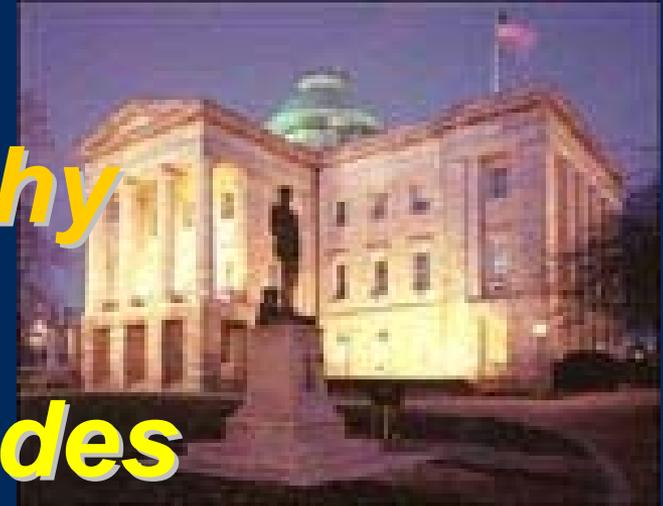




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Advancing the Healthy Housing Agenda through Building Codes

Idaho Healthy Homes Network
Boise, ID

Doug Farquhar, JD
National Conference of State
Legislatures



What do they think?



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“I grew up in Kellogg, Idaho. I played in the tailings from the lead mines; I ate fish from the streams laced with lead wastes. And look at me – I’m a state senator.”

Idaho State Senator from Kellogg

“So if we find kids poisoned from lead paint, then the Butte site is not responsible, and ARCO is off the hook and we have to pay?”

Montana State Senator, on learning that ARCO is paying for a lead screening program in Butte



Environment and Public Health



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“Improved health owes less to advances in medical science than to changes in the external environment, and to a favorable trend in the standard of living...medicine is in danger of neglecting what has hitherto proved its most powerful resource – the manipulation of the external environment.”

Rene Dubos – Winner of the 1969 Pulitzer Prize for general non-fiction.



Regulating an unRegulated Community



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- Inadequate housing has been linked to adverse human health effects
- Millions of children live in home environments that are unhealthy
- Coordinated, comprehensive, and practical approach to prevent diseases that result from environmental health hazards related to housing



Regulating an unRegulated Community



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- **Private interest; no public component**
 - Eliminates Environmental regulation (via EPA)
- **Not an employee/employer relationship**
 - Eliminates Occupational regulation (via OSHA)
- **Not Rental Housing**
 - Warranty of Habitability
- **No link to Federal Housing Standards**
 - HUD Section 8 Housing - not applicable
 - Indian Housing - not applicable
 - Department of Defense Housing - not applicable



Healthy Homes Hazards



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- Lead Hazards
- Asbestos Hazards
- Construction Products
- Indoor air pollutants
 - *chemicals, allergens, smoke, ventilation*
- Pesticides
- Chemical and Safety Hazards
- Rat infestations and other vermin
- Radon
- Other



Building Codes

*"When enforced, **housing** and **building codes** have resulted in better constructed and maintained buildings and in improved health. For example, strict housing code enforcement has been demonstrated to reduce the likelihood of death in **residential fires** (Cummins and Jackson 2001) and lead poisoning in homes where lead-poisoned children live (Brown et al. 2001). A large number of **programs, codes, and regulations** exist that have the potential to influence changes in the environmental conditions in homes."*

The Surgeon General's [Call to Action to Promote Healthy Homes](#), May 2009



Building Codes



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International Code Council

- Combination of Southern Building Code, Int'l Conf of Building Officials,
- Fire Code
 - Fire exits, fire alarms, isolation of hazards
- Electrical Codes
 - Number of outlets, up-side-down outlets
 - Don't overstress the system, prevent fires
- Plumbing Codes
 - Contained system, prevent flooding
- Building Codes
 - Structure, stability



Building Codes



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Federal Response:

- Lead hazards (EPA)
- Asbestos hazards (EPA)
- Federal funds supporting the action (HUD)
- Products standards (CPSC)
- No federal housing or building code
- No federal health code

State Response

- Housing and building codes
 - State enforced (Police Powers)
 - Privately enforced (insurance, mortgage, bond)
- NJ has statewide code; TX considers codes unconstitutional



Building Codes

City Jurisdiction:

- Most have adopted various codes
- Fire Codes, Plumbing Codes, Electric Codes
- City inspectors verify
- Enforced by insurance and mortgage cos.

