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 from Caroline Street to Almeda Road (excluding the fenced-in area between Austin and La Branch Streets) and any immediately adjacent public property, including the grassy area in the public right-of-way that extends 10-30 feet from the area directly beneath the highway (for the purposes of this Order, the "Health Nuisance Area"). The Health Nuisance Area is within the undersigned authority's jurisdiction.

On October 18, 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 MD

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

INTERSTATE HIGHWAY 69 FROM CAROLINE STREET TO ALMEDA ROAD (EXCLUDING THE FENCED IN AREA BETWEEN AUSTIN AND LA BRANCH STREETS) AND ANY IMMEDIATELY ADJACENT PUBLIC PROPERTY INCLUDING THE GRASSY AREA ON THE PUBLIC RIGHT-OF-WAY THAT EXTENDS 10-30 FEET OUT FROM THE AREA DIRECTLY BENEATH THE HIGHWAY

OCTOBER 18, 2017

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

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

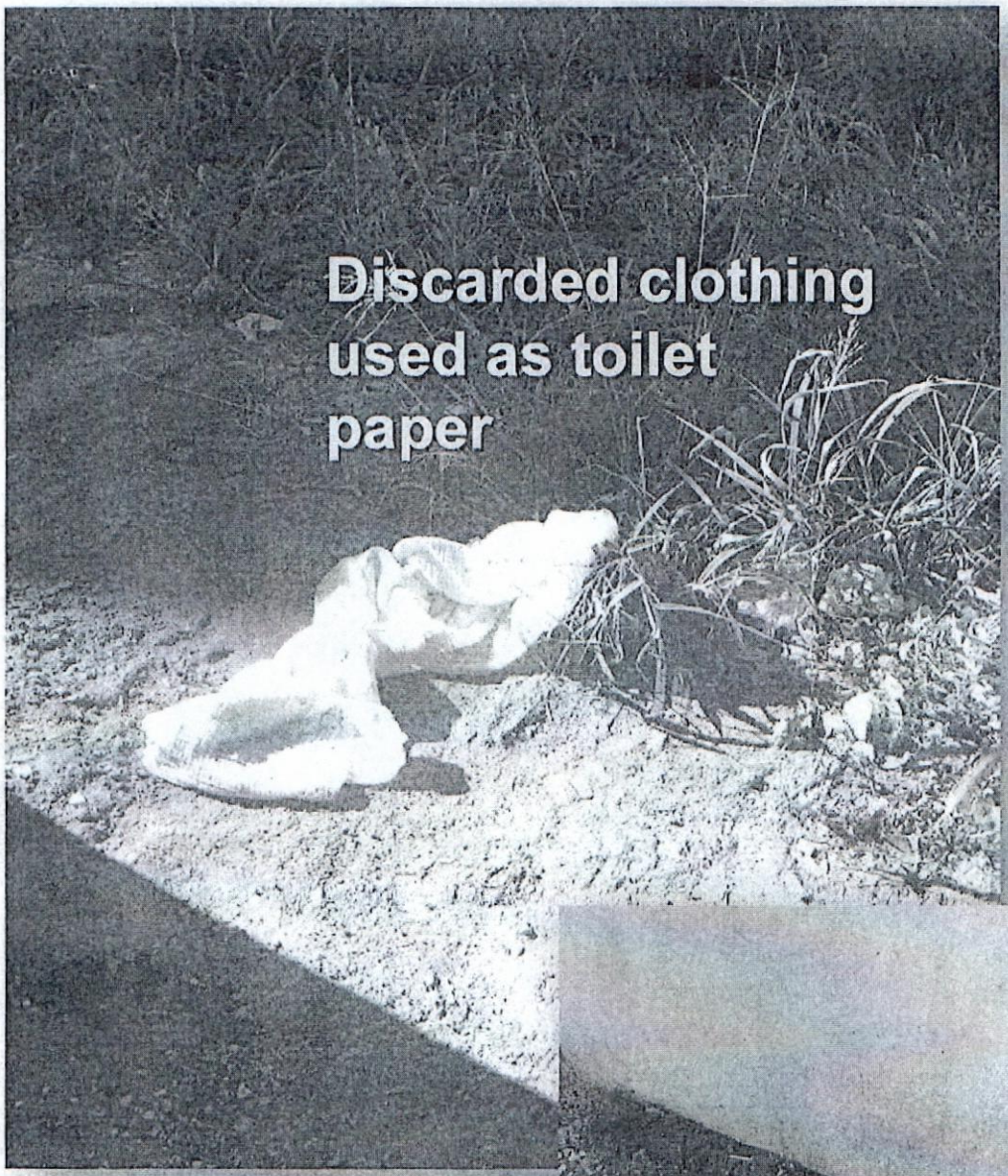
As the Public Health Authority, I was asked to evaluate conditions at a location in Houston, Texas, to determine if it met criteria to be considered Public Health Nuisance in accordance with Health and Safety Code Chapter 341.

