

Housing and Health Codes 101

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Link Between Housing & Health



“The connection between health and the dwelling of the population is one of the most important that exists”. [1]

Florence Nightingale

Cited in Lowry, S. BMJ, 1991, 303, 838-840



Unhealthy Homes

- American Housing Survey for 2005
- 2 million homes have severe problems.
- 4.2 million homes have moderate problems.
- Rating system does not include:
 - Insects
 - Humidity and Condensation
 - Lead-Based Paint, Radon, and Asbestos



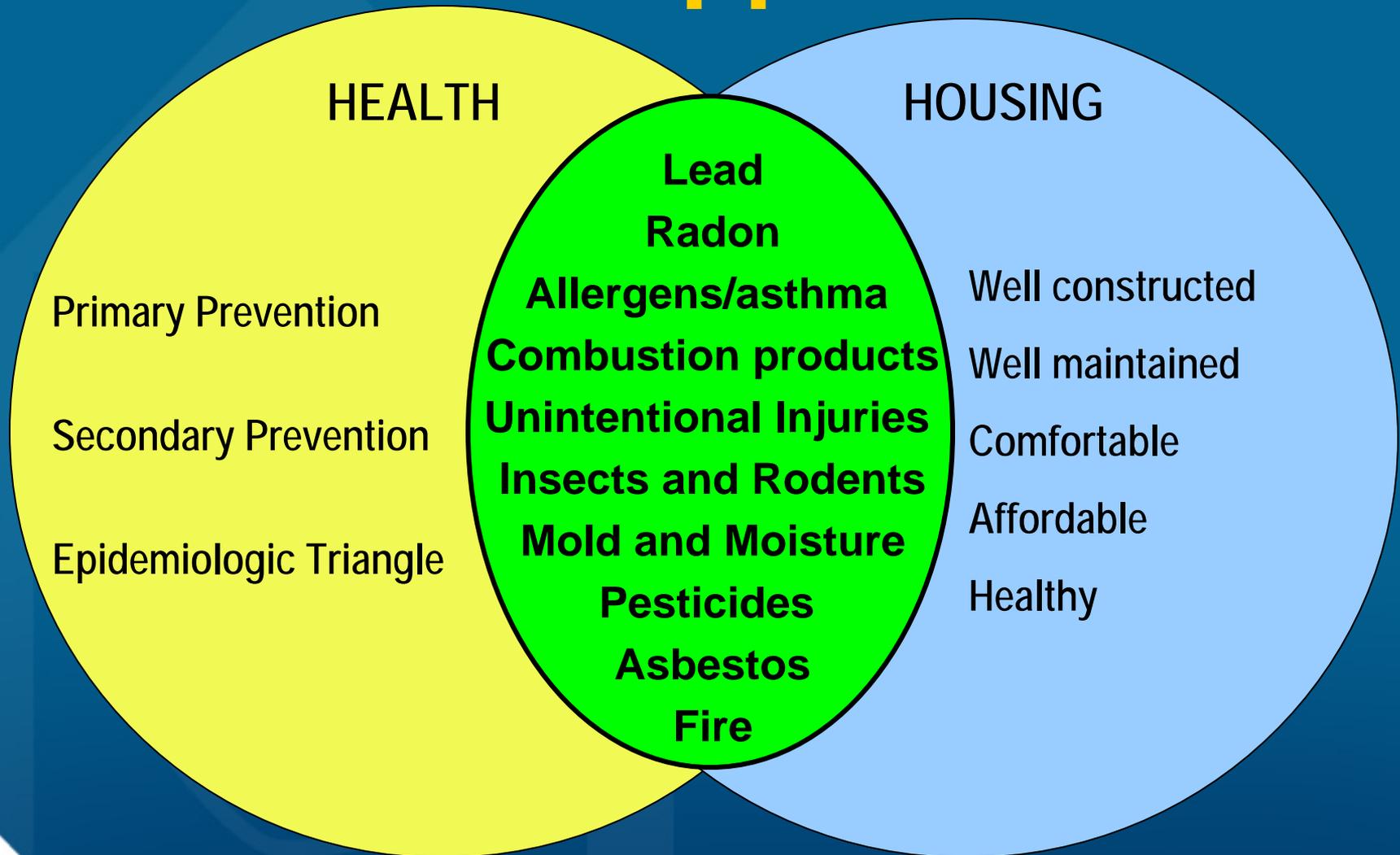
Why Do We Care?

