HOUSTON HEALTH
DEPARTMENT

EXTENSION OF ORDER TO ABATE PUBLIC HEALTH NUISANCE

TO: City of Houston, c/o Sylvester Turner, Mayor, 901 Bagby Street, Houston, Texas 77002

The undersigned authority received information and proof that a **public health nuisance** exists in the area of Houston, Texas, beneath Interstate Highway 69 between Ruiz Street and Preston Street (for the purposes of this Order, the "Health Nuisance Area"). The Health Nuisance Area is within the undersigned authority's jurisdiction.

On October 16, 2017, the undersigned authority, pursuant to Section 341.012, Texas Health and Safety Code, ordered the City of Houston to abate the said **public health nuisance** on or before Friday, November 3, 2017.

The City of Houston has requested an extension of the deadline to abate the said **public health nuisance**. Having found good cause for the extension, the undersigned authority hereby extends the deadline to abate through **Monday, November 27, 2017.**

SIGNED on Thursday, November 2, 2017.

David Persse, M.D., FACEP, FAEMS
Public Health Authority
City of Houston

cc: Ronald C. Lewis, City Attorney
City of Houston

PUBLIC HEALTH NUISANCE COMPLAINT

EXHIBIT A

BENEATH INTERSTATE HIGHWAY 69
BETWEEN RUIZ STREET AND PRESTON STREET

OCTOBER 16, 2017

David E. Persse, MD
Public Health Authority
City of Houston

Texas Health and Safety Code Title 5, Chapter 341 defines Public Health Nuisance.

As the Public Health Authority, I was asked to evaluate conditions at a location in Houston, Texas, to determine if it met criteria to be considered Public Health Nuisance in accordance with Health and Safety Code Chapter 341.

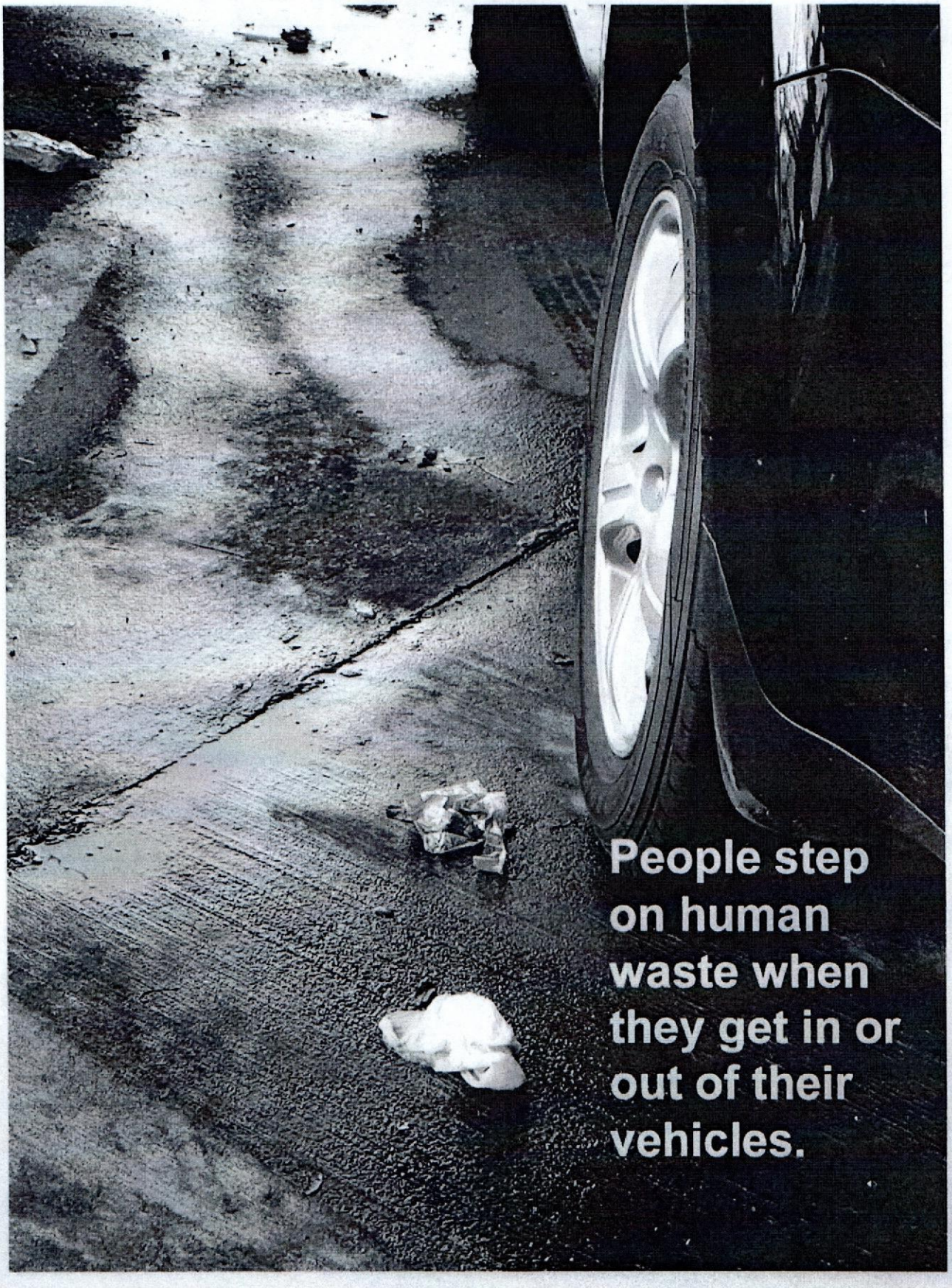
On the afternoon of October 13, 2017, I re-visited the right-of-way under US Highway 69 from Ruiz to Preston.