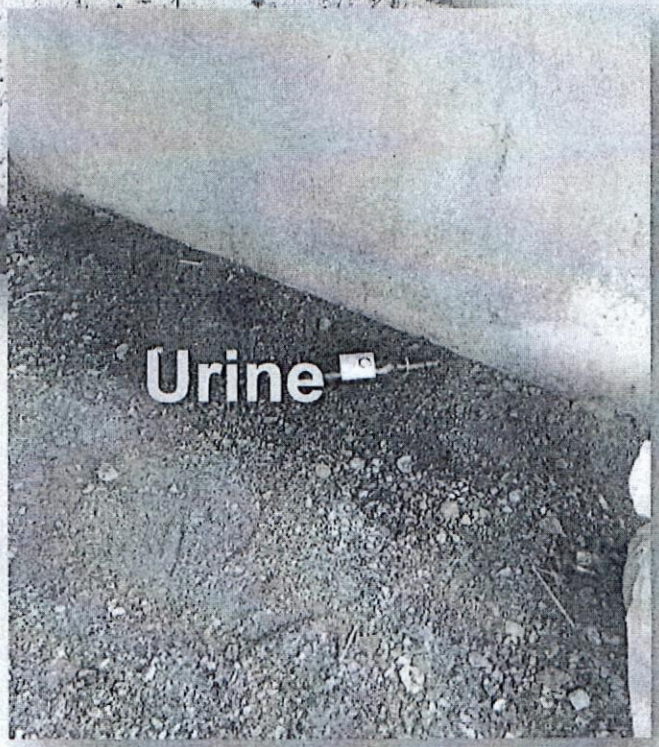
On the morning of October 17, 2017, I re-visited the right-of-way under Interstate Highway 69 from Caroline Street to Almeda Road (excluding the fenced in area between Austin and La Branch Streets) and the immediately adjacent public property including the grassy area on the public right-of-way that extends 10-30 feet out from the area directly beneath the highway.

