



Mayor Joshua A. Garcia

Sean Gonsalves, Director

City of Holyoke

Board of Health

November 18, 2022

Honorable Holyoke City Council  
536 Dwight Street  
Holyoke MA 01040

Re: City Council Order Regarding an Office of Tenant Protection

Dear Honorable City Councilors:

Please accept this communication as response to your order *“That an Office of Tenants Protection be created. This will be housed under the Board of Health, or appropriate department, which will work on holding landlords accountable and making sure all residents of Holyoke are living safe conditions.”*

I have a few thoughts on this and I will try to summarize:

1.) While I certainly recognize the value of organizations that provide consultation and assistance to tenants (or “Occupants,” the suggested term from DPH) of rental housing, I do not believe that those services are best housed in any of the Code Enforcement departments. Code enforcement is a legal process that should be conducted without bias, stated or implied, towards tenants/occupants or property owners. Code Enforcement, in Holyoke, consists mainly of the Board of Health, the Building Department and the Law Department.

An Office of Tenant Protection would imply that our motives are explicitly biased towards the tenant. I feel that is automatically going to open inspectors and the City up to allegations of discrimination and unfair treatment towards property owners. Our duty in code enforcement is to classify violations and identify the party that is legally responsible for rectifying those violations. Both an occupant and a property owner have the legal right to file a complaint regarding the conditions in a rental unit. While there are numerous properties in Holyoke that undoubtedly suffer from unscrupulous practices by the property owners, we also see issues and abuse arise on the tenant/occupant side of the relationship. I believe strongly that it is best if the City maintains a neutral stance and focuses on enforcing the code as written.

2.) That being said, there is no question that there are a number of buildings, composed primarily of rental units, in the City that are in exceedingly poor condition. The Board of Health has referred most of these to the Law Department for Housing Court action (more on that later). I think a more effective way of ensuring that all tenants/occupants in the City are assured fair and sanitary housing would be to implement a rental registry program with annual inspections. A number of Cities in the Commonwealth have similar programs with either annual or bi-annual inspections. This topic was also discussed at length at the Reclaiming Vacant Properties national conference that several City employees recently attended.

These programs function by requiring a specific portion or all rental units in the City to be registered (in this case with the Board of Health) and there is an associated fee, per unit, to cover the administrative cost of the inspections and documentation. A large-scale program would phase in properties (by the number of units in the building) over the course of multiple years. Units would be inspected, and violation notices would be issued as needed. This process would operate completely independently of any complaint-based enforcement. There is significant evidence that this enforcement model has the capability to improve the overall quality of rental housing in a community.

There is already a similar process that we follow in Holyoke under the Massachusetts Rental Voucher Program (MRVP). Any unit in Holyoke that will be supported by a State or Federally funded housing voucher must apply to the Board of

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Health for a pre-occupancy inspection and pay a \$75 dollar fee. The unit is inspected, and any violations must be corrected before the tenant/occupant can move in. Documentation is provided to both the property owner and the voucher provider attesting that the unit is free of any observable violations.

3.) Finally, I must be clear that the City of Holyoke is in absolutely no position to implement this model, or really any significant programming in the immediate future. The Code Enforcement departments are currently understaffed, underfunded and already facing challenges to deal with our current obligations.

- Despite the City of Holyoke being awash in Public Health focused funding, a by product of the COVID-19 pandemic, the City has chosen not to fund one of the pre-existing inspector positions in this office for two consecutive fiscal years. The City has also chosen to provide the Board of Health with \$0 in overtime funding for FY23, despite the obvious need for inspections after hours and on weekends for events such as Fiesta Patronales, the Road Race/Parade, etc. That also affords me zero flexibility with the inspectors that I do have. Aside from that, I have two other vacancies that must be filled and trained.

- The Building Department is missing a Building Commissioner, a Building Inspector and the Demolition Supervisor.

- The Law Department does not have the capacity to address the current backlog of housing court cases that the Board of Health and Building Department have initiated. An RFP for outside legal counsel was initiated in July that has not yet been realized.

This is a long way of saying that we should get our Departments staffed and functional to address the current workload before we attempt to expand our offerings. Any sort of additional functionality in rental inspections or registration would need a dedicated staff consisting of at least a BOH inspector, a Building inspector and a dedicated full-time attorney just to get the program off the ground. We're already struggling to fill those positions, or choosing not to fund them for the Departments as currently organized.

Respectfully.



Sean Gonsalves, RS  
Director of Health