



MECKLENBURG COUNTY  
North Carolina  
Public Health

# Use of Imminent Hazard During a Pandemic

## Mecklenburg County Public Health

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Public Health Director  
April 16, 2021





# Use of Imminent Hazard During a Pandemic

# Abatement of Public Health Nuisance

## § 130A-2. Definitions.

- (3) "Imminent hazard" means a situation that is **likely to cause an immediate threat to human life, an immediate threat of serious physical injury, an immediate threat of serious adverse health effects**, or a serious risk of irreparable damage to the environment if no immediate action is taken.

## § 130A-19. Abatement of public health nuisance.

- (a) **If the Secretary or a local health director determines that a public health nuisance exists, the Secretary or a local health director may issue an order of abatement directing the owner, lessee, operator or other person in control of the property to take any action necessary to abate the public health nuisance.** If the person refuses to comply with the order, the Secretary or the local health director may institute an action in the superior court of the county where the public health nuisance exists to enforce the order. The action shall be calendared for trial within 60 days after service of the complaint upon the defendant. The court may order the owner to abate the nuisance or direct the Secretary or the local health director to abate the nuisance. If the Secretary or the local health director is ordered to abate the nuisance, the Department or the local health department shall have a lien on the property for the costs of the abatement of the nuisance in the nature of a mechanic's and materialmen's lien as provided in Chapter 44A of the General Statutes and the lien may be enforced as provided therein.

# Abatement of an Imminent Hazard

**(a) If the Secretary or a local health director determines that an imminent hazard exists, the Secretary or a local health director may order the owner, lessee, operator, or other person in control of the property to abate the imminent hazard or may, after notice to or reasonable attempt to notify the owner, lessee, operator, or other person in control of the property enter upon any property and take any action necessary to abate the imminent hazard.**

If the Secretary or a local health director abates the imminent hazard, the Department or the local health department shall have a lien on the property of the owner, lessee, operator, or other person in control of the property where the imminent hazard existed for the cost of the abatement of the imminent hazard. The lien may be enforced in accordance with procedures provided in Chapter 44A of the General Statutes. The lien may be defeated by a showing that an imminent hazard did not exist at the time the Secretary or the local health director took the action. The owner, lessee, operator, or any other person against whose property the lien has been filed may defeat the lien by showing that that person was not culpable in the creation of the imminent hazard.





# Outbreak Connected to United House of Prayer for All People

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# **Outbreak Connected to United House of Prayer for All People Convocation (October 4 – 11)**

**As of October 22<sup>nd</sup>:**

- 74 Confirmed Cases
- 3 Deaths
- 4 Known Hospitalizations
- Cluster at Madison Saints Paradise Senior Living
- Major issue: 1<sup>st</sup> Amendment Rights

26  
Oct

## The Special Spiritual Whirlwind Revival



### **A Week of Salvation, Healing, Restoration and Miracles**

The Honorable Bishop C. M. Bailey will put on the Special Spiritual Whirlwind Revival for the week of Monday, Oct. 26, 2020 through Saturday, Oct. 31, 2020.

Revival services will take place at your local edifice. Nightly general gospel service begins at 7:30pm





# UHOP – 2020 Timeline

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- October 4 – 11 Convocation Events
  - Mid-October Recognition of outbreak
  - October 15 – 22 Attempts to communicate with Church
  - October 22 Letter to Church leader
  - October 23 Communication from UHOP legal counsel
- Ongoing communication with County leadership, County legal, County Commissioners and State PH leadership informed
- At least 102 linked cases (now seeing secondary cases)



# Need for Abatement Order

- **WHEREAS, despite repeated attempts, the United House of Prayer has failed or refused to respond to the requests** of the Public Health Department, including those in the letter of October 22, 2020, and has refused to confirm that it will stop holding large gatherings at the Church Site to prevent further transmission of COVID-19; and
- **WHEREAS, the United House of Prayer previously has announced plans to continue holding large gatherings**, including its “Worldwind Revival” event, with nightly events planned from Sunday, October 25, 2020, through October 31, 2020; and
- **WHEREAS, further gatherings** at the Church Site, at other United House of Prayer locations, or among church members, are “**likely to cause an immediate threat to human life, an immediate threat of serious physical injury, [or] an immediate threat of serious adverse health effects . . . if no immediate action is taken.**” N.C. Gen. Stat. § 130A-2(3); and