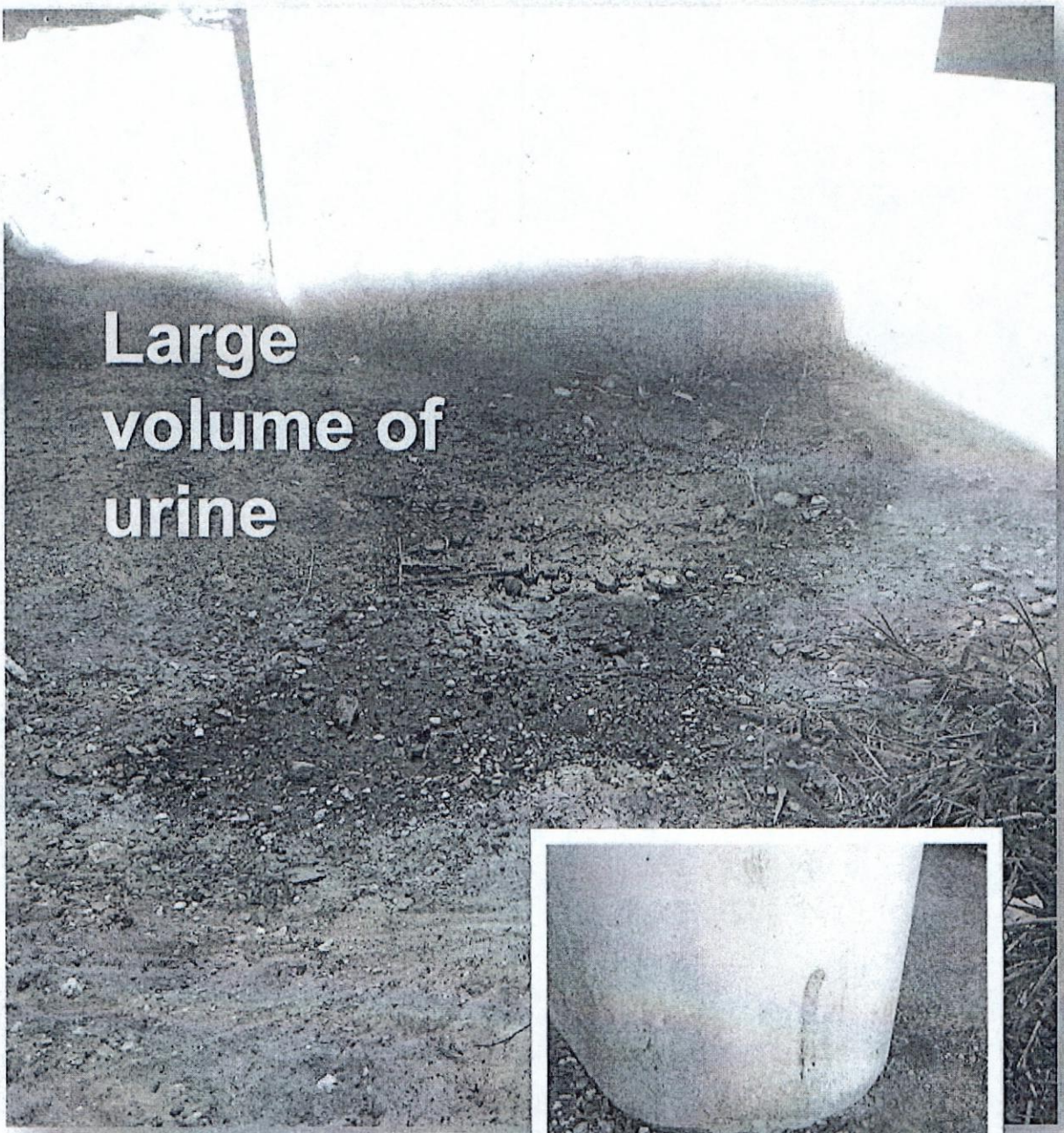
I found food stuffs mixed with trash, in an area smelling of and stained with urine at the base of a concrete support structure (see page 1). There was urine, feces and clothing being used as toilet paper and left discarded in the open as well as at the base of the concrete structures supporting the freeway above (see pages 2-5 and 8). The soil around the base of the structures was saturated with a liquid that smelled heavily of urine. Plastic buckets were found with urine and feces, and attracting flies, in several locations (see page 6 and 7).

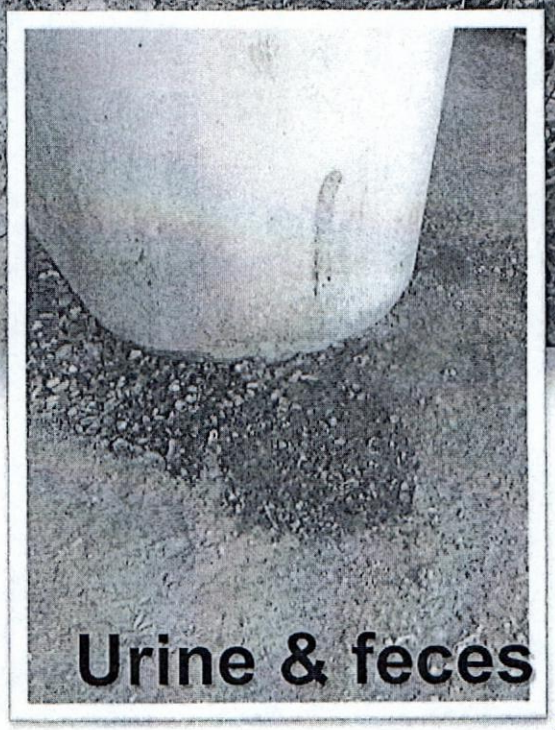
There appear to be significantly more tents in the area than during my last evaluation. The tents are in very close proximity to each other, many with animals such as dogs and cats. Many of the tents are immediately next to areas where the ground is soaked with urine and feces (see page 9).