County Response

- Some have housing and building codes; many do not
 - Rely on State enforcement
 - Privately enforced (insurance, mortgage, bond)
- Most rural jurisdictions have no applicable codes



Codes that apply to Private Housing



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Housing/Property Maintenance Code

Applied at property transition

Health/Sanitation Code

Landlord-Tenant Law

Rental properties

Product Standards

For consumer products

Hazard Management Laws

Miscellaneous

PA Municipal Housing Code Avoidance - sets enforcement penalties but fails to define the municipal housing code



Various State Codes



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Housing/Property Maintenance Code

CA State Building Standards Code

Health/Sanitation Code

CO Sanitary Standards and Regulations

Landlord-Tenant Law

TN Smoke Detector Code

Product Standards

MN Formaldehyde Product Standard - new and manufactured homes

Hazard Management Laws

GA Community Living Arrangement Code - mandates a healthy home for residents

Miscellaneous

FL Environmental Health - to prevent disease caused by natural and manmade factors in the environment

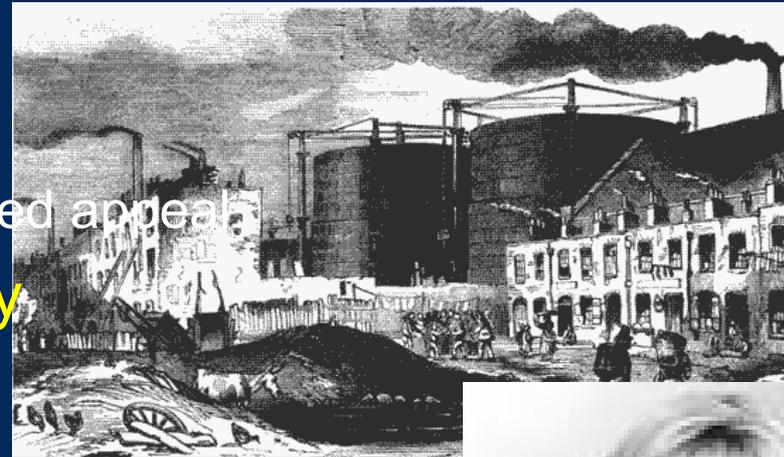


How do you get Policy Makers' attention??



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- **Highlight a crises**
 - Perceived or real
 - Doomsday threats have limited appeal
- **Appeal to a higher authority**
 - Moral/Ethical reasons
 - Erin Brockovich
- **Argue better Public Policy**
 - effective response to crises
 - Efficient use of public resources
 - Economic resources
 - Employee resources





No State Alike - Legislation



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- States with unlimited/limited bill introduction
 - New York introduces close to 10,000
 - CO limits legislators to six
- 27 States allow carryover legislation
- 9 have year round legislatures; FL, NM, UT and WY meet for around 2 mos.
- Legislatures control NC and TX; Executive controls NM and VA
- CA - Legislature dictates policy, Gov has to fund. Or not.



No State Alike - Parties



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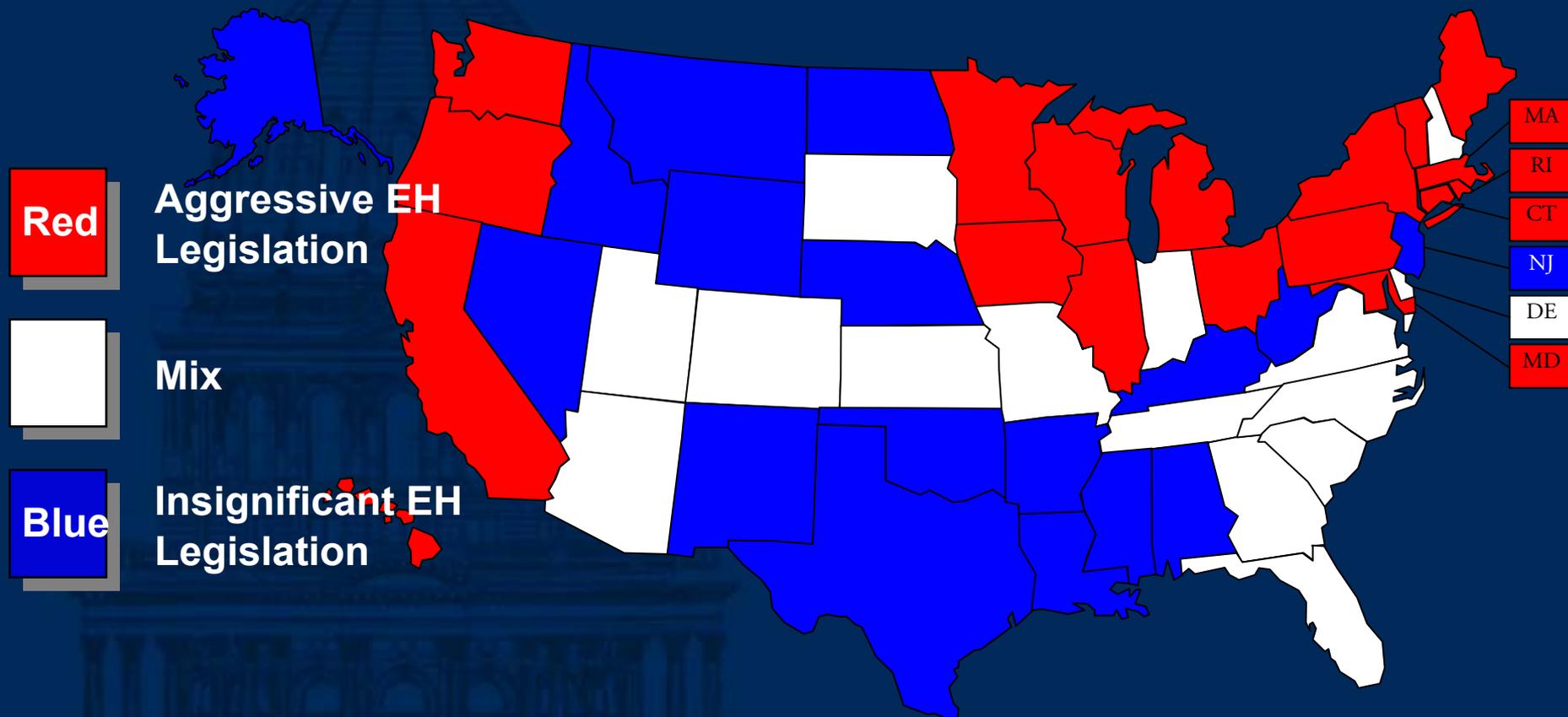
- Democrats **have 55% of legislative seats**
 - Highest mark since 1994
- Dems have a 57 to 39 advantage in chambers
 - Dems **control both chambers in 23 states**
 - **Repo** control both chambers in 14
 - **Split control in 12 states**
 - NE is non-partisan
- 3993 Democrats; 3310 **Republicans**;
21 **independents**
- Idaho has 35 Senators; 70 Representatives
 - Dems **have 7 Senators**; 18 **Reps.**



