenant(s) receives DSS assistance, the inspector must also note that information on the Vacate Order Request Form and obtain the **tenant's SSI number**.

B. After the information is acquired, the inspector will:

1. Notify their supervisor.
2. Complete the inspection via the pen-tablet, citing all applicable violations, as well as citing the code for the vacate order (PC900 for a Business, PC901 for the entire building, PC902 for a specific unit). The inspector is to include in the display comment and case event history section the reason for the vacate order.
3. Complete the *Vacate Order Request Form*. (see following)
4. Take photographs demonstrating the conditions of the property that warranted the vacate order. All photos shall be placed in the "L"-Drive no later than the next workday morning.

Note: When vacating buildings containing five or more occupied units, the appropriate Senior Code Enforcement Officer, Code Compliance Coordinator, and/or the Manager of Code Enforcement **must be notified** before the vacate order's issuance/enforcement.

5. If applicable, contact DSS and provide all relative information.
6. When an entire building is to be vacated, the orange "***Take Notice: This Building Has Been Vacated and Is Not to Be Occupied without the Issuance of a Certificate of Occupancy***" placard is to be completed by the CEO and posted on the property. **The building may not be reoccupied until the violations are corrected** in a workmanlike manner.

Note: There is a separate green placard for unit-specific vacates. It states, "***This Apartment Has Been Vacated and Is Not to Be Occupied without the Issuance of a Certificate of Occupancy.***"

7. When necessary, contact the **property owner** and arrange for the building to be adequately secured. If the inspector is unable to make arrangements with the property owner and the

building is unsecured, they must contact DES Building Services to secure the property. **Document** all attempts to contact the owner in the case event notes.

8. A copy of the Vacate Order Form is to be forwarded immediately to the attention of the area Senior Code Enforcement Officer and the Code Compliance Coordinator.
 9. The following workday, the inspector shall immediately post a copy of the Vacate Order, Notice and Order and complete the ***Affidavit of Posting***. Copies of the Notice and Order are to be made for every unit vacated and then served to the tenant(s) or at least attached to the apartment door(s). Comments shall be made in the case event notes regarding the posting, including who was served, along with the day and approximate time. Once signed, the ***Affidavit of Posting*** shall be forwarded to the Senior Service Assistant.
- C. If, in the performance of duties in executing the vacate order, the inspector encounters any problems, it is advised that a Neighborhood Service Center (NSC) Crime Prevention Officer (CPO) assist the inspector in the enforcement of the vacate order. This request can be arranged by contacting the area NSC.

Contact Information Relating To Vacate Orders

For DSS Tenants:

Placement Line: (585) 753-2750
After Hours: 211 (Lifeline) or 275-5151 if 211 doesn't work from your cell; or 442-1742

For tenants that do not receive DSS services:

FACIT: (585) 428-7183
Salvation Army: (585) 987-9540
Red Cross: (585) 241-4400

Note: A copy of the Request for Vacate Form will be faxed to DSS if applicable by the Code Enforcement support staff.

Vacate Order Enforcement

The CEO must **aggressively enforce** the vacate order to minimize occupants' potential dangers in unsafe, hazardous environments. Before executing a vacate order, the inspector shall verify that all procedures listed above have been followed. If the unit/building in question continues to be occupied and if it becomes reoccupied before the owner demonstrating that the health and safety issues have been corrected, especially if the windows or doors remain boarded, the following course of enforcement shall be taken:

- The inspector shall determine whether the vacated unit/building is occupied each time they visit the premises.
- In the case event notes, the inspector shall document the evidence that validates the occupancy's assertion, i.e., spoke to occupant, active RG&E service not in the owner's name, etc.
- The inspector shall verbally instruct the owner to take immediate action to either correct the health and safety issues or remove the occupant from the unhealthy environment. The instructions shall be documented in the case event notes.
- If the owner fails to take immediate action, the inspector shall request a "Vacate Warning Letter" by his/her supervisor. The letter will be sent out by confirmation mail with a copy sent to the Law Department.
- Two days after the vacate warning letter's issuance, the inspector shall inspect whether the unit/building is illegally occupied. If occupancy can be verified, a ticket shall be requested. In this situation, a final letter is not necessary; the inspector shall consult with the code compliance coordinator. If approved, the Senior Code Enforcement Officer will place the case in enforcement, allowing the ticket to be issued for either PC901 or PC902 only. Any ticketing of additional violations can only occur once a final letter has been issued.
- Once a ticket has been issued, the case will be referred to the Senior Code Enforcement Officer, who will prepare a court order request through the Law Department.

CITY OF ROCHESTER
INSPECTION AND COMPLIANCE SERVICES

VACATE ORDER REQUEST

DATE: ___/___/___

ADDRESS: _____ CASE #: _____

OCCUPANT INFORMATION:

NAME: _____ APT : _____ PHONE #: _____ DSS: Y / N

of Adults: _____ # of Children: _____

NAME: _____ APT : _____ PHONE #: _____ DSS: Y / N

of Adults: _____ # of Children: _____

NAME: _____ APT : _____ PHONE #: _____ DSS: Y / N

of Adults: _____ # of Children: _____

NAME: _____ APT : _____ PHONE #: _____ DSS: Y / N

of Adults: _____ # of Children: _____

IS EMERGENCY HOUSING NEEDED? _____ YES _____ NO

REASON FOR VACATE (LIST MAJOR HEALTH/SAFETY VIOLATIONS):

OWNER INFORMATION:

NAME: _____ PHONE #: _____

ADDRESS & ZIP CODE: _____

WAS OWNER NOTIFIED OF INSPECTION? _____ YES _____ NO

Code Enforcement Officer

Code Compliance Coordinator

{ NOTE: PICTURES MUST BE TAKEN DOCUMENTING CONDITIONS }