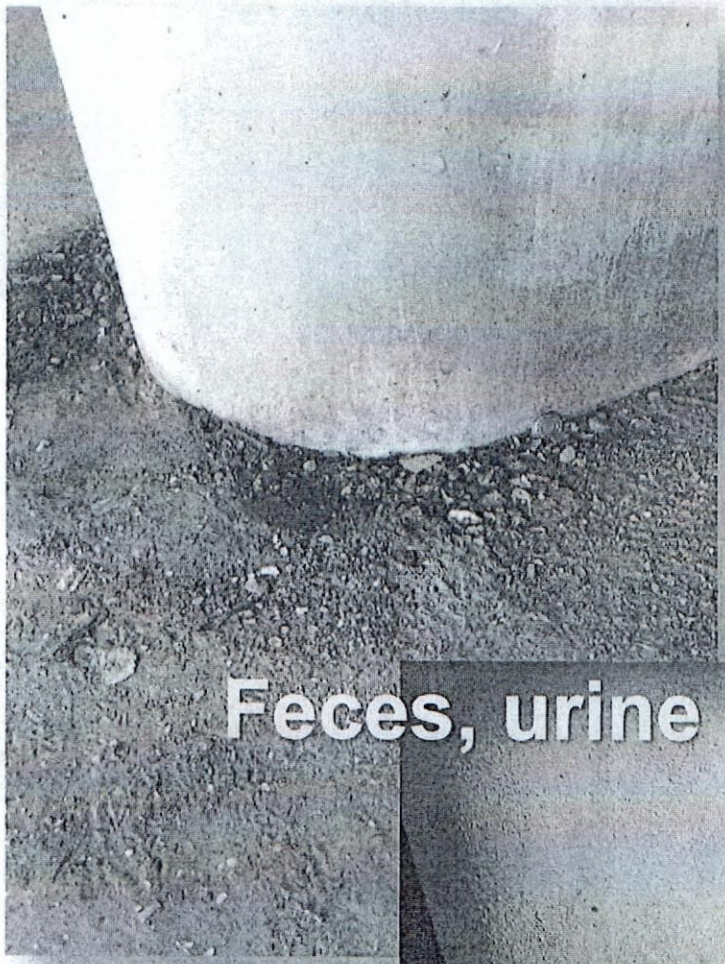
Food stuffs
mixed
among trash


Discarded clothing
used as toilet
paper

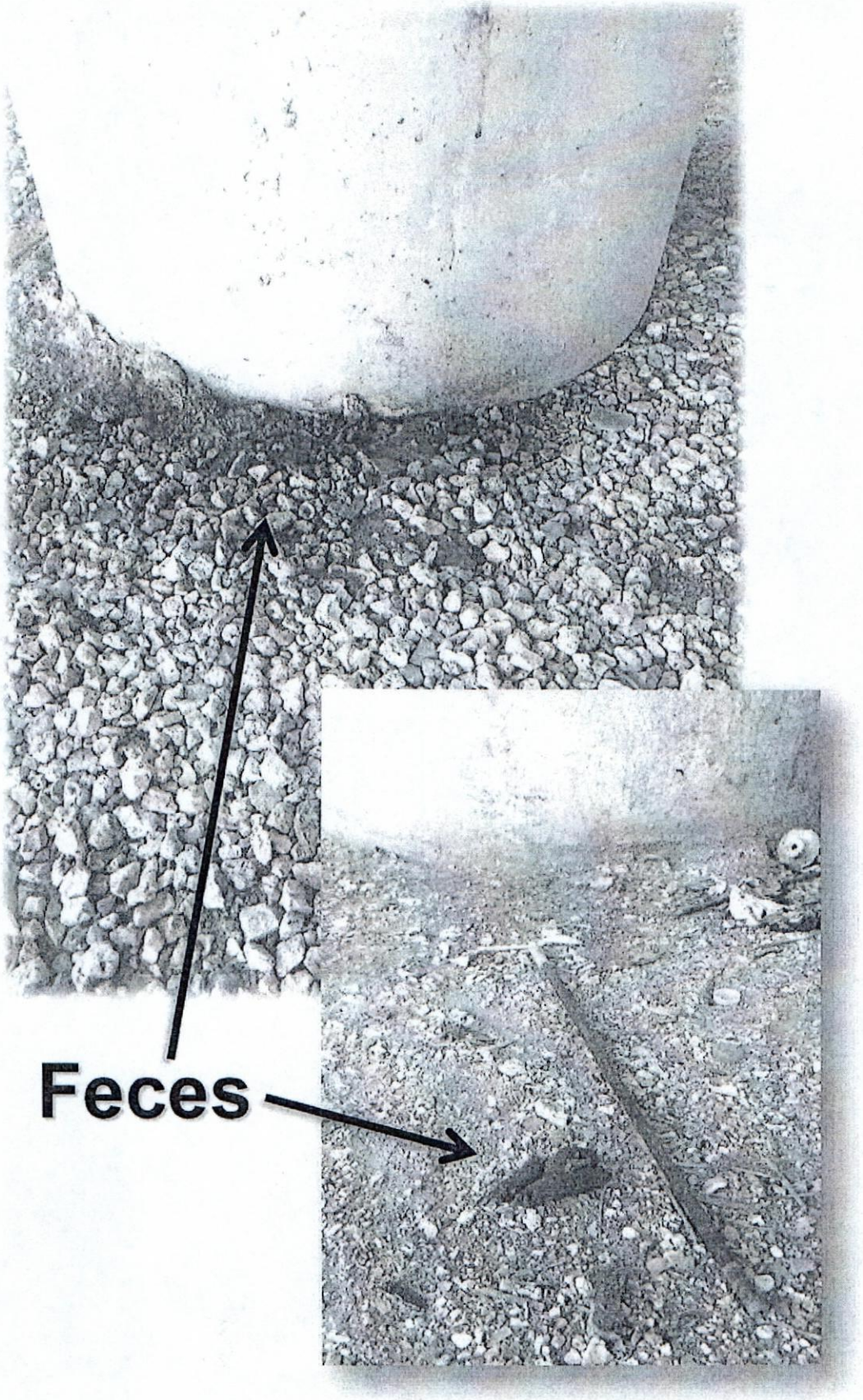

Urine