# Need for Abatement Order

- **WHEREAS**, the United House of Prayer, in contravention of the recommendations of public health officials, **refuses to take all necessary public health measures to protect those its members and participants** at its events from the increase risk of spread of COVID-19; and
- **WHEREAS, increased exposure to attendees**, including thousands more individuals who may be exposed to COVID-19 by family members, friends and neighbors who attend United House of Prayer events **could lead to a spike in cases, hospitalizations, and deaths, straining Mecklenburg County's healthcare system, necessitating further emergency measures to limit spread of the disease, including the re-imposition of restrictions that have already been lessened; and**



# UHOP – Timeline Continued

- October 23

Abatement Order issued

Sheriff's Deputies served the order to all UHOP sites

- October 23 - 26

Sheriff Deputies monitored to assure required notices posted and drive by several times daily to assess activity at the facilities



# MCPH Abatement Order

## **Declaration**

For reasons summarized in the Recitals set forth above I hereby DECLARE that in-person gatherings at all United House of Prayer facilities in Mecklenburg County until and including November 5, 2020, calculated as a period of fourteen (14) days from the most recent known COVID-19 exposure traced to the United House of Prayer, constitute an imminent hazard as defined in N.C. Gen. Stat. § 130A-2(3) for the spread of COVID-19.



# MCPH Abatement Order

## **Abatement of Imminent Hazard**

- All United House of Prayer facilities in Mecklenburg County shall be closed immediately to in-person gatherings, and the United House of Prayer shall not hold any in-person gatherings of ten or more people, until the expiration of this Order.
- The United House of Prayer shall immediately notify its members and post a public notice that all in-person gatherings at United House of Prayer facilities are cancelled until at least November 6, 2020.
- The United House of Prayer shall take reasonable steps to clean and disinfect all indoor surfaces at the 2321 Beatties Ford Road location in accordance with methods approved by the Mecklenburg County Health Department, North Carolina Department of Health and Human Services, or the CDC.

# MCPH Abatement Order

## **Enforcement**

Pursuant to N.C. Gen. Stat. §§ 130A-18 and 130A-25, failure to comply with this imminent hazard abatement order may result in legal proceedings to obtain injunctive relief, prosecution for a misdemeanor offense, or such other and further relief as may be deemed appropriate.

## **Effective Date and Duration**

This Declaration and Abatement Order is effective as of 5:00 p.m. on October 23, 2020. This Order remains in effect until midnight on November 5, 2020, unless extended by subsequent Order.



# UHOP – Timeline Continued

- October 25  
Notification of several local health departments in California, District of Columbia, Georgia, New Jersey, New York, North Carolina, and South Carolina to monitor for potential cases
- October 28 – 29  
Site visits at each location by Public Health staff to review prevention/safety measures and establish capacity guidance based on location  
Key measures to implement – signage, mask wearing, physical distancing, access to hand sanitizer, surface disinfecting methods/protocols

# UHOP – Timeline Continued

- October 28

Cooperative and public communication from Bishop C.M. Bailey encouraging membership to follow public health guidance including:

- Complying with all prevention measures implemented by the Church
- Staying home if they do not feel well
- Getting a COVID-19 test if they are experiencing symptoms or have been in close contact with a confirmed case
- Fully cooperating with Public Health case investigators and contact tracers if they contact them

Public Health advises register of event attendees to assist with contact tracing efforts, but this is not required by Public Health

# UHOP – Timeline Continued

- October 23 – 30

Multiple discussions with legal representatives of UHOP

- October 30

Issued Modified Abatement Order



# Modified Abatement Order

- **Site-Specific Abatement Measures**
- The requirements of Section 2 of the Abatement Order shall not apply to any United House of Prayer facility where the site-specific abatement measures set forth in Attachment A have been implemented.
- **Effective Date and Duration**
- This Amended and Modified Order is effective immediately. The Abatement Order, as modified by this Amended and Modified Order, shall remain in effect until midnight on November 5, 2020, unless extended by subsequent Order.