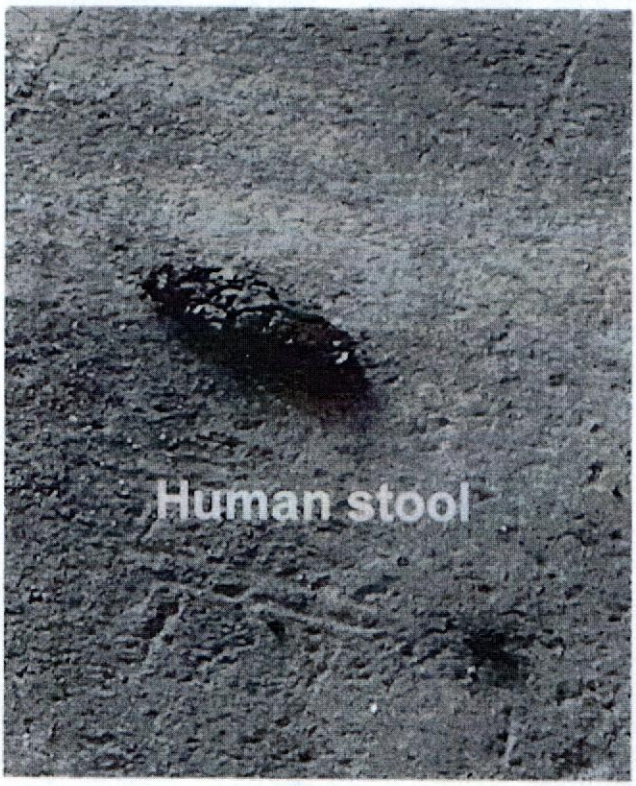
I found multiple areas of apparent human excrement (both feces and urine). They were located mostly beside the concrete structures supporting the freeway above. One such finding was of an area of approximately 40-50 square feet of fresh urine and feces covering frequented parking spaces., (see photos on pages 1 and 2). The soil around the base of the structure was saturated with a liquid that smelled heavily of urine.

There was fecal material along with fresh vomit found in multiple other locations, in open areas and next to concrete support structures (see photos on pages 3 and 4). There were multiple areas of diarrhea and evidence of articles of clothing being used as toilet paper (see page 5 and 6). There were also areas where urine and feces was noted along with used and unused toilet paper (see page 6). A drainage ditch and storm sewer grate was noted to have an extraordinarily large amount of feces and urine suggesting it is being used commonly as a toilet (see page 7).