Environmental Health Legislation 2008



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Healthy Homes Legislation



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- **No organic Federal Act**
 - No Congressional authority to release grants
- **No model state law**
 - Complex and undefined topic
- **No quick legislative fix**
 - Will require amendments to several laws
 - Will require new authorities for agencies to act
 - Will require additional or reassigned resources



Healthy Homes Legislation



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- **Whose interests are served?**
 - Can public health be linked to Medicaid?
 - Could industry benefit (i.e., profit) from such legislation?
- **Whose interests are compromised?**
 - Who will pay to retrofit homes?
- **Can housing become healthy without legislation?**
 - Amend/expand current legislative authorities
- **Can/will the federal government perform this service?**
 - Will states be preempted from acting?



Healthy Housing Lawsuits



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- Creating a standard of care for legal system
- Providing for Attorney Fees
- Eliminating tort restrictions





Can we make a change?



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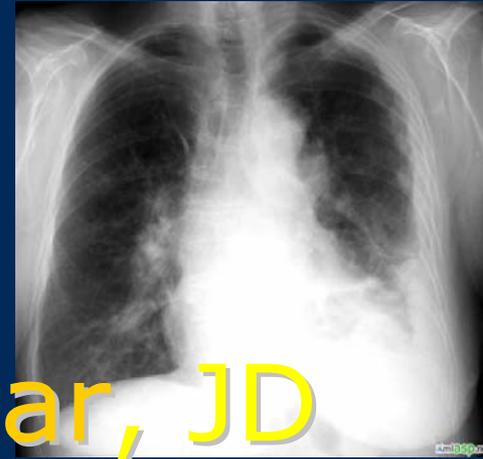
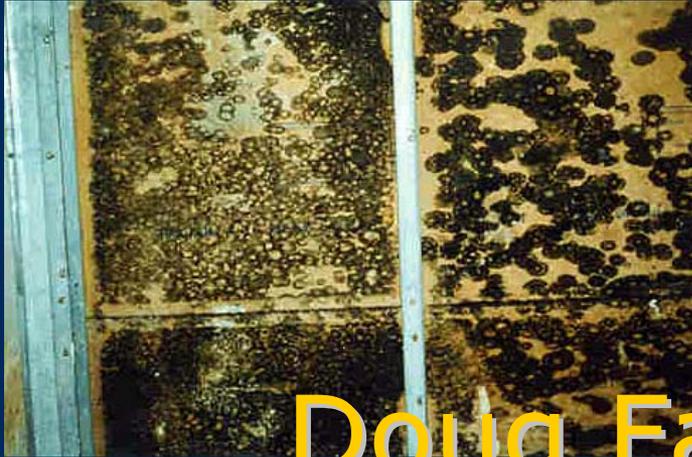
“Anyone who doesn’t believe in miracles is not a realist.”

David Ben-Gurion

NCSL Environmental Health Program



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