# **Outbreak Connected to United House of Prayer for All People Convocation (October 4 – 11)**

## **As of October 30<sup>th</sup>:**

- 208 Confirmed Cases
  - 199 Mecklenburg County residents
  - 4 Iredell County residents
  - 4 Gaston County resident
  - 1 Cabarrus County resident
- 9 Deaths (8 Mecklenburg County, 1 Gaston County)
- 11 Known Hospitalizations
- 269 Close Contacts
- Cluster at Madison Saints Paradise Senior Living:
  - 16 residents (2 of the total deaths)
  - 3 staff



Rat Infestation at Tent Encampment





# CDC Guidance for People Experiencing Unsheltered Homelessness

If individual housing options are not available, allow people who are living unsheltered or in encampments to remain where they are.

- Clearing encampments can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread.

Encourage those staying in encampments to set up their tents/sleeping quarters with at least 12 feet x 12 feet of space per individual.

- If an encampment is not able to provide sufficient space for each person, allow people to remain where they are but help decompress the encampment by linking those at [increased risk for severe illness](#) to individual rooms or safe shelter.

# Tent Encampment - Timeline

- January 18  
Received report from Emergency Management Director that the North End Encampment has grown. Voiced concerns about potential health issues.
- January 19  
Initial visit and assessment by Environmental Health staff





# Initial Assessment

- Situation
  - 5 properties involved in the Encampment
  - 200 – 300 tents over the site
  - Some trash receptacles and port-a-johns on site
- Issues observed:
  - Excessive trash, garbage, feces on the ground, and the potential if not addressed, rodents and mosquitos.
  - Burning of trash at the property, it was seen that a mattress was burned very close to a tent.
- Contact made and concerns shared with all property owners. Addressed need for clean up of the site. Supporting their efforts to respond appropriately.



# Tent Encampment – Timeline Continued

- January 19 Updates to County leadership and BOCC about public health concerns
- January 20 All property owners are either working to contract with a vendor to clean up their property or are in the process of assessing the conditions of their specific areas.
- January 26 Continued assessment – no improvement
- January 28 Multi-agency meeting (City of Charlotte, Mecklenburg County; NCDOT; CMPD; Urban Ministries): consensus on community and multi-agency effort needed; no specific plans or timeline

# Update on Encampment Situation

- **February 3:**
  - 184 people served
    - 140 currently there
    - 9 veterans – Information provided to Veterans Services Division
    - 57 people chronically homeless (19 matched to housing resource)
    - 5 people under 25 years old – Information provided to The Relatives
    - Majority came from shelter/other encampment
    - 7 people came to encampment from hospitals and jail
  - 44 exits: Mostly to shelter or unknown.



# Update on Encampment Situation

- Working with Block Love CLT to convene other grassroots organizations and improve communications.
- Outreach and Coordinated Entry working with DMV to reduce access to picture ID's.
- Possible joint messaging from City/County PI regarding encampment suggested regarding fire safety and littering.
- Salvation Army expanding hotels by 25 beds to assist in meeting demand of women and couples.
- Strategizing with Coordinated Entry on how to get everyone at encampment on waitlist for shelters.





## Tent Encampment – Timeline Continued

February 9





## Tent Encampment – Timeline Continued

February 12

# Update on Encampment Situation

- Environmental Health is evaluating if bait boxes on the sites (within the encampment) are possible.
- Solid Waste is aware of the vermin/rat issues and has consulted with their Legal Department on next steps. ***The question is whether Solid Waste will assist with the removal of the dead rodents.***
- Code Enforcement is already aware of the rat concerns and has worked with solid waste.
- Animal Care & Control was contacted, listed as a resource by Solid Waste.
- Solid Waste has increased their collections to 3 times a day. However, we are told that within an hour of them coming, trash is flooding the area again.
- Solid Waste has previously coordinated large scale clean up events - the last event collected 16 tons of trash and garbage. Next large-scale cleanup will be **2/27/2021.**

# Report from Environmental Health 2/13

- Public Health hazards noted:
  - Rodents
  - Poison (we believe is being put out around tents within encampment)
  - Porta Potties are maintained, but as soon as they are addressed, they are filthy and trashed within the hour.