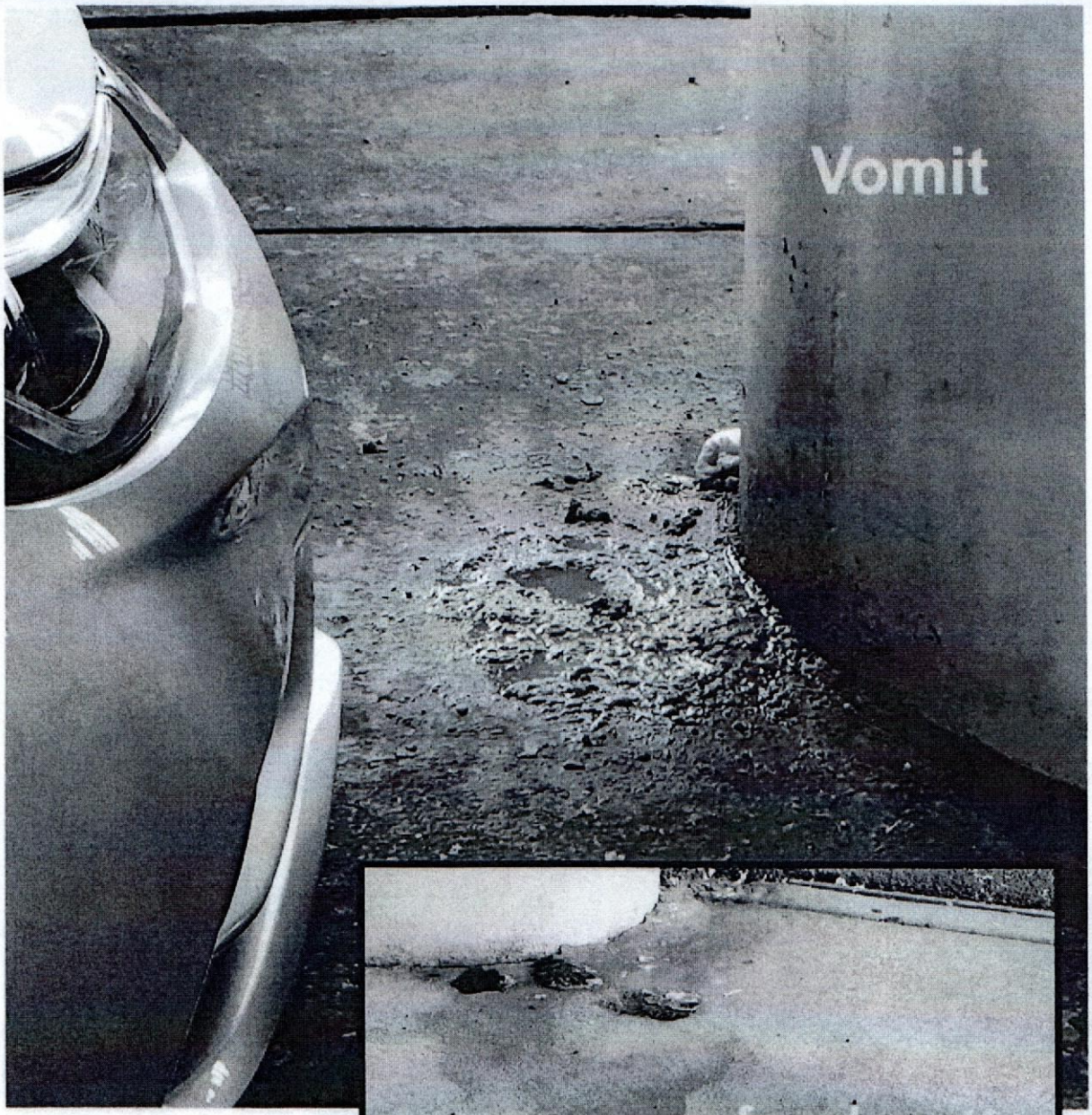
In several locations, large accumulations of trash including food containers, urine and fecal material were found immediately adjacent to loosely assembled structures used as living quarters (see page 8). In a publicly used parking lot there were multiple piles of stool along a fence line (see page 9). Standing water suitable for breeding of mosquitos along with urine and feces was noted.

These issues are near downtown sports and entertainment venues. Many of the parking spots are presumably used by downtown visitors and patrons of these venues thereby exposing not only the persons who chose to live here, but also many passersby (see page 10).


People step on human waste when they get in or out of their vehicles.


Human stool

Food containers near
human waste.


Vomit

fecal matter

Diarrhea in parking lots.