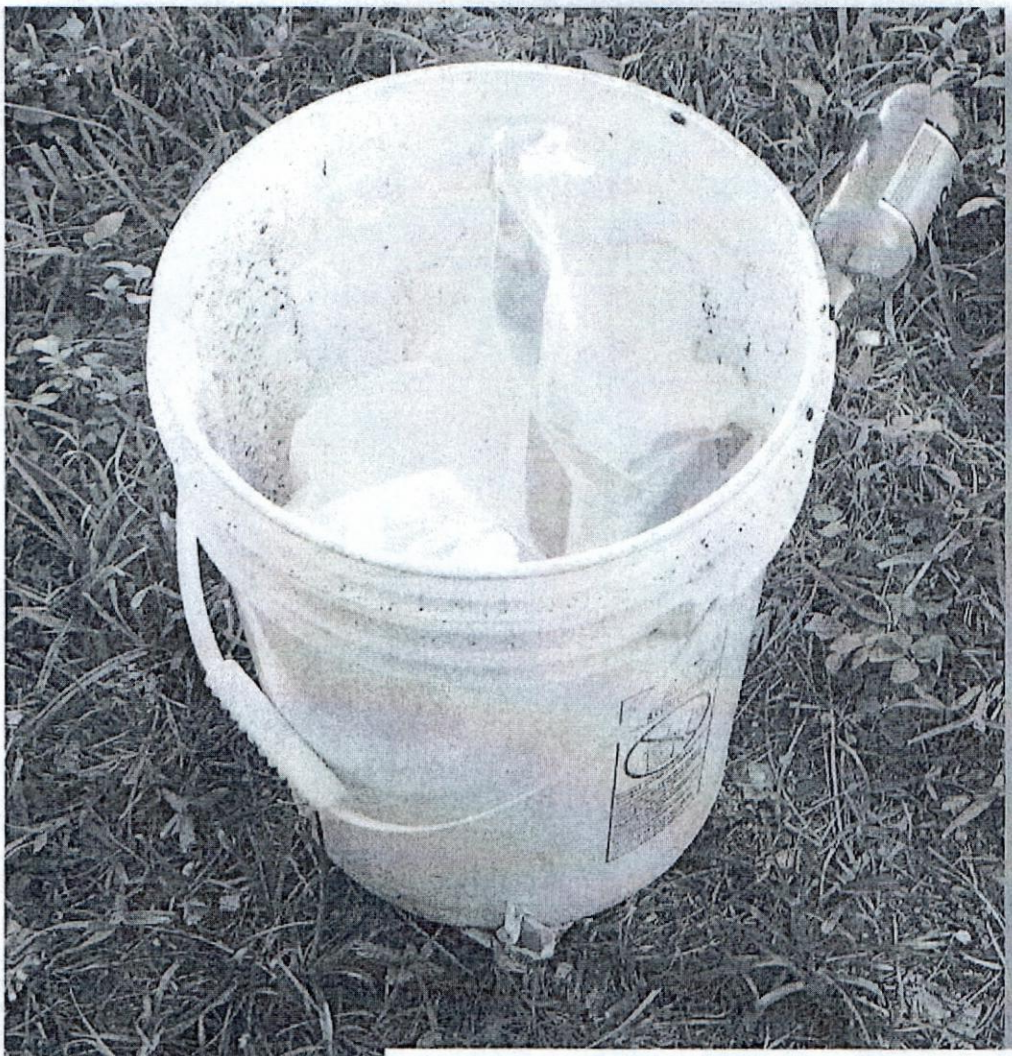

Large
volume of
urine


Urine & feces



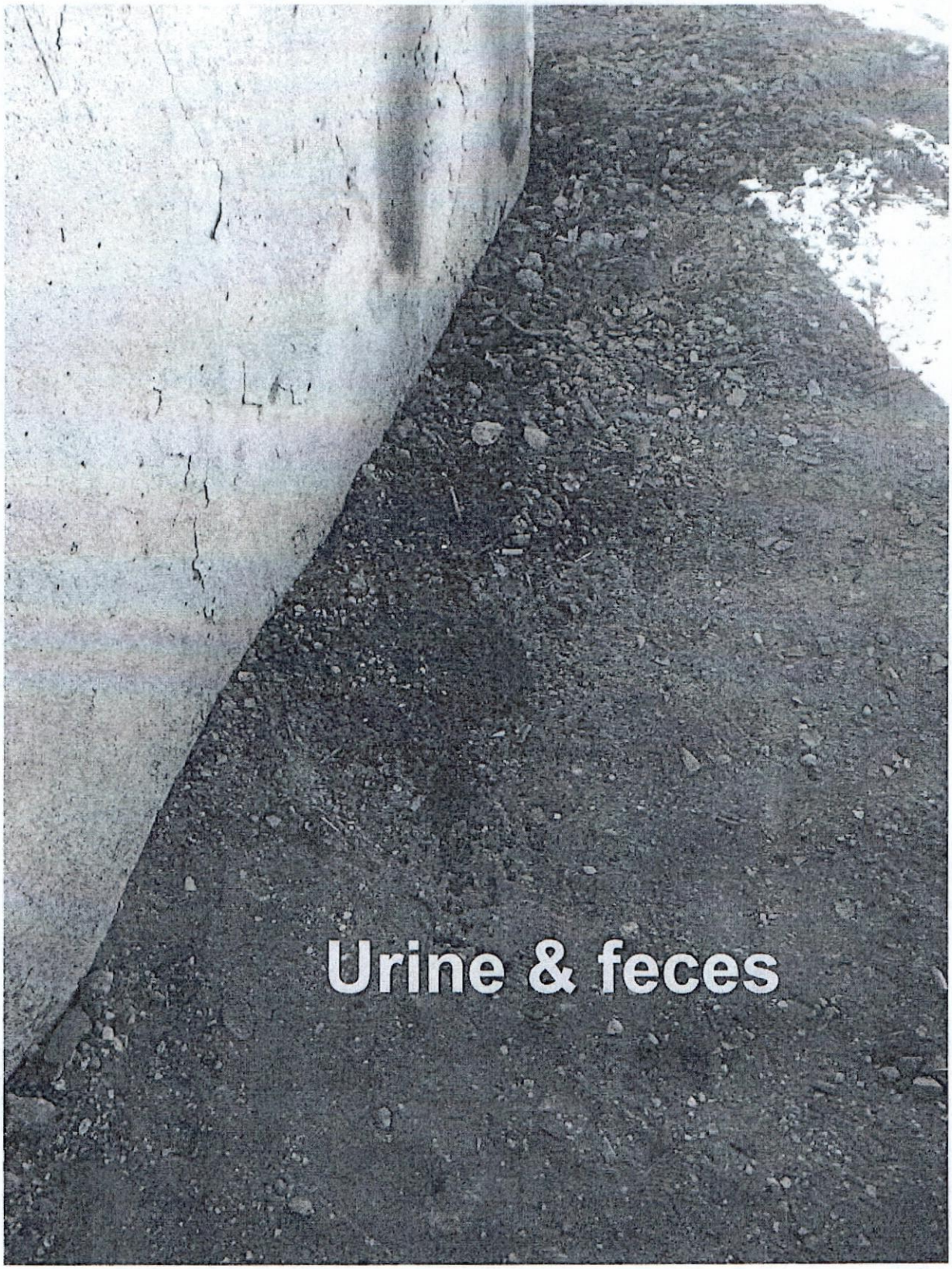
Feces, urine & diarrhea