**The only way to truly clean up the property and rid it of rodents so that it is safe for those living in the encampment is to remove those living there completely clean and treat the property.**



# Need for Abatement Order

- **WHEREAS**, despite best efforts, the Property Owners have been unable to address the unsanitary and unsafe living conditions at the Encampment Site; and
- **WHEREAS**, the unsanitary and unsafe living conditions at the Encampment Site have resulted in a rodent infestation and unlawful burning of debris that is “likely to cause an immediate threat to human life, an immediate threat of serious physical injury, [or] an immediate threat of serious adverse health effects . . . if no immediate action is taken.” N.C. Gen. Stat. § 130A-2(3); and
- **WHEREAS**, in order to abate the rodent infestation, the individuals who are living at the Encampment Site must be relocated, all garbage must be removed from the site, and a pest control agency must be retained to eradicate the rodents; and
- **WHEREAS**, failure to abate the rodent infestation will result in the public being at imminent risk for exposure to rodents and the disease that they carry as well as potential air pollutants from unlawful burnings.

# Tent Encampment - Timeline

- February 16
  - Notified County leadership, BOCC, NC DPH of intent to issue order
  - Issued Abatement Order; hand delivered by Environmental Health staff and emailed
  - Continued communication with homeless service providers and community-based organizations.
  - Respond to media

# MCPH Abatement Order ; Issued February 16

## Abatement of Imminent Hazard

- Within 72 hours of the Effective Time of this Order, Property Owners shall remove all the individuals living at the Encampment Site; to support the Property Owners in meeting this requirement, Mecklenburg County and its partner agencies will identify alternate shelter locations for all individuals who need to be relocated, will provide resources to move the individuals and their personal belongings, and will provide social supports for the individuals to ensure a safe relocation process.
- Within 72 hours of the relocation of the individuals living at the Encampment Site, the Property Owners shall (i) engage a pest control agency(ies) to eradicate the rodents at the Encampment Site, (ii) direct the pest control agency(ies) to submit a rodent eradication plan to the Mecklenburg County Health Department for review and approval, and (iii) remove all tent structures, tarps, garbage, refuse and other debris from the Encampment Site.

# MCPH Abatement Order ; Issued February 16

## Abatement of Imminent Hazard (continued)

- Within 72 hours of Mecklenburg County Health Department's approval of the rodent eradication plan, Property Owners' pest control agency(ies) shall begin the rodent eradication process; Property Owners shall allow the Mecklenburg County Health Department to inspect all work performed by the pest control agency(ies); the rodent eradication process shall not be complete until reviewed and approved by the Mecklenburg County Health Department.
- During the rodent eradication process, Property Owners shall not allow any temporary living structures to be erected on the Encampment Site and shall keep the Encampment Site clear of all garbage, refuse and other debris.



# MCPH Abatement Order ; Issued February 16

## **Enforcement**

- Pursuant to N.C. Gen. Stat. §§ 130A-18, 130A-20 and 130A-25, failure to comply with this imminent hazard abatement order may result in entry onto the property to abate the imminent hazard, legal proceedings to obtain injunctive relief, prosecution for a misdemeanor offense, or such other and further relief as may be deemed appropriate.

## **Effective Date and Duration**

- This Declaration and Abatement Order is effective as of 5:00pm on February 16, 2021 (“Effective Time”). This Order remains in effect until the undersigned determines that the conditions giving rise to the imminent hazard at the Encampment Site have been fully abated.

# Tent Encampment - Timeline

- February 19

All residents of the encampment were offered hotel rooms for at least 90 days (214 total residents)

All residents were provided transportation to the hotels

All residents were offered COVID testing (80 tested – all negative)

All residents over 65 will be offered COVID vaccine

# Tent Encampment - Timeline

- February 20 All property owners began clean up of their property and contacted pest control companies
  - February 22 All sites clear of tents and other debris
- All sites are baited and pest control in process
- Multiple homeless services organizations and grassroots organizations providing ongoing support

# Ongoing Clean-Up and Monitoring

- **Feb 16 - present**
  - Weekly assessments of progress
  - Abatement on one property has been deemed complete