Costs of Unhealthy Homes

- Annual costs for environmentally attributable childhood diseases in the U.S: \$54.9 billion.^[8]
 - \$43.9 Billion from Lead Poisoning
 - \$ 9.2 Billion from Neurobehavioral Disorders
 - \$ 2.0 Billion from Asthma
 - \$ 0.3 Billion from Childhood Cancer
- Additional costs from asthma care stem from the more than 10 million missed school days a year.
- Asthma contributes to approximately 3% of total health care costs. ^[9]



Different Approaches



The Real World is Complex

- Current knowledge
- Economic factors
 - What funds are available at government level and at family level?
- Social and cultural
- Political and legal factors
 - Is the condition reportable?
 - Is it mandatory to report?
 - Are there guidelines available?
- “Do No Harm“
- Precautionary principles



Until effective standards for the domestic environment are devised, it is likely that children will continue to be employed as biological indicators of substandard housing. [34]



Types of Codes

1. Building / Residential Codes
2. Housing / Property Maintenance Codes
3. Health / Sanitation Codes
4. Landlord – Tenant Laws
5. Product Standards
6. Hazard Management Laws
7. Disclosure Laws



Jurisdiction

- | | |
|---|--|
| 1. Building / Residential Codes | 1. State and Local – Not Federal. |
| 2. Housing / Property Maintenance Codes | 2. Local and sometimes State. HUD HQS |
| 3. Health / Sanitation Codes | 3. State and Local Health Department |
| 4. Landlord – Tenant Laws | 4. State and Sometimes Local – Not Federal |
| 5. Product Standards | 5. Federal |
| 6. Hazard Management Laws | 6. Federal and State |
| 7. Disclosure Laws | 7. Federal and State |



Model Codes for Housing

- Building Construction – Int'l Building Code;
- Residential Construction – Int'l Residential Code
- Rehab – Int'l Existing Building Code
- Electrical – ICC Electrical Code
- Fire – Int'l Fire Code and National Fire Protection Association
- Ventilation – Int'l Mechanical Code;
- Plumbing – Int'l Plumbing Code;
- Sewage – Int'l Private Sewage Disposal Code;
- All Buildings – Int'l Property Maintenance Code



Zoning v. Building v. Housing

Types of Codes:

- Zoning Code
- Building Code / Residential Code
- Housing / Property Maintenance Code

Determines:

- What can be built or modified.
- How it must be built or modified.
- How it must be maintained.



Building v. Housing

- Building or Residential Codes are triggered by a decision of the owner or the occupant to modify the home.
- Housing or Property Maintenance Codes set minimum standards for all housing whether or not the owner or occupant want to modify the home.



Housing v. Health Codes

- Housing or property maintenance code typically managed and enforced by building code inspector.
- Health or sanitation code typically managed or enforced by health department

Difference in Perspective and Knowledge



International Property Maintenance Code (IPMC)

- Model Housing Code
- Required in:
 - Virginia and New York Mandate It
 - More than 600 communities
- Some States Recommend It
- Growing in popularity
- Enforcement concerns



HUD's Housing Quality Standards

- Section 8 / Housing Choice Voucher
- Linked to Subsidy
- Performance Requirement
- Acceptability Criteria



Landlord – Tenant Law

- Why Focus on Rental Property?
- Regulating Contractual Relationship to Avoid Abuse
- Special Rental Standards
 - Rental Housing Quality Standards
 - Certificate of Occupancy
 - College Towns and Large Urban Areas
- Uniform Residential Landlord Tenant Act (URLTA) – 21 States



URLTA – Landlord Obligations

- Comply with applicable building and housing codes affecting health and safety.
- Make all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition.
- Keep all common areas in a clean and safe condition.
- Maintain electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other facilities and appliances in “good and safe working order and condition.
- Provide and maintain appropriate receptacles for removal of garbage and other waste, and arrange for their removal.
- Supply running water and reasonable amounts of hot water at all times and reasonable heat (between 10/1 and 5/1), except where the law does not require the building be so equipped, or heat or hot water is generated by an installation controlled by the tenant.



URLTA – Tenant Obligations

- Comply with all obligations primarily imposed upon tenants by applicable building and housing codes.
- Keep tenant's premises as clean and safe as the condition of the premises permit.
- Dispose of garbage, rubbish and other wastes from the dwelling unit "in a clean and safe manner.
- Keep plumbing fixtures in the tenant's dwelling unit as clear as their condition permits.
- Use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other facilities and appliances.



Product Management Standards

- Consumer Product Safety Commission
- Environmental Protection Agency
- State and Local Law Preemption?
 - Federal Silence
 - Specific Injury
- Safety v. Health
- Basic Products v. Alarms
- Children's Products v. Other Products
- Resale and Recall



Hazard Management Standards

- Environmental Protection Agency
- Asbestos – NESHAP - > 4 Units
- Lead – Renovation, Repair and Painting Rule
- Needed when product standards failed
- Formaldehyde? Vinyl? Arsenic-treated Lumber?