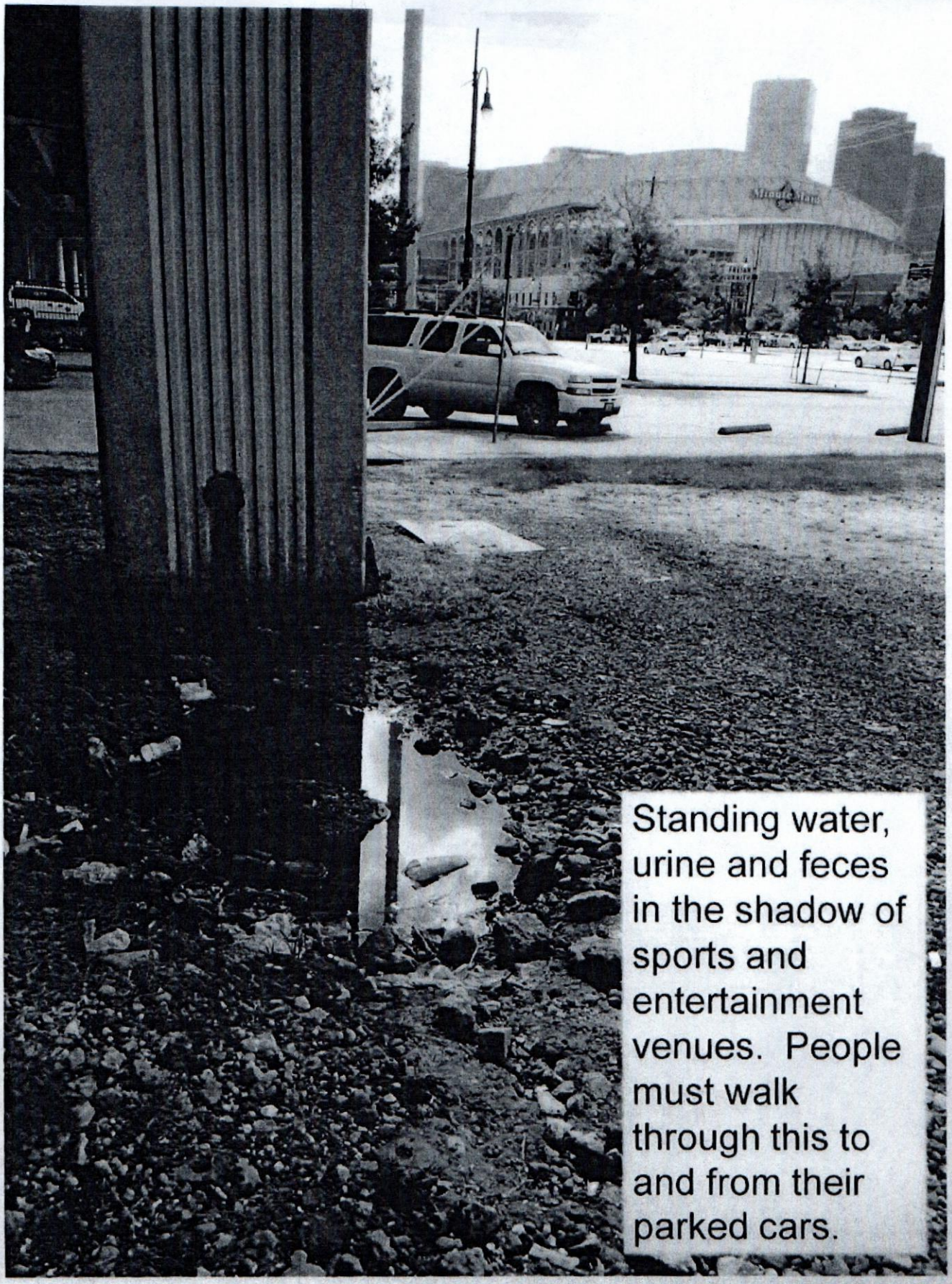
Discarded clothing used in lieu of toilet paper.

Toilet paper near makeshift bathroom.

Drainage ditch used as
toilet

Living quarters adjacent to makeshift toilet and human waste

Multiple piles of stool
in parking lots.



Standing water, urine and feces in the shadow of sports and entertainment venues. People must walk through this to and from their parked cars.

Health and Safety Code Chapter 341 indicates a public health nuisance is present when:

1. A condition or place that is a breeding place for flies and that is in a populous area;
2. Spoiled or diseased meats intended for human consumption;
3. A restaurant, food market, bakery, other place of business, or vehicle in which food is prepared, packed, stored, transported, sold, or served to the public and that is not constantly maintained in a sanitary condition;
4. A place, condition, or building controlled or operated by a state or local government agency that is not maintained in a sanitary condition;
5. Sewage, human excreta, wastewater, garbage, or other organic wastes deposited, stored, discharged, or exposed in such a way as to be a potential instrument or medium in disease transmission to a person or between persons;
6. a vehicle or container that is used to transport garbage, human excreta, or other organic material and that is defective and allows leakage or spilling of contents;
7. a collection of water in which mosquitoes are breeding in the limits of a municipality or a collection of water that is a breeding area for mosquitoes that can transmit diseases regardless of the collection's location other than a location or property where activities meeting the definition of Section 11.002(12) (A), Water Code, occur;
8. a condition that may be proven to injuriously affect the public health and that may directly or indirectly result from the operations of a bone boiling or fat rendering plant, tallow or soap works, or other similar establishment;
9. a place or condition harboring rats in a populous area;
10. the presence of ectoparasites, including bedbugs, lice, and mites, suspected to be disease carriers in a place in which sleeping accommodations are offered to the public;
11. the maintenance of an open surface privy or an overflowing septic tank so that the contents may be accessible to flies; and
12. an object, place, or condition that is a possible and probable medium of disease transmission to or between humans.

It is my opinion that the conditions I observed at the location indicated above meet the criteria of a public health nuisance as listed above. Specifically, I believe conditions 1, 4, 5, 7, and 12 were present. It is likely that conditions 9 and 10 exist as well.