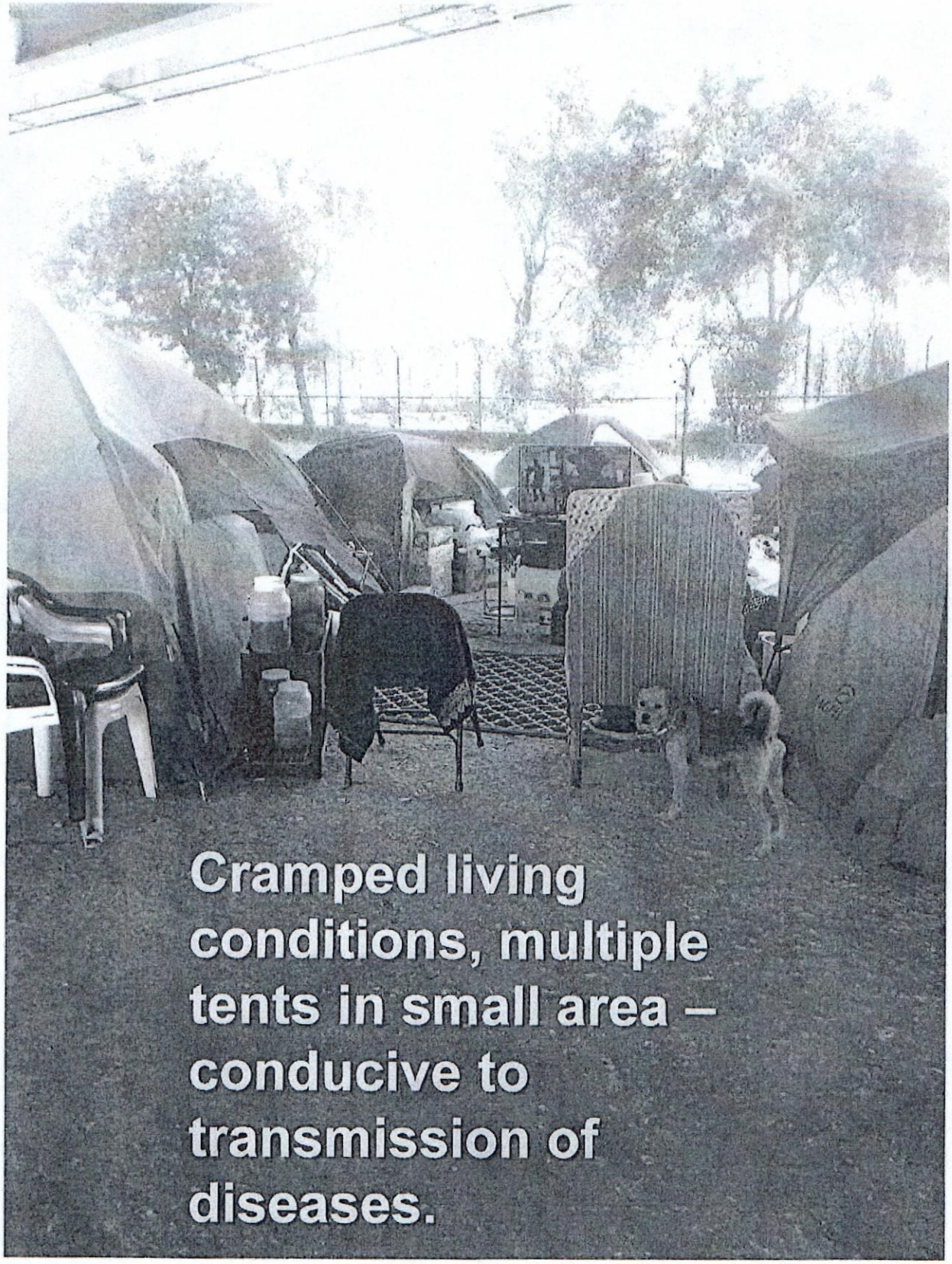

Feces



Makeshift toilets

Makeshift toilet covered in flies


Urine & feces


Cramped living conditions, multiple tents in small area – conducive to transmission of diseases.

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.

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