Disclosure Laws

- Lead Disclosure at Lease or Sale of Target Housing
- Renovator Notice to Owner and Occupant for Potential Lead-Based Paint at Target Housing and Child-Occupied Facilities
- Mold
- Water Damage / Intrusion
- Radon
- Asbestos
- Catch-All



Resources

- National Conference of State Legislatures / NCHH Report
- Lead-Based Paint
 - NCHH's Federal Benchbook
 - NCHH's State and Local Benchbook
- Environmental Law Institute
- National Center for Healthy Housing



Resources

- www.municode.com
- www.generalcode.com/webcode2.html
- municipalcode.lexisnexis.com
- www.healthyhomestraining.org/codes



Do Housing Codes Work?

- Linkage to Landlord-Tenant Law
- Complaint-Based Enforcement
- Systematic Code Enforcement
- Blight v. Safety v. Health
- Perspectives and Confidence



CBCAG

- Community Building Code Administrative Grant Bill
- Passed House of Representatives in July 2008
- Focuses on New AND Existing Structures
- Requires Coordination with Health Department

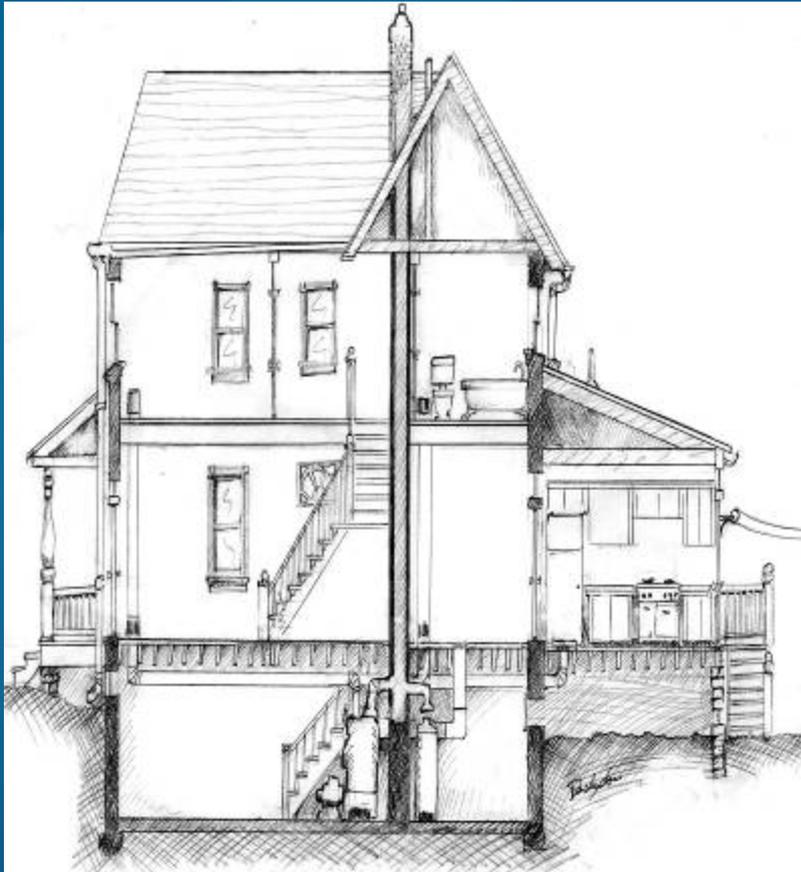


IPMC Proposals

- International Code Council
 - Final Action Hearing 9/17 to 9/22
- Alliance for Healthy Homes and NCHH
- Two Proposals Will Pass
 - Pest Control Responsibilities – Owner and Occupant Responsible in Multi-Family Housing
 - Clothes Dryer Exhaust – Vent Outside Per Label
- 7 Proposals Required 2/3 Vote of Officials
 - Incorporate EPA RRP Interior & Exterior
 - Pest Elimination Definition
 - Carbon Monoxide Alarm
 - Maximum Water Temperature in Shower or Bath
 - Smooth Hard, Nonabsorbent Surfaces in Bathrooms on Multi-Family Housing
 - Health and Safety Chapter



Core Healthy Homes Principles



- Start with People
- Keep It:
 - Dry
 - Clean
 - Pest-Free
 - Ventilated
 - Safe
 - Contaminant-Free
 - Maintained

